

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, OCTOBER 10, 2000

SESSION OF 2000 184TH OF THE GENERAL ASSEMBLY

No. 39

SENATE

TUESDAY, October 10, 2000

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Pastor MICHAEL L. HECKATHORN, of Zion Lutheran Church, Harrisburg, offered the following prayer:

Let us join in reflection and prayer.

Almighty God, keep this Commonwealth under Your watchful care. May we live securely in peace and be guided by Your providence. Watch over those who are entrusted with governance. Make them pure and honest, keep them from temptation, from favoritism, from prejudice, from indolence, and neglectful duty. Create in them a desire to serve faithfully. Attend their efforts that their work may not suffer. Permit them to experience the joys of noble service completed for a grateful people. Encourage cooperation from those who are served and from those who help to serve. Use every willing service and every effort to put forth good government.

As we near another election day, we give You thanks for the freedom we enjoy to differ and to choose those who serve in government. Let campaigns be filled with integrity and honesty, mutual respect for opponents and citizens.

And especially on this day we pray that you would keep us firm in standing against prejudice and hatred. Give those gathered in this Senate today the wisdom and strength to know Your will and to do it. Help them remember that they are called to serve the people as lovers of truth and justice. Amen.

The PRESIDENT. The Chair thanks Pastor Heckathorn, 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 October 4, 2000.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The 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:

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

October 5, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Denis P. Cohen, Esquire, 6447 Woodcrest Avenue, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Petrese B. Tucker, resigned.

THOMAS J. RIDGE
Governor

SHERIFF, TIOGA COUNTY

October 5, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John L. Perry, 25 Dantz Run Road, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for appointment as Sheriff, in and for the County of Tioga, to serve until the first Monday of January 2002, vice Lamar G. Green, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

October 10, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fritz Bittenbender (District 8), 4400 Colonial Road, Dover 17315, York County, Twenty-eighth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tuesday of January 2008,

or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald N. Lacy, Reading, whose term expired.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

October 10, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathrynann W. Durham, Esquire, 16 Pond's View Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January 2002, vice The Honorable R. Barclay Surrick, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 618, 648 and 1223**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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:

October 5, 2000

Senators SALVATORE, HOLL, GERLACH, HELFRICK, TOMLINSON, LAVALLE, WAUGH, BRIGHTBILL, TILGHMAN, BOSCOLA, CONTI, LEMMOND, MOWERY, ROBBINS, KASUNIC, RHOADES and CORMAN presented to the Chair **SB 1556**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), entitled State Lottery Law, further defining "maximum annual income"; and further providing for PACENET eligibility.

Which was committed to the Committee on AGING AND YOUTH, October 5, 2000.

Senator WAGNER presented to the Chair **SB 1557**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), entitled Unfair Insurance Practices Act, further defining "unfair methods of competition" and "unfair or deceptive acts or practices."

Which was committed to the Committee on BANKING AND INSURANCE, October 5, 2000.

Senators MOWERY, KITCHEN, TOMLINSON, MUSTO, TILGHMAN and LEMMOND presented to the Chair **SB 1558**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for meeting or overtaking school bus.

Which was committed to the Committee on TRANSPORTATION, October 5, 2000.

Senators PICCOLA, HELFRICK, PUNT, HOLL, SALVATORE, WHITE, FUMO, O'PAKE, HART, TARTAGLIONE, MOWERY and CORMAN presented to the Chair **SB 1559**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for exemptions for food employee certification.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 5, 2000.

RESOLUTIONS INTRODUCED AND REFERRED

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

October 4, 2000

Senators SCHWARTZ, COSTA, TARTAGLIONE, BOSCOLA, BELAN, O'PAKE, MELLOW, KITCHEN, KASUNIC, WOZNIAK, STOUT, BODACK and KUKOVICH presented to the Chair **SR 216**, entitled:

A Resolution directing the Joint State Government Commission to establish a task force to study issues relating to the quality of education and the increased employment of part-time faculty at the Commonwealth's institutions of higher education and to make a report to the Senate.

Which was committed to the Committee on EDUCATION, October 4, 2000.

Senators ARMSTRONG, WENGER, CONTI and THOMPSON presented to the Chair **SR 217**, entitled:

A Resolution memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issue of a commemorative stamp honoring Thaddeus Stevens.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, October 4, 2000.

October 5, 2000

Senators HUGHES, MELLOW, FUMO, WILLIAMS, KASUNIC, O'PAKE, WOZNIAK, STOUT, MUSTO, SCHWARTZ, KUKOVICH, BODACK, COSTA, WAGNER, BOSCOLA, LAVALLE, KITCHEN, TARTAGLIONE, BELAN and STAPLETON presented to the Chair **SR 218**, entitled:

A Resolution memorializing the Congress of the United States to expeditiously enact legislation, House of Representatives No.4094 (H.R. 4094), which funds the construction, rehabilitation and repair of public schools, and encouraging Governor Thomas J. Ridge to support the legislation and urge its passage by Congress.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, October 5, 2000.

BILLS SIGNED

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

HB 398 and HB 2037.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 618, 648, 706, 1173, 1219, 1223, 1271, 1296, House Bills No. 599, 1140, 1443, and certain nominations.

REPORTS FROM COMMITTEE

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

SB 1262 (Pr. No. 2215) (Amended) (Rereported)

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

SB 1447 (Pr. No. 1957) (Rereported)

An Act amending the act of May 17, 1921 (P.L. 682, No. 284), entitled The Insurance Company Law of 1921, further defining "insurer" and "person" for purposes of insurance holding companies; and further providing for standards and management of an insurer within a holding company system.

SB 1453 (Pr. No. 2156) (Rereported)

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

SB 1531 (Pr. No. 2216) (Amended) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21) entitled, as reenacted, Liquor Code, further providing for definitions, for standing at hearings on license applications, for posting of notice of application for a license, for issuance of licenses and for sales by liquor licensees; repealing provisions relating to certain types of licenses; providing for a public venue license and for a performing arts facility license; further providing for stadium or arena permits, for limiting number of licenses in each municipality, for places of amusement not to be licensed, for renewal of licenses, for local option and for unlawful acts relative to licensees.

HB 47 (Pr. No. 3953) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful restraint, for false imprisonment and for obscenity; and providing for sex offender treatment.

HB 1604 (Pr. No. 4070) (Amended) (Rereported)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for recording plats and deeds, for applicability of ordinance amendments and for validity of ordinance and substantive questions.

HB 2200 (Pr. No. 4003) (Rereported)

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further defining "franchise"; and further providing for powers and duties of the State Board of Vehicle Manufacturers, Dealers and Salespersons, for protest hearing decision within 120 days unless waived by the parties, for reimbursement for all parts and service required by the manufacturer or distributor, for reimbursement audits, for unlawful acts by manufacturers or distributors, for restriction of manufacturer invoking a right of first refusal and for limitations on establishing or relocating dealers; and making editorial changes.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, October 10, 2000

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 13, 2000, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 13, 2000, unless sooner recalled by the Speaker of the House of Representatives.

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

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Bodack and Senator Fumo, and a temporary Capitol leave for Senator Boscola.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Bodack and Senator Fumo, and a temporary Capitol leave for Senator Boscola. Without objection, those leaves are granted.

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained leaves of absence for Senator BELAN and Senator STAPLETON, for today's Session, for personal reasons.

CALENDAR

SENATE RESOLUTION No. 119 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 119**, entitled:

A Resolution memorializing the President and Congress of the United States to proclaim and designate the week of October 8 through 14 this year and each year hereafter as "The Mighty Eighth Air Force Week."

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAMES W.
GERLACH PRESENTED TO THE SENATE**

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

Senator GERLACH. Mr. President, we have as guests today the students from the Jefferson Citizenship Initiative in Chester County. This was a program started earlier this year with a collaboration of school districts in Chester County to focus on civic education in our schools to students through a distance-learning technology program. We are now in the second semester of the program, and there is considerable interest for this all across Chester County. We are pleased to have the 17 students participating in the Initiative here today, along with Kim Breuninger, who is the Chester County Intermediate Unit Instructional Technology Specialist; Dave Purdy, who is the Social Studies teacher through the Center of Arts and Technology at the Pickering campus, who heads up the Initiative; Adam Udell, who is the American Government teacher from Octorara High School; Michele Conrad, a Social Studies teacher at Coatesville High School; and Mary Hammond, who is a student teacher.

So I would appreciate it if the Senate would give its usual warm welcome to our guests today.

The PRESIDENT. Would our student leaders and Kim, Dave, Adam, Michele, and Mary please stand so the Senate may welcome you.

(Applause.)

**GUEST OF SENATOR MIKE WAUGH
PRESENTED TO THE SENATE**

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

Senator WAUGH. Mr. President, I have the pleasure today of introducing our guest Page, Molly Fowler. Molly, would you please stand? She is an eighth grader at York Suburban Middle School. She plays the cello, she enjoys soccer, and she enjoys being a guest Page, because maybe some of you recognize her. She was here last year with us and enjoyed it so much she asked to come back again this year.

The PRESIDENT. Our guest Page is already standing. Please welcome Molly to the Senate floor.

(Applause.)

**RECONSIDERATION OF
ADJOURNMENT RESOLUTION**

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

Senator MELLOW. Mr. President, I request the vote by which the adjournment resolution passed the Senate today be reconsidered.

The PRESIDENT. Senator Mellow moves to reconsider the vote by which the adjournment resolution passed the Senate today.

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

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

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

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

Senator MELLOW. Mr. President, I request a roll-call vote.

The PRESIDENT. The Clerk will conduct a roll-call vote on the adjournment resolution.

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

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

YEA-29

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

NAY-18

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

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

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

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 for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3 p.m.

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

Senator MELLOW. Mr. President, I request the Democratic Members report to our caucus immediately upon the recess of the Session.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 3 p.m., 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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SB 1109 (Pr. No. 2147) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals and for discrimination on account of guide, signal or service dog or other aid animal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the House, to Senate Bill No. 1109?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the House, to Senate Bill No. 1109.

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-47

Armstrong	Greenleaf	Madigan	Stout
Bell	Hart	Mellow	Tartaglione

Bodack	Helfrick	Mowery	Thompson
Boscola	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Wagner
Corman	Kasunic	Piccola	Waugh
Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	White
Earl	LaValle	Robbins	Williams
Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Boscola has returned, and her temporary Capitol leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 227 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL AMENDED

SB 386 (Pr. No. 2202) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for child-care facilities at county judicial centers or courthouses.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A4025:

Amend Sec. 1 (Sec. 3721), page 2, line 5, by striking out "**IS**" and inserting: shall be

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 OVER IN ORDER

HB 609 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 643 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 1150, SB 1312 and SB 1346 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED

HB 2533 (Pr. No. 3955) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for bank holding companies, for authorization of reciprocal interstate operations of savings banks, for corporations authorized to act as fiduciary, for general corporate powers and duties of incorporated institutions, for additional powers of incorporated institutions related to conduct of business, for additional powers related to conduct of business of incorporated institutions other than trust companies, for real estate loans by banks and bank and trust companies, for transactions with respect to shares of corporate stock and capital securities and for real estate loans by savings banks; further prohibiting promoters' fees; further providing for branches outside Pennsylvania, for audits and reports and for preferential rates of interest requiring a report from the Legislative Budget and Finance Committee; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator HOLL, offered the following amendment No. A3789:

Amend Title, page 2, lines 6 and 7, by striking out "requiring a report from the Legislative Budget and Finance Committee;"

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.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

SB 130 (Pr. No. 2190) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Science Technology Partnership Program; and providing for State grants.

Considered the second time and agreed to,

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

SB 231 (Pr. No. 2191) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for the election of Senators in certain circumstances; and further providing for retirement of justices, judges and justices of the peace.

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

BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 295, SB 393, SB 474 and HB 1142 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER

HB 165 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 454 (Pr. No. 3009) -- 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 aggravated assault and for use of tear or noxious gas in labor disputes.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 519 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL AMENDED

HB 877 (Pr. No. 2770) -- 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 juvenile history record information and for the definition of "local agency" for purposes of matters affecting governmental units.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment No. A3124:

Amend Title, page 1, line 2, by inserting after "providing": for inspection of court files and records and

Amend Bill, page 1, lines 11 and 12, by striking out all of said lines and inserting:

Section 1. Section 6307 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:
§ 6307. Inspection of court files and records.

All files and records of the court in a proceeding under this chapter are open to inspection only by:

* * *

(6.1) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties.

* * *

Section 2. Section 6309 of Title 42 is amended to read:
Amend Sec. 2, page 5, line 21, by striking out "2" and inserting: 3
Amend Sec. 3, page 6, line 6, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL REREFERRED

HB 948 (Pr. No. 3702) -- 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 sales and use tax definitions, for sales and use tax exclusions, for sales and use tax penalties, for personal income tax definitions and for classes of personal income; providing for a credit against personal income tax; further providing for personal income tax penalties, for realty transfer tax definitions, for realty transfer tax exclusions and for realty transfer tax penalties; and conferring powers and duties on the Pennsylvania Historical and Museum Commission.

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

BILL ON SECOND CONSIDERATION

SB 1290 (Pr. No. 2189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), entitled, as amended, Housing Authorities Law, further providing for the members of an authority.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 1314 (Pr. No. 2200) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), entitled, as amended, Municipal Police Pension Law, further providing for benefits.

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

BILLS OVER IN ORDER

SB 1431 and SB 1443 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1444 (Pr. No. 1930) -- 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 probable cause arrests in domestic violence cases.

Considered the second time and agreed to,

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

SB 1468 (Pr. No. 2023) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1999 (P.L.205, No.27) entitled "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; and authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania," further providing for the purpose of the conveyance.

Considered the second time and agreed to,

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

HB 1473 (Pr. No. 3704) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations, for notification by manufacturers of gasoline additive information, for retail service stations and for penalties.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1475 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1487 (Pr. No. 2183) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and of the Pennsylvania Historical and Museum Commission, to sell and convey to the County of Fayette, a certain tract of land and right-of-way situate in Wharton Township, Fayette County, Pennsylvania.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1490 and SB 1495 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION, AMENDED

SB 1502 (Pr. No. 2096) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Stepping Stone Counseling and Education Services, Inc., certain lands and building situate in the City of York, York County, Pennsylvania.

On the question,

Will the Senate agree to the bill on second consideration?

Senator WAUGH offered the following amendment No. A4026:

Amend Sec. 2, page 2, line 18, by striking out "71.9+/-" and inserting: 7.19+/-

On the question,

Will the Senate agree to the amendment?

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

Senator WAUGH. This is a technical amendment to the bill. It simply moves a decimal point one place to the left.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL OVER IN ORDER

SB 1504 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1523 (Pr. No. 2118) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1992 (P.L.761, No.115), entitled "An act designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police Week" in Pennsylvania; designating the Sunday during Fire Prevention Week as "Firefighters' Memorial Sunday"; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th," further providing for display of flags.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 1639 (Pr. No. 3237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments to spouses; clarifying a term; and making an editorial change.

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

BILL OVER IN ORDER

HB 2189 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 2209 (Pr. No. 3528) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, allowing doctors with volunteer licenses to prescribe medication to family members.

Considered the second time and agreed to,

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

HB 2481 (Pr. No. 3385) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for application and qualifications.

Considered the second time and agreed to,

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

SENATE CONCURRENT RESOLUTION
No. 43, ADOPTED

Senator LOEPER, without objection, called up from page 7 of the Calendar, **Senate Concurrent Resolution No. 43**, entitled:

A Concurrent Resolution urging the Governor to establish a committee to study allergic reaction associated with natural rubber latex and natural rubber latex products.

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

On the question,

Will the Senate adopt the resolution?

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

Senator THOMPSON. Mr. President, may I interrogate the maker of the resolution?

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

Senator MELLOW. Yes, Mr. President.

Senator THOMPSON. Mr. President, as a co-sponsor of the bill, I noticed that it has been amended, and I just wanted to make sure that the intent of the resolution, as it now reads, is for the committee to look at the effects of natural rubber latex, rather than synthetic rubber latex.

Senator MELLOW. Mr. President, that is absolutely correct. The issue that must be addressed is the natural rubber latex issue and not the synthetic issue. We tried to remove any reference to synthetic in the resolution, I believe, and natural rubber has replaced that verbiage, but it only deals with the natural rubber latex, not with the synthetic latex.

Senator THOMPSON. Thank you very much, Mr. President.

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

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2533 (Pr. No. 4073) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for bank holding companies, for authorization of reciprocal interstate operations of savings banks, for corporations authorized to act as fiduciary, for general corporate powers and duties of incorporated institutions, for additional powers of incorporated institutions related to conduct of business, for additional powers related to conduct of business of incorporated institutions other than trust companies, for real estate loans by banks and bank and trust companies, for transactions with respect to shares of corporate stock and capital securities and for real estate loans by savings banks; further prohibiting promoters' fees; further providing for branches outside Pennsylvania, for audits and reports and for preferential rates of interest; and making repeals.

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-47

Armstrong	Greenleaf	Madigan	Stout
Bell	Hart	Mellow	Tartaglione
Bodack	Helfrick	Mowery	Thompson
Boscola	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Wagner
Corman	Kasunic	Piccola	Waugh
Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	White

Earl	LaValle	Robbins	Williams
Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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.

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 by voice vote.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD
OF MEDICINE**

March 23, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sant Ram, M.D., 3126 Westwood Estate Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE EMPLOYEES
RETIREMENT BOARD**

April 26, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable M. Joseph Rocks, 9201 Eagle View Drive, Lafayette Hill 19444, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the State Employees Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

September 7, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine R. O'Donnell, Esquire, 461 Horton Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as District Justice, in and for the County of Luzerne, Magisterial District 11-1-01, to serve until the first Monday of January 2002, vice Michael J. Collins, deceased.

THOMAS J. RIDGE Governor

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

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

Senator MELLOW. Mr. President, may we be at ease for just a moment.

The PRESIDENT. The Senate will be at ease, at the request of Senator Mellow.

(The Senate was at ease.)

QUESTION DIVIDED

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

Senator MELLOW. Mr. President, I request a separate roll-call vote on the nomination of The Honorable M. Joseph Rocks as a member of the State Employees Retirement Board.

The PRESIDENT. The Clerk will call the roll for the Ram and O'Donnell nominations.

On the question, Will the Senate advise and consent to the nominations of Sant Ram as a member of the State Board of Medicine, and Catherine R. O'Donnell as District Justice, Luzerne County?

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

YEA-47

Table listing names of senators in support (YEA-47): Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, 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, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, Wozniak.

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.

On the question, Will the Senate advise and consent to the nomination of The Honorable M. Joseph Rocks as a member of the State Employees Retirement Board?

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

YEA-32

Table listing names of senators in support (YEA-32): Armstrong, Bell, Boscola, Brightbill, Conti, Corman, Dent, Earll, Gerlach, Greenleaf, Hart, Helfrick, Holl, Jubelirer, Kukovich, Lemmond, Loeper, Madigan, Mowery, Murphy, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Thompson, Tilghman, Tomlinson, Waugh, Wenger, White.

NAY-15

Table listing names of senators in opposition (NAY-15): Bodack, Costa, Fumo, Hughes, Kasunic, Kitchen, LaValle, Mellow, Musto, O'Pake, Stout, Tartaglione, Wagner, Williams, Wozniak.

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 by voice vote.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on State Government to meet during today's Session to consider Senate Bills No. 1401 and 1547, and House Bill No. 1728.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first for a meeting of the Committee on State Government, to be followed by a meeting of the Committee on Rules and Executive Nominations in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on State Government, to be followed by a meeting of the Committee on Rules and Executive Nominations, this Senate stands in recess.

AFTER RECESS

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

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

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

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

July 31, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James N. Papoutsis (Public Member), 9 Kensington Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy E. Anderson, Lancaster, resigned.

THOMAS J. RIDGE
Governor

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

September 18, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rochelle L. Krowinski, 6040 Briar Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Joyce C. Wilhelm, Erie, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

July 20, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Glen S. Bartlett, M.D., Ph.D., 1420 Deerfield Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice Margaret A. Tyndall, Ph.D., Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

March 23, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elan L. Welter Lewis, 150 McEvoy Road, Fenelton 16034, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

July 20, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David Turkewitz, M.D., 2720 Castanea Court, York 17402, York County, Twenty-eighth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice John F. Ochs, Erie, whose term expired.

THOMAS J. RIDGE
Governor

CONTROLLER, LUZERNE COUNTY

September 7, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Walter S. Mitchell, Jr., 88 Sullivan Trail, P.O. Box 187, Bear Creek Village 18602, Luzerne County, Fourteenth Senatorial District, for appointment as Controller, in and for the County of Luzerne, to serve until the first Monday of January 2002, vice Thomas P. Pizano, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

August 15, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet P. Thomas, 118 Tubbs Hill Road, Benton 17814, Luzerne County, Twentieth Senatorial District, for appointment 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 Melissa Chapman, Marietta, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA ECONOMIC DEVELOPMENT
FINANCING AUTHORITY

May 31, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. Talbot Heppenstall, Jr., 223 Cornwall Drive, Pittsburgh 15238, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Jerald S. Batoff, Esquire, Villanova, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA ECONOMIC DEVELOPMENT
FINANCING AUTHORITY

May 31, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Teri J. MacBride, 123 Victoria Lane, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until her successor is appointed and qualified, vice William R. Sasso, Esquire, Gwynedd Valley, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

June 5, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Samuel E. Hayes, Jr., Box 120, Warriors Mark 16877, Huntingdon County, Thirtieth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2004 or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 22, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angela M. Ambrose, 301 Chardick Drive, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Joy C. Leonard, Easton, graduated.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 22, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James V. Manser, IV, 2040 Kerr Road, Harleysville 19438, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Zachary I. Cattell, West Chester, graduated.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 22, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Amy M. Yozviak, 126 Hanlin Drive, Nanticoke 18634, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Shelby A. Linton, Millersville, graduated.

THOMAS J. RIDGE
Governor

MAJOR GENERAL, PENNSYLVANIA
NATIONAL GUARD

June 7, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General James M. Skiff, RD 2, Box 4482, Jonestown 17038, Lebanon County, Forty-eighth Senatorial District, for appointment as Major General, with assignment as Assistant Adjutant General/ Commander, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

June 7, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Michael H. Weaver, 220 Adams Point Boulevard #6, Mars 16046, Butler County, Fortieth Senatorial District, for appointment as Brigadier General, Chief of Staff, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

June 27, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jessica L. Wright, RD 2, Box 469, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Assistant Adjutant General, Headquarters State Area Command (-), Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General John E. Stevens, reassignment.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

September 29, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Timothy J. Carson, Esquire, 227 Curwen Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, for appointment 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, vice James F. Malone, III, Esquire, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE

August 7, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William H. Klaban (Republican), 724 West Fairmont Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre

County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified, vice Eleanor E. Gentzel, deceased.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

REPORTS FROM COMMITTEES

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

SB 618 (Pr. No. 2204) (Rereported) (Concurrence)

An Act amending the act of April 14, 1972 (P.L.233, No.64), entitled The Controlled Substance, Drug, Device and Cosmetic Act, adding a controlled substance.

SB 648 (Pr. No. 2218) (Amended) (Rereported) (Concurrence)

An Act amending the act of December 19, 1988 (P.L.1262, No.156), entitled, as amended, Local Option Small Games of Chance Act, further providing for prize limits and for weekly drawings.

SB 706 (Pr. No. 2226) (Amended) (Rereported) (Concurrence)

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, providing for adoption of budgets for 2001 by counties of the second class and political subdivisions of those counties and for an operating reserve fund; further providing for payments into certain fund and for amount of retirement allowance; providing for homestead property exclusion procedure; further providing for the making of contracts; prohibiting certain provisions in contracts relating to redevelopment assistance capital projects; continuing the county jail oversight board and its powers and duties; providing for a sports and exhibition authority; further providing for certain tax relief; and making a repeal.

SB 1219 (Pr. No. 1970) (Rereported) (Concurrence)

An Act amending the act of May 3, 1933 (P.L.242, No.86), entitled, as amended, Cosmetology Law, further providing for definitions and for the management of cosmetology shops; and providing for booth rentals.

SB 1223 (Pr. No. 2176) (Rereported) (Concurrence)

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for discharge of tax claims; prohibiting certain individuals from purchasing property at a tax sale; and providing for landlord licensing ordinances.

SB 1271 (Pr. No. 2134) (Rereported) (Concurrence)

An Act amending the act of July 9, 1971 (P.L.206, No.34), entitled, as reenacted and amended, Improvement of Deteriorating Real Property

or Areas Tax Exemption Act, further providing for exemption schedules; and making an editorial change.

SB 1296 (Pr. No. 2227) (Amended) (Rereported) (Concurrence)

An Act designating a portion of Routes 22 and 322 in Dauphin County, Pennsylvania as the John J. Shumaker Memorial Highway.

HB 599 (Pr. No. 3465) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for false identification to law enforcement authorities.

HB 1140 (Pr. No. 4085) (Amended) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for authority to sell or lease real property.

Senator LEMMOND, from the Committee on State Government, reported the following bills:

SB 1401 (Pr. No. 1832)

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

SB 1547 (Pr. No. 2171)

An Act authorizing the release of Project 70 restrictions imposed on a certain tract of land in Mercer County owned by the Pennsylvania Game Commission in exchange for the imposition of Project 70 restrictions on a certain tract of land in Mercer County to be conveyed to the commission.

HB 1728 (Pr. No. 4083) (Amended)

An Act amending the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, further providing for additional powers and duties for the Pennsylvania Emergency Management Agency, for definitions, for establishment and functions of local emergency planning committees, for hazardous material safety program, for emergency reporting and notification requirements, for establishment of funds, for emergency management grants, for facility and vehicle inspection and testing, for immunity from civil liability and for enforcement; and making editorial changes.

Senator MADIGAN, from the Committee on Transportation, reported the following bills:

SB 1414 (Pr. No. 1885)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked.

SB 1486 (Pr. No. 2077)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for supervision of operating privilege; and making an editorial change.

SB 1511 (Pr. No. 2106)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for transfer of ownership of vehicle.

HB 1470 (Pr. No. 2029)

An Act amending Titles 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motor carrier and broker violations; further providing for unlawful activities and for police and Commonwealth inspections relating to vehicle inspections; and establishing the Motor Carrier Safety Advisory Committee.

HB 2053 (Pr. No. 3014)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plates, for content of drivers' licenses and for commercial drivers' licenses; providing for petitions for removal of certain suspensions or revocations; requiring political subdivisions to check status of drivers' licenses of employees who drive municipal vehicles; further providing for payments to special funds, for obedience to authorized persons directing traffic, for restrictions on use of limited access highways and for duty of a driver on approach of emergency vehicle; providing for driver duties in emergency response areas; and further providing for the penalty for violation of the duty of a driver when approaching a school bus displaying flashing red signal lights, for maximum speed limits, for depositing waste, for fleeing or attempting to elude a police officer, for visual and audible signals on emergency vehicles, for periodic vehicle inspection, for prohibition on expenditures for emission inspection program and for regulation of traffic on the Pennsylvania Turnpike.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 648 (Pr. No. 2218) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), entitled, as amended, Local Option Small Games of Chance Act, further providing for prize limits and for weekly drawings.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 648?

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. 648.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Hughes, Senator LaValle, Senator Musto, Senator O'Pake, and Senator Williams.

The PRESIDENT. Without objection, those leaves are granted.

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-42

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

NAY-5

Armstrong	Helfrick	Madigan	Wenger
Brightbill			

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

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

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

**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 1531 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION**

SB 1262 (Pr. No. 2215) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 1604 (Pr. No. 4070) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for recording plats and deeds, for applicability of ordinance amendments and for validity of ordinance and substantive questions.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator O'Pake has returned, and his temporary Capitol leave is cancelled.

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

**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

HB 1140 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**THIRD CONSIDERATION CALENDAR
RESUMED**

SB 643 CALLED UP

SB 643 (Pr. No. 2139) -- 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 643 (Pr. No. 2139) -- 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 number of judges of the courts of common pleas in certain judicial districts.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER offered the following amendment No. A4086:

Amend Sec. 1, page 1, lines 8 and 9, by striking out ", amended December 15, 1998 (P.L.949, No.126),"

Amend Sec. 1 (Sec. 911), page 1, line 17, by inserting brackets before and after "11" and inserting immediately thereafter: 13

Amend Sec. 2, page 4, line 2, by striking out "PARAGRAPH (2)" and inserting: paragraphs (2) and (3)

Amend Sec. 2, page 4, by inserting between lines 5 and 6:

(2) The new judgeships for the second district added by the amendment of 42 Pa C.S. § 911(a) shall be created as follows:

(i) One judgeship shall be created on January 2, 2002, and shall be initially filled at the 2001 municipal election.

(ii) One judgeship shall be created on January 5, 2004, and shall be initially filled at the 2003 municipal election.

Amend Sec. 2, page 4, line 6, by striking out "(2)" and inserting: (3)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators O'PAKE, WOZNIAK, BELAN, KUKOVICH, WAGNER, GREENLEAF, STAPLETON, COSTA, TARTAGLIONE, BELL, BOSCOLA, HART, HELFRICK, THOMPSON, DENT, WHITE, SALVATORE, HOLL, WENGER, LOEPER, BODACK, GERLACH, TOMLINSON and LEMMOND, by unanimous consent, offered **Senate Resolution No. 220**, entitled:

A Resolution designating the month of October 2000 as "Polish American Heritage Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators O'PAKE, BODACK, MUSTO, STOUT, WOZNIAK, BRIGHTBILL, FUMO, THOMPSON, WAGNER, COSTA, TARTAGLIONE, DENT, KUKOVICH, BOSCOLA, WENGER, SCHWARTZ, RHOADES, BELAN, STAPLETON, MOWERY, HART, EARLL and LEMMOND, by unanimous consent, offered **Senate Resolution No. 221**, entitled:

A Resolution recognizing the week of October 15 through 21, 2000, as "Credit Union Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Matthew Canning and to Thomas G. Hunter by Senator Bell.

Congratulations of the Senate were extended to Ida Mae Devlin by Senator Bodack.

Congratulations of the Senate were extended to the Bucks County Chapter of the Daughters of the American Revolution by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Borger, Mr. and Mrs. Richard W. Newhard and to Ruth E. Baer by Senator Dent.

Congratulations of the Senate were extended to Edna A. Schwenk by Senator Earll.

Congratulations of the Senate were extended to Edith Marie Blanding by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. John E. Ladish, Jr., and to the Holy Virgin Ukrainian Orthodox Church of Arnold by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Lowe and to Beverly Ann Beal by Senator Kasunic.

Congratulations of the Senate were extended to Ronald F. Seabol by Senator Kukovich.

Congratulations of the Senate were extended to James Gardner by Senator Loeper.

Congratulations of the Senate were extended to Esther M. Phillips, Judith Clifton and to Thomas Ehnnot by Senator Mellow.

Congratulations of the Senate were extended to the Lupus Foundation of America, Inc., by Senator Mellow and others.

Congratulations of the Senate were extended to Jessica L. Zeigler by Senator Mowery.

Congratulations of the Senate were extended to David A. Shipula by Senator Musto.

Congratulations of the Senate were extended to supporters of the Walk-a-Thon for Catholic Education by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard Addlesberger by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Colosimo, Fred L. Keck, Michael J. Kitsock, Gertrude Bloom, Catholic Daughters of the Americas, Court Santa Maria No. 26, and to Carbon Training Center, Incorporated, of Beaver Meadows, by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Cunningham and to Martin J. Maddaloni by Senator Salvatore.

Congratulations of the Senate were extended to Emily deRiel by Senator Tilghman.

Congratulations of the Senate were extended to Harold C. Cain by Senator Wagner.

Congratulations of the Senate were extended to Reverend Dr. Aaron Willford, Jr., John C. Sciortino and to Arlene Louise Blakeslee Dieter by Senator Waugh.

Congratulations of the Senate were extended to John E. Horting and to Allen Martin by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. William Raybuck, Charles Weir, Ray Schwabenbauer, Madelon Delp Callen, Brian Dunn and to Colin Robert Lloyd Donovan by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Rorabaugh by Senator Wozniak.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late John F. Kuhn was presented to the family by Senator White.

BILLS ON FIRST CONSIDERATION

Senator WHITE. 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 1401, SB 1414, SB 1486, SB 1511, SB 1547, HB 1470, HB 1728 and HB 2053.

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

BILLS REREFERRED

Upon motion of Senator LOEPER, and agreed to by voice vote, the following bills just considered were rereferred to the Committee on Appropriations:

HB 1470 and HB 2053.

PETITIONS AND REMONSTRANCES

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

Senator SCHWARTZ. Mr. President, I want to make some comments on some legislation that I introduced that I was hoping to be able to amend to legislation that we went over today, so I wanted to make some comments about it and hope to encourage our leadership here, the Majority leadership, to consider legislation, either my own or possibly be able to bring up legislation that would allow me to amend this legislation to it. I am talking about House Bill No. 519 that went over today, so I thought there might be an opportunity, hopefully, in the near future to be able to, when that bill comes up, to amend it with legislation that I have introduced as Senate Bill No. 940.

And you have heard, at least the public has heard a good bit about this legislation and what it does basically, and I will back up a little bit, if I may, Mr. President, just to say that this is talking about child care, talking about background checks on child care providers. Let me just say this: As a mother of two grown sons, I was a working mother when they were young, and most of the time I could rely on and trust the child care providers I left my children with. But being a mother comes with a certain amount of worry. There is no question about that. And while most of the time I could trust the child care providers, the fact is that here in Pennsylvania families who do rely on most types of child care have the reassurance of knowing that the care provider has passed at least minimal background checks, that they have passed child abuse and criminal background checks. The general commonsense rule is that if you want to provide child care, you must pass these simple background checks.

Yet this requirement applies only to certain child care settings, ranging from day care centers to private homes where four or more children are being supervised. The requirement, and this is unbelievable in some ways, does not apply to all providers. The fact is that in Pennsylvania there is a large hole in this basic guarantee for parents and for our children. The State does not require providers who care for three or fewer children in a home to undergo child abuse or criminal background checks, even if they are paid for with State funds.

Providers, advocates, and legislators committed to the children's well-being have urged the Governor to institute these minimal safeguards. Support for the checks continues to grow. The county commissioners, a bipartisan group, the County Commissioners Association of Pennsylvania, recently joined many of the advocates and child care providers with a call for the background checks for all providers. Yet, inexplicably, the Ridge administration steadfastly refuses to require background checks for all providers who are paid for with taxpayer dollars. Instead, the administration recently announced required checks for some but not all of the State-subsidized providers who care for up to three children. And only child abuse background checks, not criminal record checks, will be required.

These halfway measures are completely unacceptable. It is wrong to cut corners where children's safety is at risk. All providers whose services are paid for with public funds must be required to pass both child abuse and criminal background checks.

As the Governor knows, other States have learned that these checks are critical. In Michigan, for example, they discovered that they had paid millions of dollars for child care to 6,200 criminals whose crimes included more than 300 crimes against children. Yet our Governor continues to turn a blind eye to these disturbing facts. With every day that the administration fails to require background checks for all State subsidized providers, the likelihood that this failure will hurt Pennsylvania's children increases. Care provided in a home to three or fewer children makes up the fastest growing segment in the child care market. More and more child care is needed as more and more mothers prepare to leave the welfare rolls and join the work force, and many are choosing this kind of care.

Since the Ridge administration has refused to take action to protect these children, the General Assembly must step up to the plate. Senator O'Pake and I have introduced legislation in the Senate, as has Representative Connie Williams in the House, that will require all State-subsidized providers to pass a child abuse and criminal background check. All of these bills are now pending in the Senate committee. Representative Williams' bill, in fact, passed unanimously in the House and has come over to the Senate and is sitting in a Senate committee. Months have gone by, and still the Senate Majority has refused to bring them up for a vote.

So today, when I heard last week that Representative Katie True's bill, House Bill No. 519, was on the Calendar, was moving on a fast track, quickly moved through the House, moving very quickly through the Senate, it got through the Committee on Aging and Youth and the Committee on Appropriations last week, record time, and the Senate was supposed to vote on it today, and yet somehow it went over. One of the suspicions might be that I said I wanted to amend this legislation with this commonsense background check for taxpayer-subsidized child care providers, but in fact the bill has gone over and we are not going to vote on it today.

Now why are we afraid to debate this legislation? We should debate it. We should discuss it. I believe we should pass it. But if in fact the Majority feels this is not a good idea, that in fact taxpayer dollars could be spent on providing child care to three or fewer children in a home by someone who has a criminal background or a background of child abuse itself, these background checks that are paid for by the provider itself, it is not a cost to the State, if they in fact disagree, then vote against it. But at least let us have a chance to have our say on the floor of the Senate. I hope it is not just because the Majority is actually afraid that of course it would pass. Who could stand up and say, no, we actually think it is a fine idea for the State to be reimbursing criminals and those who abuse children with State taxpayer dollars for our most vulnerable children in child care settings.

So I call on the Majority to be willing to bring up the bill and to allow my amendment to have a hearing on the floor. My suspicion is that it would pass. And if in fact, as I say, there is a willingness to have criminals take care of our children, a willingness to have those who abuse their children paid for by the State to take care of our children, then let people vote that way. But at least let the public have a say. Let all those advocates and child care providers, the county commissioners, the many people who do not understand why we are not doing this, understand who

stands where. And I would say there is no reason to wait. We could do it today, obviously now it would be tomorrow, but we should do it soon.

I thank you for the hearing, and I look forward to others in this room joining me and calling on this administration to finally step up to the plate and make sure that our children are protected.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, this morning I had the pleasure of meeting a group of people who came to see me down in the Rotunda and present to me thousands and thousands of petitions from people who are concerned and believe that our system of justice is flawed when it comes to the unfair imposition of the death penalty. The groups that brought these petitions to me were the Pennsylvania Prison Society, Pennsylvanians United Against the Death Penalty, the Pennsylvania Council of Churches, and the Pennsylvania Interfaith Coalition. Senator Kitchen joined me at the podium when I made these remarks:

(Reading)

Thank you very much for being here today to support me and my colleagues in the Senate and the House who believe our system of justice is flawed when it comes to the unfair imposition of the death penalty. Our Constitution requires equal justice and equal treatment under the law. White, black, rich, poor, city, or country, it is not supposed to matter, but does it actually happen? No, I think we all know this does not actually happen. The legislators you see here today intend to do something about that.

As I said, Senator Kitchen stood right next to me at the podium when I said I want you to take special notice of something. Senator Kitchen and I are different in appearance. She is a black female Senator, I am a white male Senator. Do you see any other differences? No, not really. She represents the exact same amount of people in her district as I do. She has one vote in the Senate, as I do. We both have the same one vote, as any other Senator, including the leaders. Each Member is afforded the exact powers and privileges as one another. No distinctions are made because of race, religion, or color, and I am proud to say that no racial prejudices are tolerated in the Senate.

Now think about this: If I were a black man not involved in government and she was a white woman not involved in government and we each were convicted and sentenced for a capital crime, whom do you think would be given the death sentence? Because she is white or a woman, is she entitled to a different sentence than I am? Is she more or less of a threat to society than I am? I am thoroughly convinced after looking at the facts that if you are a poor black man, the odds of a fair and impartial trial and sentence are stacked against you. The death penalty is not punishment for a heinous crime, it is just a way of eliminating a person convicted of a crime from our society, whether they are actually guilty or innocent. Unfortunately, there are still many individuals with racial prejudices, and they reason that if a black person or a poor person is executed, so much the better. God help us if we do not try to stop and do something about this.

Being an elected official carries with it a tremendous moral responsibility along with a legal responsibility. The moral responsibility demands we protect the life and well-being of our

constituents. It demands we punish, and punish severely, those who commit capital crimes and are properly tried and convicted, but that moral responsibility ends there. It does not give us the right to execute another human being, regardless of how heinous a crime was committed, even if we are 100 percent sure that that person is guilty, and I can assure you that we are never 100 percent sure.

Many of my colleagues who voted against the moratorium and a study of our justice system in regard to these capital crimes have told me privately that they agreed with me, but they were advised not to support this legislation because it was politically unpopular and could hurt them at election time. I hope that they are forgiven for their "no" vote. To trade one's political security for a possible miscarriage of justice in a life or death decision would be difficult, if not impossible, to forgive.

I believe the next time a vote is taken on this legislation, those with no prejudices will vote for the bill. It is our job to convince, respectfully but forcefully, those who profess no prejudice but who actually in their heart may have them. We must convince them that the time to harbor ill will towards others who may look different, who are poor, has long since passed, and that no one, no one is politically secure without compassion for their fellowmen.

And, Mr. President, I say that someday we will all be judged by a higher authority, a court much higher than anything in this State or legislature or this nation. Need I say more.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, I want to follow up on the remarks of my colleague, Senator Schwartz, concerning the need to require criminal background checks for all day care providers in Pennsylvania. As Senator Schwartz quite properly pointed out, the law now says that if you are taking care of fewer than four children in your home and providing day care services, you do not have to undergo the criminal background check. Many of us for years have pointed out that for the sake of protecting small children, we must change this.

We react up here when there is a tragedy. Recently in Berks County a young child was killed, and in Altoona another young child was killed. I hope we do not have to wait for another child to be tragically abused, molested, or even killed in a day care center which is not regulated, is not licensed, did not have to undergo criminal background checks just because fewer than four children were being taken care of in that home.

What my legislation proposes, and this is the second Session now that we have tried, as Senator Schwartz's bill does, as Representative Williams' bill does which has passed the House and is awaiting Senate action, it just says that if the government is going to subsidize child care, that money should not be used to subsidize child abuse. The best way to prevent that from happening is to require criminal background checks so that adults who are going to be taking care of small children for many hours a day, who have a criminal background, that should be known to those who are going to entrust their children to that day care provider.

The State of Washington recently enacted this kind of requirement that we are suggesting should be the law in Pennsyl-

vania. In the State of Washington, where they have about 10,000 unregulated day care providers, in the first round they found 300 people with criminal records, and I think 13 of them were for child abuse and child molestation. In Pennsylvania we have three times the number of unregulated day care providers as the State of Washington. The potential for a terrible tragedy is out there. It would be compounding that tragedy if State subsidies or Federal government subsidies were actually being paid to that day care provider so that he or she could abuse the child or children who were entrusted to the their care.

Let us not wait for another tragedy to happen. The County Commissioners of Pennsylvania unanimously adopted a resolution calling on us to require criminal background checks for all day care providers when there is subsidy involved.

We hope that before this Session ends we will be given the opportunity to vote on our proposal. Whether it is mine or Senator Schwartz's or Representative Williams' is not the point. Let us put this issue out on the floor. Let us do what needs to be done. Let us not wait for a tragedy. Then we will wring our hands and we will say, well, the system failed. Let us not let the system fail. Let us prevent child abuse before it happens, and I think a very logical and prudent thing to do is to adopt our legislation that requires background checks for anyone who wants to provide day care for a child, no matter if they are caring for three or four. If it is four, they are licensed, they are regulated, and background checks are required. We are saying that when government subsidies are involved, it should not matter if you are taking care of fewer than four, and we urge this body to take note of that and do the right thing before a terrible tragedy happens and then we will react.

Thank you, Mr. President.

BILL SIGNED

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

SB 1109.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 11, 2000

10:15 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 804) <u>CANCELLED</u>	Rules Cmte. Conf. Rm.
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10:45 A.M.	AGING AND YOUTH (to consider Senate Bill No. 1549 and House Bill No. 461)	Room 8E-B East Wing
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TUESDAY, OCTOBER 24, 2000

10:00 A.M.	COMMUNICATIONS AND HIGH TECHNOLOGY and EDUCATION (public hearing to consider technology	Bucks Cty Intermediate Unit
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in the classroom and its potential to improve the quality of education in public and private schools)

Doylestown

THURSDAY, OCTOBER 26, 2000

10:00 A.M.	COMMUNICATIONS AND HIGH TECHNOLOGY (public hearing on Senate Bill No. 1551)
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Radisson
Hotel
Trevose
Bucks Cty

ADJOURNMENT

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Wednesday, October 11, 2000, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:12 p.m., Eastern Daylight Saving Time.