

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, MAY 1, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY

No. 27

**SENATE**

TUESDAY, May 1, 2001

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

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

**PRAYER**

The Chaplain, Reverend RICHARD MORLEDGE, of Bakerstown Presbyterian Church, Gibsonia, offered the following prayer:

Senators and guests, please pray with me.

On this first day of a new month, Father, we come into Your presence. We thank You for this hallowed hall as we stand on holy ground.

O Lord, we have come from different towns and communities and cities, but we have come at Your bidding, and we have come to help lead this great Commonwealth in the great days of its tomorrow. May each Senator remember that as we are here under Your guidance and direction, and each one of us serves because of Your providence and Your grace, may they know that the Lord is blessing them and keeping them. The Lord is making His face to shine upon them. You are lifting up Your countenance upon them to give them not only the power to do what is right, but to find the peace that comes with justice and righteousness. Hallelujah. Amen.

The PRESIDENT. The Chair thanks Reverend Morledge, who is the guest today of Senator M.J. White.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 30, 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.

**COMMUNICATION FROM THE GOVERNOR**

**NOMINATION REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

May 1, 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, Glen R. Thomas, Esquire, 1733 Weatherburn Drive, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2006 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John M. Quain, Esquire, Harrisburg, whose term expired.

THOMAS J. RIDGE  
Governor

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

**Weekly adjournment.**

**BILL SIGNED**

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

**HB 328.**

**REPORTS FROM COMMITTEES**

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

**SB 221 (Pr. No. 227)**

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

**SB 406 (Pr. No. 418)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sanctions for dilatory, obdurate and vexatious pleadings.

**SB 655 (Pr. No. 697)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of home invasion.

Senator DENT, from the Committee on Urban Affairs and Housing, reported the following bills:

**SB 787 (Pr. No. 883)**

An Act authorizing the attachment of wages by landlords.

**HB 52 (Pr. No. 1256)**

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the definition of "taxing district" and for repeals; and imposing duties on the Department of Community and Economic Development and the Legislative Reference Bureau.

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

**SB 793 (Pr. No. 896)**

An Act amending the act of December 13, 1999 (P.L.905, No.57), known as the Drought, Orchard and Nursery Indemnity and Flood Relief Act, further providing for appropriations.

**SB 816 (Pr. No. 941)**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assaults with biological agents on animals.

**LEGISLATIVE LEAVES**

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

Senator MELLOW. Mr. President, I request legislative leaves for Senator Bodack and Senator Stout.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Bodack and Senator Stout. Without objection, those leaves are granted.

**LEAVE OF ABSENCE**

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

**CALENDAR****SB 508 CALLED UP OUT OF ORDER**

**SB 508 (Pr. No. 850)** -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 508 (Pr. No. 850)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S. Route 1 in Chester County as the John H. Ware III Memorial Highway.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator THOMPSON. Mr. President, I rise today to call on my colleagues to support Senate Bill No. 508, a bill that commemorates a section of Route 1 in Chester County as the John H. Ware III Memorial Highway. It is fitting and appropriate that we mark the life of this great man who left his mark on the community and the Commonwealth in several ways.

Mr. Ware was a business leader, serving 23 years as chairman of the American Water Works, the largest investor-owned water company in the United States. He also founded the Penn Fuel Gas Company and was a newspaper publisher, among other business interests.

Mr. Ware also left his mark on government. A friend and advisor to governors and Presidents, he served with distinction in this Chamber. He was elected to the Pennsylvania Senate in 1960, and left his mark as a legislator's legislator and was well known for his work in building coalitions. Mr. Ware left the State Senate in 1971 to represent Pennsylvania's 9th District in the Congress of the United States, where he served until 1975.

He also left his mark on education as a trustee of the University of Pennsylvania, Lincoln University, Widener University, Ursinus College, Pennsylvania College of Optometry, West Nottingham Academy, and Elwyn Institute.

Mr. President, John Ware left his most important marks on the community that he loved. Behind the political and business leader was a caring man who taught Sunday school for 52 years at the Oxford Presbyterian Church. He also found time to work with the Boy Scouts and helped dozens of civic and charitable organizations in Chester County. He gave of his time and money. He donated 19 acres of his family homestead for a senior citizens complex in Oxford, that is known today as Ware Presbyterian Village.

John W. Ware III died in July 1997 at the age of 88. He truly left his mark on the community that he loved. It is fitting that we honor this man and his legacy by designating this section of Route 1, a highway that connects many communities along the East Coast, to the memory of John H. Ware.

I urge a "yes" vote on Senate Bill No. 508.

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

Senator MELLOW. Mr. President, I would just like to echo the words of Senator Thompson. I had an opportunity as a very, very young Member of the Pennsylvania Senate just a couple of years ago to be able to serve with then Senator Ware. I got to

know him not only as a Member of the Senate, but also as a member of the United States Congress. There is no question in my mind, Mr. President, that he himself was a pioneer with regard to public utilities in Pennsylvania and indeed in the nation, especially with regard to water utilities, and I think it is only fitting and appropriate that today we do honor the memory of Senator Ware, not only to name part of U.S. 1 the John H. Ware III Memorial Highway, but also to mention his name on the floor of this Chamber.

Mr. President, there have been a lot of people who have distinguished themselves as Members of the Pennsylvania Senate, and I think it is appropriate from time to time that we acknowledge and remember the tremendous job they did, and today I want to compliment the Members of the Senate, and especially the prime sponsor of the bill, for bringing this to the Members of the Senate's attention for introducing the bill and to finally pass it here in the Senate today. We on this side of the aisle are honored to be part of that.

And the question recurring,  
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT J.  
THOMPSON AND SENATOR JAMES W.  
GERLACH PRESENTED TO THE SENATE**

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

Senator THOMPSON. Mr. President, one of the great opportunities in this job is to recognize young people who do great things, and in our gallery today is a group of those young people. They are the Coatesville Area High School Red Raiders Basketball Team. I am pleased to have them here today, and host them along with Senator Gerlach. They are the PIAA Class AAAA State Champion Boys' Basketball Team.

(Applause.)

Just to give you a little bit of background on them, this is the first time that the school has won the State championship. They just wrapped up an amazing 31 wins, 1 loss season, and capped off that season with a memorable event by winning the Class AAAA Championship on March 24.

The team is here in the gallery accompanied by head coach, Jim Smith; assistant coach, Dave Rode; and athletic director, Chuck Carroll. So I ask the Senate to extend its usual warm welcome to the Coatesville Red Raiders.

The PRESIDENT. Are Coach Smith and the Red Raiders here, and if they are, would they please stand so the Senate may welcome them.

(Applause.)

**GUESTS OF SENATOR ROBERT J.  
THOMPSON PRESENTED TO THE SENATE**

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

Senator THOMPSON. Mr. President, our Pages for the day are two students from Avon Grove High School, Grace Heiderscheidt and Rachel Watkins. Both of them are seniors at Avon Grove High School.

Grace is a New London resident involved in the wind ensemble, marching band, mock trial team, and president of the Shakespeare Club. She would like to join the Diplomatic Corps and attain a doctorate in history of Asian nations. How is that for just starting out as a high school senior? She also would like to write a book on the Imperial Restoration in Japan in the mid-1850s.

Also here is Rachel Watkins. She is from Landenberg, which is actually in Senator Bell's district. She is a creator of the Anime Club, which is a Japanese animation club at the high school. Her future goals are to attend college and she hopes to be involved either in journalism or law after graduating from college.

So I would like the Senate to give these two young ladies its usual warm welcome.

The PRESIDENT. Would the Pages please stand so the Senate may welcome them.

(Applause.)

**GUESTS OF SENATOR JAKE  
CORMAN PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, today I have been shadowed by a young girl from Mifflin County. She has been following me around to our offices and sitting in on some of the meetings I have been participating in. Her name is Kimberly Lechien. She is the daughter of Charles and Cathy Lechien, and Mr. Lechien is here as well. She is a resident of Lewistown in Mifflin County, and a 10th grade student at Lewistown Area High School. She is treasurer of her sophomore class, a member of the National Honor Society, and a member of Key Club, where she is the district lieutenant governor. She is also a member of the Spanish club and the varsity soccer team.

If the Senate would give her its usual warm welcome, I would appreciate it.

The PRESIDENT. Would our special guests please rise so the Senate may welcome you.

(Applause.)

#### GUESTS OF SENATOR JOHN N. WOZNIAK PRESENTED TO THE SENATE

The PRESIDENT. As we have all observed, there are a number of cheerleading units with us, and to this end, four Members of the Senate will introduce squads from their respective districts.

The Chair recognizes the gentleman from Cambria, Senator Wozniak.

(Cheering.)

The PRESIDENT. I get the feeling that asking the Senate to come to order will not go real far today.

Senator WOZNIAK. Mr. President, approximately 10 years ago, some very innovative people in Cambria County got a little tired of people getting national championships for football and basketball and wrestling, and nothing was ever done for cheerleaders. So they began a competitive spirit, and today Johnstown is the host annually of one of the finest competitions in this Commonwealth.

Today it is my honor to introduce to the Senate of Pennsylvania, and to all who are listening, schools from my area that have competed and have won.

We have Conemaugh Valley Elementary School and coaches Kim Crowe, Nancy Crowe, and Marci Garman.

(Cheering.)

We have Johnstown Middle School, where I attended a number of years ago, with coaches Holly Vogel and Courtney Brydon.

(Cheering.)

We have Richland Middle School, Junior High Division champions. Bernice Bobak is head coach and Desa McAfee is assistant coach.

(Cheering.)

We have Richland High School, Varsity AA champs. Coaches are Sherri Costlow and Tonya Naglic.

(Cheering.)

And last but not least is my alma mater, Johnstown High School, Varsity AAA champs, with coaches Barb Kopriva, Susan Mayer, and Gretchen Siembak.

(Cheering.)

I think they let you know where they are. I would like the Senate to return their enthusiasm.

The PRESIDENT. Would the Senate please provide its usual warm welcome.

(Applause.)

#### GUESTS OF SENATOR ROBERT C. JUBELIRER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Blair, the President pro tempore of this Senate, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, certainly Senator Wozniak has set the tenor for this afternoon, and I would like to tell everyone that right across the mountain from Johnstown, Pennsylvania, is a Varsity A Division of the Pennsylvania State Cheerleading Championship, and the Bishop Guilfoyle Maraud-

ers have won that. I am delighted to be able to recognize them, their coaches, Dana Berkheimer, Laura Boore, Shannon Walters, Karen Mislanovich, and Nancy Miller, and all the B.G. Marauders varsity cheerleading squad, Varsity A Division of Pennsylvania, are here today.

I ask that the Senate of Pennsylvania give them a warm welcome and congratulations.

The PRESIDENT. Would the guests please rise so we may welcome you.

(Applause.)

#### GUESTS OF SENATOR HAROLD F. MOWERY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I am very pleased to introduce to the Senate today two groups of cheerleaders from my district who won both State and national championships. Since the State championships were held in Johnstown, and since Senator Wozniak has so many from that area, and then I stand over here and Senator Jubelirer right across from Johnstown has his group, it is amazing that a group from Cumberland County went out there and won the State championship. I think that is super.

The Cumberland Valley High School varsity cheerleaders won the Pennsylvania State Varsity Division AAAA Cheerleading championship title at Johnstown this past November, and they went on to claim the national title in March, where they competed against 20 other high schools across the nation to win this outstanding award.

The Cumberland Valley High School junior varsity cheerleaders captured the Pennsylvania State Division AAAA Cheerleading Championship title in the Junior Varsity Division. They also went on to the national level where they captured the third place title.

Their coach is Kristi Shaffner, and I would like to give them a warm welcome for an outstanding accomplishment.

The PRESIDENT. Would our guests please rise so the Senate may welcome you.

(Applause.)

Senator MOWERY. If I may, Mr. President, we have also with us today members of the Cheer Tyme, Inc., Cheerleaders from New Cumberland, who won their respective areas with Pennsylvania State titles. They are the Senior All-Stars, the Junior Prep All-Stars, the Coed All-Stars, and the Large Junior All-Stars who won in their division. Some of these girls are also members of the Cumberland Valley High School squad.

Please join me in giving a warm Senate welcome to these State and national champions, and their coaches, Scott and Kimberly Braasch. Let us give them a warm welcome.

(Applause.)

#### GUESTS OF SENATOR CHARLES W. DENT PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Mr. President, I am delighted today to introduce the Whitehall High School varsity cheerleading squad. They

brought great honor in capturing first place in the Eastern Cheerleading Association's National Championship Competition. This squad's record this year includes first place in the Schuylkill County Invitational, the Lakeland Regional High School Cheerleading Competition, and the University of Pennsylvania Cheerleading Invitational.

The team is joined today by their coach, Jean Marsteller, as well as the assistant principal of Whitehall High School, Mr. Bugbee. I would like the Senate to give the Whitehall High School cheerleaders its customary warm welcome.

The PRESIDENT. Would the Whitehall cheerleaders please stand so the Senate may welcome and acknowledge you.

(Applause.)

### **GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE**

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

Senator SCHWARTZ. Mr. President, I do not have a group of cheerleaders with me, so I will not be able to compete with some of that enthusiasm, but the Isdamer family is visiting from Merion, which is actually Senator Tilghman's district, but they purchased a day with me through the Golden Slipper Club, of which they are very supportive. I would like to welcome Scott and Jennifer Isdamer and their sons, Eric and Andrew. Eric is in third grade and Andrew is in sixth grade at the Haverford School, and they are here for the day. It has been a busy day and I think an enjoyable one. So I wish the Senate would give them a warm welcome.

The PRESIDENT. Would the guests of Senator Schwartz please rise so the Senate may welcome you.

(Applause.)

### **SPECIAL ORDER OF BUSINESS 2000 PENNSYLVANIA BITUMINOUS COAL QUEEN PRESENTED TO THE SENATE**

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

Senator KASUNIC. Mr. President, it is with great pleasure and honor that I rise today to introduce a special guest to the Senate of Pennsylvania. For the past 47 years the King Coal Association of Carmichaels, Greene County, has held the Coal Queen Pageant in conjunction with the King Coal Show. The pageant selects a young lady to represent the bituminous coal industry here in Pennsylvania.

Senator Stout and I are proud of the tradition and the notoriety this pageant brings to the bituminous coal industry here in Pennsylvania. Personally, I am also proud of this tradition and the bit of competition that has existed between Senator Stout and myself to see whose district the Coal Queen actually comes from, and for several years this has been going on. Mr. President, it is with great pride and pleasure to announce to you today that the Coal Queen has once again remained in and comes from Fayette County and the 32nd Senatorial District, much to the dismay of my colleague, Senator Stout.

The 2000 Pennsylvania Coal Queen is Miss Demarie Constable from East Millsboro, Luzerne Township, Fayette County, which is located in my senatorial district. It is also with pride and pleasure that I stand here, too, to tell you something a little bit more on a personal basis, because her great-grandfather lived and worked in the coal mining community of Monarch, Pennsylvania, the hometown where I was born and raised, and I knew her grandfather on a personal basis.

Demarie is the daughter of Fred and Dorothy Constable, who are accompanying her today, along with Susan Martin, the director of the Coal Queen Pageant, Kim Bartley, who is the secretary of the King Coal Association, along with Jean Hockenberry and Lisa Allison, both members of the Coal Queen Committee.

Mr. President, Demarie is currently a senior honor student at Geibel Catholic High School in Connellsville. She has been active in her school's musicals for the past 2 years, with a supporting role in "Grease" and the leading role in "42nd Street." Other activities include membership in the Drama Club, Students Against Drunk Driving, Junior Classical League, and the Ski Club. She was also a Junior Homecoming Court attendant and a member of last year's Senior Homecoming Court. Dance has been a very important part of her life. She has studied dance for the past 16 years, entertaining throughout the United States.

Mr. President, Demarie has had an active year reigning as the 2000 Pennsylvania Bituminous Coal Queen. Some of her activities include participating in numerous parades, taking part in the Uniontown newspaper and television reading fair, and attending various banquets, such as the Carmichaels Chamber of Commerce Christmas and spring banquets. She also had the opportunity to tour the Emerald Mine, operated by RAG Coal Company, where she actually operated the longwall mining machine. She plans to attend Point Park College in Pittsburgh, majoring in dance and musical theater or broadcasting. One day she hopes to have the opportunity of becoming a Radio City Rockette and also one day performing on Broadway.

Mr. President, it is with great pride and distinct pleasure to introduce to you and my colleagues in the Senate the 2000 Coal Queen, Miss Demarie Constable, and ask that the Senate extend to her and her guests its usual warm welcome.

(Applause.)

Miss CONSTABLE. Good afternoon. As all of you know, my name is Demarie Constable, and I am this year's 2000 Pennsylvania Bituminous Coal Queen. I would like to start out by thanking Senator Kasunic for that wonderful introduction and for taking the time to speak with me today. I would also like to thank Senator Stout for organizing my tour and all of his office aides for making me feel so welcome. I would also like to thank Representative DeWeese for introducing me to the House and, lastly, I would like to thank the Pennsylvania Coal Association for making all of this possible for me and for treating me like a queen.

Being this year's Coal Queen has been a very fulfilling and exciting experience. I have been asked to participate in many banquets, functions, and parades throughout the past year. Last August I had the privilege of taking part in the 47th Annual Pennsylvania Coal Show, where I judged the pet and bicycle parades and was the guest of honor in the King Coal Parade. In November I experienced a day in the life of a coal miner on my trip to Emerald Mine. I toured the mines, operated the longwall,

and was presented with a keepsake of my memorable day there. This past weekend I attended a dinner for the Carmichaels Chamber of Commerce, where I was privileged to speak. One of the highlights of my reign will be this week's trip to Harrisburg, highlighted by meeting Lieutenant Governor Schweiker.

Aside from being this year's Coal Queen, some of my other activities, as Senator Kasunic has already told you, include being a dancer for 16 years at Houck Dance Studio, having one of the lead roles in my high school's musical production of "42nd Street," and being an active member in the Junior Classical League, SADD, Drama Club, and Ski Club, all of which I take part in at Geibel Catholic High School. Upon my graduation I will be attending Point Park College in the fall where I will be majoring in dance and I will also be auditioning for the New York Radio City Rockettes.

Once again, I would like to thank you for giving me the privilege of being here and for being a part of all of this.

(Applause.)

The PRESIDENT. Thank you, Queen Constable.

### RECESS

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

Senator BRIGHTBILL. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus, which will begin immediately.

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

Senator MELLOW. Mr. President, I request that the Democratic Members report to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately following this announcement, without objection, the Senate stands in recess.

### AFTER RECESS

The PRESIDENT. 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 off the floor during the Session to consider House Bill No. 996.

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 59 and HB 62** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 82 (Pr. No. 923)** -- 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 the offense of scattering rubbish.

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

On the question,  
Shall the bill pass finally?

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

#### YEA-49

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

#### NAY-0

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

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

#### BILLS OVER IN ORDER

**SB 153 and SB 154** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL AMENDED

**HB 157 (Pr. No. 191)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the establishment of the Pennsylvania Pedalcycle and Pedestrian Advisory Committee and its powers and duties.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator BRIGHTBILL offered the following amendment No. A1753:

Amend Title, page 1, line 2, by inserting after "Statutes,": further Amend Sec. 1, page 1, lines 7 and 8, by striking out all of said lines and inserting:

Section 1. Chapter 35, Subchapter D of Title 75 of the Pennsylvania Consolidated Statutes is reenacted and amended to read:

Amend Sec. 1 (Sec. 3571), page 1, line 17; page 2, lines 1 through 30; page 3, lines 1 through 25, by striking out all of said lines on said pages and inserting:

(b) Composition.—The committee shall consist of [14] 15 members. The members shall be as follows:

- (1) The Secretary of Transportation, ex officio.
- (2) The Secretary of Conservation and Natural Resources, ex officio.
- (3) The chairman and minority chairman of the Transportation Committee of the Senate.
- (4) The chairman and minority chairman of the Transportation Committee of the House of Representatives.
- (5) [Six] Nine members of the public representing areas of concern [specified], who [shall] must have extensive experience and knowledge of bicycle, pedalcycle, pedestrian and human power issues throughout this Commonwealth, to be appointed by the Governor as follows:

(i) One member [from a list of at least three representatives submitted by] representing the Bicycling Federation of Pennsylvania.

(ii) One member [from a list of at least three representatives submitted by] representing the League of American Bicyclists.

(iii) One member [from a list of at least three representatives submitted by] representing the United States Cycling Federation.

(iv) One member [from a list of at least three representatives submitted by the Pennsylvania Chapter of the Rails-to-Trails Conservancy] representing a State-wide rail-trail organization in this Commonwealth.

(v) One member [from a list of at least three representatives submitted by] representing the Eastern Paralyzed Veterans Association.

(vi) One member [from] representing the general public.

(vii) One member [from a list of three representatives submitted by] representing the Western Pennsylvania Wheelmen.

(viii) One member [from a list of three representatives submitted by] representing the Bicycle Coalition of the Delaware Valley.

(ix) One member representing an established pedestrian advocacy group organized within this Commonwealth.

Each member set forth in paragraphs (1) through (4) may designate an alternate to serve in his stead[. A], and such member shall notify the chairman in writing of this designation.

(c) Terms of appointees.—The terms of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for additional terms. An individual appointed to fill a vacancy shall serve for the unexpired term and shall be eligible for reappointment.

(d) Officers.—The members of the committee shall annually elect a chairman, a vice chairman and a secretary from among the public members of the committee.

(e) Meetings and expenses.—

(1) The committee shall meet at least annually.

(2) A public member[, including a designee,] who misses three consecutive meetings without good cause acceptable to the chairman may be replaced by the Governor.

(3) The public members of the committee shall be allowed actual, necessary and reasonable per diem expenses in accordance with regulations of the Executive Board. The department shall provide appropriate staff support to enable the committee to properly carry out its functions.

(f) Powers and duties.—The powers and duties of the committee shall be to advise and comment on all phases of cycling and pedestrian program activities being undertaken or financially assisted by the department and agencies of State government.

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

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

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

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 230 (Pr. No. 243) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating December 15 of each year as "Bill of Rights Day."

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 259, HB 279 and SB 372 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 375 (Pr. No. 947) -- 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 third time and agreed to,  
And the amendments made thereto having been printed as  
required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

SB 377 (Pr. No. 942) -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act amending the act of December 22, 1989 (P.L.687, No.90),  
known as the Mortgage Bankers and Brokers Act, further providing for  
license exemptions, for application for license, for licensee require-  
ments, for authority of department or commission and for penalties.

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

On the question,  
Shall the bill pass finally?

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

YEA-49

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

Gerlach	Mellow	Stout
Greenleaf	Mowery	Tartaglione

NAY-0

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

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

HB 407 (Pr. No. 424) -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act designating the first Monday after February 4 of each year  
as Rosa Parks Remembrance Day.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL AMENDED

HB 421 (Pr. No. 979) -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act authorizing the Department of General Services, with the  
approval of the Governor, to grant and convey to the Bedford Cemetery  
Association, certain lands situate in the Township of Bedford, County  
of Bedford.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator BRIGHTBILL offered the following amendment No.  
A1766:

Amend Sec. 6, page 3, line 5, by striking out "2406-A" and inserting: XXIV-A

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

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

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 597 (Pr. No. 943)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question,  
Shall the bill pass finally?

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

**YEA-49**

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

**NAY-0**

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

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

**SB 607 (Pr. No. 927)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the compensation of clerks of election and machine operators; and making a repeal.

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

On the question,  
Shall the bill pass finally?

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

**YEA-49**

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

**NAY-0**

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

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

**SB 626 (Pr. No. 944)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 8, 1907 (P.L.496, No.322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," further providing for the commission.

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

On the question,  
Shall the bill pass finally?

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

**YEA-49**

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

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

NAY-0

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

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

**HB 678 (Pr. No. 751)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the dam known as the Fabridam, between Sunbury, Northumberland County, and Shamokin Dam, Snyder County, as the Adam T. Bower Memorial Dam.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

## SECOND CONSIDERATION CALENDAR

### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**HB 26 (Pr. No. 1749)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership, for credited school service, for termina-

tion of annuities, for membership of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for administrative duties of board and for management of fund and accounts.

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

**HB 103 and SB 137** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### PREFERRED APPROPRIATION BILLS OVER IN ORDER

**HB 1176, HB 1177, HB 1178, HB 1180, HB 1181, HB 1182 and HB 1183** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILLS OVER IN ORDER

**HB 23, SB 52, HB 153, SB 212, SB 214, SB 282, SB 300, SB 483, SB 572 and SB 654** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILL ON SECOND CONSIDERATION

**SB 770 (Pr. No. 862)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals.

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

### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 996 (Pr. No. 1755)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing payments to certain entities for the purchase of automatic external defibrillators; providing for powers and duties of the Department of Education; requiring certain training; and providing for civil immunity for certain users of automated external defibrillators.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.  
Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**HOUSE CONCURRENT RESOLUTION  
No. 112, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 9 of the Calendar, **House Concurrent Resolution No. 112**, entitled:

A Concurrent Resolution designating April 24, 2001, as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915-1923."

On the question,  
Will the Senate concur in the resolution?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 112.

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

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS, that the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM TABLE**

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

The Clerk read the nominations as follows:

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

April 11, 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, Ramona H. Alley, 311 Foundryville Road, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

April 11, 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, Richard F. Beierschmitt, 508 West Third Street, Mt. Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice David J. Cope, Hydetown, whose term expired.

THOMAS J. RIDGE  
Governor

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

April 10, 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, Walter H. Smith, Jr., Ph.D., 407 Shelbourne Drive, Pittsburgh 15239, Allegheny County, Forty-fifth 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 Thomas W. Fitch, Ridgway, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
CLARKS SUMMIT STATE HOSPITAL**

April 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, Wanda T. Neyman, 813 Lincoln Street, Dickson City 18519, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

April 11, 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, Virginia Lancaster McGarvey, 5191 Jordan Road, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Frank J. Jakovac, Gibsonia, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

April 9, 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, The Honorable Roy W. Wilt, 262 Leech Road, Greenville 16125, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Harness Racing Commission, 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.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 6, 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, Chris B. Dwyer, RD 2, Box 119, Mill Hall 17751, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Karen R. Rockey, Lock Haven, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 6, 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, Donald L. Faulkner, Esquire, 333 North Vespers Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF

April 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, Alphonzo Fazio, 234 South Apple Street, Dunmore 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Scranton State/sic: *data missing* for the Deaf, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice William T. Moran, Jr., Lake Ariel, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THADDEUS STEVENS COLLEGE OF TECHNOLOGY

February 15, 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, Mark C. Aho, 331 Carter Moir Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

April 11, 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, Richard A. Alley, M.D., (Republican), RD 1, Lauren Run Road, Trailwood 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified, vice Ann Marie C. Adonizio, Pittstown Township, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

April 11, 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, Sandra S. Piccone, (Republican), 149 James Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LUZERNE COUNTY BOARD OF ASSISTANCE

April 11, 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, Joseph M. Salvo, (Republican), 1050 Sheffield Road, Shavertown 18708, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE Governor

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

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

YEA-49

Table with 4 columns of names: Armstrong, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Fumo, Gerlach, Greenleaf, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Oriole, Piccola, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, 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.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

PROTHONOTARY, ALLEGHENY COUNTY

January 26, 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, Eugene G. Berry, Esquire, 128 Deerfield Drive, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for appointment as Prothonotary, in and for the County of Allegheny, to serve until the first Monday of January 2002, vice The Honorable Michael F. Coyne, deceased.

THOMAS J. RIDGE Governor

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

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

YEA-29

Table with 4 columns of names: Armstrong, Brightbill, Conti, Corman, Dent, Earll, Erickson, Gerlach, Greenleaf, Helfrick, Holl, Jubelirer, Lemmond, Madigan, Mowery, Murphy, Oriole, Piccola, Punt, Rhoades, Robbins, Scarnati, Thompson, Tilghman, Tomlinson, Waugh, Wenger, White, Donald, White, Mary Jo.

NAY-20

Table with 4 columns of names: Bodack, Boscola, Costa, Fumo, Hughes, Kasunic, Kitchen, Kukovich, LaValle, Logan, Mellow, Musto, O'Pake, Schwartz, Stack, Stout, Tartaglione, Wagner, Williams, Wozniak.

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

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.

UNFINISHED BUSINESS 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 Daniel Patrick O'Brien by Senator Bell.

Congratulations of the Senate were extended to Ian Cedric Dunbar and to Casey Roncaroni by Senator Boscola.

Congratulations of the Senate were extended to Tamika Kyte by Senator Costa.

Congratulations of the Senate were extended to Michael J. Barrett, Joseph R. Nemic, Jack Krill, Jose R. Sousa and to Recycling Services, Inc., of Pottstown, by Senator Gerlach.

Congratulations of the Senate were extended to the North Penn Convalescent Center of Lansdale by Senator Holl.

Congratulations of the Senate were extended to the 2001 National Road Festival of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew W. Polakovsky, John V. Felice and to Bruce C. Tobin by Senator Kukovich.

Congratulations of the Senate were extended to Scott Meuser by Senator Lemmond.

Congratulations of the Senate were extended to Joseph Thomas Zollner by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth J. Stroble by Senator Madigan.

Congratulations of the Senate were extended to Dr. Christopher N. Breiseth by Senators Musto, Lemmond, and Mellow.

Congratulations of the Senate were extended to Roy Kissinger, participants in Nurses and Their Voices Seminar, Crime Alert Berks County and to the Dominican-Hispanic Cultural Center by Senator O'Pake.

Congratulations of the Senate were extended to The Honorable Allen G. Kukovich, Martin McKinney, Joseph Walter Heiles and to Ralph Kirsch by Senator Orie.

Congratulations of the Senate were extended to John B. DeFloria, James W. Foster, The Honorable Debra Ann Pezze and to The Honorable Richard E. McCormick, Jr., by Senators Orie and Kukovich.

Congratulations of the Senate were extended to David A. Wynkoop by Senator Punt.

Congratulations of the Senate were extended to Paul Vathis by Senator Rhoades.

Congratulations of the Senate were extended to Marian H. Van Buren, Mercer County Builders Association, Kennedy Christian High School Boys' Basketball Team and to Kennedy Christian High School Girls' Basketball Team by Senator Robbins.

Congratulations of the Senate were extended to Matthew A. Brewster, Jacob J. Sivak, James Johnson, Eric D. Mourer, Troy D. Spencer, Benjamin A. Phelps, Benjamin J. Reed and to Chadwick K. Allen by Senator Scarnati.

Congratulations of the Senate were extended to Timothy E. Anderson by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Hess, Steve Lawson and to Andrew Herron by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Art Kelly, Mr. and Mrs. Harlen Grafton and to Harry Beckwith by Senator D. White.

Congratulations of the Senate were extended to George Scaife, Thomas Simms, Gloria Long, Joseph Delsignore, Sr., and to the Home Builders Association of the Alleghenies by Senator Wozniak.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Reverend Leon H. Sullivan by Senators Kitchen and Conti.

### RECESS

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

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations, which will be held immediately in the Rules room at the rear of the Senate.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to be held in the Rules room at the rear

of the Senate to begin immediately following this announcement, without objection, the Senate stands in brief recess.

### AFTER RECESS

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

### REPORT FROM COMMITTEE

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

#### HB 996 (Pr. No. 1755) (Rereported)

An Act authorizing payments to certain entities for the purchase of automatic external defibrillators; providing for powers and duties of the Department of Education; requiring certain training; and providing for civil immunity for certain users of automated external defibrillators.

### BILLS ON FIRST CONSIDERATION

Senator TOMLINSON. 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 221, SB 406, SB 655, SB 787, SB 793, SB 816 and HB 52.

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

### PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Mr. President, I rise today in support of Senate Bill No. 568, which I authored several months ago, and House Bill No. 996, which was just reported out of the Committee on Appropriations today, in honor of the memory of Gregory Moyer. These bills provide for the Commonwealth to provide automatic external defibrillators, AEDs, to every school, public or private, in the State.

Gregory Moyer was a constituent who was a sophomore at Notre Dame High School in East Stroudsburg when he was struck down by heart failure during a high school basketball game. A 15-year-old in the prime of his young life died in school because it took 25 minutes for the necessary medical treatment, in this case an automatic external defibrillator, to reach him. That is 25 minutes. According to the American Heart Association, for every minute defibrillation is delayed, the victim's chances of survival decline 7 to 10 percent. To date, the Gregory W. Moyer Defibrillator Foundation has raised over \$83,000 to purchase AEDs. They have even negotiated the price through bulk purchasing of AEDs, down from \$3,300 to \$2,100 per unit.

Senate Bill No. 568 and House Bill No. 966 will give those who educate in our community and serve our community the resources necessary to protect the lives we entrust with them. Mr.

President, if there is anyone in this audience who even doubts the need for the importance of such legislation, they need to talk to another constituent of mine, Mr. Vince McConnell. Mr. McConnell was attending a town meeting that I hosted in Bethlehem Township, and it was a town meeting that he wanted me to call because of an environmental problem that he felt seriously about in his neighborhood, and I called that meeting together. He was so upset with a certain company dumping on his land that this town meeting became very emotional. At that point he suffered a heart attack. Now, this was at my town meeting that I called, and this man suffered a heart attack.

But fortunately for Mr. McConnell, the Bethlehem Township Police Department had a defibrillator, and the reason they had a defibrillator was because I helped secure them a State grant so that the police in that township building would have that defibrillator, and it was through the Department of Community and Economic Development. So you have to imagine the feeling that a lot of us in that room had, and especially myself, when I was there to help this individual on an environmental problem, he suffered a heart attack and then a defibrillator that I was able to secure for the township saved his life. You cannot know how much that meant to me, and how I will never forget that experience. That AED was available on the spot and is credited for saving Mr. McConnell's life.

However, we cannot stop there. We must recognize that such opportunity exists whenever large communities gather. We must recognize that municipal buildings, police halls, and fire departments are just as vulnerable as our schools. So Senate Bill No. 568 and House Bill No. 966 is one way that we as legislators can help prevent another tragedy like the one that touched the Moyer family.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, yesterday Senator Mellow brought to the attention of the Senate, as well as the people of Pennsylvania, a situation that has occurred and is occurring in Lackawanna County relative to layoffs by the Corning Corporation after that corporation was the recipient of certain Commonwealth benefits under a variety of programs designed to enhance economic development. And I was, when I heard Senator Mellow's remarks, very impressed and very concerned about what the implications of those remarks meant to the various programs that we fund here in the Commonwealth of Pennsylvania, and I checked into the background and I have to fully agree with Senator Mellow that we need to keep an eye on these programs when we commit Commonwealth dollars to programs designed to enhance economic development.

With respect to the Corning Corporation, however, there is some good news that I was not fully aware of yesterday, and the good news is that most of the \$9.5 million that has been committed to Corning has not yet been released, and that is good news because now we do not have to be in a position to demand any refund. The programs that were accessed were as follows, as best as I can determine them after checking with the various agencies involved. Three million dollars was committed from the Job Creation Tax Credit Program, and that is a program that is based on the jobs that are created and the tax year in which they were

created. And so far, as of this date, none of those moneys have been accessed by the corporation. There was a \$2 million commitment from the Infrastructure Development Grant Program, and to date no moneys from that program have been accessed. In addition, there was a \$2 million opportunity grant, and again that grant has not been made to the company, and a \$1.5 million Customized Job Training Program Fund was tapped, and it has not yet been accessed by the corporation. The only funds that may have been accessed because of the nature of the program was about a \$1 million commitment through the Department of Transportation for transportation funds to improve highway infrastructure, presumably for access to these sites or this particular site. And we do not know for sure whether that program has been tapped or not.

So the key and most important thing to realize here is that the Commonwealth has not yet, while we have committed the funds, not yet actually handed those dollars over to Corning.

I agree with Senator Mellow. I think we need to keep our eyes on these kinds of programs, and if the corporations are not living up to their commitments, not creating the jobs that they have indicated that they are going to create, then I think we need to make sure that these funds, these Commonwealth tax dollars, are not turned over to such a corporation.

The further good news is that the corporation has until April of 2003 to create the 2,500 jobs that it has committed to creating. It is subject to some debate on whether or not that is possible. I am going to be an optimist and hope that it is possible. I believe that it is possible. I think it will be marvelous for Pennsylvania and marvelous particularly for northeast Pennsylvania if that is accomplished. The Corning Corporation, in return for the \$9.5 million commitment, has committed to invest private funds in the amount of \$175 million. And that, if it is done and if that commitment is lived up to by that corporation, it will be a marvelous benefit to Pennsylvania, particularly northeastern Pennsylvania.

I personally am going to take the optimistic view and believe that the glass is half full rather than half empty. And while I certainly deplore the layoffs that have occurred--it is never a good thing when people are laid off from jobs--it is my hope and my desire that those people will be rehired and that many more jobs will be created in this particular location.

This issue points out the importance for both parties, as well as both branches of the legislature, the House and the Senate, as well as the Governor's Office and the administration, to monitor these programs, to make sure that when we provide tax dollars to Pennsylvania corporations or out-of-State corporations to entice them to come into Pennsylvania, that we should be sure that these dollars are spent wisely, appropriately, effectively and efficiently, and most importantly, the commitments that are made when these funds are committed, these commitments are lived up to.

I think from my observation, and I am not intimately familiar with the Corning Corporation, but I think they are generally a good, solid corporation. And they are the kind of corporation that I think we need to persuade to come to Pennsylvania, to create a climate here in Pennsylvania where Corning and other kinds of corporations like Corning will come and create jobs throughout the State, in northeast Pennsylvania and all over Pennsylvania. It is my understanding that Corning already employs approximately 1,200 employees in other parts of Pennsylvania, not in the north-

eastern part of Pennsylvania, and so they have somewhat of a history of working here in Pennsylvania.

I want to take this opportunity to thank Senator Mellow for bringing this issue to the attention of the Senate and also to the people of Pennsylvania, and also to take this opportunity to urge that we all monitor these programs in every aspect that we can to make sure that the commitments made are commitments lived up to.

Thank you, Mr. President.

## COMMUNICATION FROM THE GOVERNOR

### NOMINATION REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

May 1, 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, Karen A. Hickernell, 2068 Meadow Road, Mount Joy 17552, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

## ANNOUNCEMENTS BY THE SECRETARY

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

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### WEDNESDAY, MAY 2, 2001

9:45 A.M.	AGING AND YOUTH (to consider Senate Bills No. 611 and 774)	Room 8E-B East Wing
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#### FRIDAY, MAY 4, 2001

10:00 A.M.	INTERGOVERNMENTAL AFFAIRS (public hearing on Senate Resolution No. 35) <u>CANCELLED</u>	TBA Pittsburgh
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#### MONDAY, MAY 7, 2001

11:00 A.M.	LOCAL GOVERNMENT (public hearing on eminent domain)	Room 8E-A East Wing
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## ADJOURNMENT

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

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Wednesday, May 2, 2001, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4 p.m., Eastern Daylight Saving Time.