

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, FEBRUARY 7, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY

No. 9

SENATE

WEDNESDAY, February 7, 2001

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

The PRESIDING OFFICER (Jeffrey E. Piccola) in the Chair.

PRAYER

The Chaplain, Reverend LEE ELLENBERGER, of United Methodist Church, Stewartstown, offered the following prayer:

Let us pray.

Holy and generous God, we humbly greet You as this day's Session begins, and we thank You for a new day, a new day to fulfill Your calling upon our lives to serve the citizens of this unique Commonwealth called Pennsylvania.

May these hushed moments awaken us to the needs of others and to the wisdom You offer to meet those needs with fair and just means. We pause to silently remember before You our constituents, especially those in special need this day.

(Pause.)

Gracious God, we do acknowledge our need for Your wisdom, the source of all truth and discernment. Help us to know when to speak and when to be silent. May no cowardice keep us from speaking when we ought to speak, and grant that no angry passion may make us speak when we would regret having spoken. Help us to know when to say "no" and when to say "yes." May no weakness make us yield to or agree with that which is wrong, and may no self-will make us unreasonably and stubbornly set in our ways. Help us to know when to praise and when to criticize. Keep us from a too easy tolerance that makes us accept that which is improper, and may no ungraciousness keep us from speaking words of encouragement, which means so much.

Gracious God, help us to know when to act and when to wait. Help us to recognize the things which must be done at once, if they are to be done at all, and to see what things cannot be hurried and for which we must in patience wait.

Holy God, we understand the limitations of reason and the limitations of passion, but with Your blessing may we find a proper balance of both reason and passion, and guide us with Your peace as we seek to do Your will of compassionate treatment of all people. Acknowledging Your divine providence in the ordering of life and of the responsibilities that You have given us, we offer these petitions for Your blessing. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Ellenberger, who is the guest today of Senator Waugh.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 6, 2001.

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

REPORTS FROM COMMITTEE

Senator RHOADES, from the Committee on Education, reported the following bills:

SB 35 (Pr. No. 33)

An Act amending the act of October 22, 1986 (P.L.1452, No.143), known as the Pennsylvania Adult Basic and Literacy Education Act, further providing for short title, for findings and purpose, for definitions, for grant program, for limitations on funding, for interagency coordinating council, for audits and records and for monitoring and reporting.

SB 194 (Pr. No. 387) (Amended)

An Act providing for the Head Start Supplemental Assistance Program; imposing additional powers and duties on the Department of Public Welfare and Head Start providers; and making an appropriation.

SB 375 (Pr. No. 236)

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 407 (Pr. No. 359)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for Commonwealth reimbursements for vocational education equipment grants; and making an appropriation.

BILLS INTRODUCED AND REFERRED

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

February 7, 2001

Senators MOWERY and KITCHEN presented to the Chair **SB 347**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "basic contribution rate" by providing for additional employee contributions.

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

Senators MOWERY, EARLL, HELFRICK, KITCHEN, MELLOW, SCHWARTZ, WAGNER, M. WHITE, WOZNIAK, COSTA, KUKOVICH, STACK and TOMLINSON presented to the Chair **SB 348**, entitled:

An Act amending the act of May 21, 1992 (P.L.241, No.36), referred to as the Credit Card Information Act, prohibiting certain credit card information on receipts.

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

Senators MOWERY, EARLL, KITCHEN, M. WHITE, BOSCOLA, COSTA and WAUGH presented to the Chair **SB 349**, entitled:

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, prohibiting collective bargaining relating to the training and use of automated external defibrillators.

Which was committed to the Committee on LABOR AND INDUSTRY, February 7, 2001.

Senators MOWERY, KITCHEN and HOLL presented to the Chair **SB 350**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for public utilities not to be licensed.

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

Senators MOWERY, EARLL, GREENLEAF, HELFRICK, KITCHEN, MELLOW, PUNT, RHOADES, SCHWARTZ, TARTAGLIONE, WAGNER, M. WHITE, WOZNIAK, BOSCOLA, CORMAN, COSTA, HOLL, O'PAKE, STACK, WAUGH, LOGAN and KASUNIC presented to the Chair **SB 351**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "income" for personal income tax purposes to provide for an exclusion of certain income earned by persons under 18 years of age.

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

Senators MOWERY, BOSCOLA, COSTA, TOMLINSON, WAUGH, KITCHEN, WENGER and WOZNIAK presented to the Chair **SB 353**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the use of evidence of intoxication or voluntary drugged condition.

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

Senators MOWERY, EARLL, HOLL, KITCHEN, RHOADES, TARTAGLIONE, WENGER, M. WHITE, WOZNIAK, BOSCOLA and WAUGH presented to the Chair **SB 354**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for time period for appeals of assessment values.

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

Senators MOWERY, KITCHEN, TILGHMAN, COSTA, TOMLINSON and MUSTO presented to the Chair **SB 355**, 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, February 7, 2001.

Senators TOMLINSON, WAGNER, CONTI, HELFRICK, COSTA, WENGER, STOUT, O'PAKE, BOSCOLA, MUSTO, TARTAGLIONE, THOMPSON, TILGHMAN and CORMAN presented to the Chair **SB 357**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for special education services for nonpublic school students.

Which was committed to the Committee on EDUCATION, February 7, 2001.

Senators MURPHY, JUBELIRER, BELL, M. WHITE, HELFRICK, DENT, WAUGH, COSTA, O'PAKE, STOUT, TOMLINSON, GREENLEAF, CORMAN, EARLL, KITCHEN and MUSTO presented to the Chair **SB 358**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for home education programs.

Which was committed to the Committee on EDUCATION, February 7, 2001.

Senators MOWERY, WAGNER, TARTAGLIONE, COSTA, WOZNIAK, STACK, LOGAN and KASUNIC presented to the Chair **SB 359**, entitled:

An Act directing the Secretary of Health to educate students on certain health issues by advertising on a school satellite system.

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

Senators BOSCOLA, MELLOW, COSTA, O'PAKE, RHOADES, WAUGH, STOUT, TARTAGLIONE, WAGNER, LOGAN and KASUNIC presented to the Chair **SB 360**, 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 personal income tax definitions; and providing for exclusions from personal income.

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

Senators BOSCOLA, LOGAN, MELLOW, COSTA, O'PAKE, RHOADES, WAUGH, STOUT, TARTAGLIONE, WAGNER and KASUNIC presented to the Chair **SB 361**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing a tax credit for medical expenses.

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

Senators MELLOW, KASUNIC, MUSTO and WOZNIAK presented to the Chair **SB 362**, entitled:

An Act providing for conditions for removal of members of certain commissions and boards of the Commonwealth.

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

Senator GERLACH presented to the Chair **SB 363**, entitled:

An Act amending the act of June 10, 1931 (P.L.492, No.156), entitled "An act relating to the trespassing of live stock on improved lands; providing for the taking up, impounding and sale thereof; imposing duties on and fixing the fees of constables, justices of the peace, and viewers appointed in connection therewith; prescribing the procedure for repossession by the owner thereof; providing for the fixing and taxing of costs, including attorneys' fees; and repealing inconsistent legislation," further defining "live stock" to include goats.

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

Senators GERLACH, WOZNIAK, COSTA, CORMAN, BOSCOLA, MOWERY, LOGAN, RHOADES, LEMMOND and STACK presented to the Chair **SB 364**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense relating to contraband.

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

Senators GERLACH, TARTAGLIONE, WOZNIAK, WENGER, COSTA, STOUT, WAUGH, TOMLINSON, M. WHITE, CORMAN, BOSCOLA, TILGHMAN, MELLOW, GREENLEAF, LOGAN, RHOADES, KASUNIC and LEMMOND presented to the Chair **SB 365**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of forcing a person into a motor vehicle.

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

Senators GERLACH, HELFRICK, THOMPSON, CONTI, PUNT, WAUGH, EARLL and M. WHITE presented to the Chair **SB 366**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the Supreme Court and for the election of justices, judges and justices of the peace.

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

Senators GERLACH, KUKOVICH, GREENLEAF, PUNT and BOSCOLA presented to the Chair **SB 367**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of an initiative process to amend the Constitution and a referendum process to repeal statutes, as powers reserved to the people.

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

Senators GERLACH, TARTAGLIONE, WOZNIAK, COSTA, WAUGH, BODACK, SCHWARTZ, MUSTO, CORMAN, THOMPSON, BOSCOLA, FUMO, STACK and LEMMOND presented to the Chair **SB 368**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the assignment of points.

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

Senators GERLACH, PUNT, BELL, WENGER, CORMAN, WAGNER, THOMPSON, MOWERY, WOZNIAK, LOGAN and TILGHMAN presented to the Chair **SB 369**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; and further providing for windshield obstructions and wipers.

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

Senators TOMLINSON, THOMPSON, WAGNER, STOUT, CONTI, JUBELIRER, MADIGAN, MELLOW, M. WHITE, GERLACH, BOSCOLA, BELL, DENT, RHOADES, PUNT and FUMO presented to the Chair **SB 370**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for certification of athletic trainers by the State Board of Medicine; and making repeals.

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

Senators TOMLINSON, THOMPSON, WAGNER, STOUT, CONTI, JUBELIRER, MADIGAN, MELLOW, M. WHITE, GERLACH, BOSCOLA, BELL, DENT, RHOADES and FUMO presented to the Chair **SB 371**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, providing for certification of athletic trainers by the State Board of Osteopathic Medicine; and making repeals.

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

Senators THOMPSON, JUBELIRER, WAGNER, TOMLINSON, LAVALLE, COSTA, ROBBINS, CONTI, TARTAGLIONE, MADIGAN, BELL, EARLL, HOLL, GERLACH, BOSCOLA, STACK, GREENLEAF, MUSTO, RHOADES, SCHWARTZ, ARMSTRONG, KUKOVICH, LOGAN, CORMAN, KASUNIC and M. WHITE presented to the Chair **SB 372**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police.

Which was committed to the Committee on LAW AND JUSTICE, February 7, 2001.

Senators THOMPSON, HELFRICK, GERLACH, ROBBINS and ARMSTRONG presented to the Chair **SB 373**, entitled:

An Act selecting, designating and adopting the chocolate chip cookie as the official cookie of the Commonwealth of Pennsylvania.

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

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I request a temporary Capitol leave for myself.

The PRESIDING OFFICER. Without objection, that leave is granted.

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Kitchen and Senator Wagner.

The PRESIDING OFFICER. Senator O'Pake requests legislative leaves for Senator Kitchen and Senator Wagner. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

On the question,

Will the Senate agree to the motion?

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

YEA-46

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

NAY-0

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

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE HEALTH POLICY BOARD

December 12, 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, Steven R. Stroul, 229 Woodbriar Lane, Erie 16505, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

December 12, 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 E. Tungate, 148 Glo Min Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2007 and until his successor is appointed and qualified, vice Morris J. Dean, Bryn Mawr, whose term expired.

THOMAS J. RIDGE
Governor

COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

December 1, 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 Albert H. Masland, 258 Conway Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve until superseded, vice Dorothy M. Childress, Lemoyne, resigned.

THOMAS J. RIDGE Governor

SECRETARY OF REVENUE

January 12, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larry P. Williams, 1505 Kenwood Drive, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January 2003 and until his successor is appointed and qualified, vice The Honorable Robert A. Judge, Sr., Glenolden, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE BOARD OF TRUSTEES OF SELINSGROVE CENTER

January 17, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joan L. Kelley, 2311 Stetler Drive, Shamokin 17866, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selinsgrove Center, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE Governor

MEMBER OF THE BOARD OF TRUSTEES OF WHITE HAVEN CENTER

January 17, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Burke, Jr., R.R. 2, Box 244, Sugarloaf 18249, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Board of Trustees of White Haven

Center, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE Governor

DISTRICT JUSTICE

January 24, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael G. Dotzel, 12 Slattery Street, Wilkes-Barre Township 18702, Luzerne County, Fourteenth Senatorial District, for appointment as District Justice, in and for the County of Luzerne, Magisterial District 11-3-07, to serve until the first Monday of January 2002, vice Bernard J. Hendrzak, mandatory retirement.

THOMAS J. RIDGE Governor

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

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

YEA-46

Table with 4 columns listing names of senators who voted 'YEA' for the District Justice nomination. Names include Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earl, Fumo, Gerlach, Greenleaf, Holl, Hughes, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, and 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.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise. The motion was agreed to by voice vote.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 32 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 138 (Pr. No. 281) -- 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 compensation of multicounty investigating grand jurors.

Considered the second time and agreed to,

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

SB 236 (Pr. No. 282) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, amending definitions; and further providing for duration of lien recorded on certificate of title, for registration of vehicles, for restrictions on use of highways and bridges, for depositing waste and other material on highway, property or water, for vehicle size and for powers of local authorities.

Considered the second time and agreed to,

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

SB 237 (Pr. No. 283) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration of vehicles, for registration violations and suspensions, for accidents involving overturned vehicles, for permits and for vehicle size, weight and load; and further providing for liquid fuels and fuels tax refunds.

Considered the second time and agreed to,

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

SB 238 (Pr. No. 284) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for suspension of operating privileges, for licensing of drivers, for driver's license violations, for handicapped parking, for speed limits, for restriction on alcoholic beverages, for probationary license, for restrictions on use of limited access highways and for subsequent convictions of certain offenses; conferring powers and duties on the Department of Health; increasing certain penalties; and making repeals.

Considered the second time and agreed to,

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

SB 239 (Pr. No. 285) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on State Route 44, over Little Pine Creek in Lycoming County, as the Lieutenant Michael Wolf Bridge; designating a portion of the Mon/Fayette Expressway, State Route 43, as the J. Barry Stout Expressway; designating a portion of the Mon/Fayette Expressway, State Route 43, as the James J. Manderino Memorial Highway; designating the twin bridges at milepost 45 of the Mon/Fayette Expressway as the Joe Montana Bridges; designating State Route 1077 in Donora Borough and Carroll Township, Washington County, as the Stan Musial Byway; designating a portion of State Route 24 in York County as the 24th Infantry Division Association Highway; designating a bridge on the Mon/Fayette Expressway as the Braddock's Crossing Bridge; designating a portion of the Mon/Fayette Expressway, State Route 43, as the Medal of Honor Highway; designating State Route 65 as the 65th Infantry Division Memorial Highway; designating a certain bridge on State Route 1002 over French Creek in Venango Borough, Crawford County, as the Venango Veterans Memorial Bridge; designating Exit 10 in Harborcreek Township, Erie County, on Interstate 90 as the Trooper Matthew R. Bond Memorial Interchange; designating a portion of U.S. Route 62, Pennsylvania Route 8 in Venango County as the Colonel Francis S. Gabreski Highway; designating a portion of Kittanning Bypass in Armstrong County as the Henry Livengood Memorial Highway; designating the dam known as the Fabridam, between Sunbury, Northumberland County, and Shamokin Dam, Snyder County, as the Adam T. Bower Memorial Dam; designating a certain bridge on State Route 655 over the Juniata River as the Mapleton Area Veterans Memorial Bridge; designating a certain bridge on Interstate 79 over the Ohio River at Neville Island as the Pittsburgh Naval and Shipbuilders Memorial Bridge 1941-1945; and designating a bridge in the Borough of Renovo, Clinton County, as the Pennsylvania Railroad Bridge.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 96 and SB 179 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

SB 215 (Pr. No. 222) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

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

SB 330 (Pr. No. 235) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 12 (Commerce and Trade), 13 (Commercial Code), 15 (Corporations and Unincorporated Associations), 30 (Fish), 42 (Judiciary and Judicial Procedure), 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, extensively revising provisions on secured transactions; revising provisions on letters of credit; making editorial changes; and making repeals.

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

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. John Landis and to Mr. and Mrs. Ross Frey by Senator Armstrong.

Congratulations of the Senate were extended to Upland Fire Company No. 1 by Senator Bell.

Congratulations of the Senate were extended to Jane Garrity by Senator Bodack.

Congratulations of the Senate were extended to the Building Advocacy, Resources and Community for People with Developmental Disabilities of Bucks County by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Sweitzer, Kevin Bart Andrews and to Alexander Toldi by Senator Cornan.

Congratulations of the Senate were extended to Mr. and Mrs. Jerome Hess by Senator Dent.

Congratulations of the Senate were extended to Joseph Will and to Paul Orlemanski by Senator Earll.

Congratulations of the Senate were extended to Play It Again Spring-Ford Area Adult Activity Center of Spring City by Senators Holl and Gerlach.

Congratulations of the Senate were extended to the Honorable Bud Shuster by Senator Jubelirer and others.

Congratulations of the Senate were extended to Matthew G. Jacobs by Senator Kasunic.

Congratulations of the Senate were extended to the Berean Institute of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Victor Banko and to Drue J. Daniels by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas A. Oeler, Mr. and Mrs. Howard W. Godfrey, Mr. and Mrs. Harold Sievern and to Scott Williams by Senator Logan.

Congratulations of the Senate were extended to Pearl Irene Smith Varnes Jennings by Senator Madigan.

Congratulations of the Senate were extended to Arin C. Ahnell by Senator Mowery.

Congratulations of the Senate were extended to Darlene Mabelle Fidler and to Charles S. Nestor by Senator Murphy.

Congratulations of the Senate were extended to the Reading Chapter of the Institute of Management Accountants by Senator O'Pake.

Congratulations of the Senate were extended to Reed M. Zellers and to John G. Craig, Jr., by Senator Piccola.

Congratulations of the Senate were extended to Daniel G. Grow, Robert S. Foster and to the citizens of the Borough of Frackville by Senator Rhoades.

Congratulations of the Senate were extended to Margaret C. Butz by Senators Rhoades and Lemmond.

Congratulations of the Senate were extended to James Ryan Antel, Scott Michael Colgan, Reynolds High School Wrestling

Team and to the Phi Theta Phi Fraternity, Thiel College, of Greenville, by Senator Robbins.

Congratulations of the Senate were extended to Paul M. Goldberg, Leon Forest Robertson and to John E. Lyon by Senator Scarnati.

Congratulations of the Senate were extended to Pat Glewwe by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. George Haas, William N. Hardy, Bucks County Music Educators' Association (BCMEA) and to the Sisters of the Blessed Sacrament and Saint Katharine Drexel Guild by Senator Tomlinson.

Congratulations of the Senate were extended to Lorene Miller and to John Daniel Flexer, Jr., by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Schreckengost by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer Gouldthread and to Mr. and Mrs. Thomas Hurd by Senator Wozniak.

BILLS ON FIRST CONSIDERATION

Senator BRIGHTBILL. 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 35, SB 194, SB 375 and SB 407.

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

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I rise today with a little bit of hope. Yesterday, Governor Ridge gave his Budget Address, and for the first time in the 6 years that I have been in office, he talked about the disturbing growth of landfills in Pennsylvania. This is an issue that I have been talking about ever since I was elected 6 years ago, and I keep calling on us to do something about out-of-State garbage in Pennsylvania. So I was really encouraged yesterday when he talked about it in his Budget Address, because I never heard him talk about it in his Budget Address before. So hopefully, Mr. President, this spells a change in this administration's attitude and policy toward dealing with the mountain of out-of-State garbage that is trucked into Pennsylvania day after day after day.

Pennsylvania has been America's dumpster for far too long, and while I am hopeful that Governor Ridge is sincere in his call for landfill legislation, I have to confess that I do have my doubts, because over the last 6 years I have heard talk about a moratorium, no new landfills, no new landfill expansions. But in the 18th Senatorial District alone, in Northampton and Monroe Counties, we have three landfills that have applications in for expansion permits. And it is disturbing, because in our

community the trucks are coming in constantly hauling this garbage in, and when you think about it, if we are taking all this out-of-State garbage into Pennsylvania and our landfills might be filled to capacity in 11 or 12 years, where is Pennsylvania going to send their garbage? No other State is going to want it, but our landfills are constantly being filled with out-of-State garbage.

So, throughout the last 6 years, this administration continually implied that our worsening landfill crisis was a national problem, or something that required a Federal remedy. Where have I heard that before? I have talked about that, that we do not do things sometimes in this State because we say we have to wait to see what the Federal government does. Meanwhile, as I said, there are three applications in Northampton County alone for landfill expansion permits. And what this means is that more garbage trucks will be rumbling across State lines with other people's garbage other than Pennsylvanians. And these expansions only continue to diminish the health, safety, and appeal of trying to live and raise a family in Northampton and Monroe Counties.

Mr. President, if the Governor is serious about enacting legislation to control landfill growth, I invite him to take a really close look at the four-bill package that I recently reintroduced. These proposals are nothing new. In fact, I have introduced and reintroduced them for as long as Tom Ridge has been Governor. These bills would tighten State landfill regulations and toughen enforcement against out-of-State waste haulers. This legislation would stem the tide of out-of-State garbage and police the heavy garbage trucks that race across our borders and into our communities every day.

Most importantly, Mr. President, my legislation would give local residents, the residents who live in these communities, a greater voice in the landfill permitting process. It would also turn the Governor's attention to a worthy bill that Representative Bud George introduced in the House which would roll back excess capacity in landfills. And I am sure Representative George welcomes the Governor's new spirit of teamwork as well.

Mr. President, if the Governor is serious about doing something to curb landfill expansion, and, as I said, I am very hopeful because I heard it in his Budget Address, I can assure him that legislators from both sides of the aisle would be more than willing to work with him, and I sincerely hope that he takes us up on this offer. After all, Pennsylvania's landfills continue to accept more and more trash from outside our borders. This only results in less capacity to handle our own needs.

Mr. President, Pennsylvania continues to hold the dubious distinction of being by far the biggest importer of garbage, and it is certainly not a legacy that I would want to leave as Governor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator M.J. WHITE. Mr. President, I share the lady's concerns. There is an old expression that says no good deed goes unpunished, and what Pennsylvania has done in the past 10 or 15 years--in fact, prior to my service in the Senate, I served on a Solid Waste Advisory Committee as a private citizen--is we have improved our landfill regulations, closed our substandard landfills, put in recycling, and we did everything that a responsible State does to responsibly manage its problem of solid

waste. Unfortunately, our neighbors have not been so responsible.

The Senator is correct that this is a Federal issue to a certain extent, and it is not a question of waiting for the Federal government to act. Our problem is a Supreme Court ruling, the Supreme Court of the United States, that has said that trash is interstate commerce, and as such, no State can discriminate against out-of-State trash or set up barriers against its importation. Now, that gives us a serious problem. While we obviously want to control the expansion of landfills within our State, we are not permitted to discriminate against the trash generated by our own citizens or not allowed to discriminate in favor of our own municipal waste landfills, of which there are many around the Commonwealth that are responsibly managed and are serving the needs of their communities at lower costs.

Secretary Seif, the Secretary of the Department of Environmental Protection, and his staff have been working on this very complicated issue for a long time, certainly before I got here. When I took over the chairmanship of the Senate Committee on Environmental Resources and Energy, this was high on our list of items to address. Obviously, we have not done it quite as quickly as I would have liked or as the gentlewoman would have liked and I understand that. With Trashnet, the Governor has done many Trashnet interceptions of vehicles coming in from out of State that have various vehicle violations. That is not discriminating against out-of-State trash, that is simply enforcing the laws of our roads, of our vehicle safety, laws that our citizens and all citizens have a right to see enforced. I agree that we probably should step that up and continue the Trashnet interceptions from time to time.

But on the more complex area of how we limit the amount of landfill space and expansion in the Commonwealth, I have been working with Members of the House and with Members of the Senate, and we have a bill, and while it is not perfect and perhaps will not meet everyone's requirements, it is still in the discussion stage, I will be most happy to share it with the gentlewoman for her impressions and observations. And while it may not get us the whole 100 yards, I think at this point we are ready to take 50 at a time, or as the football teams do, maybe even just a first down would be helpful.

So, I assure you this is an issue that has the Senate's attention, and we will continue to work on it, and we will look forward to having cooperation from both sides of the aisle, as well as both chambers.

Thank you.

RECESS

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

Senator BRIGHTBILL. Mr. President, I move the Senate now recess to the call of the President pro tempore.

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

Senator O'PAKE. Mr. President, for the record, are we clear that there will be no more votes today? Correct?

The PRESIDING OFFICER. There will be no more votes today, that is correct.

On the question,

Will the Senate agree to the motion?

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

The PRESIDING OFFICER. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to hold budget hearings on the PUC, the Consumer Advocate, and the Small Business Advocate.

RECESS

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

Senator BRIGHTBILL. Mr. President, I move that the Senate stand in recess to the call of the President pro tempore.

On the question,

Will the Senate agree to the motion?

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

The PRESIDING OFFICER. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

ADJOURNMENT

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I move that the Senate do now adjourn until Monday, February 12, 2001, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 1:50 p.m., Eastern Standard Time.