

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, DECEMBER 7, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 57

SENATE

TUESDAY, December 7, 1999

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend Father DANIEL D. RESSETAR, of Christ The Savior Orthodox Church, Harrisburg, offered the following prayer:

In peace we will pray.

O Lord, and Master of my life, take away from me the will to be lazy and to be sad, the desire to get ahead of other people, and to boast and brag. Give me instead a pure and humble spirit, the will to be patient with other people and to love them.

O Lord and King, let me realize my own mistakes and keep me from judging other people and the things that they do, for You are blessed now and forever. Amen.

The PRESIDENT. The Chair thanks Father Ressetar, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 6, 1999.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1011, with the information the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

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

December 7, 1999

HB 1130 -- Committee on Judiciary.

HB 1670 -- Committee on Local Government.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess adjournment.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bill:

SB 1011.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings to occur during today's Session: the Committee on Judiciary to consider Senate Bills No. 636 and 1173, and House Bills No. 28, 877, 1724, 1970, and 1971; also the Committee on Rules and Executive Nominations will meet in the Rules room to consider Senate Bills No. 555, 1135, and certain nominations. Also the Senate Committee on Finance will meet in the Rules room to consider Senate Bills No. 1101 and 1202, and House Bills No. 164 and 1180.

REPORTS FROM COMMITTEES

Senator SLOCUM, from the Committee on Agriculture and Rural Affairs, reported the following bills:

SB 1155 (Pr. No. 1429)

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

SB 1170 (Pr. No. 1460)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for aquacultural development applicability.

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

HB 1099 (Pr. No. 1988)

An Act directing the Department of Aging and the Department of Public Welfare to develop a study and to submit a proposed course of action to address the issue of waiting lists for persons in need of home and community-based long-term care services.

LEGISLATIVE LEAVES

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Bodack and Senator Belan, and a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Costa requests a temporary Capitol leave for Senator Williams, and legislative leaves for Senator Bodack and Senator Belan. Without objection, those leaves are granted.

CALENDAR

SB 1077 CALLED UP OUT OF ORDER

SB 1077 (Pr. No. 1553) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1077 (Pr. No. 1553) -- 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 unlawful use of a computer.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak

Fumo
Gerlach

Loeper
Madigan

Slocum
Stapleton

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MIKE WAUGH
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, in the rich tradition of championship play here in our Commonwealth, I have the honor and privilege and actually the satisfaction to some extent today to introduce to the Members of the Senate some very special guests from York County. The Susquehannock High School Girls' Volleyball Team, comprised this year of nine seniors and four juniors, recently won the District III Championship and then went on to win the PIAA State Class AAA Championship on November 11. There were 42 matches in which they played, they won all 42, and their game record was 84 wins and 3 losses.

I am proud to say this is actually not only a school district located in York County and in the 28th District, but it is my hometown school district, so I am familiar with many of the young people who are on the team. And as an interesting side-note, I am also friends with two of the moms who are along today.

The last time the Susquehannock girls won a championship I believe was, correct me if I am wrong up there, in 1975, but in the preceding year, 1974, there were actually two mothers who were on that 1974 championship team who now have daughters on this year's championship team. So the moms are here today to celebrate right along with the young ladies.

Would the Members of the Senate welcome in our usual grand manner this year's PIAA Class AAA Championship Girls' Volleyball Team from Susquehannock High School.

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

(Applause.)

**GUESTS OF SENATOR PATRICK J.
STAPLETON AND SENATOR F. JOSEPH
LOEPER PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, on behalf of Senator Loeper and myself, who serve as members of the Board of Governors of the State System of Higher Education, we have in the balcony 15 young men and women from 13 of the 14 State-owned universities with us today. I would like to read the names of the individuals and have them stand, and when they

have all been introduced we will show our appreciation to them. Also with us is Mr. Wayne Burton, who is the resident faculty advisor of THIS.

The Harrisburg Internship Semester provides students with hands-on experience and a chance to enhance their knowledge through working in State government. With us today is Eric Boyer, of Indiana University of Pennsylvania; Theresa Brown, of Shippensburg University; Danielle Dennis, of West Chester University; Gail Flaim, of Lock Haven University; Jennifer Levengood, of Kutztown University; Jonathan Longwill, from Clarion University; Latoya Marshall, from Cheyney University; Heather Martin, from Edinboro University; Jennifer McConnell, from Slippery Rock University; Kristina Peterson, from Manchester University; Paul Rego, from Millersville University; Nicole Sabol, from East Stroudsburg University; Karina Smith, from Cheyney University; Steve Toprani, from California University; and Michelle Trason, from East Stroudsburg University.

On behalf of all these students, Mr. President, we want to show our appreciation and support for higher education.

The PRESIDENT. Our guests have already risen, so let us acknowledge their presence.

(Applause.)

The PRESIDENT. We thank you for your interest and leadership.

ANNOUNCEMENT BY MAJORITY LEADER

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, for the information of the Members, at this time I am going to make a request for an off-the-floor meeting of the Committee on Rules and Executive Nominations, but I expect that there will be a bill reported out from that committee meeting that we will consider here on a Supplemental Calendar before breaking. First, there is a Pearl Harbor ceremony over in the East Wing, to be followed by a Republican caucus after that. But we will have one vote on an additional bill to come out of the Committee on Rules and Executive Nominations before we break for lunch, the Pearl Harbor ceremony, and a caucus.

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I am pleased to welcome to the Chamber of the Senate a young exchange intern from Wroclaw, Poland, as a matter of fact. The young man's name is Michal Malinka. He has been in the United States for about 2 months as part of Pennsylvania Partnerships Abroad. He is a student at the University of Economics in Wroclaw, and he is about to graduate with a master's degree in about a year. In the meantime, he is working for Ernst and Young in Poland and he is visiting the Pennsylvania General Assembly today.

Thank you, Mr. President.

The PRESIDENT. Is Michal with us? If he is, please stand so we may welcome you.

(Applause.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, in light of my previous announcement, at this point I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to convene immediately in the Rules room at the rear of the Senate Chamber, and alert the Members that there will be an additional vote on the floor before we break for caucus.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, with the intention of returning imminently for a vote, this Senate stands in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 555 (Pr. No. 1555) (Amended) (Rereported) (Concurrence)

An Act regulating electronic transactions.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 555 (Pr. No. 1555) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating electronic transactions.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 555?

Senator LOEPER. 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. 555.

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

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, this is the electronic transaction, or e-commerce, bill sponsored by Senator Hart that is before us for approval today. It is an act that has certainly re-

quired much work by Senator Hart and members of her staff to put this bill together and work with various Members of the Senate in order to bring it to the position where it is before us today, and I ask for an affirmative vote on the legislation.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, obviously, I rise in support of Senate Bill No. 555. This body has seen the bill before, as we passed it before the House made some small changes. I would encourage my colleagues to not only support this bill once again but to make sure that they are involved in some community organizations such as the Chamber of Commerce and other groups that will be extremely interested in applying this law.

Mr. President, Pennsylvania has the opportunity now to really spring forward when it comes to electronic commerce, and our companies in the Commonwealth and individuals in our Commonwealth have the opportunity to really be ahead of everyone else in the United States when it comes to the application of electronic commerce to their business or their purchases in their lives.

Mr. President, what we have done with this legislation, or what we will do with this legislation, is to legitimize contracts made over the Internet. Basically, Mr. President, right now our contract law does not validate an agreement unless there is a written signature. Under this proposal, what we will do is allow a digital signature or an electronic signature, something that most people have not dealt with heretofore, to create a valid contract so that we no longer have to have paper in order to make a valid contract.

Mr. President, this is an exciting piece of legislation and one that will help us spring us forward into the world economy and have Pennsylvania really be on the map when it comes to the States in the United States and our law. I hope that my colleagues would not only support this today, as I said, but familiarize themselves, share it with their Chambers of Commerce in their districts, share it with the businesspeople they know, and others to make sure that they understand that we can certainly get a head start on everybody else when it comes to electronic commerce.

I would like to thank my colleagues for their support for this in the past and hopefully today and also thank my chief of staff, Bill Ries, who worked with this, along with the Governor's staff, and others, especially in the House, Representative Tulli, who sponsored similar legislation there, and everybody else who has been involved in getting this legislation to this point, because as you understand, Mr. President, and my colleagues also would understand, we deal day-to-day with people face-to-face in our business, and we are not as likely to be users of electronic commerce as a lot of our counterparts in the business world, but it is extremely important to them. And this legislation has been supported by various groups all over the Commonwealth, whether they are business groups or individuals, and it is important for us to take advantage of the opportunity we are given here today to put Pennsylvania on the map as far as electronic commerce, validating it, giving our businesses a leg up and opportunities to contract from their desks to countries as far away as, the example I always use is Singapore, without having

to use express mail and wait weeks to have a signed contract. Mr. President, as soon as this bill becomes law, we will be able to do it instantly from our desks, without airplanes and without express mail.

So, I would like to thank everyone, and thank you, Mr. President.

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

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

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.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate, as I indicated earlier, for an opportunity for those Members who wish to participate in the Pearl Harbor Day ceremony in the East Wing, to be followed by lunch, to be followed by a Republican caucus to begin at 2:30 in the Majority Caucus room on the first floor, with an expectation of returning to the floor at approximately 3:45 p.m.

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

Senator MELLOW. Mr. President, I also request that the Democratic Members report to our caucus room at 2:30, which gives them ample time to have lunch and to discuss some other important issues that we have.

The PRESIDENT. For purposes of Republican and Democratic caucuses, as well as providing opportunity for Members to participate in the Pearl Harbor memorial ceremony, this Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

HB 1569 CALLED UP OUT OF ORDER

HB 1569 (Pr. No. 2711) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL AMENDED

HB 1569 (Pr. No. 2711) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging, and further providing for penalties for certain sales or transfers of cigarettes and for report of property subject to custody and control of the Commonwealth.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A4690:

Amend Sec. 2 (Sec. 229-A), page 3, line 22, by striking out "A" and inserting: In addition to the penalties provided in subsection (c.1),
a

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator O'Pake.

The PRESIDENT. Without objection, those leaves are granted.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 868 CALLED UP OUT OF ORDER

HB 868 (Pr. No. 2488) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL AMENDED

HB 868 (Pr. No. 2488) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing immunity for certain persons who reclaim certain abandoned lands or abate certain water pollution.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of himself, Senator WHITE and Senator MUSTO, offered the following amendment No. A4808:

Amend Bill, page 1, lines 1 through 15; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting:

Amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Agriculture, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds and for immunity for certain persons who reclaim abandoned lands or abate certain water pollution; making appropriations; and making repeals.

Amend Bill, page 2, lines 7 through 30; pages 3 through 16, lines 1 through 30; page 17, lines 1 through 8, by striking out all of said lines on said pages and inserting:

Section 1. Title 27 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

TITLE 27

ENVIRONMENTAL PROTECTION

Part

- I. Preliminary Provisions (Reserved)
- II. Administrative Provisions (Reserved)
- III. Conservation and Natural Resources (Reserved)
- IV. Environmental Protection (Reserved)
- V. Special Programs
- VI. Sanctions and Remedies
- VII. Miscellaneous Provisions (Reserved)

PART I

PRELIMINARY PROVISIONS

(Reserved)

PART II

ADMINISTRATIVE PROVISIONS

(Reserved)

PART III

CONSERVATION AND NATURAL RESOURCES

(Reserved)

PART IV

ENVIRONMENTAL PROTECTION

(Reserved)

PART V

SPECIAL PROGRAMS

Chapter

61. Watershed Protection.

CHAPTER 61

ENVIRONMENTAL STEWARDSHIP

Sec.

- 6101. Short title of chapter.
- 6102. Legislative findings.
- 6103. Definitions.
- 6104. Fund.
- 6105. Agencies.
- 6106. Property and equipment restrictions.
- 6107. Federal programs.
- 6108. Wild Resource Conservation Fund; duties of Department of Conservation and Natural Resources.
- 6109. Sewage construction payments to municipalities.
- 6110. Environmental infrastructure grants to water and wastewater treatment facilities.
- 6111. Protection of Recycling Fund.
- 6112. Extension of fees.
- 6113. Effect of repeal of site-specific postclosure fund provisions.
- § 6101. Short title of chapter.

This chapter shall be known and may be cited as the Environmental Stewardship and Watershed Protection Act.

§ 6102. Legislative findings.

The General Assembly hereby determines, declares and finds as follows:

(1) Ninety-six percent of the water-quality-impaired watersheds in this Commonwealth are polluted because of nonpoint sources of pollution such as past mining activities, urban and agricultural runoff, atmospheric deposition, on-lot sewage systems and earthmoving.

(2) The Commonwealth continues to have unmet needs in the area of water and sewer infrastructure. New and improved water sources, treatment and distribution systems are necessary for public drinking water supplies.

(3) The Commonwealth owns approximately 2.4 million acres of State park and State forest lands and many of these lands suffer from past environmental problems including unreclaimed mines, acid mine drainage and abandoned oil and gas wells.

(4) Open space, greenways, recreational trails, river corridors, fish and wildlife habitats, parks and recreation areas and scenic environments protect the environment, conserve natural resources and add value to communities.

(5) State programs and State funding should provide maximum flexibility for elected county and municipal governmental officials to identify, prioritize and address local environmental concerns including odor abatement problems at sewage treatment plants.

§ 6103. Definitions.

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

"Acquisition." The purchase, or lease with an option to purchase, of land, easements or buildings for public parks, conservation, historical or recreation uses.

"Authority." The Pennsylvania Infrastructure Investment Authority.

"Authorized organization." An entity involved in research, restoration, rehabilitation, planning, acquisition, development, education or other activities, which furthers the protection, enhancement, conservation, preservation or enjoyment of this Commonwealth's environmental, conservation, recreation or similar resources. The organization must be a tax-exempt institution under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-154, 26 U.S.C. § 501(c)(3)) and registered with the Bureau of Charitable Organizations or an educational institution involved in these authorized activities or a municipal authority.

"Departments." The Department of Agriculture, the Department of Conservation and Natural Resources and the Department of Environmental Protection of the Commonwealth.

"Development." New construction, improvement, alteration or renovation required for and compatible with the physical development or improvement of land or buildings.

"Fund." The Environmental Stewardship Fund established in section 6104 (relating to fund).

"Interior land." Land that has at least 65% of its boundary lines immediately bordered by either State forest or State park lands.

"Planning." The preparation of park, recreation and open space plans, river corridor and watershed plans, master site development plans, feasibility studies, natural areas studies and inventories, greenways and recreational trail plans, maintenance management plans, conservation plans, zoning plans, land use plans, environmental management plans and research or education documents, useful in assisting municipalities, Commonwealth agencies, conservation districts, watershed organizations and authorized organizations to address environmental improvement, natural resource management, park and recreation development and land conservation.

"Recreational trail." A thoroughfare or track across water, land or snow used for motorized and/or nonmotorized recreational purposes.

"Rehabilitation and repair." Restoration or renovation of facilities or conditions of existing public conservation and recreation resources. The term excludes routine maintenance.

"Technical assistance." Provision of financial grants and professional services. The term includes publications, research, video tapes, workshops, meetings, phone consultation and written and electronic communication.

"Watershed organization." An entity recognized by either or both the Department of Conservation and Natural Resources and the Department of Environmental Protection and established to promote local watershed conservation efforts in an identified watershed.

§ 6104. Fund.

(a) Establishment.—There is established a special fund in the State Treasury, to be known as the Environmental Stewardship Fund.

(b) Sources.—

(1) Money appropriated by the General Assembly, interest earned by the fund, penalties, money received from the Federal Government or other sources and money received from the fee established under section 6112(b) (relating to extension of fees) shall be deposited in the fund. Moneys appropriated by the General Assembly to the fund shall be transferred on a quarterly basis in increments of at least 20%.

(2) For fiscal years 1999-2000 through 2003-2004, the fund may receive money, upon approval of the Governor, from the Recycling Fund and the Hazardous Sites Cleanup Fund. The combined total of appropriations from these two funds for the program shall not exceed \$30,000,000 annually.

(3) It is the intent of the General Assembly that \$100,000,000 per fiscal year be appropriated from the General Fund for fiscal years 2000-2001 through 2003-2004 to the fund. The Governor's annual budget submission for fiscal years 2000-2001 through 2003-2004 shall include the sum of \$100,000,000 per fiscal year for allocation in accordance with this section.

(c) Appropriation.—The money in the fund is hereby appropriated, upon approval of the Governor, to the departments and the authority for the purpose of implementing the provisions of this chapter.

(d) Allocation.—It is the intent of the General Assembly that the money appropriated in subsection (c) be allocated annually as follows:

(1) For fiscal year 1999-2000, 28.4% to the Department of Conservation and Natural Resources; 43.7% to the Department of Environmental Protection; and 27.9% to the authority.

(2) For fiscal years 2000-2001 through 2003-2004, 24.1% to the Department of Conservation and Natural Resources; 37.4% to the Department of Environmental Protection; 14.8% to the Department of Agriculture; and 23.7% to the authority.

(3) For fiscal year 2004-2005 and each year thereafter, moneys in the fund shall be allocated in accordance with paragraph (1).

(e) Legislative oversight.—

(1) An annual expenditure plan for the fund shall be submitted by the Governor to the General Assembly as part of the Governor's annual budget submission. The expenditure plan shall be open for review and comment by the members of the General Assembly and shall include a detailed listing of the types of programs for the actual year, current year and proposed budget year.

(2) The Secretary of the Budget shall provide quarterly financial statements showing the status of the Recycling Fund, the Hazardous Sites Cleanup Fund and the Environmental Stewardship Fund to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. Such statements shall be provided within 30 days of the close of each quarter of the fiscal year and shall commence with the quarter ending March 31, 2000.

§ 6105. Agencies.

(a) The Department of Conservation and Natural Resources.—

(1) The Department of Conservation and Natural Resources shall utilize money it receives from the fund for the following purposes:

(i) To rehabilitate, repair and develop State park and State forest lands and facilities and the acquisition of interior lands within State parks and State forests.

(ii) To provide grants to a county or other municipality, conservation districts and authorized organizations for the

purpose of planning, education, acquisition, development, rehabilitation and repair of greenways, recreational trails, open space, natural areas, river corridors, watersheds, community and heritage parks and recreation facilities; community conservation and beautification projects; forest conservation; and other conservation purposes. Grants under this paragraph may not be used by an authorized organization for land acquisition, unless the authorized organization obtains the approval of all counties in which the land is situated. Grant moneys may also be used for the acquisition of farmland for the purposes set forth in this paragraph.

(iii) To provide grants to a county or other municipality and authorized organizations for the purpose of research, planning, inventories and technical assistance, intended to protect and conserve the biological diversity of this Commonwealth.

(2) The Department of Conservation and Natural Resources may require matching funds as a condition of the award of a grant under this subsection.

(b) The Department of Environmental Protection.—

(1) The Department of Environmental Protection shall utilize money it receives from the fund for the following purposes:

(i) To implement acid mine drainage abatement and cleanup efforts and plug abandoned and orphan oil and gas wells.

(ii) To provide funding for technical assistance and financial incentives to facilitate re-mining.

(iii) To provide grants to a county or other municipality, county conservation districts, watershed organizations and other authorized organizations for acid mine drainage abatement, mine cleanup efforts and well plugging.

(iv) To provide grants and technical assistance to a county or other municipality, county conservation districts, watershed organizations and other authorized organizations to plan and implement local watershed-based conservation efforts.

(v) To improve water-quality-impaired watersheds, including those polluted by past mining activities, agricultural and urban runoff, atmospheric deposition, on-lot sewage systems, and earth moving activities.

(vi) To provide grants for safe drinking water projects and wastewater treatment projects as provided for in section 6110 (relating to environmental infrastructure grants to water and wastewater treatment facilities).

(2) County conservation districts may further distribute grants received under this section to watershed organizations and other authorized organizations to assist in the implementation of this chapter.

(3) The Department of Environmental Protection may require matching funds as a condition of the award of a grant under this subsection.

(4) For the period commencing with the effective date of this chapter and ending June 30, 2004, the Department of Environmental Protection may utilize up to 10% of the money allocated annually to it under section 6104(d) (relating to funds) to provide grants for safe drinking water projects and wastewater treatment projects. Grants under this paragraph shall be made for the same purposes and shall be subject to the same limitations as grants authorized in section 6110.

(c) Department of Agriculture.—Funds allocated to the Department of Agriculture under this chapter shall be deposited in the Agricultural Conservation Easement Purchase Fund and are subject to the provisions of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

(d) The authority.—The authority shall utilize money it receives from the fund to provide financial assistance in the form of grants and matching grants for storm water, water and sewer infrastructure projects, including construction or rehabilitation of collection and conveyance systems. The authority shall develop criteria to be used to award grants under this subsection. The criteria, and proposed changes thereto, shall be submitted to the Environmental Resources and Energy

Committee of the Senate and the Environmental Resources and Energy Committee of the House of Representatives for review and comment. The committees shall have 60 days to submit comments to the authority. Criteria shall be reviewed by the authority and the committees at least once every three years.

(e) Administrative expense limitation.—The departments, authority and grant recipients that receive moneys from the fund for the purposes set forth in this section may not expend more than 2% of the moneys on administrative expenses.

(f) Expenditure limitation.—No moneys made available through the fund shall be used for any purpose which, directly or indirectly, precludes access to or use of any forested land for the practice of sustainable forestry and commercial production of timber or other forest products. This subsection shall not apply to funds used by the Department of Conservation and Natural Resources, counties or municipalities, for the purchase or improvement of park land to be used for public recreation.

(g) Regulations.—The departments and the authority may promulgate regulations necessary to carry out the purposes of this chapter.

§ 6106. Property and equipment restrictions.

(a) Prohibition.—Recipients of grants under this chapter may not dispose of or convert property or equipment acquired with a grant for purposes other than the purposes approved in the project application without the prior written approval of the agency awarding the grant.

(b) Remedy.—If a violation of subsection (a) occurs, the agency may:

(1) Require the recipient to refund all grants related to the project, including 10% annual interest, compounded four times annually, from the date the original grant was received until the grant is repaid.

(2) Require acquisition by the recipient of equivalent replacement property, as determined by the agency.

(3) Take possession of the property or equipment funded by the agency.

§ 6107. Federal programs.

Agencies may utilize available Federal funds to augment funds available under this chapter.

§ 6108. Wild Resource Conservation Fund; duties of Department of Conservation and Natural Resources.

(a) Appropriation.—The moneys contained in the Wild Resource Conservation Fund are hereby appropriated, upon approval of the Governor, to the Department of Conservation and Natural Resources for the purposes of carrying out subsection (b), section 6105(a) (relating to agencies), and the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act.

(b) Projects and programs.—

(1) The Wild Resource Conservation Board may approve projects or programs for funding as necessary to preserve and enhance wild resources. Grants for approved projects shall be made by the Department of Conservation and Natural Resources from the Wild Resource Conservation Fund. The department shall not allocate money from the Wild Resource Conservation Fund under this paragraph if the allocation would exceed the money available in the Wild Resource Conservation Fund. The Wild Resource Conservation Board shall consider the recommendations of interested persons and representatives of agencies serving on the board when approving projects under this paragraph.

(2) In addition to the grants under paragraph (1), the Wild Resource Conservation Board may recommend projects or programs that promote the preservation and enhancement of wild resources to the Department of Conservation and Natural Resources for funding from the Environmental Stewardship Fund under section 6105(a).

(c) Sale of merchandise and voluntary contributions.—The Wild Resource Conservation Board, with the approval of the Department of Conservation and Natural Resources, shall have the right to issue for sale to the public stamps, decals or other items of personal property intended to signify the interest of the purchaser in contributing to programs established by the board under this section. Any contributions received and the net proceeds from the sale of merchandise shall be deposited in the Wild Resource Conservation Fund.

(d) **Advisory committee.**—The Wild Resource Conservation Board may establish an advisory committee to advise the board and the Department of Conservation and Natural Resources regarding the wild resource management objectives of the board and the approval of projects to promote the preservation and enhancement of wild resources. Members of the committee shall be chosen from the general public and shall serve at the pleasure of the board.

(e) **Activities of other agencies.**—The authority granted pursuant to subsection (c) shall not affect or interfere with similar authority vested by law in any agency represented on the board to sell items of personal property which promote the independent programs of those respective agencies. Said agencies shall likewise have the right to issue for sale items of personal property intended to signify the interest of the purchaser in contributing to programs established by the department, the net proceeds of which shall be deposited in the Wild Resource Conservation Fund.

§ 6109. Sewage construction payments to municipalities.

(a) **Certain payments permitted.**—A county or other municipality, municipal authority or school district, receiving payments on the effective date of this chapter pursuant to the act of August 20, 1953 (P.L. 1217, No. 339), entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation," shall continue to receive all outstanding payments being funded under that act for the acquisition or construction of sewage treatment plants from the Commonwealth from funds appropriated for this purpose provided that the sewage treatment plant operations implement odor abatement programs as necessary.

(b) **Equipment and plants.**—Payments under this section for equipment and plants shall be discontinued upon the replacement, abandonment or removal from service of the equipment and plants.

(c) **Certain payment prohibited.**—No municipality, municipal authority or school district, which is not presently receiving payments under the act of August 20, 1953 (P.L. 1217, No. 339), entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation," may apply for or receive payments under that act. No new or additional costs of equipment or acquisition of sewage treatment plants for which construction has not commenced prior to the effective date of this chapter may be included in a request for payment by a municipality, municipal authority or school district. For purposes of this section, construction shall be deemed to have commenced when:

(1) the applicant has applied for or received a permit under the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law, for construction or modification of the sewage treatment plant;

(2) the applicant has applied for or received construction financing or has dedicated capital funds for an identified project, before January 1, 2000, and the appropriate construction permit under The Clean Streams Law has been applied for or received before January 1, 2001; or

(3) if a construction permit under The Clean Streams Law is not required, a signed contract or purchase order for an eligible acquisition or construction expense has been validly executed.

§ 6110. Environmental infrastructure grants to water and wastewater treatment facilities.

(a) **Separate account.**—

(1) Savings realized in section 6109 (relating to sewage construction payments to municipalities) shall be placed in an account within the fund, which shall be cumulative, separate from the allocations in section 6104(d) (relating to fund), and for expenditure by the Department of Environmental Protection for environmental infrastructure grants to a county or other municipality, municipal authorities and school districts, for water and wastewater treatment facilities which:

(i) install or implement new or innovative technologies in their operations;

(ii) implement pollution prevention techniques in their operations;

(iii) undertake treatment process modernization or other improvements, including rehabilitation of collection and conveyance systems; or

(iv) implement odor abatement programs in their operations.

(2) A grant from the account shall not be used for the construction of a new facility. An applicant for funding must disclose in the application if funding has been applied for from both the account and the authority. An applicant that receives funding from the account shall not receive funding from the authority under this chapter for the same portion of the project or equipment. An applicant that receives funding from the authority under this chapter shall not receive funding from the account for the same portion of the project or equipment.

(b) **Limitation.**—Funding under this section shall be limited to improvements to the physical operation of the treatment facility and shall not be used for administrative purposes or for machinery or equipment peripherally related to the operation.

(c) **Funding availability.**—Funding shall be available to all counties or other municipalities, municipal authorities and school districts on the basis of cost of the environmental or public health improvement and not based on demographics, per capita income or other unit of measure not tied to the cost of the environmental improvement.

(d) **Calculation of fund moneys.**—The account shall annually receive the difference between:

(1) the amount paid under the act of August 20, 1953 (P.L. 1217, No. 339), entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation," in 2001-2002; and

(2) the amount paid under section 6109.

§ 6111. Protection of Recycling Fund.

(a) **Market development funding.**—The Department of Environmental Protection, on an annual basis, shall provide sufficient moneys for market development from the Recycling Fund to promote the long-term sustainability of recycling and to promote the continued growth of the recycling rate. For purposes of this subsection, market development shall mean a set of government policies and programs that promote the removal of marketplace barriers to recycling and that promote a productive end use for recyclables collected from residents and businesses.

(b) **Review of expenditures.**—Prior to submitting its annual Recycling Fund spending plan to the General Assembly, the Department of Environmental Protection shall submit details of its proposed expenditures under the act of July 28, 1988 (P.L. 556, No. 101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, including additional expenditures for market development, for review and comment to the Recycling Fund Advisory Committee. At the same time, the department shall submit details of its actual expenditures under the Municipal Waste Planning, Recycling and Waste Reduction Act for the prior fiscal year, including actual expenditures for market development, for review and comment to the committee. The Department of Environmental Protection shall provide aggregate information on the program, including the total amount of funding applied for, the total amount of funding provided, the percentage of applications approved and the percentage of applications fully funded. The information on actual expenditures provided to the committee shall include a complete list of recipients funded by the Department of Environmental Protection pursuant to sections 901 and 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act in the prior fiscal year. The list shall include:

(1) The name of the recipient.

(2) The amount of funding requested.

(3) The amount of funding provided by the Department of

Environmental Protection.

(c) Minimum level of funding.—For a period of five years from the effective date of this chapter, moneys expended for programs authorized in the Municipal Waste Planning, Recycling and Waste Reduction Act shall not fall below levels expended in fiscal year 1999-2000.

(d) Information to applicant.—When the Department of Environmental Protection denies an application for a grant, or approves an application for less than the amount requested by the applicant, the department shall provide the applicant with a written statement indicating the reason for the denial or reduction in funding amount.

§ 6112. Extension of fees.

(a) Recycling fee.—No fee shall be imposed under section 701 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, on or after October 15, 2004.

(b) Fee established.—Each operator of a municipal waste landfill shall pay, in the same manner prescribed in section 701 of the Municipal Waste Planning, Recycling and Waste Reduction Act, an amount equal to 25¢ per ton of weighted waste or 25¢ per three cubic yards of volume measured waste for all solid waste received at the landfill. These fees shall be paid to the State Treasury and deposited into the fund.

§ 6113. Effect of repeal of site-specific postclosure fund provisions.

(a) General rule.—Prior to certification of final closure and release by the Department of Environmental Protection of the landfill bond under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, and the regulations promulgated thereto, the trustee may release moneys from the trust to the county which established the trust upon written request from the county to the trustee in order for the county to spend the money to fund county conservation districts, protect farmland or to accomplish any other purpose authorized by this chapter. Payment of debt service by a county on obligations issued to fund such purposes shall be deemed to be paid for a permitted purpose. Expenditure for farmland preservation must comply with the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

(b) Limitations.—Moneys in a site-specific postclosure trust that have not been released to the county prior to certification of final closure and release of the landfill bond may be used only for remedial measures and emergency actions that are necessary to prevent or abate adverse effects upon the environment after closure of the landfill. The county may withdraw actual costs incurred in establishing and administering the trust in an amount not to exceed 0.5% of the moneys deposited in the trust. The trustee may release moneys for remedial measures and emergency actions only upon written request of the operator of a landfill and upon prior written approval by the Department of Environmental Protection. Such request shall include the proposed amount and purpose of the withdrawal and a copy of the Department of Environmental Protection's written approval of the expenditure. A copy of the request shall be provided to the county and the host municipality. A copy of any withdrawal document prepared by the trustee shall be provided to the Department of Environmental Protection, the county and the host municipality. No withdrawal from this trust for remedial measures and emergency actions may be made until after the Department of Environmental Protection has certified closure of the landfill. Moneys remaining in a trust subsequent to certification of final closure of the landfill and release of the landfill's bond shall be given to the county that established the trust for use in a manner consistent with this chapter.

(c) Applicability.—This section shall not apply to any county of the third class having a population under the 1990 Federal Decennial Census of greater than 225,000 but less than 242,500.

PART VI
SANCTIONS AND REMEDIES

Subpart

C. Immunity

SUBPART C
IMMUNITY

Chapter

81. Good Samaritan.

CHAPTER 81

GOOD SAMARITAN

Sec.

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§ 8101. Short title of chapter.

This chapter shall be known and may be cited as the Environmental Good Samaritan Act.

§ 8102. Findings.

The General Assembly finds and declares as follows:

(1) This Commonwealth's long history of mining and the extraction of oil and gas has left some lands and waters unreclaimed and polluted.

(2) These abandoned lands and polluted waters are unproductive, erode the tax base and are serious impediments to the economic welfare and growth of this Commonwealth.

(3) The unreclaimed lands and polluted waters present a danger to the health, safety and welfare of the people and the environment.

(4) This Commonwealth does not possess sufficient resources to reclaim all the abandoned lands and to abate the water pollution.

(5) Numerous landowners, citizens, watershed associations, environmental organizations and governmental entities who do not have a legal responsibility to reclaim the abandoned lands or to abate the water pollution are interested in addressing these problems but are reluctant to engage in such reclamation and abatement activities because of potential liabilities associated with the reclamation and abatement activities.

(6) It is in the best interest of the health, safety and welfare of the people of this Commonwealth and the environment to encourage reclamation of the abandoned lands and abatement of water pollution.

§ 8103. Purpose.

This chapter is intended to encourage the improvement of land and water adversely affected by mining and oil and gas extraction, to aid in the protection of wildlife, to decrease soil erosion, to aid in the prevention and abatement of the pollution of rivers and streams, to protect and improve the environmental values of this Commonwealth and to eliminate or abate hazards to health and safety. It is the intent of the General Assembly to encourage voluntary reclamation of lands adversely affected by mining or oil or gas extraction. The purpose of this chapter is to improve water quality and to control and eliminate water pollution resulting from mining or oil or gas extraction or exploration by limiting the liability which could arise as a result of the voluntary reclamation of abandoned lands or the reduction and abatement of water pollution. This chapter is not intended to limit the liability of a person who under existing law is or may become responsible to reclaim the land or address the water pollution or anyone who by contract, order or otherwise is required to or agrees to perform the reclamation or abate the water pollution.

§ 8104. Definitions.

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

"Abandoned lands." Land adversely affected by mineral or oil or gas extraction and left or abandoned in an unreclaimed or inadequately reclaimed condition.

"Consideration." Something of value promised, given or performed in exchange for something which has the effect of making a

legally enforceable contract. For the purpose of this chapter, the term does not include a promise to a landowner to repair damage caused by a reclamation project or water pollution abatement project when the promise is made in exchange for access to the land.

"Department." The Department of Environmental Protection of the Commonwealth.

"Eligible land and water." Land and water adversely affected by mining or oil or gas extraction and left or abandoned in an unreclaimed or inadequately reclaimed condition or left discharging water pollution and for which no person has a continuing reclamation or water pollution abatement obligation. The term shall also include land and water adversely affected by mining or oil or gas extraction and left in an unreclaimed or inadequately reclaimed condition or left discharging water pollution for which the Department of Environmental Protection has forfeited and collected the operators bonds and there is no outstanding litigation concerning the bond forfeiture.

"Landowner." A person who holds either legal or equitable interest in real property.

"Mineral." Any aggregate or mass of mineral matter, whether or not coherent, which is extracted by mining, including, but not limited to, limestone, dolomite, sand, gravel, slate, argillite, diabase, gneiss, micaceous sandstone known as bluestone, rock, stone, earth, fill, slag, iron ore, zinc ore, vermiculite, clay and anthracite and bituminous coal.

"Permitted mining activity site." A site permitted by the Department of Environmental Protection pursuant to one or more of the following acts:

- (1) the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law;
- (2) the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act;
- (3) the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act;
- (4) the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act; or
- (5) the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act.

"Person." A natural person, partnership, association, association members, corporation, political subdivision of the Commonwealth, an agency, instrumentality or entity of Federal or State Government or other legal entity recognized by law as the subject of rights and liabilities.

"Project work area." That land necessary for a person to complete a reclamation project or a water pollution abatement project.

"Reclamation project." The restoration of eligible lands and water to productive use by regrading and revegetating the land to stable contours that blend in and complement the drainage pattern of the surrounding terrain with no highwalls, spoil piles or depressions to accumulate water and by plugging abandoned oil or gas wells and removing production or storage facilities, supplies and equipment from areas disturbed in siting, drilling, completing and producing such wells.

"Water pollution." Pollution of the waters of this Commonwealth as defined in section 1 of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, which was caused by mining activities or oil or gas extraction or exploration for these resources.

"Water pollution abatement facilities." The methods for treatment or abatement of water pollution located on eligible lands and water. These methods include, but are not limited to, a structure, system, practice, technique or method constructed, installed or followed to reduce, treat or abate such water pollution.

"Water pollution abatement project." A plan for treatment or abatement of water pollution located on eligible lands and water. These plans include, but are not limited to, the practices to be followed and the installation, operation and maintenance of facilities to reduce, treat or abate such water pollution.

§ 8105. Eligibility and project inventory.

(a) General rule.—A landowner or person who voluntarily provides equipment, materials or services at no charge or at cost for a reclamation project or a water pollution abatement project in accordance with this chapter may be immune from civil liability, and may raise the

protections afforded by this chapter in any subsequent legal proceeding which is brought to enforce environmental laws or otherwise impose liability. A landowner or other person is only eligible for the protections and immunities provided by sections 8106 (relating to landowner liability limitation and exceptions) and 8107 (relating to project liability limitation and exceptions) if a detailed written plan of the proposed reclamation project or water pollution abatement project is submitted to and approved by the department. The project plan shall include the objective of the project and a description of the work that will be performed to accomplish the objective and must identify the project location, project boundaries, the project participants and the owners of the land.

(b) Notice.—Upon receipt of each project plan the department shall either give written notice by certified mail to adjacent property owners and riparian land owners located downstream of the proposed project or will provide public notice of the proposed project in a newspaper of general circulation, published in the locality of the proposed project, once a week for four consecutive weeks and shall give public notice in the Pennsylvania Bulletin. The person proposing the project may also provide public notice. Any person having an interest which may be adversely affected by the proposed project has the right to file with the department written objection to the proposed project within 30 days after receipt of the written notice or the last publication of the above notice which shall conclude the public comment period. The department shall provide to the person proposing the project a copy of each written objection received during the public comment period.

(c) Advice.—The department may provide advice to the landowner or other interested person based upon the department's knowledge and experience in performing reclamation projects and water pollution abatement projects.

(d) Departmental review.—The department shall review each proposed reclamation project and approve the project if the department determines the proposed project:

- (1) will result in the regrading of the land to stable contours that blend in and complement the drainage pattern of the surrounding terrain with no highwalls, spoil piles or depressions to accumulate water;
- (2) will result in the appropriate revegetation of the site; and
- (3) is not likely to result in water pollution as defined in section 1 of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

The department shall review each proposed water pollution abatement project and approve the project if the department determines the proposed project is likely to improve the water quality and is not likely to make the water pollution worse.

(e) Additional review.—The department shall review each project plan in accordance with section 8111(b) (relating to exceptions).

(f) Project inventory.—The department shall develop and maintain a system to inventory and record each project, the project location and boundaries, each landowner and each person identified in a project plan provided to the department. The inventory shall include the results of the department's review of the proposed project and, where applicable, include the department's findings under section 8111(b).

(g) Appeal.—A person aggrieved by a department decision to approve or disapprove a reclamation project or a water pollution abatement project has the right to file an appeal with the Environmental Hearing Board in accordance with the act of July 13, 1988 (P.L.530, No.94), known as the Environmental Hearing Board Act, and in accordance with the Environmental Hearing Board's rules, 25 Pa. Code Ch. 1021 (relating to practice and procedures).

§ 8106. Landowner liability limitation and exceptions.

(a) General rule.—Except as specifically provided in subsections (b) and (c), a landowner who provides access to the land, without charge or other consideration, which results in the implementation of a reclamation project or a water pollution abatement project:

(1) Shall be immune from liability for any injury or damage suffered by the person implementing the reclamation project or the water pollution abatement project while the person is within the project work area.

(2) Shall be immune from liability for any injury to or damage suffered by a third party which arises out of or occurs as a

result of an act or omission of a person implementing a reclamation project or water pollution abatement project which occurs during the implementation of the reclamation project or the water pollution abatement project.

(3) Shall be immune from liability for any injury to or damage suffered by a third party which arises out of or occurs as a result of a reclamation project or a water pollution abatement project.

(4) Shall not be deemed to assume legal responsibility for or incur liability for any pollution resulting from a reclamation project or water pollution abatement project.

(5) Shall not be subject to a citizen suit filed pursuant to section 601 of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, for pollution resulting from a reclamation project or water pollution abatement project.

(6) Shall be immune from liability for the operation, maintenance or repair of the water pollution abatement facilities constructed or installed during the project unless the landowner negligently damages or destroys the water pollution abatement facilities or denies access to those persons who operate, maintain or repair the water pollution abatement facilities.

(b) Duty to warn.—A landowner shall warn a person implementing a reclamation project or water pollution abatement project of known, latent, dangerous conditions located on the project work area which known, latent, dangerous conditions are not the subject of the reclamation project or the water pollution abatement project. Nothing in this chapter shall limit in any way or affect a landowner's liability which results from the landowner's failure to warn of such known, latent, dangerous conditions.

(c) Exceptions to immunity.—Nothing in this chapter shall limit in any way or affect a landowner's liability which results from a reclamation project or water pollution abatement project and which would otherwise exist:

(1) For injury or damage resulting from the landowner's acts or omissions which are reckless or constitute gross negligence or willful misconduct.

(2) Where the landowner charges an access fee or requires other consideration before allowing access to the land for the purpose of implementing a reclamation project or water pollution abatement project or to operate, maintain or repair water pollution abatement facilities constructed or installed during a water pollution abatement project.

(3) For the landowner's unlawful activities.

(4) For damage to adjacent landowners or downstream riparian landowners which results from a reclamation project or water pollution abatement project where written notice or public notice of the proposed project was not provided.

§ 8107. Project liability limitation and exceptions.

(a) General rule.—Except as specifically provided in subsection (b), a person who provides equipment, materials or services at no cost or at cost for a reclamation project or a water pollution abatement project:

(1) Shall be immune from liability for any injury to or damage suffered by a person which arises out of or occurs as a result of the water pollution abatement facilities constructed or installed during the water pollution abatement project.

(2) Shall be immune from liability for any pollution emanating from the water pollution abatement facilities constructed or installed during the water pollution abatement project unless the person affects an area that is hydrologically connected to the water pollution abatement project work area and causes increased pollution by activities which are unrelated to the implementation of a water pollution abatement project.

(3) Shall not be deemed to assume responsibility for or incur liability for the operation, maintenance and repair of the water pollution abatement facilities constructed or installed during the water pollution abatement project.

(4) Shall not be subject to a citizen suit under section 601 of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, for pollution emanating from the water pollution abatement facilities constructed or installed during the water pol-

lution abatement project.

(b) Exceptions.—

(1) Nothing in this chapter shall limit in any way the liability of a person who provides equipment, materials or services at no cost or at cost for a reclamation project or a water pollution abatement project which liability results from the reclamation project or the water pollution abatement project and which would otherwise exist:

(i) For injury or damage resulting from the person's acts or omissions which are reckless or constitute gross negligence or willful misconduct.

(ii) For the person's unlawful activities.

(iii) For damages to adjacent landowners or downstream riparian landowners which result from a reclamation project or a water pollution abatement project where written notice or public notice of the proposed project was not provided.

(2) Nothing in this chapter shall limit in any way the liability of a person who the department has found to be in violation of any of the following acts:

(i) The act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act.

(ii) The act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act.

§ 8108. Permits and zoning.

Nothing in this chapter shall be construed as waiving any existing permit requirements or waiving any local zoning requirements.

§ 8109. Relationship to Federal and State programs.

The provisions of this chapter shall not prevent the Commonwealth from enforcing requirements necessary or imposed by the Federal Government as a condition to receiving or maintaining program authorization, delegation, primacy or Federal funds.

§ 8110. General permits.

If the department determines it will further the purposes of this chapter, the department may issue a general permit for each reclamation project or water pollution abatement project, which general permit shall:

(1) Encompass all of the activities included in that reclamation project or water pollution abatement project.

(2) Be issued in place of any required stream encroachment, earth disturbance or national pollution discharge elimination system permits.

§ 8111. Exceptions.

(a) General rule.—Any person who under existing law shall be or may become responsible to reclaim the land or treat or abate the water pollution or any person who for payment or consideration or who receives some other benefit through a contract, or any person who through a consent order and agreement or otherwise agrees or is ordered to perform or complete reclamation or treat or abate water pollution as well as a surety which provided a bond for the site shall not be eligible for nor shall that person receive the benefit of the protections and immunities available under this chapter.

(b) Projects near mining or coal refuse sites.—This chapter shall not apply to a reclamation project or a water pollution abatement project that is located adjacent to, hydrologically connected to or in close proximity to a site permitted under the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), known as The Bituminous Mine Subsidence and Land Conservation Act, the act of September 24, 1968 (P.L.1040, No.318), known as the Coal Refuse Disposal Control Act, or the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act, unless:

(1) The reclamation project or water pollution abatement project is submitted to the department in writing before the project is started.

(2) The department finds:

(i) The reclamation project or the water pollution abatement project will not adversely affect the permittee's obligations under the permit and the applicable law.

(ii) The activities on the project work area cannot be

used by the permittee to avoid the permittee's reclamation or water pollution treatment or abatement obligations.

(3) The department issues a written notice of its findings and the approval of the project.

(c) Projects in lieu of civil penalties.—This chapter shall not apply to a reclamation project or a water pollution abatement project that is performed in lieu of paying civil penalties.

(d) Land Recycling and Environmental Remediation Standards Act.—The act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, does not apply to reclamation projects or water pollution abatement projects implemented under this chapter.

§ 8112. Water supply replacement.

A public or private water supply affected by contamination or the diminution caused by the implementation of a reclamation project or the implementation of a water pollution abatement project shall be restored or replaced by the department with an alternate source of water adequate in quantity and quality for the purposes served by the water supply.

§ 8113. Orphan oil and gas wells.

A reclamation project or water pollution abatement project shall not be implemented in a manner which will limit access to an orphan gas well or an orphan oil well.

§ 8114. Regulations.

The department may promulgate rules and regulations necessary to implement the provisions of this chapter.

PART VII

MISCELLANEOUS PROVISIONS

(Reserved)

Section 2. (a) The sum of \$2,000,000 is hereby appropriated, upon approval of the Governor, to the Department of Environmental Protection from the Hazardous Sites Cleanup Fund for the fiscal year July 1, 1999, to June 30, 2000, for the purposes of expanding the Small Business and Household Pollution Prevention Program to provide onsite assessments and recommendations for pollution prevention and energy efficiency techniques for fiscal year 1999-2000. The General Assembly may appropriate up to \$2,000,000 in additional funds from the Hazardous Sites Cleanup Fund for the fiscal year July 1, 2000, to June 30, 2001, for this purpose.

(b) The sum of \$44,675,000, or as much thereof as may be necessary, is hereby appropriated to the Environmental Stewardship Fund for the fiscal year July 1, 1999, to June 30, 2000, to carry out the provisions of 27 Pa.C.S. Ch. 61.

(c) The sum of \$20,000,000, or as much thereof as may be necessary, is hereby appropriated to the Agricultural Conservation Easement Purchase Fund for the fiscal year July 1, 1999, to June 30, 2000, to carry out the provisions of the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law.

Section 3. (a) The following acts and parts of acts are repealed:

Section 1936-A(b) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Act of August 20, 1953 (P.L.1217, No.339), entitled "An act providing for payments by the Commonwealth to municipalities which have expended money to acquire and construct sewage treatment plants in accordance with the Clean Streams Program and the act, approved the twenty-second day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1987), and making an appropriation."

Section 1108(b), (c), (f) and (i) of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

Sections 5(d) and 6(b)(3), (4), (5) and (6), (c), (d), (e), (f) and (g) of the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act.

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with:

- (1) subsection (a);
- (2) the addition of 27 Pa.C.S. Ch. 61;
- (3) the addition of 27 Pa.C.S. Ch. 81; or
- (4) section 2 of this act.

Section 4. This act shall take effect as follows:

- (1) This section shall take effect immediately.

(2) The following provisions shall take effect in 60 days:

(i) The addition of 27 Pa.C.S. Ch 81.

(ii) Section 3(b)(3) of this act.

(3) The remainder of this act shall take effect December 31, 1999, or immediately, whichever is later.

On the question,

Will the Senate agree to the amendment?

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

YEA-49

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Piccola	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Dent	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

NAY-1

Tilghman

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

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

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 260 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 300 (Pr. No. 1551) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; authorizing intergovernmental cooperation; further providing for various matters relating to comprehensive plans; and adding provisions concerning optional integrated county and multimunicipal planning and implementation agreements, zoning ordinances and jurisdictional challenges.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator GERLACH. Mr. President, the vote we are taking today is an important one. It represents the culmination of more than a decade of work on the issue of land use and growth management, and it demonstrates a realization that we need to give Pennsylvania communities the tools they need to better plan for future growth and development. As a Member of both the House and Senate, I worked for 9 years with many citizens and interest groups to try to develop a commonsense, balanced approach to an issue that is both complex and often controversial.

Mr. President, this issue is about three simple words: quality of life. Pennsylvanians recognize that the development and growth around them impacts their daily life tremendously, from how long it takes to go to work or the grocery store, to the character of their local landscape and the preservation of natural resources. They also realize that particularly in high growth areas a little common sense must be exercised to connect new development to existing road, water, and sewer infrastructure as much as possible. There should be an overall logic and consistency to the pattern of growth as it moves across a municipality, and from municipality to municipality.

Unfortunately, in the absence of legislative action, the Pennsylvania courts have dictated the parameters of growth in recent years by holding that all municipalities in a path of growth must allow for every residential, commercial, and industrial use within its boundaries. The courts have, in essence, permitted patterns of development that have adversely affected the quality of life in some communities. That is why this legislation is so important today. It strikes a sound legislative balance between a private property owner's right to develop his property and the community's interest in maintaining its uniqueness and character.

It does not mandate that municipalities have comprehensive planning and zoning if they do not have it currently, but where the decision has been made locally to plan and zone, it gives municipalities more flexibility to voluntarily plan and zone together by providing clear protection from fair-share challenges. It permits municipalities to have a more predictable and orderly pattern of growth by making their zoning ordinances consistent with the comprehensive plans. It permits a better coordination of land use within a county by promoting greater consistency between municipal and county comprehensive plans. It gives municipalities more tools to deal with growth on a multimunicipal basis by authorizing the use of transfer development right programs regionally, and it allows municipalities to permit traditional neighborhood development through the use of mixed use zoning.

Mr. President, in the land use debate, there are many areas yet to be resolved, and we will continue to work on these issues as this bill moves forward. But today we are making a major first step, a necessary step, in establishing commonsense land use tools for Pennsylvania communities that will enhance the quality of life in our communities by providing new options and resources for dealing with development and growth.

I would like to thank all of those who have helped move this legislation to this floor and for this debate, particularly my staff,

Lauren Muglia and Mark Meyer, who have worked many, many hours working through the long meetings and discussions and the legislative redrafts. And I would also like to point out my appreciation to Senator Joe Conti of Bucks County for all his support and assistance as we have gotten this bill to this point.

Mr. President, this is an important vote for much of Pennsylvania, and we respectfully request the Members' affirmative vote on this bill.

Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-37

Armstrong	Gerlach	Mellow	Tomlinson
Belan	Greenleaf	Musto	Wagner
Bodack	Holl	O'Pake	Waugh
Boscola	Hughes	Piccola	Wenger
Brightbill	Jubelirer	Schwartz	White
Conti	Kasunic	Stapleton	Williams
Corman	Kitchen	Stout	Wozniak
Costa	Kukovich	Tartaglione	
Earll	La Valle	Thompson	
Fumo	Loeper	Tilghman	

NAY-13

Bell	Lemmond	Punt	Slocum
Dent	Madigan	Rhoades	
Hart	Mowery	Robbins	
Helfrick	Murphy	Salvatore	

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

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

BILL AMENDED

SB 359 (Pr. No. 1514) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing liens and ownership rights in dies, molds and forms used in fabrication of plastic parts under certain conditions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A4693:

Amend Sec. 7, page 3, line 22, by inserting after "MAIL": , return receipt requested,

Amend Sec. 7, page 3, lines 29 and 30, by striking out "NOTICE HAS BEEN RECEIVED BY THE CUSTOMER AS PROVIDED IN" and inserting: molder has received the return receipt of the notice sent under

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 LOEPER.

BILL LAID ON THE TABLE

SB 380 (Pr. No. 1440) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the registration of sexual offenders.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 847 (Pr. No. 1522) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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

Table listing names of senators who voted 'YEA' for SB 847, including Armstrong, Greenleaf, Mowery, Tartaglione, etc.

NAY-1

Kitchen

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

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

BILLS OVER IN ORDER

SB 1109 and HB 1150 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 1169 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 1200 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1675 (Pr. No. 2563) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for employment of children at establishments where alcoholic beverages or malt liquor is sold.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-50

Table listing names of senators who voted 'YEA' for HB 1675, including Armstrong, Greenleaf, Mellow, Stout, 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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 122, SB 201, HB 302, SB 552, HB 552, SB 639, SB 805, SB 843, HB 849 and SB 897 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 950 (Pr. No. 1583) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring disclosure of new motor vehicle damage; and providing for enforcement.

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

SB 1032 (Pr. No. 1473) – The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, relating to residential real estate transfers; providing for disclosures by sellers of residential real estate and for home inspections; and making a repeal.

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

BILLS OVER IN ORDER

SB 1103, HB 1153, SB 1154, HB 1155, HB 1157, HB 1158, SB 1167, SB 1184 and SB 1197 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 19, 1999 for the appointment of Megan L. Consedine, Esquire (Public Member), 1954 Daybreak Circle, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Cosmetology, 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 Malcolm W. Bonawits, Pocono Manor, whose term expired.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA DRUG DEVICE AND COSMETIC BOARD

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 2, 1999 for the appointment of Michelle M. Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Kenneth H. Heisey, D.D.S., Enola, deceased.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 2, 1999 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Benjamin Calesnick, M.D., Springfield, whose term expired.

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

THOMAS J. RIDGE
Governor

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

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1999 for the appointment of Samuel I. Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice William C. Schultz, Cambridge Springs, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1999 for the appointment of Fritz Bittenbender (District 3), 4 King's Arms, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice George M. Miller, Brockway, whose term expired.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 12, 1999 for the appointment of Michelle Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Mary Ellen Houseal, Mechanicsburg, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, MUNICIPAL COURT

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 7, 1999 for the appointment of Doris M. Leisch, Esquire, 3437 West Penn Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2002, vice The Honorable Edward G. Mekel, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated

November 4, 1999 for the appointment of Samuel I. Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Gerald M. Monahan, Jr., Allentown, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 1999 for the appointment of Michelle Grove (Public Member), 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 13, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Jay H. Shah, Esquire, Philadelphia, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 23, 1999 for the appointment of Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until February 12, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen A. Oliverio, Zelenople, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated

September 7, 1999 for the appointment of Megan L. Consedine, Esquire, 1954 Daybreak Circle, Dauphin County, Fifteenth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Mary R. Wooley, Esquire, Harrisburg, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 30, 1999 for the appointment of Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2002 and until her successor is appointed and qualified, vice Susan P. Genesi, Philipsburg, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 13, 1999 for the appointment of Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Leeson, Jr., Esq., Bethlehem, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July

19, 1999 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, 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 Linda G. Trabucco, Esquire, Chester Springs, resigned.

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

THOMAS J. RIDGE
Governor

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

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 1999 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Mary Jane Fuller, Union City, resigned.

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

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 1999 for the appointment of Annette Steele (Public Member), 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Cosmetology, 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 Caroline A. Novak, Coatesville, whose term expired.

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

THOMAS J. RIDGE
Governor

CONSIDERATION OF CALENDAR RESUMED

SB 1169 CALLED UP

SB 1169 (Pr. No. 1498) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 1169 (Pr. No. 1498) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1) entitled Capital Facilities Debt Enabling Act, further providing for other agreements.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MURPHY offered the following amendment No. A4704:

Amend Title, page 1, line 5, by inserting after "providing": for use of proceeds and

Amend Sec. 1, page 1, line 8, by striking out "Section" where it appears the second time and inserting: Sections 310 and

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting: are

Amend Sec. 1, page 1, by inserting between lines 10 and 11: Section 310. Disposition and use of proceeds.

(a) General rule.—The proceeds of temporary borrowings made under section 306, other than the proceeds of replacement notes, and the proceeds from the sale of bonds, other than funding bonds, shall be paid to the State Treasurer and be held by the State Treasurer in a separate fund and shall be deposited in depositories as selected by the State Treasurer to the credit of the Capital Facilities Fund, which shall have such separate accounts as may be deemed desirable by the issuing officials, but not less than one separate account for each category of capital projects. The proceeds of replacement notes shall be deposited and applied as provided in section 306(d). The proceeds of funding bonds shall be deposited and applied as provided in section 312.

(b) Dedication.—

(1) The money in the Capital Facilities Fund is specifically dedicated to meeting the financial costs of capital projects.

(2) The money shall be paid by the State Treasurer to those departments, agencies or authorities authorized to expend it as required by them to pay financial costs at the time the department, agency or authority certifies the payment to be due and payable.

(3) A certification of payment under paragraph (2) may not be made if the payment will be used to satisfy a contract that contains a provision which requires that a specified percentage of the work force of a party to the contract be residents of a specific municipality.

(c) Investment.—Pending their application to the purposes authorized, money held or deposited by the State Treasurer may be invested and reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. Earnings received from the investment or deposit of the funds shall be paid into the State Treasury to the credit of the account in the Capital Facilities Fund to which the funds were originally deposited.

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 LOEPER.

REQUEST FOR RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to reconvene in the Rules room at the rear of the Senate Chamber.

RECONSIDERATION OF VOTE ON AMENDMENT A4704 TO SB 1169

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

Senator MELLOW. Mr. President, prior to calling the meeting in the Rules room, I would like to reconsider the vote by which amendment No. A4704 to Senate Bill No. 1169 was agreed to.

The PRESIDENT. Senator Mellow moves that the vote by which the amendment to Senate Bill No. 1169 was agreed to be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-42

Armstrong	Gerlach	Madigan	Stout
Belan	Greenleaf	Mowery	Thompson
Bell	Hart	Murphy	Tilghman
Bodack	Helfrick	O'Pake	Tomlinson
Boscola	Holl	Piccola	Wagner
Brightbill	Jubelirer	Punt	Waugh
Conti	Kasunic	Rhoades	Wenger
Corman	Kukovich	Robbins	White
Costa	LaValle	Salvatore	Wozniak
Dent	Lemmond	Slocum	
Earll	Loeper	Stapleton	

NAY-8

Fumo	Kitchen	Musto	Tagliarone
Hughes	Mellow	Schwartz	Williams

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

RECESS

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room at the rear of the Senate, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Williams has returned, and his temporary Capitol leave is cancelled.

HOUSE MESSAGE

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate, by amending said amendments, to **HB 1848**, in which concurrence of the Senate is requested.

MOTION TO SUSPEND RULE XIV

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I move to suspend Rule XIV, section 5, to the extent that it requires that House Bill No. 1848, as amended by the House, be referred to the Committee on Rules and Executive Nominations, and that House Bill No. 1848 be placed on a Supplemental Calendar.

The PRESIDENT. Senator Loeper has moved for the suspension of Rule XIV, section 5, as it relates to House Bill No. 1848 being referred to the Committee on Rules and Executive Nominations, and asks that it be placed upon a Supplemental Calendar.

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

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

NAY-0

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

The PRESIDENT. The bill will appear on the Calendar.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1569 (Pr. No. 2772) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging; and further providing for penalties for certain sales or transfers of cigarettes and for report of property subject to custody and control of the Commonwealth.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

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.

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

Senator SALVATORE, 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 PENNSYLVANIA
TURNPIKE COMMISSION**

November 12, 1999

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. Dodaro, Esquire, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

THOMAS J. RIDGE
Governor

NOMINATION LAID ON THE TABLE

Senator SALVATORE. 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.

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

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

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 19, 1999 for the appointment of Megan L. Consedine, Esquire (Public Member), 1954 Daybreak Circle, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Cosmetology, 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 Malcolm W. Bonawits, Pocono Manor, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 1999 for the appointment of Annette Steele (Public Member), 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Cosmetology, 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 Caroline A. Novak, Coatesville, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG
DEVICE AND COSMETIC BOARD**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 2, 1999 for the appointment of Michelle M. Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Kenneth H. Heisey, D.D.S., Enola, deceased.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 2, 1999 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Benjamin Calesnick, M.D., Springfield, whose term expired.

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

THOMAS J. RIDGE
Governor

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

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 23, 1999 for the appointment of Samuel I. Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice William C. Schultz, Cambridge Springs, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 9, 1999 for the appointment of Fritz Bittenbender (District 3), 4 King's Arms, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice George M. Miller, Brockway, whose term expired.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 12, 1999 for the appointment of Michelle Grove, 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Mary Ellen Houseal, Mechanicsburg, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 4, 1999 for the appointment of Samuel I. Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Gerald M. Monahan, Jr., Allentown, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, MUNICIPAL COURT

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 7, 1999 for the appointment of Doris M. Leisch, Esquire, 3437 West Penn Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2002, vice The Honorable Edward G. Mekel, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 1999 for the appointment of Michelle Grove (Public Member), 220 Umberto Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 13, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Jay H. Shah, Esquire, Philadelphia, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 23, 1999 for the appointment of Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until February 12, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen A. Oliverio, Zelenople, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 7, 1999 for the appointment of Megan L. Consedine, Esquire, 1954 Daybreak Circle, Dauphin County, Fifteenth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Mary R. Wooley, Esquire, Harrisburg, whose term expired.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 30, 1999 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2002 and until her successor is appointed and qualified, vice Susan P. Genesi, Philipsburg, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 13, 1999 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Leeson, Jr., Esq., Bethlehem, whose term expired.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 19, 1999 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, 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 Linda G. Trabucco, Esquire, Chester Springs, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

December 7, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 1999 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Mary Jane Fuller, Union City, resigned.

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

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

December 6, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 29, 1999 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as District Justice, in and for the County of Allegheny, Magisterial District 05-2-15, to serve until the first Monday of January 2000, vice Richard J. Terrick, resigned.

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

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

December 6, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 14, 1999 for the appointment of Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as District Justice, in and for the County of Allegheny, Magisterial District 05-2-43, to serve until the first Monday of January 2000, vice John E. Swearingen, mandatory retirement.

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

THOMAS J. RIDGE Governor

DISTRICT JUSTICE

December 6, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 1999 for the appointment of Fritz Bittenbender, 4 King's Arms, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as District Justice, in and for the County of Lebanon, Magisterial District 52-3-01, to serve until the first Monday of January 2000, vice Jo Ann Shultz, resigned.

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

THOMAS J. RIDGE Governor

DISTRICT JUSTICE

December 6, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 1999 for the appointment of Samuel I. Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice, in and for the County of York, Magisterial District 19-3-10, to serve until the first Monday of January 2000, vice Paul A. Walters, resigned.

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

THOMAS J. RIDGE Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE, 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.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

November 12, 1999

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. Dodaro, Esquire, 119 Victoria Drive, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

THOMAS J. RIDGE Governor

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

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

YEA-50

Table listing names of senators in support (YEA-50): Armstrong, Belan, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earl, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, Wozniak.

NAY-0

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

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE ATHLETIC COMMISSION

October 5, 1999

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 Bochetto, Esquire, 1420 Locust Street, Unit 6-A, Philadelphia 19102, Philadelphia County, First Senatorial District, for reappointment as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF SCOTLAND SCHOOL FOR VETERANS' CHILDREN

October 28, 1999

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, Howard C. Robertson, Ed.D., 1163 Pond Road, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Thomas P. Carey, Ed.D., Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

October 4, 1999

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 A. Hawkins, 21 Appaloosa Way, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2005 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Purt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

NAY-0

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators BRIGHTBILL, CORMAN, SALVATORE, MURPHY, COSTA, DENT, ROBBINS, TILGHMAN, EARLL, LEMMOND, THOMPSON, WHITE, WENGER, SCHWARTZ, WAUGH, HART, MOWERY, SLOCUM and STOUT, by unanimous consent, offered **Senate Resolution No. 121**, entitled:

A Resolution designating January 16 through 22, 2000, as "Snowmobile Safety Awareness Week" in Pennsylvania.

Which was read, considered and adopted.

Senator BRIGHTBILL, by unanimous consent, offered **Senate Resolution No. 122**, entitled:

A Resolution memorializing the Congress of the United States to take action to assure that Canadian subsidies and cultural protectionism in the film industry be considered during the upcoming trade talks with Canada.

Which was read, considered and adopted.

Senators O'PAKE, MELLOW, KASUNIC, TARTAGLIONE, WAGNER, SCHWARTZ, BRIGHTBILL, STAPLETON, ROBBINS, COSTA, HART, SALVATORE, TOMLINSON, HELFRICK, HUGHES, EARLL, RHOADES, LEMMOND, TILGHMAN, THOMPSON, WENGER, DENT, MURPHY, GREENLEAF, SLOCUM, BELAN, WAUGH and

MUSTO, by unanimous consent, offered **Senate Resolution No. 123**, entitled:

A Resolution commending the veterans of the United States Army, the British Army and the other Allied forces and honoring the men and women of the armed forces who lost their lives during World War II.

Which was read, considered and adopted.

Senators WAGNER, MURPHY, LAVALLE, KUKOVICH, WHITE, SCHWARTZ, COSTA, CORMAN, STOUT, JUBELIRER, FUMO, HART, KASUNIC, BELL and THOMPSON, by unanimous consent, offered **Senate Resolution No. 124**, entitled:

A Resolution supporting efforts to retain the Frick Family Archives in Pittsburgh.

Which was read, considered and adopted.

Senators WOZNIAK, JUBELIRER, LOEPER, BRIGHTBILL, WENGER, SALVATORE, TILGHMAN, ROBINS, PICCOLA, MELLOW, BODACK, O'PAKE, MUSTO, FUMO, KASUNIC, STOUT, ARMSTRONG, BELAN, BELL, BOSCOLA, CONTI, CORMAN, COSTA, DENT, EARLL, GERLACH, GREENLEAF, HART, HELFRICK, HOLL, HUGHES, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, MADIGAN, MOWERY, MURPHY, PUNT, RHOADES, SCHWARTZ, SLOCUM, STAPLETON, TARTAGLIONE, THOMPSON, TOMLINSON, WAGNER, WAUGH, WHITE and WILLIAMS, by unanimous consent, offered **Senate Resolution No. 125**, entitled:

A Resolution commemorating "Pearl Harbor Remembrance Day."

Which was read, considered and adopted.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I would like to speak on that resolution just a moment, please.

Mr. President, 58 years ago the Japanese attacked Pearl Harbor, and when I realized that there was no resolution being introduced today, I decided to put that in. Many of the Members of this Chamber, past and present, served in World War II. My father served on the European front and my Uncle Steve was on a ship in Alaska. I think it is important to note that these are the men and the women who changed the way the world is today. And lest we forget, I think it is important that Pennsylvania, the State that probably sent more of her young men to fight that war than any other State in the Union, makes sure that we memorialize every year on December 7 the attack and remembrance of the war that the Japanese descended upon us that committed us to World War II.

What I would like to do, Mr. President, since I just introduced it, would it be all right with all of the Members to have their names attached to that resolution unanimously?

The PRESIDENT. I believe that is imminently acceptable. Senator WOZNIAK. Thank you, Mr. President.

The PRESIDENT. Any objection to all Members attaching their names to this resolution? The Chair hears no objection. That will be accomplished.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 868 (Pr. No. 2773) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Agriculture, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds and for immunity for certain persons who reclaim abandoned lands or abate certain water pollution; making appropriations; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator TILGHMAN. Mr. President, I would like to speak for a minute, if I may, on the reason I voted in the negative on the amendment that was offered to this legislation a little earlier this evening. The part of the amendment that I did not like was the part of the amendment that removed the dedicated funding and requires that the dedicated funds that were from the realty transfer tax now come from the General Fund. The Governor has agreed to do this. This piece of legislation, as it now stands with the amendment, commits the Governor to doing that. I do not believe that we have the authority to commit the Governor to do that. For this reason I voted in the negative, as I always believed that the funds in this piece of legislation, all of them, should have been dedicated from the transfer tax.

This morning I called the Legislative Reference Bureau to ask them if this was possible, the amendment that previously went into the legislation, and they told me that the requirement is not unconstitutional, that is the requirement that the Governor put \$100 million into this fund for the next 5 years. And if the Governor does not request that funding--and this Governor will be gone, he cannot succeed himself, there will be a new Governor--the Senate can sue the Governor in Commonwealth Court. I think that is a most unfortunate situation to find ourselves in, and I hope it never comes to that, but that is the recourse, to obtain a court order demanding the funds be included in the budget. I hope it never comes to pass.

Other than that, let us say the Governor does not agree to continue the full implementation of this amendment, the General Assembly can put the money in the budget. And I am sure we will, and I am sure if it comes to a fight like that, the Govern-

nor will blue-line it. He can do that very easily. We all know that.

I believe in dedicated funding, and I would like to quote from a small piece from the Philadelphia Inquirer editorial today, at the bottom of the editorial. Most of the editorial lauded Senator Gerlach and his legislation that passed earlier, but at the very bottom it says, "The Senate took the right step in earmarking part of the state's real-estate transfer tax. Stick with it." We did not, and I am sorry.

Thank you.

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

Senator MELLOW. Mr. President, just several weeks ago in this body we passed Senate Bill No. 800, which we believed was the important piece of legislation to pass to guarantee and improve the quality of the environment here in Pennsylvania. Mr. President, when we passed that bill, there were those of us on this side of the aisle, namely Senator Musto, working with Senator White, and in the discussion that Senator Musto and I had this summer, we talked about the way that we could guarantee funding for the proposal so that the environmental concerns would be dealt with appropriately would be to establish a dedicated source of funding.

Mr. President, I honestly believe that the right way to do this particular program is not necessarily with the dedicated source of funding, but I think it is with the bond issue. The proposal that is before us, Mr. President, is for \$628 million and change. I think the proper amount, if you want to deal with all of the problems in the Commonwealth, would double that. It should be in excess of a billion dollars. But reality being what it is, it was virtually an impossibility that we would be able to pass legislation either with a dedicated source of funding or with a bond issue, and the reason why we could not pass that was because of some philosophical differences with the administration where they did not want a dedicated source of funding, nor did they want a bond issue to do this work.

Having said that, Mr. President, we then had a number of discussions about this proposal. The discussions have taken place with Senator White and Senator Loeper, and Senator Musto and myself. And we tried working in a nonpartisan, bipartisan manner to establish something that would be presentable that the Governor could accept and that we could move into the direction of protecting the environment in Pennsylvania.

Just 2 weeks ago we talked in one of our meetings and then I had a lengthy discussion with the Governor by phone last Friday. In the discussion I had with the Governor, Mr. President, I did not question the Governor's ability, nor did I question his commitment to this proposal. On Senate Bill No. 800, when I asked the Governor if he could give us a commitment from his administration that during the next 3 years he would guarantee to us that this proposal would be funded, he did that, and yesterday he sent me a letter talking about the funding mechanism, and upon my conclusion, Mr. President, I am going to submit this letter for the record so that there is no question some year down the road as to what the intent was either by the administration or by the General Assembly.

And in his third paragraph, Mr. President, he stated, "I," meaning the Governor, "am committed to including this amount in each budget for the remainder of my term as Governor...." Now, this amount in each budget is a total of \$628 million, and if you take the money that is needed in the General Fund over the period of time, it approximates somewhere around \$450 million, and when you factor in the transfers you get up to the \$628 million.

The Governor has committed himself to this General Assembly, by this letter signed by the Governor, to the Growing Greener proposal, and he has committed himself to his funding at the level that it will take to fund the budget over the next 3 years that he will propose budgets. Now I know there are some people in this Chamber who will say, well, suppose the Governor for one reason or another does not fill out his term, what then will happen to the Growing Greener proposal? Will we have legislation in place that will not have the proper type of funding? And that is a great concern to the Members on this side of the aisle and that is why we advocated a source of funding that was dedicated, Mr. President. Not being able to get that, having the Governor's commitment, I trust and believe that for the next 3 years while Tom Ridge is Governor of the Commonwealth that he will live up to his commitment.

Mr. President, the next best thing that we could do, not being able to bind a future General Assembly without having the proper type of budgetary considerations and budgetary certifications, and knowing full well that somewhere out there one of the appellate courts, and I believe it is the Supreme Court, a number of years ago addressed this particular issue, we then went ahead and worked in a bipartisan manner and put into the proposal that future budget submissions to the General Assembly must include the \$100 million from the General Fund.

Mr. President, I believe that there are and there will be sufficient representation in this Senate 4 years from now that exists tonight who know full well what the intent of the legislation is, know the hard work that has been put forth on a bipartisan basis by Members of this Senate, and what the concern is to try to maintain and improve the environment. There are enough of us in this Chamber here tonight who know exactly what the commitment is to go along with the letter from the Governor. Mr. President, if we have to go to an appellate court in some future year to guarantee this funding, I am prepared, if the good Lord spares me, and my constituents reelect me, to do that, to stand with the Members of the Senate at that particular time to guarantee that will take place.

With regard to the possibility of the Governor blue-lining, a line-item veto of a particular amount of money in the budget, I do not believe that Governor Ridge would do that. I do not know who the future Governor of Pennsylvania will be, but if that takes place, I think we will be prepared in this body, and I hope the other body would join us in being able to override the line-item veto to reinsert the money back into the budget for the purpose of protecting the environment.

Do I think the bill goes far enough? No. Would I like to see us appropriate \$1 billion to take care of the environmental considerations? Yes. Would I prefer to see a bond issue that would mandate and guarantee that? Absolutely. In lieu of that, would

I prefer to have a dedicated source of funding, which we advocated on this side of the aisle? I would want to do that, but I am also a realist, and I know that there are terrible environmental considerations in Pennsylvania.

When I first came to the Senate we had a \$500 million bond issue. Senator Tilghman was part of that at that particular time, so was Senator Holl, so was Senator Bell, so was Senator Stapleton, and myself, and I remember how important that piece of legislation was to the people of Pennsylvania. It guaranteed the abatement of acid mine water, it guaranteed the extinguishing of burning culm dumps, it guaranteed that we would be able to have clean water and recreation facilities in this State, and it also guaranteed we would be able to maintain the park system that we have in Pennsylvania, one of the greatest park systems in the United States.

I feel that if we pass this bill in this Chamber here this evening and send it on to the House of Representatives for their concurrence and the Governor affixes his signature, I think there are those of us in this body today and those of us who have the institutional memory for what has taken place in the past and how we want to guarantee the future of Pennsylvania's environmental protection, there are enough of us that we will make sure that \$125 million per year is spent properly to guarantee our children and our children's children that Pennsylvania will be a safe State environmentally, and I ask for an affirmative vote.

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

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

December 6, 1999

Honorable Robert Mellow
Senate of Pennsylvania
535 Main Capitol
Harrisburg, PA 17120

Dear Senator Mellow:

Senate Bill 800, the most recent version of "Growing Greener," presently contains over \$625 million for environmental projects as follows: \$50 million a year for acid mine clean-up, well plugging and watershed/clean water projects; \$32 million a year for state and local parks, open space and related community projects; \$32 million a year for sewer grants; and \$20 million a year for farmland preservation.

The current proposal would require an appropriation from the General Fund in the "Growing Greener" bill for the current year. For the remaining four years of the proposal, \$100 million will be appropriated in each budget to fund these projects. The balance shall be derived from transfers from other funds.

I am committed to including this amount in each budget for the remainder of my term as Governor of Pennsylvania. In addition, my staff has worked with Senator Loeper's office to develop language that statutorily mandates the inclusion of the appropriate amount of funding in the next four budgets, covering the duration of the "Growing Greener" proposal. This language will make "Growing Greener" a shared commitment of the Governor and the General Assembly.

I greatly appreciate the interest in protecting the environment displayed by all the members of the Senate. In particular, I appreciate

the work of Senator Musto and Senator Mary Jo White, Chairman, and the other members of the Environmental Resources and Energy Committee, on Senate Bill 800.

If the General Assembly adopts "Growing Greener" in the last week of the 1999 session, the involved departments can begin to fund projects on waiting lists and new programs immediately. It is my sincere hope that my commitment to you and the General Assembly regarding the funding of "Growing Greener" will enable this important legislative initiative to be resolved. Thereafter, we can move into the new century with an environmental program in place that will make a meaningful difference in the way we preserve the natural resources of Pennsylvania.

With best personal regards, I am

Very truly yours,

TOM RIDGE

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

Senator WHITE. Mr. President, I, of course, rise to support House Bill No. 868, formerly Senate Bill No. 800. A great deal of work has gone into this. I recognize, as the other speakers have indicated, that we are somewhat limited in the ways we can bind future legislatures and future governors, but I believe this bill, with its commitment of \$100 million per year in appropriations from the General Fund, is an honest commitment.

We are here, remember, implementing the Governor's Growing Greener initiative. This was the Governor's initiative in the first place. I recognize that we may, in the last year or in an out-year, have a different Governor, but with the type of support we have been getting from this Chamber for this legislation, I am confident that even with the vagaries of future elections, there will be sufficient people in this Chamber to carry out the purposes of this act, and certainly with Senator Tilghman at the head of the Senate Committee on Appropriations, I have no doubt that this will occur.

I am delighted that in fact it has been put in House Bill No. 868 to go over because, in fact, it makes a good bill even better. Representative Smith's House Bill No. 868 gives immunity to volunteers who clean up sites contaminated by mineral or oil extractions, old oil wells, old mining sites. It provides that the people who volunteer to do this, and we have many such people throughout the Commonwealth, will not thereby be assuming responsibility, legal responsibility for that site.

I think the bill that we had earlier in the summer in this body was somewhat anemic. I think the one that you are looking at today is a greatly improved, beefed-up bill. Is it everyone's dream bill? Of course not. Is there ever enough money to put into the environment to solve all of our problems, past, present, and future? Probably not. But as I stated when we passed this bill earlier, this is not a baby step, this is a huge giant step for the environment. We have written legislative oversight into this bill to a much greater degree than was in its predecessor so that people in this body will have an opportunity to make sure that the intentions of this group, of the Senate and of the House of Representatives, are in fact implemented by the Department of Environmental Protection, by the Department of Agriculture, by DCNR, and by the Governor's Office.

I am very proud of this bill. I want to thank Senator Musto, in particular, for his wonderful work and his staff for their work. And Senator Mellow, on the other side of the aisle, has been wonderful. Senator Loeper's staff, Donna and Steve, and my own Patrick Henderson have been wonderful to work with.

I want to thank the Municipal Authorities Association for agreeing to the elimination of the 339 sewage treatment grants in consideration of the greater good and of the greater good that they believe is going to come out of this initiative for water and sewage problems in Pennsylvania over the next 5 years, and hopefully beyond. I want to thank the environmental groups that kept our attention focused on this issue and lobbied very heavily for its passage.

We are very lucky, all of us here in this Chamber, to call Pennsylvania home, and I think this bill will make sure that our children and grandchildren, who hopefully will also live and raise their families in this wonderful State, will do so in an atmosphere of clean water, clean air, a healthy environment, and one that they will leave to their children.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I realize that this bill is going to pass overwhelmingly, and I am grateful that the Governor came out and proposed this concept. I am grateful that Senator White and Senator Musto worked in a bipartisan fashion and tried to get the best arrangement possible in their dealings with the administration. And I am grateful that we are going to get something, although it is still unclear to me exactly what and for how long.

But I tend to be a realist also, and I know that often whenever we address these issues and we feel good that we have done something, no matter how much it is, we usually do not revisit it, and that concerns me. It concerns me because there is so much more that we can do. And I would hate to see a unanimous vote. I intend to vote "no." I am not voting "no" because I am opposed to a little more money for parks or a little more money for PENNVEST or a little more money for some air pollution and other types of pollution control programs and because I am against farmland preservation. I think it is wonderful that we are doing something for that.

But there is, I think, and should be, a sense of frustration that whenever we have the opportunity, when we have the resources, and even though we know we cannot solve all the problems, that we do take baby steps. I think that sometimes we tell ourselves we have to do something, that getting something done is better than nothing at all. And I think that is true most of the time. I think most of the time we have to make incremental strides. I do not believe that this was the time. I think this is one of those few occasions where maybe nothing is better than something, because as I look at the numbers and how they may play out, I know that I cannot, in good conscience, go back to my district and sit across the table from some of my constituents and know we will not be able to solve their problems, know that the resources simply are not there. I just do not think that is fair.

I want my "no" vote not to be against anything, because I am glad of the bipartisan work that was done. But I want people to

ask me about my "no" vote, because I want my "no" vote to stand for the fact that we do need to revisit this, and I am hoping that the coalitions that tried to build a consensus will come back together again. I do not know if it will be this Session, probably not, but I would hope that this would be a priority while the economy is still good, while our bond rating is still high, as early as possible next Session to try to come back and provide funding sources that are much more meaningful and much more realistic to the problems of this Commonwealth, especially when we see virtually every State around us doing so much more. Actually, I find that to be embarrassing.

And so with my "no" vote, I am laying down the gauntlet that once this bill is signed into law and once we see back home how little it does mean, that we will return and try to do a lot more for the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

Senator WHITE. Mr. President, maybe I have not been around here long enough, but to me \$645 million sounds like a lot of money, and when you figure \$464 million of that is new money put into the environment, I think that to call this a baby step is absurd. This is the largest environmental initiative in the history of Pennsylvania. It is not replacing our budget for environmental causes, let us remember. Our environmental budget will still be there. This is incremental money. It will enable us to do so many of the things that we have not been able to do before. It is going to help clean up our rivers, clean up our acid mine drainage, clean up our old wells, restore our watersheds, and work on our water and sewage problems. It is not going to do everything, but I cannot believe that anyone can look at this bill and say this glass is one-quarter empty when we all know it is three-quarters full.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, House Bill No. 868 certainly does contain many great provisions for cleaning up and preserving our environment. In fact, Governor Ridge, early in his term, created the 21st Century Environmental Commission, on which I had the honor of serving, and the commission worked numerous months to identify our environmental problems here in Pennsylvania and also make reports and recommendations as to what we should be doing. House Bill No. 868, as amended, certainly does address many of the recommendations that the commission set forth. We talked about dedicated funding. The bill states the Governor's annual budget submission for fiscal years 2000 and 2001 shall include the sum of \$100 million per fiscal year. It does not say "may," it certainly does hold the Governor to a commitment that he "shall" request the funding for 4 years.

Also, the bill spells out the distribution of funds, and it states from fiscal years 2000 to 2004, over 21 percent for the Department of Conservation and Natural Resources, 37.4 percent to the Department of Environmental Protection, 14.8 percent to the Department of Agriculture, and 23.7 percent to PENNVEST.

I think that is a lot of money that would be very helpful in cleaning up our environment.

I, for one, was very concerned about a transfer of funds from the Recycling Fund. Well, the bill as it is written right now states the Secretary of the Budget shall provide quarterly financial statements showing the status of the Recycling Fund, the Hazardous Sites Cleanup Fund, and the Environmental Stewardship Fund, so we certainly do have some good protection, and in fact a report shall be submitted quarterly to the legislature. And I think they are great safeguards as far as we are concerned.

Much of the moneys will be used to repair and develop State Parks and our State forest lands. It will be also used for acid mine drainage abatement and to clean up and plug abandoned and orphaned oil and gas wells. It will be used to provide grants and technical assistance to county or other municipality, conservation districts, watershed organizations, and also local watershed-based conservation efforts.

So we may be critical of House Bill No. 868, and certainly it does not go far enough. I would like to see much more in this bill, but I believe we have a good environmental package here that will provide over \$625 million for the next 5 years, and it is definitely spelled out how the money would be distributed and used over that period of time, and I am very satisfied at the present time that we here in the Senate have hammered out a good bill. I think it is probably the most we could get at this point in time, and I request an affirmative vote.

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

Senator SCHWARTZ. Mr. President, I rise also to speak to this bill and to say that I do plan to vote for it, but I share with at least a couple of my colleagues some disappointment, and I think there is no reason to not express that disappointment that it is not all that we could have made it, that we are not—I certainly am not—wholly satisfied with this bill, although I do think it is a significant step. And the comments that were made about the very strong interests on the part of so many of us in both the House and the Senate to want to take a really bold action in protecting the environment, both to meet immediate pressing environmental needs and to protect the environment for the future, is something that I hope is heard loud and clear in this legislation. I think it is in part, and there is nothing wrong, Mr. President, with us both being for this legislation and expressing the fact that we are not fully satisfied. And that is not to in any way diminish the hard work that was done on this legislation, but it is on all of us to do far more than just to be satisfied with having talked about protecting our natural resources, being satisfied with what we have done. It is important for all of us to recognize that what we have done is an important step, but it is not by any means finished.

There was an opportunity here, Mr. President, and I will say that it was in Senate Bill No. 800 that we did a better job of making a lasting difference, in catching up on some pressing environmental projects and also in making a bold step for the future. We really had an opportunity to clearly state in law that we were going to dedicate, guarantee that there would be a set amount of money separate from the budget negotiations, the ups

and downs of the whims that happen in the legislature, what may seem current, what may seem most pressing, that these are good economic times now, it is a time when we could act on what we have been told is \$1.4 billion worth of pressing environmental projects.

Now those are large sums of money. One hundred million dollars a year sounds like a large sum of money, but in this bill we are still not making the kind of investment that we are seeing in other States that are far smaller, that have far less pressing problems that, Mr. President, we are told even today are not seeing the loss of open space and farmland and parks being gobbled up the way we are seeing it happen in Pennsylvania. Just today we see a report in which Pennsylvania is second only to Texas in having lost 1.12 million acres of open space in just 5 years, from 1992 to 1997. It does not even speak to what is going on potentially in the last 2 years. That is a lot of space to catch up on.

Do we have the kind of money that we need to in this legislation to protect open space, to protect our recreation and parks, to protect clean air and water for the future? The answer, Mr. President, is no. There is not enough money in this bill to be able to say there is a guarantee of that in the future, that there is a guarantee of that to our community. It does not say to the many counties across the Commonwealth that have put up their own bonds to protect open space, we are not saying to them that we are going to really be there for you in the way that we could be, Mr. President, because of our financial health in this Commonwealth.

Does this move us in the right direction? Yes, it does. Does it begin to tackle some of what we know needs to be done? Yes, it does. Does it create the kind of commitment? No, it does not. We are told that we are supposed to trust the Governor and the language that has been referred to in the bill that says that the Governor will present in his future budgets \$100 million to address many of these needs. Well, we were not quite sure, Mr. President. So we did ask the Governor to put it in writing to us, and I am very pleased that the Minority Leader has submitted those comments in writing so that we could be clear about the intent. But we have had to do a lot of pushing and shoving from the part of the legislature and the environmental groups to push this Governor to do more than what he originally proposed. Many of us are still not satisfied that there are fund transfers between some very good and important environmental projects and programs to other initiatives, that we are asked to be dividing up the pie for environmental projects more so than we might.

So I say it is back on us to continue to be vigilant, that it is not a finished process by any means, that by not having a dedicated source of funding we have not created any real guarantees. And I know we are sometimes accused of feel-good legislation, and the one thing I want to make sure of is that this is not feel-good legislation, that we have not put forward some very good language, but without the commitment of dollars both today and into the future, all it is is feel-good legislation. We need those dollars committed, and, Mr. President, we may well need more dollars to do the kind of catch-up and the kind of

commitment that many of us know we need to make and are not sure we are making in this legislation.

So I think it is a good step and I will be voting for it. I would be much happier and far more satisfied, and I would say to one of the previous speakers who was somehow maybe even offended that we were not more joyous in celebrating this legislation, that there is nothing wrong with our having very bold goals for our air and our water and our open space and our future, and we need to take those steps now, Mr. President. They cannot just be about rhetoric. It has to be about a very clear commitment, and that commitment means dollars. So I look forward and pledge to continue that vigilance on behalf of many of these initiatives because, Mr. President, this is a beginning and not a conclusion, and we should not be satisfied if we are truly going to be about protecting clean water and open space for the future.

Thank you very much.

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

Senator WILLIAMS. Mr. President, again I rise from the perspective of an urban legislator, and frequently people think some of these conversations elude us, but I will tell you I have read in *The Inquirer* of late the concerns of the EPA with communities such as mine. I have watched as suburban communities begin to resemble urban communities. I have watched as farmland has disappeared. I have watched this process not within the last 11 years that I have served in the legislative body, I have watched this almost my entire life. I have watched this through Republican administrations and Democratic administrations. Both have given a lot of rhetoric to the process.

This is not a small step, this is not a large step, this is a step for all of mankind, to coin a phrase. This is a step for all of Pennsylvania. This is one of the largest steps in the entire history of the Commonwealth. While many people do not pay attention to issues relating to the environment, the consequences of us neglecting it are replete through our society, and for those of us who will be paralyzed by perfection, I would turn your attention to when Kissinger flew to the Middle East. Could you imagine if he never got on that plane because he could not figure out how he would resolve the peace when he got there? Could you imagine if in these current contemporary times, if the people who inhabited that community did not make gestures to reach out to their brothers because it was not a perfect peace? Not only is it ridiculous, but society would be jeopardized nationally and internationally because of those consequences.

This is a time in which we stand today. Pennsylvania is in the center of this discussion, deserves to be in the center of this discussion, but requires, requires to put our money where our rhetoric has been. And that speaks not to just Republicans, that speaks to Democrats equally as well. It kind of baffles me that my dear friends from Luzerne County and Butler County have been receiving complaints the entire summer, have been bogged down in endless negotiation, have been in hearing after hearing, have had everyone have an opportunity to have input, have adjusted legislation unlike when you go through a budget time, and we are arriving at a day when we can actually complain about doing something. I do not understand that. I was not go-

ing to speak tonight, but I could not let this moment pass, when my dear friend from Luzerne County, who frankly deserves flowers not ashes on this day, when he along with his colleague from the other side of the aisle created a peace in this Chamber that I have not seen in my entire legislative history.

There are many, many, many more battles to come. Hopefully, we will be able to deal with crime, education, and the economy in a similar way, because to this point we have not been able to do it. I think that we have done an extraordinary thing here today, and for those who will howl at the moon, I will tell you what my grandmother used to say: you cannot pay the rent with the best of intentions. You have to pay the piper.

Thank you both, and congratulations.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, there must be something in the air tonight. I rise to echo the comments of the previous speakers, particularly the last speaker, the gentleman from Philadelphia. I rise to ask support for the bill before us, House Bill No. 868.

I thank the Lord every day for the honor and privilege to serve in this wonderful Chamber, the Senate of Pennsylvania, and I echo the sentiments of the prior speaker that I think today is a day of historic proportion, and I rise to comment on that while I seek the support of this bill. I think we have unbelievable bipartisan support today. We began with a business tax issue, we moved on to land-use reform, we are now helping the environment, and we are going to help our farmers shortly, and we have been able to work out our differences, and I hope we will in the next hour or 2. It is really an extraordinary moment from my short tenure here, and I just wanted to rise to express my gratitude to everybody involved, the leadership on both sides, the chairmen of the respective committees, on all the issues that we are dealing with tonight. I am very proud to be a Pennsylvania State Senator tonight, and I seek support of the bill before us.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I also rise in support of House Bill No. 868, the former Senate Bill No. 800, and I also compliment my colleagues Senator White and Senator Musto for the long, hard job in bringing forth this legislation. I also understand the concern of some of my colleagues that they would consider to have even greater concerns about some particular environmental issues and they would like to see pieces of this legislation go even further, but I agree with the general consensus of my colleagues that this is a good piece of legislation.

It is a good start in terms of moving forward on serious environmental issues as they relate to this Commonwealth, and even with the question related to the dedicated funding that the previous bill had in place, I can still support this legislation because I truly believe if Members of this General Assembly did not support the allocation of dollars in the future to support this legislation, we would be hypocrites in the process. We would be turning our backs on the environment of Pennsylvania. So

therefore it is very important, I believe, that we pass it and we make the commitment in the future to make sure that the dollars are present in future budgets to make sure what is in the legislation can be implemented.

One particular item in the legislation, Mr. President, that I wanted to speak to briefly relates to odor abatement. I have talked for months and possibly a year or 2 that the greatest issue related to the environment within my senatorial district, and possibly others in this Chamber, is the odor problem related to sewage treatment plants. It is a problem that is common throughout the Commonwealth of Pennsylvania and a problem that I believe, Mr. President, has not had the focus, the attention, the priority that it deserves, especially in the immediate area where these plants are located. I requested through Senator Musto and he made sure that language was incorporated in this legislation, just not in Senate Bill No. 800 but in the immediate bill that is in front of us, when at times I believe some, not in this Chamber but some, thought that language should not be part of this very important piece of environmental legislation.

It is about time, Mr. President, that we send a message to sewage treatment plants throughout the Commonwealth of Pennsylvania where a quality of life issue related to the odor problem associated with these plants is addressed as a priority equal to other issues in the operation of those plants. I have several plants in my senatorial district where, quite frankly, Mr. President, my constituents cannot go into their yards and have a barbecue on a summer night. There is no reason why a sewage treatment authority in the Commonwealth of Pennsylvania receiving State dollars in the operation of those authorities should not address that problem as a primary concern, as a primary issue, as the daily operation of those facilities. They should not be building new office buildings. They should not be buying trucks. They should not be hiring more employees. They should be addressing the odor abatement problem. And for once I have seen in legislation since I have been here that issue being addressed. There is a need to make sure that the department follows through with regulations to make sure that it is addressed, and I am hopeful and optimistic that will happen.

I am honored to vote for this piece of legislation, and again I thank the sponsors for all their work.

Thank you.

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	Greenleaf	Mowery	Tartaglione
Belan	Hart	Murphy	Thompson

Bell	Helfrick	Musto	Tilghman
Bodack	Holl	O'Pake	Tomlinson
Boscola	Hughes	Piccola	Wagner
Brightbill	Jubelirer	Punt	Waugh
Conti	Kasunic	Rhoades	Wenger
Corman	Kitchen	Robbins	White
Costa	LaValle	Salvatore	Williams
Dent	Lemmond	Schwartz	Wozniak
Earl	Loeper	Slocum	
Fumo	Madigan	Stapleton	
Gerlach	Mellow	Stout	

NAY-1

Kukovich

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

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4

SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS TO HOUSE BILL

HB 1848 (Pr. No. 2767) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L. 6, No.2), known as the Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development capital stock and franchise tax exemptions; continuing and expanding a tax credit to employers who hire certain individuals; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1848?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1848.

On the question,

Will the Senate agree to the motion?

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earl	Lemmond	Schwartz	Wozniak

Fumo
Gerlach

Loeper
Madigan

Slocum
Stapleton

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.

REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 1135 (Pr. No. 1563) (Amended) (Rereported) (Concurrence)

An Act providing for emergency drought relief, for commercial orchard and fruit tree nursery indemnity, for grants for flood damage and for powers and duties of the Department of Agriculture; establishing the Supplemental Individual Assistance Program; providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and making appropriations.

ANNOUNCEMENT BY MAJORITY LEADER

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, if we could take a moment for another special order of business before we take up another Supplemental Calendar, tonight is also the last evening of one of our employees here in the Senate who is going to retire, and this will be the last Session that she is here as our Reading Clerk, and I would like to just take notice and ask the Members to congratulate her on the occasion of her retirement from the Senate.

Bonnie Lazusky actually began her employment here in the Senate of Pennsylvania on January 16, 1984, and she was the first female in the history of the Senate appointed as the Reading Clerk in June of 1989. She also was the first female in the Senate Documents Room, and I think it is important that she has worked under two President pro tempores, both Senator Jubelirer and Senator Mellow, as well as having worked under two Lieutenant Governors, Lieutenant Governor Mark Singel and Lieutenant Governor Mark Schweiker.

Bonnie has decided that it is time to retire and really spend some time at home to become a full-time mother again to take care of her daughter, Jeanette.

Bonnie, on this occasion, we the Members of the Senate of Pennsylvania from both sides of the aisle and the employees who are here congratulate you on a job well done and a well-deserved retirement.

(Applause.)

The PRESIDENT. Thank you, Senator Loeper. That is certainly a most appropriate observation, and in the experience of the Chair, Bonnie certainly stands out as a very earnest employee, and I am sure will soon make it quite clear that she is an extremely effective mother, as she already is.

Thank you, Senator Loeper.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 5

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1135 (Pr. No. 1563) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for emergency drought relief, for commercial orchard and fruit tree nursery indemnity, for grants for flood damage and for powers and duties of the Department of Agriculture; establishing the Supplemental Individual Assistance Program; providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and making appropriations.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1135?

Senator LOEPER. 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. 1135.

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, I realize that the hour is getting late and that we have spent quite a bit of time both yesterday and today in deliberation of some very important pieces of legislation, and I also realize that Members start to tire after a certain period of time, but I have to beg the indulgence of the Members of the Senate for one last time this evening to talk about a bill that is very important to the individuals in this Commonwealth who are responsible for the number one industry in Pennsylvania, and that is agriculture.

Mr. President, names not to be mentioned, I have before me a report from an auctioneering company in Wayland, New York. The auctioneers, on a Saturday in February, are going to auction off a farm in Lackawanna County. Mr. President, they are going to auction off the farm because of a number of reasons, and in the notification for the auction, it talks about a wonderful offering of late-model, well-kept equipment, plus complete packing lines and cider presses. It talks about the conveyor belt that is on this particular farm, and it talks about the group of highly maintained farm trucks. All of the equipment is in excellent condition at this particular farm, but it says it is important to mark your calendar on this particular date because the farm is going to go up for auction. And, Mr. President, I hold in my hand a bill of sale for that farm, for the assets of a family farm that is operated locally by local people. The farm is operated by a master farmer, and the family has distinguished itself for many years as one of the best in northeastern Pennsylvania and in fact one of the best in the Commonwealth.

Mr. President, these people think we should be doing more for the farm families in Pennsylvania. They feel like they have

been let down, obviously by Mother Nature, and there was no question about that. They feel that they have been let down by the Federal government for not providing the proper type of money to help them out during the drought conditions. And now, Mr. President, they feel, apparently, that they are going to be let down for the third time by the Commonwealth of Pennsylvania. This particular family, come next spring and next summer, will be out of the family farm business, a business that they have had for many, many years.

Mr. President, I follow that letter up with another letter that I have which I mentioned today in the meeting of the Committee on Rules and Executive Nominations. This letter that I read in the meeting of the Committee on Rules and Executive Nominations, or at least referred to, comes from the Pennsylvania Farmers Union, and it is signed by Robert C. Junk, Jr., Pennsylvania Farmers Union State president. The letter did not only go to me, this letter went to every Member of the Pennsylvania Senate, and it says that the Pennsylvania Farmers Union represents 1,300 farm families across this State. It talks about the need and the plight of the Pennsylvania farmer, Mr. President, the number one industry in this great Commonwealth of ours, that they are people who do not ask for anything. They do not go to government officials, they do not go to elected officials, they do not go to any governmental agency to do things that they can do for themselves.

Unfortunately, Mr. President, the drought of 1999 left them in no other position but to come to the General Assembly. Mr. President, the Pennsylvania Farmers Union is asking us to vote "no" on any amendment or on any bill that does not provide drought relief in the amount of \$175 million in a drought package done only by State money, not by Federal money, to be matched by Federal money.

Mr. President, the Pennsylvania farmer has been our backbone. They not only provide the necessary nutrition that we need to run this great State of ours, but they are the number one industry in Pennsylvania. Now, I do not want to stand before the Senate this evening and say that we are turning our backs on the farm families in Pennsylvania because several weeks ago we passed from this Chamber Senate Bill No. 1135. Senate Bill No. 1135 was a bill that we would have liked to have been able to have done more with, but we were not in a position to be able to bring that about.

Mr. President, drought relief for the farmer is something that we on the Democratic side of this Senate have been pushing since the early summer. Senator Boscola and Senator O'Pake have introduced legislation to try to help the farmer. The farmer had nothing to do with the drought of 1999. We should have everything to do with making sure that the farmer who suffered from that drought of 1999 will be in business in the spring in the new millennium, in the spring of the year 2000.

Mr. President, the House of Representatives did in their wisdom what we did not do. They provided much more money that was needed to preserve the family farm in Pennsylvania than we did here in the Senate, and we on the Democratic side of the aisle support what they did in Senate Bill No. 1135 and they sent it back over to the Senate for our confirmation of the bill and concurrence on the bill. Mr. President, the emergency

drought relief fund in that bill appropriated \$263 million to aid the family farm in Pennsylvania. Not to aid the farmers in some other State, but to aid Pennsylvanians who are farmers, and we believe that is the type of money that should be made available to the farmer in Pennsylvania.

Now, Mr. President, we were not successful in defeating the amendment that was offered in the Committee on Rules and Executive Nominations that reduced that amount of money from \$263 million, I believe, down to \$65 million. So the House of Representatives, in their wisdom, by a vote of 193 to 0 on November 15, appropriated \$263 million to the Pennsylvania farmer to help them through the drought conditions of 1999. In the Senate, Mr. President, on a partisan vote, that money to help the family farm was reduced from \$263 million back to \$65 million. We think that is an inadequate amount of money to help preserve the family farm in this great State of ours.

MOTION TO SUSPEND RULE XIV

Senator MELLOW. Mr. President, at this point in time I would like to move that we suspend Rule XIV of the Rules of the Senate so that we can revert back to prior Printer's No. 1501 of Senate Bill No. 1135, for the purpose of preserving the family farm, and I ask for a roll-call vote.

The PRESIDENT. Senator Mellow has completed his remarks, and he is interested in suspension of Rule XIV.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, on the motion to suspend Rule XIV.

The PRESIDENT. Senator Loeper, the question as it stands is not debatable, and it is a matter for the Membership to respond and vote on the propriety of suspension of Rule XIV.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would just indicate that we had a pretty thorough discussion of the amendment in the meeting of the Committee on Rules and Executive Nominations today, and therefore I would ask my Members for a negative vote, please, on the rule suspension.

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

Senator MELLOW. Mr. President, I only ask that we vote in the affirmative so that we could suspend the rule and offer the amendment.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Helfrick and Senator Bell have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Without objection, those leaves are granted.

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

The PRESIDENT. The Chair would point out that an "aye" vote for Senator Mellow's request regarding suspension of Rule XIV would permit amendments to this bill on concurrence. Those in opposition believe that is not proper.

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

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

YEA-20

Belan	Hughes	Mellow	Stout
Bodack	Kasunic	Musto	Tartaglione
Boscola	Kitchen	O'Pake	Wagner
Costa	Kukovich	Schwartz	Williams
Fumo	LaValle	Stapleton	Wozniak

NAY-30

Armstrong	Greenleaf	Mowery	Thompson
Bell	Hart	Murphy	Tilghman
Brightbill	Helfrick	Piccola	Tomlinson
Conti	Holl	Punt	Waugh
Corman	Jubelirer	Rhoades	Wenger
Dent	Lemmond	Robbins	White
Earll	Loeper	Salvatore	
Gerlach	Madigan	Slocum	

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

And the question recurring,

Will the Senate agree to the motion to concur in House amendments, as amended by the Senate, to Senate Bill No. 1135?

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

Senator BOSCOLA. Mr. President, I rise to support concurrence in House amendments to Senate Bill No. 1135. When this bill originally came back to the Senate, it provided a lot more assistance to farmers who suffered great losses due to this year's drought, and I did not think that was a bad idea at all. I also did not think it was bad that we wanted to provide much needed disaster assistance, which this bill would now do, to those Pennsylvanians who lost so much during Hurricane Floyd.

But the fact is that this bill has been changed more than the oil in a farmer's tractor. Senate Bill No. 1135 still creates an emergency drought relief fund for farmers who lost their harvest and virtually all of their financial reserves this year, because it has been one of the worst droughts Pennsylvania has seen, at least in the last 100 years. These grants--and that is important, this bill provides grants not loans--these grants mean that our

small farmers can offset some of their crop losses. Some of my farmers suffered losses of up to 80 and 90 percent. These grants mean that they can be reimbursed for some of the money that they had to spend buying seeds and plants and hay to feed their livestock. And, Mr. President, these grants mean hope for so many farmers who are worried how they are going to pay some of their bills and still afford to buy supplies for next spring. Every day that we continue to debate or delay these grants, for whatever reason, is another day that one more farmer loses hope, one more farm goes up for sale, and one more future farmer decides that it is just not worth it.

Mr. President, as it originally passed the Senate, this legislation authorized \$50 million in funding to help our small farmers and our family farmers. Since that time, the Pennsylvania Farm Bureau has looked at all the data that has been collected on drought losses for farms all across Pennsylvania. What the Farm Bureau found was that approximately 50,000 farm families have suffered crop losses that exceeded \$700 million, \$700 million. Based on their figures, the Farm Bureau estimates that it will take a drought relief package of at least \$175 million to make a real positive impact on our family farmers, which is the number one industry in Pennsylvania.

And as it passed the House, Senate Bill No. 1135 authorized \$263 million to be used for drought relief for our farmers, and it also established a new and much needed \$10 million Penn Crisis Fund to help provide grants and low-interest loans to victims of small disasters. So unless I am wrong, we should have been happy that Senate Bill No. 1135, as it passed the House, provided more to help our family farmers, much more. And unless I am wrong again, I think my family farmers in Northampton County and Monroe County would have been very happy if we had provided them with \$263 million in drought relief.

But we are not going to do that here tonight, and that is something I really do not understand. I do not understand how Governor Ridge could publicly criticize Congress for not doing enough to help our farmers. And I know the Governor. I like him a lot. Most of the time I agree with him, but always you are going to disagree on something, and this is one area I disagree with. I think he was really sincere when he said that he knew that the Federal relief package passed by Congress simply would not do the job for our Pennsylvania farmers and that it was not enough. Governor Ridge was right to tell our congressional delegation that he wanted more for Pennsylvania farmers. And, Mr. President, we all know that the Federal relief package was not enough to help our family farmers, just as we know that the \$65.6 million package that we are dealing with right now is not enough for our farmers.

So here we are today. We should have been one roll-call vote away from passing a bill that would have provided more help for our farmers and send it directly to the Governor so he could sign it into law, but instead of doing that, instead of really helping our farmers, the Governor and the Members of his party have removed the House amendments from this emergency drought relief bill because it contained too much aid. Farming is our number one industry, but for some reason we should not do as much as we can to help our farmers today.

Mr. President, I suspect this is exactly the reason why so many men and women who live on a farm, who get up every morning at 4 a.m., do not like politicians. Those farmers needed help in June, and now it is December. Those farmers needed more from Congress, but we are being told that we should not do too much for them here in Harrisburg. And, Mr. President, those farmers, my farmers, do not understand why we took so long to pass an emergency aid bill, and neither do I. I mean, if there is an emergency on a farm, they move pretty darn fast. If a barn is on fire, they do not talk about it for 2 months before they put it out. They do not negotiate some middle ground, and they surely do not appoint a conference committee. They simply put the fire out. It is that simple. You either act fast or you lose everything.

Mr. President, thousands of our farmers stand to lose everything. Too many of our farmers have already lost everything. Let us do what we would do in an emergency situation, you act fast, you act now. Let us act to save our farms, save their farms, save their barns, not from a fire but from this terrible drought. My farmers do not understand how this administration and this body can be sitting on \$1 billion in surplus money and yet say we do not have enough money to help our farmers. I do not understand that either. Maybe that is why the president of the Pennsylvania Farm Bureau was quoted as saying it is an insult. Quote, "It is an insult to give our farmers \$50 million" --now it is \$65.6 million-- "when they have lost \$700 million," unquote. So we are going to give them \$65.6 million, but they have lost \$700 million.

I care about my farmers and I want to keep them farming. Mother Nature has been really cruel to our farmers this year. Congress has been cruel to our farmers this year, but we should not be cruel to our farmers, too. It is now December, the drought is over and most of us have not toured a farmer's field in months, but we cannot forget how much help our farmers really need. Mr. President, I am not a member of the Committee on Appropriations, but I know exactly how much our farmers need. Our farmers need as much help as we can possibly give them, and they need it now. We had a bill in this Chamber today that the House of Representatives sent us that would have provided more help for our farmers, but I dare anyone in this body to say that that drought relief bill that is now before us is as much as we can possibly give to our farmers.

And you know, it has been really easy, very easy to blame the Federal government for not doing more. But who are we going to blame tomorrow after this vote? Mr. President, as they say on Harold Kreger's farm, you cannot pick a crop until it is ripe, but after this year's drought, farmers like Harold Kreger learned that sometimes you just have to pick what you can and move on. Mr. President, it is too bad that the drought dried up our farmers' crops and it is too bad that politics dried up this drought relief bill, but like Harold Kreger, I have also learned that sometimes you have to pick what you can and move on. So I will be voting today to concur in the drought aid bill that is before us tonight.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Warren, Senator Slocum.

Senator SLOCUM. Mr. President, I rise to strongly support Senate Bill No. 1135. I believe this does provide proper drought relief to our farmers who need help the most. I would also point out, Mr. President, that the original proposal of the prior speaker was \$39 million. The proposal we are talking about today is \$65.6 million, plus some additional funding for other things. I think it is a substantial and significant amount of aid that we are providing to the farmers. Mr. President, when Senate Bill No. 1135 left this Senate with a unanimous vote and 34 sponsors, it was \$50 million. We now come back with a bill that is \$65.6 million in direct drought relief, again a significant difference.

Mr. President, we do not expect nor hope that we can make all of our farmers whole, but from a person who was born on a farm and raised on a farm, I understand that our farmers are prepared at times for the good years and the bad years. And this was not just a bad year, it was a horrible year. But, Mr. President, other States in their attempts to help their farm community have been far less lucrative in their proposals than what we are doing tonight. My understanding is that the largest single proposal in farm aid in other States was \$20 million. Our Federal government has only projected to provide \$75 million in aid to our farmers, and we are providing \$65 million, for a total of nearly \$140-plus million to our farm community. And granted, Mr. President, that is not going to make them whole. It is so important that we consider this relief tonight and get it passed and get the money on to those farmers.

This particular legislation is supported by one of the largest farm groups in Pennsylvania, the Pennsylvania Grange, and I would also like to point out it would be wonderful if we could provide \$500 million to our farmers, but let me tell you, Mr. President, one of the reasons we are in a position to provide \$65.6 million is because of fiscally conservative policies, because we do have a surplus, and without the fiscally conservative policies that have been in place the last few years by this legislature and by the administration, we could not provide anything to those farmers. I think that is an important point to make. And my good colleague, Senator Bell, pointed out, Mr. President, in the meeting of the Committee on Rules and Executive Nominations that our surplus at this point is \$140 million. If we in fact appropriated \$263 million, we would have to pass along a \$120 million tax increase, and I, as well as Senator Bell, am not prepared to vote for that. And keep in mind that that tax increase would also fall upon those farmers who were hard hit in the drought.

I think tonight, Mr. President, we have a sound, solid, fiscally conservative proposal that will help those farmers in their time of need. And as far as the timing, the most important thing is that we get the money out to them in time for their spring planting. This legislation will do that. This legislation, if passed by the House tomorrow, and I am assuming it will be signed by the Governor, can begin those payments before the spring planting for our farmers who need it the most and will keep them in business. And granted, Mr. President, we cannot keep them all in business. Some of their losses may have been too severe, and that sometimes happens. But we can keep that solid nucleus net

base out there while not robbing the bank to do that. So I urge all of my colleagues to support Senate Bill No. 1135.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia Senator Williams.

Senator WILLIAMS. Mr. President, while most of the attention tonight will certainly be upon those in need in the farm areas, there has been some attention given to communities which I and some others from the southeastern region of Pennsylvania have given a lot of time. And I want to simply thank the coordinated, collective, and comprehensive approach to the concerns of my constituents from Darby and Eastwicks and certainly from those from other surrounding counties who were affected by the flood. A little over a few, I guess 3 or 4 months ago, we were visited by flood waters in the areas of Pennsylvania that we are not used to, and in particular in Philadelphia County and Delaware County, and I began a discussion, then a chorus, then a cry, shouting as loud as I could to those who would listen that there was a need for disaster relief, and in particular flood relief.

And I will tell you that those concerns did not fall upon deaf ears, and I am eternally grateful for those who cooperated in this effort and am very respectful of the manner in which they have conducted this process. It has not only been eyeopening, but it has been extremely fair.

I would like to extend my personal gratitude to my dear friend from Delaware County, Senator Joe Loeper, who has been quite honorable in his effort to assist me and my constituents. While he does not represent the same district, he certainly borders mine, but it did not require him to extend his hand across the aisle and the sensitivity he has applied with regard to this, and frankly, his negotiation skills. I also want to thank my dear friend, Bob Mellow, who led our Caucus through confused waters on a very complicated issue, who provided leadership and support with concerns from those. And finally, I would like to thank the administration, particularly Governor Ridge, who on a consistent basis when I raise my voice and stand up and speak out, he attempts to respond, and for that the people of the Eastwicks and Darby communities will continue to be grateful.

Yes, I could stand here and say we need more, and I guess I will continue to complain about that like everybody else has, but fundamental, and underscoring fundamental, government in Harrisburg has heard the concerns and responded again in a historic manner, and to my knowledge, it is the first time they responded in this manner, and so I am grateful to be a part of this and appreciative of the work that has been done. I also want to thank the staff members who have worked assiduously on behalf of Senator Mellow's staff and certainly on behalf of Senator Loeper's staff to tie us into this, and with that I want to close and certainly I am in support of the current legislation.

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

Senator KASUNIC. Mr. President, I rise today to also support Pennsylvania's number one industry, agriculture. This year's drought has put Pennsylvania farmers in a severe financial crisis. Many of our farmers, particularly our family farmers, face losing their livelihoods as a result of this drought. Mr. Pres-

ident, Pennsylvania has 40,000 farmers. These farms took a combined loss of \$500 million as the result of this drought. And farmers are not the only ones who are hurting. The entire rural community is in financial crisis as a result of this drought. Businesses that service the farm community have been forced to carry outstanding accounts as a result of this disaster.

Mr. President, our farming community has sacrificed so much in the last several years, particularly in the bad years, in order to give us all the bounty of fresh foods. Today we had an excellent opportunity. However, I cannot help but feel we are missing that opportunity by not providing more money. Considering the huge budget surplus that we have today, I would have thought that we could have done something more substantial for our State's number one industry. Mr. President, due to substantial financial losses suffered by our farmers, coupled with the small amount of money contained in this bill, I predict, I predict that this legislature will be back and we will be revisiting this issue maybe later this winter or this spring, but I am telling you today we will be revisiting this issue. The farming community simply cannot operate after sustaining the amount of losses they did this past summer and receiving such little help from the State.

However, Mr. President, this is the amount before me and certainly I intend to vote for it. While I feel it should be more, it is something. Farmers have worked hard for all of us for so many years. It is now time to pay them back. Let us not disappoint them. I urge an affirmative vote on this piece of legislation and look forward to working with my colleagues here in the Senate come the new year, because as I said, I predict we will be back revisiting this issue.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, we have the opportunity this evening by voting to concur in the amendments to Senate Bill No. 1135 to do a very positive and a very constructive thing for the farm families of Pennsylvania. It has been a very difficult and trying year for farmers, basically because of weather conditions, but that is not the only challenge that our farm families face. Many of the prices for the crops and the commodities they raise have been on the low side, some downright depressed this year, and when you throw that in along with the drought and the short harvest that many of them had, it has been a very difficult year.

Traditionally, we have looked to the Federal government through the Farm Service Agency as an arm of the U.S. Department of Agriculture to administer financial assistance to those kinds of financial needs on our farms across the United States. And indeed the Federal government is again, through those agencies, responding. We do not have the exact figure but pretty close, and we are looking at at least \$75 million coming into Pennsylvania for drought assistance through the Federal program.

But tonight we also have an opportunity to do something beyond that, to do something very positive right here in our State Capitol in Harrisburg, Pennsylvania, that can mean a lot to the farm families across Pennsylvania, and we can do that by

voting for the bill before us. It will provide \$60 million in direct assistance, and these are not loans, Mr. President, these are grants. This is not money that has to be repaid when you have a better year, but these are grants. And it is, to the best of my knowledge, the first time that we have done this for drought assistance. There was some State assistance in Hurricane Agnes, but that was a different kind of a situation. It is appropriate that we do this because the year was a disaster year. It was not just a tough year for farmers, it went beyond that, and so we are at this point reaching out a helping hand to our farm families to keep them in business to assure they will have money to plant a new crop and hopefully do better in the year 2000.

Now, one of the previous speakers brought to our attention that a certain farm is being sold, I believe in Lackawanna County, and indicated that we needed to do certain things to prevent this from happening. I would point out, Mr. President, that farms are sold every year in Pennsylvania for a variety of reasons. Drought could well be one of the reasons why you would have a farm sold. But there are many other reasons as well, and if we are really truly serious about helping the farm families in Pennsylvania, then we need to look at all those other things as well. And in just a few short months we are going to be considering a State budget, and if we want to really assist our farm families, then let us be sure that we do those things that will help them define markets for the crops that they produce, both export and domestic markets. Let us be assured that agricultural research and extension are adequately funded, and that we assist in the promotion of those products that they grow.

You can have farms being sold, you can have farms fail in a year when you have bumper crops, and so the cause and the problem goes way beyond the drought itself. But the drought is before us tonight, and we have this opportunity. This bill that we have before us appropriates \$15 million more than the bill that we passed just a few weeks ago, and it provides \$65 million more than the farmers have had before. A larger figure has been mentioned that may have been in this bill earlier, but that bill never became law. The farmers never received anything. But we have the opportunity tonight to act in a decisive fashion and pass this bill and get it back over to the House so that farmers can receive their checks on a timely basis. It is the least we can do. Timing is of essence. We need to get the funding out on a timely basis for them to prepare for the spring season.

So we have this opportunity, and I would encourage all of the Members of the Senate to vote in the positive here, to move forward with this assistance that is needed by our farm families.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I am so glad that this evening we are going to end this year of Session by helping Pennsylvania's finest and Pennsylvania's best. Could we have done it earlier? Absolutely. I think we should have. But there is no doubt there has been some, quite a bit actually, quite a bit of debate and some lack of agreement along the way. I was not going to speak tonight, but I have listened to this go on and on and on, and you know it was a dry year for farmers, so they were not very fortunate when it came to their hay crop and making

hay, but there is something that I have been wanting to say throughout this entire debate that I am going to do tonight, and it has to do with making hay. There has been an awful lot of hay made politically over this issue, I feel. We hear about the sad stories from the family farms, and we hear about the farms that are going to be sold and we hear about the dealerships that are possibly going to go under and how this all trickles down into the communities.

And sometimes some of the stories that we heard actually make it sound like Pennsylvania's farmers are a bunch of dummies. That is what the stories sound like to me. And that is the most ridiculous thing that I have ever heard, because Pennsylvania's farmers are not a bunch of dummies and they are not a bunch of people who do not plan for these types of years. They are a can-do community who supported our State for years, and they planned for years like this year. They plan for droughts. They plan for hard times. And the farmers I know in York County who I have talked to and visited with, because there also have been comments to make it sound as if nobody else in this Chamber has gone out to visit a farmer or talked to a farmer or found out what is going on, and I have to believe that almost everyone here has, at least any Member who has a farm in their district, and what the farmers in my district have said to me and what friends in my district have said to me when I asked them how the drought has affected them, they shook their heads, pulled their hats down a little bit and maybe looked down and they said, well, you know it has been kind of tough, but we are going to be all right. We are going to be all right. It is one of those years.

They are not the poor, I hate to say this, but some of the comments I have heard here on this debate, they are not the poor, they are not the dumb people who some people want to make them out to be. They have planned for this year, and when I asked, what should we do for you, they said, well, you know, a grant would be okay, it might help us to buy a couple of seeds, but most of them, what have they been doing while we have been talking the last several months, and I am throwing this on both sides of the aisle, but while we have been talking about it, they have been working. Most of them have seeds, their winter crops are in the field. They are up, they are green. Their winter wheat is growing and the barley is growing. The weather has been good. There have been a lot of them making silage and trying to make hay through November to try to get in what they can with the warm weather we have had.

And I heard a comment a little while ago about why farmers distrust politicians, how they distrust us. What I think farmers do not like about politicians is we goof around too much. We sit around and talk about it. We argue about it too long, because they should have had this money, this \$60 million, \$65 million, whatever it is going to be, they should have had it long ago, but every time the issue comes up, somebody on the other side, back and forth it goes, wants to make it sound a little bit better and make a little more political hay out of it. We should finish tonight. Haymaking time is over. Haymaking season is done. Let us get it finished, the farmers need this money now. So let us get it done tonight.

Before I close, I would just like to commend Senator Slocum, the chairman of the Committee on Agriculture, for the work that he has put into this. I know it has been trying along the way, not only here amongst the membership, but also in some of the outside groups that are involved in this discussion, and I think he has done a yeoman's job in moving this along, not only on drought relief but on flood relief for those areas affected this summer, and also on behalf of York's neighboring county, Adams County, on the issue of the plum pox virus. Those folks over there really appreciate the money that is in this bill this evening for them.

So, Mr. President, I think it is time we close the doors to the barn. Haymaking season is over. It is time to get on with the program and get the crops in for the next year. I would like to thank everyone for supporting this bill tonight.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I rise to urge my colleagues to support this bill. To show you how diverse we are in Bucks County, my colleague, Senator Conti, has been fighting hard these last few months for drought relief, while he has been fighting for drought relief, I have been fighting for flood relief. And literally 10 miles apart from where we have had drought problems, we have had flooding problems, and it is very essential to my district that we get some flood relief in there, and not just to help them fix their homes, but to help people to buy their homes out. People are out of their homes and displaced, and it is a very urgent need that we get in there right away and assure these people that we can buy this house, take it off their hands, get it out of harm's way, and prevent us from coming back years later and investing more tax dollars or insurance dollars to fix up a home that was destroyed by a flood.

The Lieutenant Governor was in my district months ago when we had the flood, and he and I walked through the neighborhoods with PEMA officials, and it is very disheartening and discouraging to walk through and see the suffering that these people have gone through, to walk through a home where the water is into the second floor or 4 or 5 feet high on the first floor. We were out at 2 o'clock in the morning watching people try to pump basements out, the water was coming in the back window faster than it was going out the front window. It is unbelievable to think that we went through this devastating flood and PEMA and FEMA were unable to buy out some of the worst destroyed homes. We had homes that were actually moved right off of their foundations. What we are able to do in this legislation now is provide \$10 million to buy these homes out so that we can get these homes out of harm's way, get these people into homes where they will not have to suffer through this again.

And the beauty of this is that we got the local commissioners and the local officials to put up 50 cents for the dollar. We are only putting up half of the money. The locals are putting up the other half, and we are going to match that with State money so we can relieve this.

I want to thank the Lieutenant Governor and the Governor for their trips over to Delaware County to see the flooding problems that they had over there. I urge my colleagues to vote for

this drought relief and flood relief all in one bill to help the citizens of this Commonwealth, to provide some relief for them. It is much needed. I urge adoption of this.

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

Senator RHOADES. Mr. President, I am standing here saying maybe this is kind of ironic that I may be asking the last question in this century, because this is really our last Session in the 1900s. Next time we come back, it will be after. But this is very important.

Mr. President, would Senator Slocum stand for interrogation?

The PRESIDENT. Senator Slocum, will you stand for interrogation?

Senator SLOCUM. I will, Mr. President.

Senator RHOADES. Mr. President, does the bill allow funds to be used or spent for irrigation?

Senator SLOCUM. Mr. President, as the bill is currently constructed, there is no money in there for irrigation or the high-tech industries. There is, however, in the Senate Committee on Agriculture a bill which addresses that issue, and I am committed to holding hearings on that bill in the very near future, shortly after the first of the year.

Senator RHOADES. Mr. President, then it is the gentleman's intention to hold committee hearings on this to address the issue of irrigation so that funds and activities can be so provided to our farmers to add to this bill we are addressing today?

Senator SLOCUM. Mr. President, that is correct.

Senator RHOADES. Mr. President, I thank the gentleman for his response. I also thank him for the great job he did on this bill. It was not easy. I know that, because you get pulled in a number of different ways, and I think he did a yeoman's job in giving us an opportunity to at least begin to help our farmers in this dire problem.

Thank you, Mr. President.

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

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Dent	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

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.

REPORTS FROM COMMITTEES

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

SB 636 (Pr. No. 672)

An Act amending the act of September 30, 1983 (P.L. 160, No. 39), entitled Public Official Compensation Law, further providing for the compensation of senior judges.

SB 1173 (Pr. No. 1560) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of attempted homicide by discharge of a firearm into an occupied building.

HB 28 (Pr. No. 2769) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for harassment and stalking, providing for reimbursement to Commonwealth for business relocation, further providing for drug trafficking sentencing and penalties; and providing for split sentences.

HB 877 (Pr. No. 2770) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile history record information and for the definition of "local agency" for purposes of matters affecting governmental units.

HB 1724 (Pr. No. 2771) (Amended)

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.

HB 1970 (Pr. No. 2457)

An Act amending the act of February 14, 1990 (P.L. 62, No. 11), known as the Noncontrolled Substances Reporting and Registration Act, further providing for chemicals subject to registration and for penalties.

HB 1971 (Pr. No. 2458)

An Act amending the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further defining "designer drug"; further providing for prohibited acts, and making an editorial change.

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

SB 1101 (Pr. No. 1341)

An Act amending the act of July 28, 1953 (P.L. 723, No. 230), entitled, as amended, Second Class County Code, further providing for payments by employees into the retirement system, for amount of retirement allowances and for charter limitations.

SB 1202 (Pr. No. 1521)

An Act repealing acts relating to enrollment taxes.

HB 164 (Pr. No. 152)

An Act amending the act of February 1, 1974 (P.L. 34, No. 15), known as the Pennsylvania Municipal Retirement Law, further providing for administrative expenses.

HB 1180 (Pr. No. 1337)

An Act repealing the act of April 16, 1845 (P.L. 532, No. 348), entitled "An act to increase the revenues and diminish the legislative expenses of the commonwealth."

DISCHARGE PETITIONS

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

December 7, 1999

A PETITION

To place before the Senate the nomination of Megan L. Consedine, as a member of the State Board of Cosmetology.

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 Megan L. Consedine, as a member of the State Board of Cosmetology, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Michelle M. Grove, as a member of the Drug, Device and Cosmetic Board of Pennsylvania.

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 Michelle M. Grove, as a member of the Drug, Device and Cosmetic Board of Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the Drug, Device and Cosmetic Board of Pennsylvania.

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 Donna Kriner, as a member of the Drug, Device and Cosmetic Board of Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Samuel L. Cohn as a member of the Board of Trustees of Edinboro University.

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 Samuel L. Cohn as a member of the Board of Trustees of Edinboro University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Fritz Bittenbender, as a member of the Pennsylvania Game Commission.

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 Fritz Bittenbender, as a member of the Pennsylvania Game Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Michelle Grove, as a member of the Board of Trustees of the Harrisburg State Hospital.

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 Michelle Grove, as a member of the Board of Trustees of the Harrisburg State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of James M. Adovasio, Ph.D., as a member of the Pennsylvania Historical and Museum Commission.

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 James M. Adovasio, Ph.D., as a member of the Pennsylvania Historical and Museum Commission., before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Robert L. Pitts, as a member of the Industrial Development Authority of Pennsylvania.

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 Robert L. Pitts, as a member of the Industrial Development Authority of Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Doris M. Leisch, Esq., as Judge, Municipal Court.

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 Doris M. Leisch, Esq., as Judge, Municipal Court, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Michelle Grove, as a member of the State Board of Examiners for Nursing Home Administrators.

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 Michelle Grove, as a member of the State Board of Examiners for Nursing Home Administrators, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Megan L. Consedine, Esq., as a member of the Advisory Committee, Probation.

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 Megan L. Consedine, Esq., as a member of the Advisory Committee, Probation, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Valerie Smith, as a member of the Pennsylvania Public Television Network Commission.

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 Valerie Smith, as a member of the Pennsylvania Public Television Network Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the State Board of Examiners for Speech-Language and Hearing.

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 Donna Kriner, as a member of the State Board of Examiners for Speech-Language and Hearing, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the Board of Trustees of the Warren State Hospital.

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 Donna Kriner, as a member of the Board of Trustees of the Warren State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Andrew T. Porzio, Jr., as a member of the Board of Trustees of the Wernersville State Hospital.

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 Donna Kriner, as a member of the Board of Trustees of the Warren State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Valerie Smith, as District Justice, Allegheny 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 Valerie Smith, as District Justice, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Annette Steele, as District Justice, Allegheny 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 Annette Steele, as District Justice, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

December 7, 1999

A PETITION

To place before the Senate the nomination of Wilma M. Toth, as a member of the Pennsylvania Council on Aging.

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 Wilma M. Toth, as a member of the Pennsylvania Council on Aging, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

The PRESIDENT. The communications will be laid on the table.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. John MacAlarney, Mr. and Mrs. David Huber and to Mr. and Mrs. Edward J. Conlin, Jr., by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Whitby by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony G. Giglio, Mr. and Mrs. Alexander Nagurney, Mr. and Mrs. Armando Zambone, Mr. and Mrs. John R. Lilly, Phillip Andrew Warner and to Lehigh Valley Industrial Park, Inc., by Senator Boscola.

Congratulations of the Senate were extended to Robert Miller and to Grim's Greenhouse and Farm Market of Breinigsville by Senators Brightbill and Dent.

Congratulations of the Senate were extended to Carolyn Calkins Smith and to Herman Silverman by Senator Conti.

Congratulations of the Senate were extended to Brad W. Kuntz by Senator Corman.

Congratulations of the Senate were extended to the Alderdice High School Band of Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to Dr. Denny G. Bolton, the Honorable Susann E. Welsh and to Everett H. Wilson by Senator Gerlach.

Congratulations of the Senate were extended to Michael Hudek, Ronald Pawloski and to Richard T. Ealing by Senator Hart.

Congratulations of the Senate were extended to Eli Rutkowskie, Columbia County Board of Commissioners and to the Union County Planning Commission by Senator Helfrick.

Congratulations of the Senate were extended to Laura B. Clemens by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John Weibel by Senator Kukovich.

Congratulations of the Senate were extended to the Enon Valley Community Volunteer Fire Department by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. George Searfoss and to the Wyoming Valley West High School Girls' Water Polo Team by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Fred H. Otterbein, Mr. and Mrs. Marvin F. Springman, Mr. and Mrs. Paul S. Harris, Bethany Heyler, Ann Ridge and to Mary Ridge by Senator Madigan.

Congratulations of the Senate were extended to Ray and Kathryn Pensinger and to Christian Steinbach by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Boyer and to Phillip Andrew Warner by Senator Rhoades.

Congratulations of the Senate were extended to Andrew Anthony Dulin by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Lohr by Senator Stout.

Congratulations of the Senate were extended to Joyce Adams McLean and to Florence D. Hunt by Senator Thompson.

Congratulations of the Senate were extended to the Radnor High School Girls' Soccer Team by Senator Tilghman.

Congratulations of the Senate were extended to Donald Mee, Walter Wise, Jack Terhune and to Roy Hendricks by Senator Tomlinson.

Congratulations of the Senate were extended to Ronald M. McCoy by Senator Williams.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late James E. Hresko by Senator LaValle.

Condolences of the Senate were extended to the family of the late John B. Harhai by Senator Stout.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 636, SB 1101, SB 1155, SB 1170, SB 1173, SB 1202, HB 28, HB 164, HB 877, HB 1099, HB 1180, HB 1724, HB 1970 and HB 1971.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 739** and **1268**.

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 167, 555** and **1100**.

BILLS INTRODUCED AND REFERRED

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

December 7, 1999

Senators ROBBINS, PUNT, KITCHEN, SALVATORE, WAUGH, BELL, LEMMOND, COSTA, SLOCUM, MUSTO, KASUNIC, WENGER, STOUT, THOMPSON, MOWERY, GREENLEAF and RHOADES presented to the Chair **SB 1214**, entitled:

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

Which was committed to the Committee on LABOR AND INDUSTRY, December 7, 1999.

Senators EARLL, TOMLINSON, TARTAGLIONE, O'PAKE, THOMPSON, SALVATORE, PICCOLA, DENT, BELL, GERLACH, COSTA, WENGER, WAUGH, KASUNIC, LEMMOND, ROBBINS, RHOADES, SLOCUM, HART and BOSCOLA presented to the Chair **SB 1224**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), entitled Crime Victims Act, further providing for definitions, for victims' rights, for law enforcement functions and for prosecutorial functions, providing for juvenile probation office functions, and further providing for costs.

Which was committed to the Committee on JUDICIARY, December 7, 1999.

Senator DENT presented to the Chair **SB 1225**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to remove the use restriction and reversionary covenant on the real estate conveyed to East Allen Township Volunteer Ambulance Corps, situate in East Allen Township, Northampton County.

Which was committed to the Committee on STATE GOVERNMENT, December 7, 1999.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bills:

SB 167, SB 555, SB 1100, HB 739 and HB 1268.

CALENDAR REREFERRED TO COMMITTEE

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I move that all the bills on the Calendar be rereferred to the Committee on Rules and Executive Nominations.

The PRESIDENT. Senator Loeper moves that all the bills on today's Calendar be rereferred to the Committee on Rules and Executive Nominations.

On the motion,

Will the Senate agree to the motion?

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

ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, January 4, 2000, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The PRESIDENT. It has been moved by Senator Loeper that this Senate do now adjourn until Tuesday, January 4, 2000, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 9:13 p.m., Eastern Standard Time.