

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, FEBRUARY 11, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 11

SENATE

MONDAY, February 11, 2002

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend LEO GOODMAN, of Saint Catherine Laboure Church, Harrisburg, offered the following prayer:

At this time I ask that you please bow your heads.

In constant dependence upon our Creator for the spiritual gifts required in the conduct of our affairs as individuals, as a State, and as a nation, we ask Almighty God for the wisdom and strength to fulfill the high purpose for which we are called, seeking the welfare of those we serve.

Let us pray.

Bless us, Lord, with an appreciation of our State and nation and the blessings and freedoms that we enjoy as a people. Grant that we may never undervalue these treasures, and in particular that of the free deliberation of this Senate. To these Senators of ours, O Lord, give courage, insight, and perseverance. May Your blessing come upon them, and may their acts always be consistent with the ends of Your providence. Glory be to God forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Goodman, who is the guest today of Senator Piccola.

JOURNAL APPROVED

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

COMMUNICATIONS 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
HUMAN RELATIONS COMMISSION**

February 7, 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, David A. Alexander, 1201 Wolfrum Street, Apartment 2, Pittsburgh 15212, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until his successor is appointed and qualified, vice Robert Johnson-Smith, Elkins Park, resigned.

Mark S. Schweiker
Governor

**CORRECTIONS TO NOMINATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

February 7, 2002

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

Please note the nomination dated December 28, 2001 for the appointment of Harold E. Frantz, 39 Central Avenue, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2004, and until his successor is appointed and qualified, should be corrected to read:

Harold E. Frantz, 100 Mt. Allen-Messiah, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2004, and until his successor is appointed and qualified.

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

February 7, 2002

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

Please note the nomination dated February 1, 2002 for the appointment of Robert G. Smith, Jr., 230 North Saint George Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, should be corrected to read:

Robert G. Smith, Jr., 427 North 29th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE 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 to **HB 1333**.

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 1758**, in which concurrence of the Senate is requested.

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

BILL SIGNED

The **PRESIDENT** (Lieutenant Governor Robert C. Jubelirer) in the presence of the Senate signed the following bill:

HB 1333.

REPORTS FROM COMMITTEE

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

SB 206 (Pr. No. 1711) (Amended) (Rereported)

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for the State Board of Certified Real Estate Appraisers and for requirements relating to appraising real estate; prohibiting certain acts; providing for violations and for remedies available to consumers; and making editorial changes.

HB 1469 (Pr. No. 3296) (Amended) (Rereported)

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, defining "established business relationship," "listing administrator" and "telephone solicitation call"; prohibiting blocking of caller identification and other telemarketing screening products or services; and prohibiting unwanted telephone solicitation calls.

LEGISLATIVE LEAVES

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

Senator **BRIGHTBILL**. Mr. President, I ask for a legislative leave for Senator Bell.

The **PRESIDENT**. Senator Brightbill requests a legislative leave for Senator Bell. Without objection, the leave will be granted.

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

Senator **O'PAKE**. Mr. President, I request a legislative leave for Senator Fumo.

The **PRESIDENT**. Senator O'Pake requests a legislative leave for Senator Fumo. Without objection, that leave is granted.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator **BRIGHTBILL** offered the following resolution, which was read as follows:

In the Senate, February 11, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, March 11, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, March 11, 2002, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR GIBSON E.
ARMSTRONG PRESENTED TO THE SENATE**

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

Senator ARMSTRONG. Mr. President, in the gallery we have with us today Mary Beth Madonna and also Kate Garber. Kate is here studying politics. She is a junior at Day Spring Academy, and is spending the afternoon with us, so I would like the Senate to give them a warm welcome.

The PRESIDENT. Would Senator Armstrong's guests kindly rise so we may welcome you to the Senate of Pennsylvania.
(Applause.)

**GUESTS OF SENATOR ROBERT M.
TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Mr. President, today I would like to welcome back Lee Gutherman, who was here just a few weeks ago as Miss Wheelchair Pennsylvania. She is in the gallery with her husband, George, and their two children, Austin and Christopher. Along with her is her sister, Margaret, and her husband, Vince Mazzatenta. They brought their parents here who are celebrating their 50th anniversary, and they are observing the workings of Harrisburg and enjoying the beauty of this Capitol, so I would like introduce, along with Lee and Margaret, their mother, Mae, and father, Paul Schlosser, of Bensalem.

The PRESIDENT. Would the guests of Senator Tomlinson please rise so we may welcome you to the Senate of Pennsylvania.
(Applause.)

**GUESTS OF SENATOR GERALD J.
LaVALLE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, Pennsylvania's Outstanding Young Woman, Incorporated, is a statewide scholarship program based in Reading that recognizes excellence among high school senior girls. Today it is my pleasure to introduce Brittany Rexroad of Rochester as Pennsylvania's Outstanding Young Woman for 2002, who also won Beaver County's Outstanding Young Woman competition. She is a senior at Freedom High School, where she is a member of the National Honor Society and editor-in-chief of the school newspaper. She is the recipient of numerous awards and participates in many school and community activities. Mr. President, I believe you will find her to be a well-rounded young lady, destined to reach her goals in life.

Accompanying Brittany here today are her parents, Mr. and Mrs. William Rexroad, Jr., of Rochester; her State chaperone, Luci Adam; Luci's husband and daughter; and chairman of Penn-

sylvania's Outstanding Young Woman, Incorporated, Tom DeFroschia.

Please welcome Brittany, as she will now share some remarks with us.

The PRESIDENT. We certainly want to welcome all of you to the Senate of Pennsylvania and, Brittany, congratulations. You certainly are welcome to make a few remarks, if you care to.

(Applause.)

Ms. REXROAD. I stand before you today as Pennsylvania's Outstanding Young Woman, as the voice of a generation ready to embrace the future. I realize that few people are ever bestowed the honor of presenting their concerns and insights to such an esteemed group of legislators as the ones before me. Therefore, I have chosen to discuss an issue of grave importance not only to myself but also to my peers and future generations who will carry on the promise of tomorrow.

Though our country is one of the most diversely populated in the world, it is home to some of the most culturally unaware people. Children growing up in America can be considered culturally inhibited when compared to children of the same age living in a non-English speaking country. Unless raised in a densely minority populated area, American children will grow up knowing very little about cultures, religions, and beliefs other than their own. Whites will be raised with whites, blacks will be raised with blacks, and other minority groups will struggle to find a place to fit in. This, unfortunately, leads to the same stereotypes, scapegoating, and prejudices existing in today's society. Our government needs to teach cultural awareness through the educational system. It is only logical to introduce this concept during the elementary level, utilizing the open-minded and accepting nature of children. Prejudice is a learned concept. Therefore, we must instill acceptance in the minds of our children.

This past summer I attended the Pennsylvania Governor's School for global entrepreneurship, and for the first time in my life I experienced culture shock. For the first time in 17 years I was asked to work with people of Asian, Middle Eastern, and Hispanic descent. During the first week I often felt uncomfortable around my peers due to our cultural backgrounds. However, my seemingly awkward situation turned into a rich opportunity to discuss religions, laws, and customs that were foreign to me. A professor during my stay approached us students with these questions: What do you call a person who speaks two languages? You call him bilingual, of course. But what do you call a person who speaks only one language? You call that person American. Some of my international friends were fluent in four, five, perhaps six languages. Myself, one, and a little bit of Spanish, but that was all that was expected at my high school. America is one of the few countries that does not require foreign language courses during all levels of the education system.

Upon completion of Governor's School, I realized that the United States' educational system needs to initiate a series of mandatory courses that will educate students on global and cultural understanding. These classes should begin at the kindergarten level and continue with consistency until graduation. By starting with basic concepts at a young age, children will adjust to all forms of cultural differences with comfort and ease, and most importantly, true understanding. It is imperative that each year curriculum becomes more in-depth, so that when a student gradu-

ates, he will be prepared to work in our essentially global economy. Pennsylvania has always been a leader in educational reform, hosting some of the finest post-secondary institutions in the nation. But now it is time to maintain that credo of excellence in primary schools.

Former Governor Ridge has laid the first stone by creating a Governor's School geared toward multi-culturalism, but that invaluable experience only reaches a small, select group of students. It is my hope and my wish that you will initiate a program that brings cultural understanding to each and every student in Pennsylvania. Let our educational system be a keystone that supports unity and diversity at the same time, for there has never been a more crucial time than right now to begin this endeavor, to embrace our children, and, in turn, to embrace other cultures.

I thank you for my time.

(Applause.)

The PRESIDENT. Brittany, thank you. It is obvious why you won this award. Thank you for your very, very superb remarks. We appreciate them.

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 to begin immediately in the Majority Caucus Room.

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. Senator Brightbill and Senator Mellow have requested a recess of the Senate for purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms.

For that reason, without objection, the Senate will stand in recess.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 400 (Pr. No. 1466) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for the State Board of Physical Therapy; providing for a certificate of authorization to practice physical therapy without the required referral; requiring professional liability insurance coverage and continuing education; and providing penalties.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 400?

Senator PICCOLA. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 400.

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

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

YEA-49

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

RECONSIDERATION OF VOTE

SENATE CONCURS IN HOUSE AMENDMENTS

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

Senator MELLOW. Mr. President, I move that the Senate reconsider the vote by which the amendments to Senate Bill No. 400, Printer's No. 1466, were concurred in.

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

And the question recurring,
Will the Senate concur in the amendments made by the House to Senate Bill No. 400?

Senator PICCOLA. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 400.

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

LEAVE OF ABSENCE

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

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

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

YEA-48

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

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.

THIRD CONSIDERATION CALENDAR

BILL LAID ON THE TABLE

HB 227 (Pr. No. 3199) -- 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 definition of "offensive weapons," for use or possession of electric or electronic incapacitation devices, for penalties, for aggravated assault and for use of tear or noxious gas in labor disputes; imposing a penalty; and making an editorial change.

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

BILL OVER IN ORDER

SB 391 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL AMENDED

SB 1013 (Pr. No. 1260) -- 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 Office for Safe Schools and for certain reporting.

On the question,
Will the Senate agree to the bill on third consideration?
Senator GREENLEAF offered the following amendment No. A0476:

Amend Title, page 1, line 6, by striking out "and for certain reporting." and inserting: ; and requiring the establishment of policies relating to bullying.

Amend Sec. 2, page 3, lines 5 through 24, by striking out all of said lines and inserting:

Section 2. The act is amended by adding a section to read:

Section 1303.1-A. Policy relating to bullying.--(a) All school entities shall, within one hundred twenty (120) days of the effective date of this section, address bullying through either an inclusive or specific policy, the school entity's code of student conduct, or other written means. The policy or code of conduct may delineate discipline consequences for bullying and provide for prevention and education programs.

(b) No school entity shall be required to establish a new policy if one currently exists and reasonably fulfills the requirements of this subsection.

(c) For the purpose of this section, the term "bullying" shall mean repeated and systematic harassment or attacks on another, perpetrated by a student or groups of students, in the school, on school grounds, in school vehicles, to or from school, or at school sponsored activities or sanctioned events and that has the effect of:

- (1) physically harming a student or damaging a student's property;
- (2) knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- (3) placing severe mental or emotional distress upon the student.

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 PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1075 (Pr. No. 1674) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating bail bond enforcement agents; requiring licensure and registration; and providing 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-48

Armstrong	Gerlach	Mowery	Stout
Bell	Greenleaf	Murphy	Tartaglione
Bodack	Holl	Musto	Thompson
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Orie	Wagner
Conti	Kasunic	Piccola	Waugh
Corman	Kitchen	Punt	Wenger

Costa	LaValle	Rhoades	White, Donald
Dent	Lemmond	Robbins	White, Mary Jo
Earll	Logan	Scarnati	Williams, Anthony H.
Erickson	Madigan	Schwartz	Williams, Constance
Fumo	Mellow	Stack	Wozniak

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.

BILL OVER IN ORDER

HB 1157 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

SB 1254 (Pr. No. 1641) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for duties of supervisors.

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

BILL OVER IN ORDER

HB 1546 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1948 (Pr. No. 2537) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for real property.

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-48

Armstrong	Gerlach	Mowery	Stout
Bell	Greenleaf	Murphy	Tartaglione
Bodack	Holl	Musto	Thompson
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Orie	Wagner
Conti	Kasunic	Piccola	Waugh
Corman	Kitchen	Punt	Wenger

Costa	LaValle	Rhoades	White, Donald
Dent	Lemmond	Robbins	White, Mary Jo
Earll	Logan	Scarnati	Williams, Anthony H.
Erickson	Madigan	Schwartz	Williams, Constance
Fumo	Mellow	Stack	Wozniak

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.

BILLS OVER IN ORDER

SB 106, HB 235, SB 271, SB 462, SB 874 and SB 1225 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILLS REREFERRED

HB 1237 (Pr. No. 2327) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the transferring of liquefied petroleum gas, for registration, for fees, for inspection, for records, for training, for permits and for appeal; establishing the Liquefied Petroleum Gas Advisory Board; providing for insurance, for prohibitions and for penalties; and making repeals.

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

HB 1923 (Pr. No. 3018) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1982 (P.L.310, No.87), referred to as the Recorder of Deeds Fee Law, further providing for a fee for recording a document in counties of the second A, third, fourth, fifth, sixth, seventh and eighth classes and home rule charter counties of these classes.

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

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 THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

November 8, 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, Rosanne M. Palermo, D.M.D., F.A.G.D., 3437 West Lake Road, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Kenneth H. Heisey, D.D.S., Enola, deceased.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

November 2, 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, Charles P. Fasano, D.O., RR 3, Box 317, Mifflinburg 17844, Union County, Twenty-third Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Angelo Illuzzi, D.O., DuBois, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

January 31, 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, The Honorable Kim Pizzingrilli, 411 Sioux Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2007, or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
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-48

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

NAY-0

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

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**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 Jason Schiffer, Lisa Gilliard, Michael Corrigan, Michael Zukawski and to the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Local Union No. 36, of Whitehall, by Senator Boscola.

Congratulations of the Senate were extended to Dr. Budd Bernard Axelrod by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. William A. Howard and to Mr. and Mrs. Edward K. Foley by Senator Helfrick.

Congratulations of the Senate were extended to Kristen Bernadette Pfeifer by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Maynard Congdon, Jonathan Philip Douglas and to Adam Matthew Loehr by Senator Madigan.

Congratulations of the Senate were extended to the Thomas Jefferson High School Girls' Volleyball Team of Jefferson Hills, Thomas Jefferson High School Boys' Soccer Team of Jefferson Hills and to South Park High School Girls' Soccer Team of Liberty by Senator Murphy.

Congratulations of the Senate were extended to the Hampton Alliance for Educational Excellence of Allison Park by Senator Orie.

Congratulations of the Senate were extended to David A. Hepting by Senator M.J. White.

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 Dennis McNamara by Senator Erickson.

COMMUNICATIONS 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 CLARION COUNTY BOARD OF ASSISTANCE

February 11, 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice William F. Showers, Clarion, resigned.

Mark S. Schweiker
Governor

RECALL COMMUNICATION LAID ON THE TABLE

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

MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

February 11, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 30, 2001 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice John F. Yaninek, Esquire, Harrisburg, whose term expired.

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

Mark S. Schweiker
Governor

HOUSE MESSAGE

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

February 11, 2001

HR 416 -- Committee on Rules and Executive Nominations.

RESOLUTIONS INTRODUCED AND REFERRED

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

February 11, 2002

Senators C. WILLIAMS, MURPHY, SCHWARTZ, COSTA, KITCHEN, KUKOVICH, BOSCOLA, MUSTO, STOUT, WAGNER, LAVALLE, LOGAN, TARTAGLIONE, RHOADES, MELLOW and STACK presented to the Chair **SR 163**, entitled:

A Resolution expressing the Sense of the Senate in regard to women's health issues.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 11, 2002.

Senators PICCOLA, EARLL, ERICKSON, KUKOVICH, RHOADES, WAGNER, LEMMOND, MUSTO, WENGER, KASUNIC, COSTA, LAVALLE, DENT, GERLACH, LOGAN, ORIE, MURPHY, HELFRICK, TOMLINSON, SCHWARTZ, WAUGH, ROBBINS, WOZNIAK, MOWERY, MADIGAN, KITCHEN, TARTAGLIONE, GREENLEAF, BRIGHTBILL, D. WHITE and SCARNATI presented to the Chair **SR 164**, entitled:

A Resolution designating the week of February 10 through 16, 2002, as "Career and Technical Education Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 11, 2002.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the presence of the Senate signed the following bill:

SB 400.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA					
COMMITTEE MEETINGS					
<u>TUESDAY, FEBRUARY 12, 2002</u>					
9:00 A.M.	EDUCATION (public hearing on Cyber Charter Schools in PA)	Majority Caucus Rm.	10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Majority Caucus Rm.
9:30 A.M.	FINANCE (to consider the nomination of Edward F. Fosnaught to the State Tax Equalization Board; and a public hearing on Senate Bill No. 1025, biotechnology)	Room 8E-A East Wing	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue/Budget Secretary Bittenbender)	Majority Caucus Rm.
9:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider House Bill No. 1655)	Room 461 Main Capitol	<u>THURSDAY, FEBRUARY 28, 2002</u>		
9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1293; Senate Resolution No. 161; and House Bill No. 2203)	Room 8E-B East Wing	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Majority Caucus Rm.
10:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider House Bill No. 247)	Room 14 East Wing	10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Majority Caucus Rm.
10:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 813; and House Bills No. 481 and 1171)	Rules Cmte. Conf. Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Majority Caucus Rm.
10:15 A.M.	INTERGOVERNMENTAL AFFAIRS (to consider Senate Resolution No. 165)	Room 461 Main Capitol	2:30 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Majority Caucus Rm.
10:15 A.M.	JUDICIARY (to consider Senate Bills No. 1029, 1054 and 1252; and House Bills No. 2129 and 2130)	Room 8E-B East Wing	<u>MONDAY, MARCH 4, 2002</u>		
10:45 A.M.	APPROPRIATIONS (to consider House Bill No. 1802)	Room 461 Main Capitol	9:30 A.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Majority Caucus Rm.
<u>MONDAY, FEBRUARY 25, 2002</u>			10:30 A.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Majority Caucus Rm.
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Majority Caucus Rm.	<u>TUESDAY, MARCH 5, 2002</u>		
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community and Economic Development)	Majority Caucus Rm.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Majority Caucus Rm.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare)	Majority Caucus Rm.
<u>TUESDAY, FEBRUARY 26, 2002</u>			<u>WEDNESDAY, MARCH 6, 2002</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Majority Caucus Rm.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections)	Majority Caucus Rm.	10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Majority Caucus Rm.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Majority Caucus Rm.
<u>WEDNESDAY, FEBRUARY 27, 2002</u>			2:30 P.M.	APPROPRIATIONS (Budget Hearing - State Police)	Majority Caucus Rm.
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor and Industry)	Majority Caucus Rm.	<u>THURSDAY, MARCH 7, 2002</u>		
			9:00 A.M.	APPROPRIATIONS (Budget Hearing - Treasury)	Majority Caucus Rm.
			10:30 A.M.	APPROPRIATIONS (Budget Hearing - Game Commission)	Majority Caucus Rm.
			1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Majority Caucus Rm.
			2:30 P.M.	APPROPRIATIONS (Budget Hearing - Fish and Boat Commission)	Majority Caucus Rm.

WEDNESDAY, MARCH 13, 2002

10:00 A.M. LAW AND JUSTICE (to consider House Room 8E-A
Bill No. 1519) CANCELLED East Wing

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 Tuesday, February 12, 2002, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:27 p.m., Eastern Standard Time.