

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

THURSDAY, JUNE 27, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 49

SENATE

THURSDAY, June 27, 2002

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Almighty and everliving God, guide and direct our Senators in Pennsylvania, that by enacting just and prudent laws they will promote the well-being of all of our people. In these difficult times of trying to enact a budget package for our Commonwealth, do not allow our trust and hope to fail. Direct us and teach us to always begin, continue, and end all our work under Your divine guidance. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 26, 2002.

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 462, 824, 893 and 1100**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 4, 1848 and 2044**.

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENTS BY THE SECRETARY**

The SECRETARY. Consent has been given for the following committees to meet during today's Session: The Committee on Rules and Executive Nominations to consider Senate Bills No. 589, 630, 1045, House Bill No. 599, and certain nominations; the Committee on Appropriations to consider Senate Bill No. 1486 and House Bills No. 767, 900, 927, 928, 1952 and 1995; and the Committee on Communications and High Technology to consider Senate Bill No. 1403 at 3 o'clock in the Rules room.

DISCHARGE PETITIONS

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

June 27, 2002

A PETITION

To place before the Senate the nomination of Maggie Baker, as a member of the State Board of Education.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Maggie Baker, as a member of the State Board of Education, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Jack Wagner
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

June 27, 2002

A PETITION

To place before the Senate the nomination of Richard Czop, as a member of the Pennsylvania Fish and Boat Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Richard Czop, as a member of the Pennsylvania Fish and Boat Commission, before the entire Senate

body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Jack Wagner
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for legislative leaves for Senator Bell and Senator Holl.

The PRESIDENT. Senator Brightbill requests legislative leaves for today's Session for Senator Bell and Senator Holl. Without objection, those leaves are granted.

CALENDAR

SENATE RESOLUTION No. 247 CALLED UP OUT OF ORDER, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 247**, entitled:

A Resolution congratulating the Pennsylvania Landscape & Nursery Association on the 30th anniversary of the Penn Allied Nursery Trade Show and recognizing the week of July 21 through 27, 2002, as "Pennsylvania Landscape and Nursery Week."

On the question,
Will the Senate adopt the resolution?

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

YEA-50

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

NAY-0

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

SPECIAL ORDER OF BUSINESS PLEDGE OF ALLEGIANCE

Senator BRIGHTBILL. Mr. President, on behalf of Senator Mellow and myself, as a Special Order of Business, and in light of recent events, I ask that as a special presentation we do the Pledge of Allegiance to the Flag at this time.

(Applause.)

The PRESIDENT. The gentleman's request is in order. Visitors in the gallery, we invite you to participate as well and pledge allegiance to the greatest country known to humankind.

(The Pledge of Allegiance to the Flag was enunciated by Members and guests.)

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately. We will probably be back in about an hour. Before the caucus, we ask that there be a meeting of the Committee on Communications and High Technology.

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

Senator O'PAKE. Mr. President, the Democrats will be happy to report to our caucus room immediately.

The PRESIDENT. For purposes of a meeting of the Committee on Communications and High Technology, immediately followed by Republican and Democratic caucuses in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

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

REPORTS FROM COMMITTEES

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

SB 630 (Pr. No. 2127) (Rereported) (Concurrence)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto; and making a repeal.

SB 1045 (Pr. No. 2126) (Rereported)

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions and for eligibility; and making an appropriation.

HB 599 (Pr. No. 4166) (Amended) (Rereported) (Concurrence)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for requisites for foreign companies to do business; deleting provisions relating to admitted assets; further providing for standard nonforfeiture law for individual deferred annuities and for title insurance agents; further defining "wet marine and transportation insurance"; further providing for placement of surplus lines insurance, for requirements for eligible surplus lines insurers, for surplus lines licensee's duty to notify insured, for declarations, for licensing of surplus lines licensee, for records of surplus lines licensee, for suspension, revocation or nonrenewal of surplus lines licensee's license and for service of process in actions against surplus lines insurer; providing for fraternal benefit societies; and making a repeal.

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

SB 1486 (Pr. No. 2142)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding definitions; providing for State System of Higher Education campus police powers and duties; and making a repeal.

HB 767 (Pr. No. 4160) (Amended) (Rereported)

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions and for resale of returned motor vehicle.

HB 900 (Pr. No. 4163) (Amended) (Rereported)

An Act providing for multistate sales and use tax administration for commerce.

HB 927 (Pr. No. 4164) (Amended) (Rereported)

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

HB 928 (Pr. No. 4165) (Amended) (Rereported)

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 subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

HB 1952 (Pr. No. 4048) (Rereported)

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract and for blighted property removal; and providing for a statute of limitations.

Senator CORMAN, from the Committee on Communications and High Technology, reported the following bill:

SB 1403 (Pr. No. 2165) (Amended) (Rereported)

An Act amending Titles 12 (Commerce and Trade) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provi-

sions relating to trade secrets; and further providing for the offense of theft of trade secrets.

CALENDAR

THIRD CONSIDERATION CALENDAR

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

HB 2100 (Pr. No. 4128) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Murphy.

The PRESIDING OFFICER. Senator Brightbill requests a legislative leave for Senator Murphy. Without objection, that leave will be granted.

LEAVE OF ABSENCE

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

And the question recurring,
Shall the bill pass finally?

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

Senator LEMMOND. Madam President, House Bill No. 2100 updates our open records law. It gives better access to public records and leaves room for future improvements in the field. The bill makes no claim to be perfect, but it is a beginning for change to our 1957 public records law, which is, as our Governor had labeled it, our own antique legislation. The major shift is in the burden of proof when a citizen asks to see a public record. Now if we deny access to a citizen who has asked to see a public record, the citizen must prove his or her right to access that public record.

Under House Bill No. 2100, we shift the burden of proof by saying on request the presumption is with the citizen, is with the public. The governmental agency must then establish a reason to deny that citizen access to the public record.

The bill quite clearly says to the public that public records are yours. The bill was crafted by a number of people, a number of agencies: The Pennsylvania Newspaper Association, a huge consortium of elected governmental agencies and officials, including the County Commissioners Association, the Boroughs Association, the township supervisors, the township commissioners, the cities, the school boards, a consortium headed by Douglas Hill, and we certainly thank him for his help. The law enforcement agencies have participated, the domestic violence advocates have participated, and legislators and the administration have been most helpful in moving this forward. I give a special thanks, and I do this as the head of the Committee on State Government, which has been having hearings on this bill for a number of years, certainly to Representative John Maher, who was the prime sponsor in the House, and I give thanks to Senator Stewart Greenleaf, who has led this effort for so many years here in the Senate. With that huge group, there was compromise all around, and even with that compromise, or maybe especially because of that compromise, it improves our law. It will help our people in dealing with agencies of State and local government in gaining access to public records. It is certainly a law, after 57 years, whose time has come. Its time is now. It is certainly a great start on this law, and I respectfully ask all of the Senate for a positive vote on House Bill No. 2100, which is now before us.

Thank you so much.

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

Senator C. WILLIAMS. Madam President, I was going to offer an amendment to this bill. I am not going to, but there are some concerns that some of my communities have, specifically with regard to homeland security, and I understand that these issues will be addressed over the summer in additional legislative proposals, and I look forward to representing my constituencies in these discussions.

Thank you, Madam President.

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

Fumo	Madigan	Stout
Gerlach	Mellow	Tartaglione

NAY-0

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

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

HB 2126 (Pr. No. 4129) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further providing for the definitions of "governing body" and "political subdivision," for earned income tax limits and for certain prohibition of occupation tax; and making an editorial correction.

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

NAY-0

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

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

BILL LAID ON THE TABLE

HB 170 (Pr. No. 3979) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for special tax provisions for poverty.

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

BILL OVER IN ORDER TEMPORARILY

HB 412 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

SB 559 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 582 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 974 and HB 1215 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1458 (Pr. No. 2677) -- 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 bonds for county officers, for bonds of deputies and other appointees, for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; providing for refusal to submit to examination and for the procedure for approval; and making an editorial change.

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	Greenleaf	Mowery	Thompson
Bell	Helfrick	Murphy	Tomlinson
Bodack	Holl	Musto	Wagner
Boscola	Hughes	O'Pake	Waugh

Brightbill	Jubelirer	Orie	Wenger
Conti	Kasunic	Piccola	White, Donald
Corman	Kitchen	Punt	White, Mary Jo
Costa	Kukovich	Rhoades	Williams, Anthony H.
Dent	LaValle	Robbins	Williams, Constance
Earll	Lemmond	Schwartz	Wozniak
Erickson	Logan	Stack	
Fumo	Madigan	Stout	
Gerlach	Mellow	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 RECOMMITTED

HB 2190 (Pr. No. 4024) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for the recycling fee sunset provisions, for awarding of grants and for the host municipality benefit fee; and making a repeal.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on Environmental Resources and Energy.

BILL OVER IN ORDER

HB 2223 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 2322 (Pr. No. 4093) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

On the question,

Will the Senate agree to the bill on third consideration? Senator ORIE offered the following amendment No. A4102:

Amend Sec. 1 (Sec. 3733), page 3, line 16, by inserting after "AND": until August 1, 2005.

Amend Sec. 1 (Sec. 3733), page 3, line 18, by striking out "4704" and inserting: 4904

Amend Bill, page 3, lines 27 through 30; pages 4 through 7, lines 1 through 30; page 8, lines 1 through 5, by striking out all of said lines on said pages and inserting

CHAPTER 49 ACCESS TO JUSTICE

Sec. 4901. Short title of chapter.

- 4902. Declaration.
- 4903. Definitions.
- 4904. Establishment of Access to Justice Account.
- 4905. Purpose of account.
- 4906. Distribution of funds.
- 4907. Expiration of chapter.
- § 4901. Short title of chapter.

This chapter shall be known and may be cited as the Access to Justice Act.

§ 4902. Declaration.

The General Assembly finds and declares as follows:

(1) It is of paramount importance to the citizens of this Commonwealth that all individuals who seek lawful redress of their grievances have equal access to our system of justice.

(2) The availability of civil legal services is essential to providing meaningful access to justice for indigent persons who cannot afford legal representation.

§ 4903. Definitions.

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

"Account." The Access to Justice Account established in section 4904 (relating to establishment of Access to Justice Account).

"Eligible legal services provider." A not-for-profit entity incorporated in this Commonwealth, tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), or any successor provision, which operates within this Commonwealth for the primary purpose of providing civil legal services without charge, and which operates to provide such civil legal services to eligible clients and victims of abuse under contract or subcontract with the Department of Public Welfare for the expenditure of funds appropriated by the General Assembly for the provision of legal services.

"Lobbying activities." Any effort to influence Federal, State or local legislative or administrative action, including, but not limited to, activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body.

§ 4904. Establishment of Access to Justice Account.

There is established in the State Treasury a nonlapsing restricted receipt account to be known as the Access to Justice Account for the deposit of all fees authorized by this chapter.

§ 4905. Purpose of account.

(a) Permitted use.—All moneys in the account and any investment income accrued shall be used exclusively to provide civil legal assistance to poor and disadvantaged persons in this Commonwealth. The Supreme Court shall, by rule, determine eligibility for legal assistance under this subsection.

(b) Prohibited use.—Recipients of funds under this chapter are prohibited from using these funds to contribute to or be made available to any political party or association, or the campaign of any candidate for public or party office or similar political activities or to support or oppose candidates for public or party office or to support or oppose any ballot questions or to engage in lobbying activities, except that:

(1) A recipient of funds may engage in lobbying activities in response to a request from a governmental agency, legislative body, committee, member or staff thereof made to the recipient, consistent with the Rules of Professional Conduct.

(2) An eligible legal services provider may engage in lobbying activities in the provision of legal services to an eligible client on a particular application, claim or case, which directly involves that client's legal rights and responsibilities, however this shall not be construed to permit an eligible legal services provider to solicit a client, in violation of the Rules of Professional Conduct, for the purpose of making such representation possible.

§ 4906. Distribution of funds.

All moneys deposited in the account and any investment income accrued are hereby annually appropriated to the Administrative Office of the Pennsylvania Courts and shall be distributed annually, upon requisition of the Court Administrator of Pennsylvania, to the Pennsyl-

vania Interest on Lawyers Trust Account Board to contract exclusively with eligible legal services providers for the purpose set forth in section 4905(a) (relating to purpose of account). Funds received by the Pennsylvania Interest on Lawyers Trust Account Board pursuant to this chapter shall be maintained in a separate account and shall be accounted for separately from any other funds received by the board.

§ 4907. Expiration of chapter.

This chapter shall expire in three years.

Section 3. This act shall take effect August 1, 2002.

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE

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

Senator MELLOW. Madam President, I request a legislative leave for Senator Bodack.

The PRESIDING OFFICER. Senator Mellow requests a legislative leave for Senator Bodack. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-28

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

NAY-21

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

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

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

BILLS OVER IN ORDER

HB 2398, HB 2410 and HB 2445 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 315 (Pr. No. 320) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for retention and reinstatement of service credits.

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

BILLS LAID ON THE TABLE

SB 449 (Pr. No. 472) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for rescission of contracts.

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

SB 451 (Pr. No. 2055) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for writ of possession.

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

BILL ON SECOND CONSIDERATION

SB 885 (Pr. No. 1026) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the reporting of student conduct; and requiring the adoption of a code of student conduct.

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

BILL OVER IN ORDER

SB 1042 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1208 (Pr. No. 1525) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further defining "practice of professional nursing"; further providing for the duties of the State Board of Nursing; and making a repeal.

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

BILL OVER IN ORDER

SB 1425 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2207 (Pr. No. 2992) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for procedure for licensing as professional land surveyor.

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

HB 412 CALLED UP

HB 412 (Pr. No. 3294) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 412 (Pr. No. 3294) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator TOMLINSON offered the following amendment No. A3874:

Amend Title, page 1, line 6, by removing the period after "recommendations" and inserting: and for mandated waivers for charter schools.

Amend Bill, page 2, by inserting between lines 18 and 19:
Section 2. Section 1714-B(g) of the act, added May 10, 2000 (P.L.44, No.16), is amended to read:

Section 1714-B. Mandate Waiver Program.—* * *
(g) The following provisions of this act shall not be subject to waiver pursuant to this section: sections 108, 110, 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1, 443, 510, 513, 518, 527, 701.1, 708, 736, 737, 738, 739, 740, 741, 751, 751.1, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330, 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546 and 1547; provisions prohibiting discrimination; Articles VI, XI, XI-A, XII, XIII-A, XIV and XVII-A and this article.

* * *

Amend Sec. 2, line 19, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, this amendment would prohibit the Secretary of Education from waiving the construction provisions contained in the School Code, which would allow for open advertising and open bidding on construction projects for separate contractors. It would eliminate the waivers on all the construction sections in the School Code.

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

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

YEA-42

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

NAY-7

Corman	Holl	Piccola	White, Donald
Greenleaf	Mowery	Punt	

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

On the question,

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

Senator ARMSTRONG offered the following amendment No. A4177:

Amend Title, page 1, line 5, by inserting after "thereto,"": providing for an optional exemption from: prevailing wage act; and

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 761. Exemption From Prevailing Wage.—Notwithstanding the provisions of this act or any other law to the contrary, the board of school directors of any school district may be exempt from the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," if the school board adopts a resolution to declare the exemption.

Section 2. Section 1406 of the act, added July 15, 1957 (P.L.937, No.404), is amended to read:

Amend Bill, page 2, by inserting between lines 18 and 19:

Section 3. The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, is repealed insofar as it is inconsistent with the provisions of this act.

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting: 4

On the question,

Will the Senate agree to the amendment?

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate for the purpose of a Republican caucus. It will begin immediately in the Rules room to the rear of the Chamber.

The PRESIDING OFFICER. Senator Brightbill requests a recess for the purpose of a Republican caucus.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, the Democrats will caucus also.

The PRESIDING OFFICER. Without objection, the Senate will stand in brief recess for Republican and Democratic caucuses to be held at the rear of the Chamber.

AFTER RECESS

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

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

AMENDMENT WITHDRAWN

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, I withdraw my amendment to the bill.

The PRESIDING OFFICER. Senator Armstrong withdraws amendment A4177. House Bill No. 412 will go over as amended.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 4

HB 4 (Pr. No. 3839) -- 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.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments to House Bill No. 4, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to by voice vote.

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

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 1848

HB 1848 (Pr. No. 3982) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the time period of research and development tax credits.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments to House Bill No. 1848, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to by voice vote.

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

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 2044**

HB 2044 (Pr. No. 4135) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, consolidating the Environmental Laboratory Accreditation Act; and making repeals.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments to House Bill No. 2044, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to by voice vote.

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 630 (Pr. No. 2127) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 630?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 630.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	Greenleaf	Mowery	Thompson
Bell	Helfrick	Murphy	Tomlinson
Bodack	Holl	Musto	Wagner

Boscola	Hughes	O'Pake	Waugh
Brightbill	Jubelirer	Orie	Wenger
Conti	Kasunic	Piccola	White, Donald
Corman	Kitchen	Punt	White, Mary Jo
Costa	Kukovich	Rhoades	Williams, Anthony H.
Dent	LaValle	Robbins	Williams, Constance
Earl	Lemmond	Schwartz	Wozniak
Erickson	Logan	Stack	
Fumo	Madigan	Stout	
Gerlach	Mellow	Tartaglione	

NAY-0

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

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

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

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

HB 900 (Pr. No. 4163) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for multistate sales and use tax administration for commerce.

Considered the second time and agreed to,

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

HB 927 (Pr. No. 4164) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

Considered the second time and agreed to,

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

HB 928 (Pr. No. 4165) -- The Senate proceeded to consideration of the bill, 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 subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION

HB 1952 (Pr. No. 4048) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract and for blighted property removal; and providing for a statute of limitations.

Considered the second time and agreed to,

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

HB 582 CALLED UP

HB 582 (Pr. No. 3061) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED AND OVER IN ORDER TEMPORARILY

HB 582 (Pr. No. 3061) -- 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 criminal mischief and for institutional vandalism.

On the question,

Will the Senate agree to the bill on third consideration?

Senator KUKOVICH offered the following amendment No. A3812:

Amend Title, page 1, line 3, by striking out "and" and inserting a comma

Amend Title, page 1, line 3, by inserting after "vandalism": and for retail theft

Amend Sec. 2, page 2, line 17, by striking out "Section 3307(a) of Title 18 is" and inserting : Sections 3307(a) and 3929(b) of Title 18 are

Amend Bill, page 3, line 27, by striking out all of said line and inserting

§ 3929. Retail theft.

(b) Grading.—

(1) Retail theft constitutes a:

(i) Summary offense when the offense is a first offense and the value of the merchandise is less than \$150.

(ii) Misdemeanor of the second degree when the offense is a second offense and the value of the merchandise is less than \$150.

(iii) Misdemeanor of the first degree when the offense is a first or second offense and the value of the merchandise is \$150 or more.

(iv) Felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the merchandise.

(v) Felony of the third degree when the amount involved exceeds \$2,000 or if the merchandise involved is a firearm or a motor vehicle.

(1.1) Any person who is convicted under subsection (a) of retail theft of motor fuel may, in addition to any other penalty imposed, be sentenced as follows:

(i) For a first offense, to pay a fine of not less than \$100 nor more than \$250.

(ii) For a second offense, to pay a fine of not less than \$250 nor more than \$500.

(iii) For a third or subsequent offense, to pay a fine of not less than \$500, or the court may order the operating privilege

of the person suspended for 30 days. A copy of the order shall be transmitted to the Department of Transportation.

(2) Amounts involved in retail thefts committed pursuant to one scheme or course of conduct, whether from the same store or retail mercantile establishment or several stores or retail mercantile establishments, may be aggregated in determining the grade of the offense.

Section 3. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 3929(b) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, over the last few years there has been a dramatic increase in what is called drive-off offenses, where individuals will go into certain gas stations, pump their gas, and drive off. Under the current law, there is a retail theft, or what is referred to as a theft of services law. It is very difficult to enforce. About 21 States have passed legislation very similar to what is embodied in this amendment. Representative Hess on the House side has passed a bill some time ago that is very similar to this. This gives us an opportunity to try to get this done very quickly.

What we are doing is setting up a series of three offenses. Quite frankly, as you get into a second and third offense, they are not as harsh a punishment as what currently exists in the law. What is crucial is that after the third offense it would allow someone's license to be suspended for a month. The idea is not to increase enforcement, which is difficult to do, the idea is to be a deterrent. Many of the people who are doing this are younger people. In States which have enacted this law, such as Florida, the stickers that are on the pumps, in the stations, paid for by small convenience store associations and petroleum associations, which they would also do in Pennsylvania if this bill becomes law, all private funding, it has been a deterrent. Since this was enacted in Florida, there was close to a 50-percent drop-off in these crimes occurring. So it is one of those rare cases where a law can be a deterrent. We think it is time to do this in Pennsylvania, and we ask for your support.

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

The PRESIDENT pro tempore. Madam President, very briefly, I certainly support the amendment offered by Senator Kukovich. I wanted to just say on behalf of Representative Dick Hess, who offered a similar bill in the House of Representatives which passed the House and is in Senator Greenleaf's Committee on Judiciary, but because of the timeliness, hopefully we will leave here one of these days for a recess of the General Assembly, Senator Kukovich is offering this amendment. It is almost identical to Representative Hess's bill, and I just wanted to say that it passed the House, it is in the Senate, it is a good amendment, it is a good bill. I want to thank Senator Kukovich for offering it, and certainly Representative Hess and Senator Greenleaf, who have both worked on this issue. It is a good piece of legislation. I urge a positive vote on the amendment.

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

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

YEA-49

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

NAY-0

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

The PRESIDING OFFICER. Without objection, House Bill No. 582 will go over temporarily, as amended.

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. Robert Bell by Senator Bell.

Congratulations of the Senate were extended to Glenn A. Schaeffer by Senator Bell and others.

Congratulations of the Senate were extended to Mr. and Mrs. David Kern by Senator Boscola.

Congratulations of the Senate were extended to Khervin D. Smith by Senator Brightbill.

Congratulations of the Senate were extended to Rosemary Trena by Senator Costa.

Congratulations of the Senate were extended to Linda Loffit by Senators Dent and Boscola.

Congratulations of the Senate were extended to Mark and Pamela Jones, Ranson Brooke Fritz and to Houston Franklin Hoffman by Senator Gerlach.

Congratulations of the Senate were extended to Gary E. Baylor by Senator Helfrick.

Congratulations of the Senate were extended to Barbershop Talk Human Family Day Foundation and to the Philadelphia Chapter of Las Amigas, Inc., by Senator Hughes.

Congratulations of the Senate were extended to Our Lady of Perpetual Help/St. Mary Roman Catholic Church of Leckrone and to the Congregation Tree of Life of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Faith and Deliverance Outreach Ministries, Inc., of the Lord Jesus Christ, of Philadelphia, by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Bruce Nelson by Senator Orie.

Congratulations of the Senate were extended to John M. Engel by Senator Piccola.

Congratulations of the Senate were extended to the citizens of Lehigh Township by Senator Rhoades.

Congratulations of the Senate were extended to the First Baptist Church of Donora by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. David F. Crissman, Mr. and Mrs. Stanley W. Sadeski, Mr. and Mrs. Edward Germy, Mr. and Mrs. Paul G. Bringer, Mr. and Mrs. Earl Dille, Mr. and Mrs. Ralph E. Atkinson, Mr. and Mrs. Donald H. Lane, Ryan Cornman and to Brian J. Rougeux by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Phillip Webb, Mr. and Mrs. J. Wendell Mong and to James and Ruth Scialabba by Senator M.J. White.

Congratulations of the Senate were extended to the Reverend Dr. Winona Stewart by Senator A.H. Williams.

Congratulations of the Senate were extended to Kevin L. Tuliszewski by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Francis R. Demko, Mr. and Mrs. Frank R. Mele and to Mr. and Mrs. Theophil Klochak by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Coy C. Vickers III and to the family of the late Anna Mae Hinson Gilmore by Senator Hughes.

Condolences of the Senate were extended to the family of the late Stanley R. Dehart and to the family of the late Charles E. Ziegler by Senator Orie.

Condolences of the Senate were extended to the family of the late Abdul Wahab Sesay by Senator A.H. Williams.

BILL ON FIRST CONSIDERATION

Senator MADIGAN. Madam President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

SB 1486.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 497, 1482 and 2020.**

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 2164**, in which concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, JUNE 28, 2002

10:30 A.M.	APPROPRIATIONS (to consider Senate Bill No. 1465; and House Bills No. 1995, 2494, 2495, 2496, 2497, 2498, 2499, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522 and 2529)	Room 461 Main Capitol
10:45 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 462, 589, 824, 834, 893, 984, 1035 and 1100; and House Bills No. 1944, 2164; and certain executive nominations)	Rules Cmte. Conf. Rm.

CONSIDERATION OF CALENDAR RESUMED

HB 582 CALLED UP

HB 582 (Pr. No. 3061) -- Without objection, the bill, which previously went over in its order temporarily as amended, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 582 (Pr. No. 3061) -- 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 criminal mischief and for institutional vandalism.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A4180:

Amend Title, page 1, line 3, by striking out "and" and inserting a comma

Amend Title, page 1, line 3, by removing the period after "vandalism" and inserting: and for criminal trespass.

Amend Bill, page 3, by inserting between lines 26 and 27:

Section 3. Section 3503(b) of Title 18 is amended and the section is amended by adding a subsection to read:

§ 3503. Criminal trespass.

* * *

(b) Defiant trespasser.—

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(i) actual communication to the actor; [or]

(ii) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; [or]

(iii) fencing or other enclosure manifestly designed to exclude intruders[.];

(iv) notices posted in a manner prescribed by law or reasonably likely to come to the person's attention at each entrance of school grounds that visitors are prohibited without authorization from a designated school, center or program official; or

(v) an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer.

(2) [An] Except as provided in paragraph (1)(v), an offense under this subsection constitutes a misdemeanor of the third degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. An offense under paragraph (1)(v) constitutes a misdemeanor of the first degree. Otherwise it is a summary offense.

* * *

(d) Definition.—As used in this section, the term "school grounds" means any building of or grounds of any elementary or secondary publicly funded educational institution, any elementary or secondary private school licensed by the Department of Education, any elementary or secondary parochial school, any certified day-care center or any licensed preschool program.

Amend Sec. 3, page 3, line 27, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Madam President, this amendment is somewhat similar in nature to an amendment I offered last evening. However, I believe it addresses some of the concerns that were raised during the discussion last evening relating to school trespass. This amendment, Madam President, basically incorporates the body of the previous amendment I made reference to into defiant trespass, which would then address some of the concerns that were raised by my colleagues, and I ask for its immediate adoption.

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

Senator BRIGHTBILL. Madam President, the gentleman shared his amendment with us, and as a result of some outstanding staff work here on the Senate Republican side, working together with the Democratic Caucus, we have been able to agree to the amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

PETITIONS AND REMONSTRANCES

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

The PRESIDENT pro tempore. Madam President, just a very, very few brief remarks. Madam President, there are very few bills that we consider that have such a long history of advocacy and effort behind them as does House Bill No. 2100, the open records reform measure. There has never been a question about the public interest in the passage of such legislation, and I might point out that every year Senator Mellow and I address the Pennsylvania Newspaper Publishers Association, and we are always asked questions about this and we have always said that it is a bipartisan effort to bring this legislation to fruition. The difficulty was always in reconciling the different perspectives of the effective groups in determining how to fairly address all the questions raised by new technology, the new forms of recordkeeping. We are modernizing a law that dates back to 1957. This bill will become law, where many earlier efforts fell short, because of solid cooperation between groups who worked to get past long-held adversarial positions. There has been a commendable effort to build consensus around a series of changes that will improve access for our citizens and remove uncertainty from jobs of many public officials. A bill of this nature is a balancing act, and this effort has produced one that is thoughtful, practical, and very effective.

While we have approved a House bill, there are a number of individuals in this Chamber who deserve recognition for years of advocacy in helping keep hope alive on this issue, people such as Senator Stewart Greenleaf, our chairman of the Committee on Judiciary, and Senator Charles Lemmond, our chairman of the Committee on State Government. They deserve a lot of credit. As I said, Senator Mellow and I never ceased to talk about this issue when we were asked about it at PNPA. Because of their leadership and the leadership and support of many others, Pennsylvania will soon see a good government law that our citizens have waited for for a very long time.

Thank you, Madam President, for the opportunity to offer these remarks.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, I rise once again to relay a strong sense of urgency for action on prescription drug relief for Pennsylvania's senior citizens. Specifically, we need a State budget that includes a plan for saving our Pharmaceutical Assistance Contract for the Elderly program, better known as PACE. Over the past 2 years, Senate Democrats have bombarded this Chamber with legislative proposals that would provide short-term and long-term solutions to the crisis of the skyrocketing cost of prescription drugs, and it is a crisis, Madam President, because each and every day thousands of our elderly friends, neighbors, and relatives have to make choices that are hard for many of us to imagine. Some delay rent and mortgage payments so that they can afford their prescription drugs. Others elect not to eat, a decision that inevitably creates even more health problems. This is no way for anyone to live anywhere, yet we are allowing it to happen right here in Pennsylvania. When I make this plea for action, neither my Democratic colleagues nor I are

speaking in a vacuum. In fact, I am echoing the sentiments of Pennsylvania's AARP and its 1.8 million members.

Recently, each of us received a letter from the State AARP. In the event some of you do not have this letter handy, let me quote a few sentences. "It is past time that legislation is brought to the floor of the Senate for debate. In our view, this action must be done prior to the adjournment of session for the summer. Further delay will frustrate efforts to address the prescription drug access and cost problem.... Addressing the prescription drug crisis must become a priority for the Pennsylvania Senate."

In the short term, we must act on a budget amendment that we introduced nearly 2 months ago, extending the provisions of Act 77 that forgives Social Security cost-of-living adjustments for eligibility in the PACE program. We cannot let seniors get knocked off the PACE program simply because they make a couple extra dollars in a given year. That moratorium expires on December 31 of this year. If we do not approve an extension, more than 10,000 Pennsylvania seniors will lose their eligibility and their access to affordable prescription drugs.

Back in April, many of our colleagues broke ranks with their leadership to join us in voting for the moratorium extension that we sponsored and introduced. It is time that we find out if the Senators on the other side of the aisle were serious about protecting the moratorium from back-room hackers. It is time that we find out if their documented support was sincere, or whether it was simply political cover. This moratorium was designed as a 2-year bridge proposal, instituted to protect seniors while their elected representatives, us, solve the prescription drug problem. Since we have yet to solve anything, and since our colleagues have displayed an unwillingness even to attempt anything, we have no choice but to extend this moratorium until we do our job. That is in the short term. Our PACE program itself, once a national model, faces increasingly desperate, financial straits that require our immediate attention.

Nearly 2 years ago Senate Democrats introduced the promising FAIRx proposal that would expand affordable prescription drug coverage to 480,000 senior citizens without costing the Lottery Fund, government, or the seniors themselves one red penny. However, that bill and so many others that have followed, including one sponsored by me, have languished under the weight of inactivity by the Majority. Even the major drug manufacturers have recognized the need to institute price relief measures for the elderly and others living on fixed incomes.

Just 2 weeks ago, Merck contacted me to announce that they are more proactively marketing their existing patient assistance program. This program provides free prescription drugs to low-income people who lack a prescription drug program. But Merck, while proud of its patient assistance program, also freely acknowledged that their program, and I quote from their letter, "...does not represent a substitute for affordable drug coverage," unquote.

The responsibility for providing affordable prescription drugs for our neediest seniors lies solely with us, Madam President. Time is running out on this Session. More importantly, time is running out for the elderly in Pennsylvania who need access to the prescription drugs that will enable them to live healthy, active lives. These people are looking to us for answers. The time for posturing and delays is long over. We must act and we must act

now to ensure that this budget protects PACE and protects those who have dedicated much of their lives to protecting us.

Thank you, Madam President.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate to the call of the Chair.

The PRESIDING OFFICER. Senator Brightbill requests a recess of the Senate to the call of the Chair. Without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator David J. Brightbill) 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 imminently in the Rules room to consider Senate Bill No. 1465, House Bills No. 2490 through 2499, and 2501 through 2522.

RECESS

The PRESIDING OFFICER. Without objection, the Senate will stand in recess to the call of the President pro tempore.

AFTER RECESS

The PRESIDING OFFICER (Senator Robert D. Robbins) 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 Rules and Executive Nominations to meet imminently in the Rules room to consider Senate Bills No. 462, 589, 893, 984, 1045, and certain nominations.

COMMITTEE OF CONFERENCE APPOINTED ON SB 5

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, THOMPSON and FUMO, as a Committee of Conference on the part of the Senate, to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two houses in relation to Senate Bill No. 5.

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

COMMITTEE OF CONFERENCE APPOINTED ON SB 1366

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, CONTI and O'PAKE, as a Committee of Conference on the part of the Senate, to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two houses in relation to Senate Bill No. 1366.

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

COMMITTEE OF CONFERENCE APPOINTED ON HB 4

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, RHOADES and MELLOW, as a Committee of Conference on the part of the Senate, to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two houses in relation to House Bill No. 4.

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

COMMITTEE OF CONFERENCE APPOINTED ON HB 1848

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, THOMPSON and WAGNER, as a Committee of Conference on the part of the Senate, to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two houses in relation to House Bill No. 1848.

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

COMMITTEE OF CONFERENCE APPOINTED ON HB 2044

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, M.J. WHITE and MUSTO, as a Committee of Conference on the part of the Senate, to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two houses in relation to House Bill No. 2044.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDING OFFICER 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:

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 27, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph A. Dych, Esquire, 1922 Green Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Richard B. Klein, resigned.

Mark S. Schweiker
Governor

BILL RECOMMITTED

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1045, which was reported from committee earlier today, be recommitted to the Committee on Rules and Executive Nominations.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. Senate Bill No. 1045 will be recommitted to the Committee on Rules and Executive Nominations.

RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a recess of the Senate for a meeting of the Committee on Rules and Executive Nominations, will which begin immediately in the Rules room at the rear of the Chamber.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess to the call of the President pro tempore.

AFTER RECESS

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

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

REPORTS FROM COMMITTEES

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

SB 1465 (Pr. No. 2050) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

HB 2490 (Pr. No. 4011) (Rereported)

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2491 (Pr. No. 4185) (Amended) (Rereported)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2492 (Pr. No. 4186) (Amended) (Rereported)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2493 (Pr. No. 4187) (Amended) (Rereported)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2494 (Pr. No. 3573) (Rereported)

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

HB 2495 (Pr. No. 4188) (Amended) (Rereported)

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 2496 (Pr. No. 4189) (Amended) (Rereported)

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

HB 2497 (Pr. No. 4190) (Amended) (Rereported)

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

HB 2498 (Pr. No. 4191) (Amended) (Rereported)

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

HB 2499 (Pr. No. 4192) (Amended) (Rereported)

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

HB 2501 (Pr. No. 3579) (Rereported)

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

HB 2502 (Pr. No. 4193) (Amended) (Rereported)

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

HB 2503 (Pr. No. 3581) (Rereported)

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

HB 2504 (Pr. No. 3582) (Rereported)

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

HB 2505 (Pr. No. 3583) (Rereported)

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

HB 2506 (Pr. No. 3584) (Rereported)

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

HB 2507 (Pr. No. 3585) (Rereported)

An Act making an appropriation to the Central Penn Oncology Group.

HB 2508 (Pr. No. 3586) (Rereported)

An Act making an appropriation to St. Francis Hospital, Pittsburgh, for cardiovascular studies.

HB 2509 (Pr. No. 3587) (Rereported)

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

HB 2510 (Pr. No. 3588) (Rereported)

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

HB 2511 (Pr. No. 3589) (Rereported)

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

HB 2512 (Pr. No. 4194) (Amended) (Rereported)

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

HB 2513 (Pr. No. 3591) (Rereported)

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

HB 2514 (Pr. No. 3592) (Rereported)

An Act making an appropriation to the Beacon Lodge Camp.

HB 2515 (Pr. No. 3593) (Rereported)

An Act making an appropriation to the Arsenal Family and Children's Center.

HB 2516 (Pr. No. 3594) (Rereported)

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

HB 2517 (Pr. No. 3595) (Rereported)

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

HB 2518 (Pr. No. 3596) (Rereported)

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

HB 2519 (Pr. No. 3597) (Rereported)

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

HB 2520 (Pr. No. 3598) (Rereported)

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

HB 2521 (Pr. No. 3599) (Rereported)

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

HB 2522 (Pr. No. 3600) (Rereported)

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

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

SB 462 (Pr. No. 2156) (Rereported) (Concurrence)

An Act providing for the regulation of viatical settlements and for powers and duties of the Insurance Department.

SB 589 (Pr. No. 2169) (Amended) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for postconviction DNA testing.

SB 893 (Pr. No. 2160) (Rereported) (Concurrence)

An Act amending the act of December 5, 1972 (P.L.1280, No. 284), known as the Pennsylvania Securities Act of 1972, further providing for definitions, for exempt securities and transactions, for exemption proceedings, for registration by coordination, for general registration provisions, for denial, suspension, revocation and conditioning of registrations, for federally covered securities, for exemptions and for registration and notice filing procedures; providing for prearranged trading programs; further providing for time limitations on rights of actions, for right of the Pennsylvania Securities Commission to bring actions, for investigations and subpoenas and for criminal penalties; providing for return of sales compensation; further providing for administration, for fees, for assessments, for administrative files, for miscellaneous powers of commission, for hearings and judicial review, for regulations and forms and orders; and providing for burden of proof.

SB 984 (Pr. No. 2099) (Rereported) (Concurrence)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kittochtinny Historical Society, Inc., certain lands situate in the Borough of Chambersburg, Franklin County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor, to remove certain restrictions imposed on lands conveyed or to be conveyed to Smithfield Township, situate in Smithfield Township, Huntingdon County, Pennsylvania.

SB 1045 (Pr. No. 2170) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions and for eligibility.

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

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

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

June 26, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven T. O'Neill, Esquire, 426 Bryn Mawr Avenue, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2004, vice The Honorable Samuel W. Salus, II, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
NORTHAMPTON COUNTY

April 5, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Emil A. Giordano, Esquire, 4380 Loraine Lane, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January 2004, vice The Honorable Robert E. Simpson, Jr., resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 27, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph A. Dych, Esquire, 1922 Green Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Richard B. Klein, resigned.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

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

The PRESIDING OFFICER. The nominations will be laid on the table.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

NONPREFERRED APPROPRIATION BILLS
REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER

HB 2491, HB 2492, HB 2493, HB 2495, HB 2496, HB 2497, HB 2498, HB 2499, HB 2502 and HB 2512 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1465 (Pr. No. 2050) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

Considered the second time and agreed to,

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

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Friday, June 28, 2002, at 5 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.