

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MARCH 26, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 20

SENATE

TUESDAY, March 26, 2002

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend DONALD E. BRANTLEY, Sr., of Harris AME Zion Church, Harrisburg, offered the following prayer:

Let us bow our heads.

Heavenly Father of the universe, we thank You for this day that You allowed us as Your servants to share together. We ask that You bless this Senate in their decisionmaking, touch the Commonwealth and the State that they serve. We ask that You give them knowledge to settle their affairs. Even when it seems that their challenges of life become unbearable, let them know that there is still hope, that in them there is a special light to help them out of the way of darkness.

We ask You to bless their families and bless them with road mercies as they will travel to and from the Commonwealth of Pennsylvania over the holidays.

Lord, we thank You for Your saving grace and all that You have done, now unto Him who is able to keep us from falling thoughtlessly. In Jesus' name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Brantley, who is the guest today of Senator Helfrick and Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 25, 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

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 218, 219, 220, 1011 and 1012 with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 955, 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, this bill will be referred to the Committee on Rules and Executive Nominations.

**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 1402.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Recess adjournment.

RESOLUTION INTRODUCED AND REFERRED

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

March 25, 2002

Senator BRIGHTBILL presented to the Chair SR 184, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the general appropriation bill and other appropriation bills for the fiscal year beginning July 1, 2002, including any amendments offered to or for supplemental appropriations for prior fiscal years.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 25, 2002.

BILLS SIGNED

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

SB 218, SB 219, SB 220, SB 1011, SB 1012 and HB 1402.

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 16, 769, 1115, Senate Resolution No. 184, and certain nominations.

REPORTS FROM COMMITTEES

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

SB 1321 (Pr. No. 1748)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for action for gender-motivated violence.

HB 1933 (Pr. No. 3505) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the retention of certain records; requiring the promulgation of regulations; and further providing for windshield obstructions and wipers.

HB 2070 (Pr. No. 2938)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for simple assault and for the crime of retaliation against prosecutor or judicial officer.

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

HB 1939 (Pr. No. 3500) (Amended)

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, limiting the issuance of permits, licenses, variances and approvals.

HB 1945 (Pr. No. 3501) (Amended)

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, limiting issuances of permits, licenses, variances and approvals.

Senator EARLL, from the Committee on Finance, reported the following bills:

SB 374 (Pr. No. 388)

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 per capita taxes.

SB 1272 (Pr. No. 1839) (Amended)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for return to school service in an extracurricular position.

SB 1366 (Pr. No. 1840) (Amended)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further regulating abandoned property.

HB 2126 (Pr. No. 3499) (Amended)

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.

DISCHARGE PETITIONS

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

March 26, 2002

A PETITION

To place before the Senate the nomination of Ivan G. Rose, as a member of the Pennsylvania Council on Aging.

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 Ivan G. Rose, as a member of the Pennsylvania Council on Aging, 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

March 26, 2002

A PETITION

To place before the Senate the nomination of Francis A. Salerno, M.D., as a member of the Pennsylvania Council on Aging.

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 Francis A. Salerno, M.D., as a member of the Pennsylvania Council on Aging, 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

March 26, 2002

A PETITION

To place before the Senate the nomination of Jean A. Williams, as a member of the Pennsylvania Council on Aging.

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 Jean A. Williams, as a member of the Pennsylvania Council on Aging, 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

March 26, 2002

A PETITION

To place before the Senate the nomination of George J. Miller, Esq., as a member of the Environmental Hearing Board.

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 George J. Miller, Esq., as a member of the Environmental Hearing Board, 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

March 26, 2002

A PETITION

To place before the Senate the nomination of C. Edward Rogers, Jr., as a member of the State Harness Racing 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 C. Edward Rogers, Jr., as a member of the State Harness Racing 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

March 26, 2002

A PETITION

To place before the Senate the nomination of Elisabeth Baker, as a member of the Pennsylvania Housing Finance Agency.

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 Elisabeth Baker, as a member of the Pennsylvania Housing Finance Agency, 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

March 26, 2002

A PETITION

To place before the Senate the nomination of Barbara Kauffman, as a member of the Warren County Board of Assistance.

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 Barbara Kauffman, as a member of the Warren County Board of Assistance, 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 LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Bodack.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Bodack. Without objection, that leave will be granted.

LEAVE OF ABSENCE

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

CALENDAR

SB 1184 CALLED UP OUT OF ORDER

SB 1184 (Pr. No. 1835) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1184 (Pr. No. 1835) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Sharon Regional Health System, certain lands situate in the City of Sharon, Mercer County.

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Kitchen.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Kitchen. Without objection, that leave will be granted.

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	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 present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR C. WILLIAMS
PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Mr. President, I am delighted to introduce to you today some guests I have in the gallery from Havertown, Pennsylvania; they are Janet Weiner and her son, Benjamin Gilden Weiner.

The PRESIDENT. Would the guests of Senator C. Williams kindly rise and we will welcome you to the Senate of Pennsylvania.

(Applause.)

**GUESTS OF SENATOR JOE CONTI
PRESENTED TO THE SENATE**

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

Senator CONTI. Mr. President, I rise for the pleasure of introducing some friends of mine from Doylestown, Pennsylvania, Dorree and David Wickman. Mr. Wickman is the owner of an office supply company in Newtown, and Dorree works with senior citizens at Heritage Towers, where my grandmother resides, so I ask you to lead the Senate in a warm welcome for my guests today.

The PRESIDENT. Would the guests of Senator Conti kindly rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**SPECIAL ORDER OF BUSINESS
CELEBRATION IN HONOR OF
ARTS IN EDUCATION DAY**

The PRESIDENT. The Chair is delighted to recognize the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, today I rise to acknowledge and to present to the Senate the fact that today we are celebrating Arts in Education Day at the Pennsylvania State Capitol. As a member of the Pennsylvania Council on the Arts, I am privileged to co-chair this event with Speaker of the House Ryan, who has done so for the past several years. It has been a rich and rewarding event for children and sponsors alike, and we should continue this practice. This program provides an opportunity to promote the arts among our young people and nurture budding artists.

Arts in Education Day sponsors over 700 students from all over the State, participating in various performances such as dance, music, and theater in the main Capitol and in Strawberry Square. May we join in celebrating this artistic achievement of our young people and Pennsylvania students generally, and extend our very best wishes to them for their contribution to another successful Arts in Education Day.

Mr. President, I understand you will introduce a musical group who will present their event here in the Capitol today after the introduction.

The PRESIDENT. At this time, the Chair presents to the Senate the Keystone State Boychoir.

(Whereupon, a musical presentation was performed.)

(Applause.)

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Mr. President, as part of Arts in Education Day here in the Capitol, I have been given the honor of hosting the Keystone State Boychoir in this Chamber today. This choir has already distinguished itself for its commitment to excellence in education in the arts. The mission of this outstanding choir is to offer world-class chorale music education and performance opportunities to boys from diverse economic, racial, and ethnic backgrounds, while nurturing leadership skills, building character, and encouraging self-discipline. This group of young men has been building a history of noteworthy appearances. Next season they will be appearing in the Philadelphia Opera Company's production of Carmen, and in July they will be embarking on a concert tour of South Africa representing our State and our nation.

Mr. President, it gives me great pleasure to introduce the Keystone State Boychoir, under the direction of Joseph Fitzmartin and Steve Fisher. I ask everyone to please rise for our National Anthem.

(Whereupon, the "National Anthem" was sung.)

(Applause.)

Mr. FISHER. Good afternoon, Senators, and it is indeed an honor to be on this wonderful floor. My name is Steve Fisher, and I am the associate music director conducting our National Anthem, and accompanying us is Joe Fitzmartin, our music director. If you will notice, our National Anthem had a special section in it, Taps, and we do that in honor of those who lost their lives on September 11. We would like to present another number, Pie Jesu, from the Latin Mass for the Deceased, written by Andrew Lloyd Webber, soloists Matt Hrin and Jonathan Hetzler, again in honor of those who lost their lives on September 11.

(Whereupon, a musical presentation of "Pie Jesu" was performed.)

(Applause.)

Now, what you see here is just two-thirds of the Keystone State Boychoir representing our wonderful Commonwealth. A third of them are on spring break, and while they thought it was a great honor to come onto this floor, they must have thought it was a better honor to go to Walt Disney World, so they could not join us today but we are very excited to be here, and we would like to wrap up our program and give you a little taste of South Africa. We will be traveling in July and August throughout South Africa, representing the Commonwealth of Pennsylvania, and I am sure you will agree that this is a wonderful face of America to show the world, and specifically South Africa this July.

We will perform three quick numbers right in a row, a medley that will hopefully have you clapping at the end. "Sumagwaza" is the initiation song for boys of this age in South Africa, then on to "Kwangena Thina Bo," which means in Zulu, we are the greatest choir, and then "Shosholozza," the most famous folk song of all in South Africa. It would be equivalent to "When the Saints Go Marching In" in our country.

(Whereupon, a musical presentation was performed.)

(Applause.)

The PRESIDENT. The Chair would like to thank the Keystone State Boychoir. You certainly are a wonderful example of our youth in Pennsylvania and you do us all proud. Thank you very much. You did a great job.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, and then a Republican caucus downstairs.

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

Senator O'PAKE. Mr. President, after the meeting of the Committee on Rules and Executive Nominations, I ask the Democrats to come to our caucus room immediately.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room to the rear of the Senate Chamber, followed by Republican and Democratic caucuses in their respective caucus rooms, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator Robert J. Thompson) in the Chair.

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

REPORTS FROM COMMITTEE

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

SB 16 (Pr. No. 1842) (Amended) (Rereported) (Concurrence)

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for benefits and for payment into police pension funds by members.

SB 769 (Pr. No. 1843) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for members of the civil service commission, for organization and a quorum of the commission and for compensation.

SB 1115 (Pr. No. 1719) (Rereported) (Concurrence)

An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 184 (Pr. No. 1838)

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the general appropriation bill and other appropriation bills for the fiscal year beginning July 1, 2002, including any amendments offered to or for supplemental appropriations for prior fiscal years.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

CONSIDERATION OF CALENDAR RESUMED

HB 1469 CALLED UP OUT OF ORDER

HB 1469 (Pr. No. 3478) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL AMENDED

HB 1469 (Pr. No. 3478) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator STACK, offered the following amendment No. A1152:

Amend Sec. 1 (Sec. 2), page 3, line 8, by striking out "a charitable" and inserting: an

Amend Sec. 1 (Sec. 2), page 3, line 9, by striking out "AND" and inserting: or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A1156:

Amend Title, page 1, line 9, by striking out all of said line and inserting: calls.

Amend Sec. 2, page 6, lines 18 through 30, by striking out all of said lines and inserting:

(k) Investigation, enforcement and reporting.--

(1) The Bureau of Consumer Protection in the Office of Attorney General shall investigate any complaints received concerning violations of this section. If, after investigating any complaint, the Attorney General finds that there has been a violation of this section, the Attorney General may bring an action to impose a civil penalty and to seek other relief, including injunctive relief, under the act of December 17, 1968 (P.L.1224,

No.387), known as the Unfair Trade Practices and Consumer Protection Law.

(2) The Attorney General shall remit 10% of any civil penalty collected under this section to the person filing the complaint leading to the civil penalty. In no event, however, shall the amount of this remittance exceed \$100 for any person.

(3) On or before November 30 of each year, the Attorney General shall submit to the General Assembly a report detailing investigations and enforcement actions taken under this section during the preceding Commonwealth fiscal year. The report shall include, but not be limited to, the number of complaints received under this section, the nature of those complaints, the number of investigations and enforcement actions instituted by the Attorney General, a summary of the results of those investigations and enforcement, and the amount of any civil penalties collected.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

THIRD CONSIDERATION CALENDAR

**PREFERRED APPROPRIATION BILLS
OVER IN ORDER**

SB 1354 and SB 1358 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 235, HB 247, SB 462, SB 785, SB 813 and SB 1013 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1029 (Pr. No. 1832) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under influence of alcohol or controlled substance.

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	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 present said bill to the House of Representatives for concurrence.

SB 1156 (Pr. No. 1833) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-2

Costa Logan

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.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Kitchen, and her temporary Capitol leave will be cancelled.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Costa.

The PRESIDENT. Without objection, that leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1157 (Pr. No. 1834) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1994 (P.L.956, No.135), known as the Humane Society Police Officer Enforcement Act, further providing for the definition of agricultural animal.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-2

Costa Logan

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

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

SB 1192 (Pr. No. 1823) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania American Water Company, certain lands situate in East Vincent Township, Chester County.

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	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 present said bill to the House of Representatives for concurrence.

SB 1248 (Pr. No. 1836) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the Heritage Conservancy Inc., certain lands in the Borough of Doylestown, Bucks County.

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	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 present said bill to the House of Representatives for concurrence.

HB 1536 (Pr. No. 3477) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the composition of the shade tree commission.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Armstrong	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 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 OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1584 (Pr. No. 1935) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of May 2, 1876 (P.L.193, No.174) entitled "An act authorizing lumber dealers, in the county of McKean, to adopt each a mark to be put upon logs and lumber of all kinds, and have the same registered in the office of the prothonotary of said county, and also fixing a penalty for defacing said mark or fraudulently taking possession of any logs or lumber so marked or not."

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

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

HB 2129 and HB 2203 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 219, HB 599, SB 1030, SB 1045 and HB 1289 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 1318 (Pr. No. 1746) -- 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 judicial oath.

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

SB 1319 (Pr. No. 1780) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets.

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

BILLS OVER IN ORDER

SB 1361, HB 1731 and HB 2087 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 769 (Pr. No. 1843) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for members of the civil service commission, for organization and a quorum of the commission and for compensation.

On the question, Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 769?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 769.

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

Table with 4 columns of names: Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Greenleaf, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Murphy, Musto, O'Pake, Ori, Piccola, Punt, Rhoades, Robbins, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wozniak

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.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1115 (Pr. No. 1719) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1115?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1115.

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	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.

SENATE RESOLUTION No. 184, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 3, **Senate Resolution No. 184**, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the general appropriation bill and other appropriation bills for the fiscal year beginning July 1, 2002, including any amendments offered to or for supplemental appropriations for prior fiscal years.

On the question,

Will the Senate adopt the resolution?

Senator O'PAKE offered the following amendment No. A1132:

Amend Resolve Clause, page 3, by inserting between lines 1 and 2:

5. Any amendment offered on the floor of the Senate proposing to make a reduction in the appropriation or a transfer of funds from the Tobacco Settlement Fund, as established under the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, to the General Fund or any other special fund shall be out of order.

Amend Resolve Clause, page 3, line 2, by striking out "5." and inserting: 6.

Amend Resolve Clause, page 3, line 7, by striking out "6." and inserting: 7.

On the question,

Will the Senate agree to the amendment?

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

Senator O'PAKE. Mr. President, remember the Tobacco Settlement Fund, Act 77 of 2001? That is the act that we all voted for with much fanfare and we all agreed with the Governor and everybody got up and made speeches about how we were going to make sure that the tobacco settlement money in Pennsylvania was used for the health care needs of Pennsylvanians. As a matter of fact, after painstaking compromises and negotiations and a lot of hearings, we set forth in that act the exact percentages that were to be used for different health need programs in Pennsylvania. A major part of that was the adult health insurance, where 30 percent of the annual take from the tobacco settlement funds was to be used to purchase health insurance for the unemployed and the working poor in Pennsylvania who did not have health insurance. Another large part of that, 19 percent, was to be used for health and related research; 12 percent of the settlement was to be used for tobacco use prevention and cessation, \$41 million a year; 13 percent of the settlement money each year, or about \$44 million, was to be used for home and community-based services for our senior citizens; and so forth. Unfortunately, the people of Pennsylvania have yet to enjoy any of the benefits that we unanimously agreed they should receive under the Tobacco Settlement Act of last summer.

This amendment, Mr. President, is offered to make sure that in the budget process we do not violate the law that was

unanimously passed in this body last summer. Act 77, section 306(c), says, and I quote, "Lapses shall be deposited in the health account....," end quote. Without our amendment to this temporary Senate rule governing the deliberations over the budget, \$94 million which should have been used for health insurance for uninsured adults, very badly needed now in light of the State of this economy with thousands of people being laid off, \$94 million of that tobacco settlement money could be used to balance this budget and to give the Governor the tax cuts for big business that he is seeking.

In addition, section 307 of that act requires that the money can only be used if, and only if, the Governor determines, and I am quoting again, "...that money from the health account is necessary to meet the extraordinary or emergency health care needs of the citizens of this Commonwealth...." And I quote further, "Whenever the Governor determines," and this is all in the law that we just passed last year which I guess we are going to violate this year, "that money from the health account is necessary to meet the extraordinary or emergency health care needs of the citizens of this Commonwealth....," he is still required by law under that act, which we unanimously passed last year, to "...present a detailed spending proposal with a request for an appropriation and any necessary legislation to the Chair and Minority Chair of the Appropriations Committee...." Then the General Assembly is still required to pass a separate appropriations bill by a two-thirds vote. None of this is being done under the proposed rule, unless we amend it and make it very, very clear that we cannot use tobacco settlement money, the Rainy Day Fund, without complying with the law, which requires a two-thirds vote by this General Assembly with specific uses earmarked for that money.

So our amendment is offered to protect working families, to protect the senior citizens of Pennsylvania, to protect all those who were designed and who we wanted to benefit from the tobacco settlement proceeds. We are offering this amendment now to make sure that what we passed last year is not being circumvented and being undone by this maneuver this year for purposes of a temporary rule for this State budget. This money, we all agreed, is for the health and well-being of the citizens of Pennsylvania, and it was never intended to be a slush fund to balance the State budget and give tax cuts to big business.

Mr. President, I urge support for this amendment. If we do not amend this, we jeopardize the legality, the vitality, and the validity of whatever budget we adopt and subject that budget to scrutiny in a subsequent lawsuit.

Thank you, Mr. President.

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

Senator THOMPSON. Mr. President, I was going to rise and argue that this amendment was superfluous, but the previous speaker just did that. He mentioned chapter and verse of the law that we passed last year, which spells out exactly what the General Assembly of Pennsylvania has to do in order to change a law that we passed last year dealing with the tobacco settlement.

So I urge a negative vote.

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

Senator O'PAKE. Mr. President, then why not make it clear in this temporary rule which governs the deliberations of this body, make it very clear that any appropriation or transfer of funds from the tobacco settlement fund shall be out of order in this general appropriations budget.

The PRESIDENT. Senator Thompson, do you wish to respond?

Senator THOMPSON. Mr. President, yes, we would just be stating the obvious. And to quote the founder of the Democratic Party, "the fewer laws, the better."

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

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEA-21

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

NAY-28

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
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
Earll	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.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1469 (Pr. No. 3507) -- The Senate proceeded to consideration of the bill, entitled:

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; prohibiting unwanted telephone solicitation calls.

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	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 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.

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 16 (Pr. No. 1842) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for benefits and for payment into police pension funds by members.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 16?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 16.

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	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.

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

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

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

February 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, Kevin R. Foley, 190 Lathrop Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until November 17, 2002, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert M. Power, Jr., resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

December 28, 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, Jean A. Williams, 1318 Ventana Drive, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2003, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

February 20, 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, Robert J. Irej, 126 Diane Drive, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified, vice Edward M. Paluso, Charleroi, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE ENVIRONMENTAL
HEARING BOARD

December 28, 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, George J. Miller, Esquire, 209 Booth Lane, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

Mark S. Schweiker
Governor

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

MEMBER OF THE SUSQUEHANNA COUNTY
BOARD OF ASSISTANCE

March 1, 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, Mary J. Mead (Republican), RR 4, Box 30, Montrose 18801, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2004, and until her successor has been appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SUSQUEHANNA COUNTY
BOARD OF ASSISTANCE

March 1, 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, Barbara W. Rydzewski (Republican), RR 3, Box 368, Montrose 18801, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2002, and until her successor has been appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SUSQUEHANNA COUNTY
BOARD OF ASSISTANCE

March 1, 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, Betty Williams (Republican), 14 Griffis Street, Montrose 18801, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2004, and until her successor has been appointed and qualified, vice Kim Spoonhower, Susquehanna, resigned.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

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

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS,
TAKEN FROM THE TABLE**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following communications, and called from the table certain communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

March 25, 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 December 12, 2001, for the appointment of Donna Kriner, (Public Member), 6320 Darlington Drive, Harrisburg, 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Norman D. King, Conneaut Lake, deceased.

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

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

March 19, 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 March 8, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth 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 Lawrence R. Soma, V.M.D., Glen Mills, whose term expired.

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

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY**

March 25, 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 December 28, 2001, for the appointment of Elisabeth Baker, PO Box 59, Mountain View Drive, Lehman 18627, Luzerne County, Twentieth Senatorial District, as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2003, and until her successor is appointed and qualified, vice Kenneth L. Rall, Butler, resigned.

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

Mark S. Schweiker
Governor

**MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD**

March 25, 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 December 12, 2001, for the appointment of Jaime Gibson, 10 B West Beale Avenue, Enola 17025, Cumberland County, Thirty-first Senatorial District, as a member of the Public School Employees' Retirement Board, to serve until January 1, 2003 and until her successor is appointed and qualified, vice Frederick C. Tecce, Esquire, Gladwyne, resigned.

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

Mark S. Schweiker
Governor

**MEMBER OF THE STATE CHARTER
SCHOOL APPEAL BOARD**

March 19, 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 December 5, 2001, for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Charter School Appeal Board, to serve for a term of four years or until her successor is appointed and qualified, vice Darryl F. Williams, Verona, resigned.

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

Mark S. Schweiker
Governor

**MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE**

March 25, 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 December 28, 2001, for the appointment of Barbara Kauffman, 3182 Cornerstone Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Nora J. Mahan, Warren, resigned.

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

Mark S. Schweiker
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

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 ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

February 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, Kevin R. Foley, 190 Lathrop Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until November 17, 2002, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert M. Power, Jr., resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

December 28, 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, Jean A. Williams, 1318 Ventana Drive, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2003, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

February 20, 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, Robert J. Irey, 126 Diane Drive, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified, vice Edward M. Paluso, Charleroi, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE ENVIRONMENTAL HEARING BOARD

December 28, 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, George J. Miller, Esquire, 209 Booth Lane, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE STATE HARNESS RACING COMMISSION

December 17, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. Edward Rogers, Jr., 200 Westview Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

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

MEMBER OF THE SUSQUEHANNA COUNTY
BOARD OF ASSISTANCE

March 1, 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, Mary J. Mead (Republican), RR 4, Box 30, Montrose 18801, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2004, and until her successor has been appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SUSQUEHANNA COUNTY
BOARD OF ASSISTANCE

March 1, 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, Barbara W. Rydzewski (Republican), RR 3, Box 368, Montrose 18801, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2002, and until her successor has been appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SUSQUEHANNA COUNTY
BOARD OF ASSISTANCE

March 1, 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, Betty Williams (Republican), 14 Griffis Street, Montrose 18801, Susquehanna County, Twenty-third

Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2004, and until her successor has been appointed and qualified, vice Kim Spoonhower, Susquehanna, resigned.

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-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 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
SENATE RESOLUTIONS ADOPTED**

Senators MOWERY, BOSCOLA, BRIGHTBILL, CONTI, COSTA, EARLL, ERICKSON, GREENLEAF, HUGHES, KITCHEN, KUKOVICH, LAVALLE, LOGAN, MURPHY, MUSTO, O'PAKE, ORIE, RHOADES, ROBBINS, SCARNATI, TOMLINSON, WENGER, C. WILLIAMS, BODACK, DENT, LEMMOND, SCHWARTZ, TARTAGLIONE, THOMPSON and WAGNER, by unanimous consent, offered **Senate Resolution No. 185**, entitled:

A Resolution designating the month of May 2002 as "Arthritis Awareness Month" in Pennsylvania.

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

Senators MADIGAN, STOUT, THOMPSON, ROBBINS, TARTAGLIONE, EARLL, BELL, MOWERY, ERICKSON, WAGNER, KUKOVICH, D. WHITE, O'PAKE, KASUNIC, TOMLINSON, MELLOW, BOSCOLA, LEMMOND, CONTI,

LAVALLE, DENT, COST, WAUGH and GERLACH, by unanimous consent, offered **Senate Resolution No. 186**, entitled:

A Resolution honoring the Pennsylvania AAA Federation as AAA marks 100 years of service.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, since its birth 100 years ago in Chicago, Illinois, the American Automobile Association has been providing motorists and travelers with a wide variety of services and advocacy support. From the very beginning of the age of the automobile, AAA has been working with citizens and government to provide better quality, safer, and more efficient highway and roadway networks across this great nation. AAA has also advocated for greater attention to highway and automobile safety and security by working with automakers and the Federal government to provide safer cars and trucks. At the individual member level, AAA has provided millions of motorists and travelers with tire changes and towing services, and even a few gallons of fuel for those who forgot to stop for gas at the last station. AAA provides comprehensive travel services, including a ranking system for hotels and services that is the standard of the industry. In Pennsylvania, AAA also helps motorists transfer vehicle ownership and provides a wide range of services in conjunction with the Department of Transportation.

During this month of March, on the occasion of AAA's century of service, I am proud to offer this resolution. I am certain that the next century for motorists will be as exciting as the last, and I am certain that the American Automobile Association will be there to assist them.

Thank you, Mr. President.

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

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

Senators O'PAKE, WOZNIAK, MURPHY, BOSCOLA, KUKOVICH, BODACK, LOGAN, COSTA, LAVALLE, KITCHEN, ORIE, EARLL, DENT, MUSTO, ERICKSON, TOMLINSON, RHOADES, SCHWARTZ, WENGER, WAGNER, HUGHES, GREENLEAF, LEMMOND, M. WHITE, MOWERY, FUMO, MELLOW, GERLACH, THOMPSON and BRIGHTBILL, by unanimous consent, offered **Senate Resolution No. 187**, entitled:

A Resolution designating the month of April 2002 as "Child Abuse Prevention Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Matthew C. Levering by Senator Armstrong.

Congratulations of the Senate were extended to Helen Cornwall, Bradley Smith, Nicholas Barrett, Kurt Kuntz and to Elwyn, Inc. by Senator Bell.

Congratulations of the Senate were extended to Bill Sproul by Senator Bodack.

Congratulations of the Senate were extended to Kristen McKay Hoffman, Jocelyn E. Davco, Katie Wentzell, Sarah Binder, Meredith Ashley Smith, Brian M. Brabias, Katelyn Marie Pema, Nicholas J. Musolino, Matthew Erdosy, Beth Marushak, Daniel Kenneth Dougherty, Eric Michael Pukszyn, Thomas Edward Emerson, Gregory James Meila, Ross N. Streb, Patrick Bowles, Bryan Joseph Jolley, Brian Fulmer, Marc C. Loiacono, Dustin Robert Ferretti, Adam Grochowsky, Nicholas Matthew Bossert, Jacqueline Danielle Kroll, Angela Martino, Tamara Smith, SiSi Andreve, Molly Elizabeth Reynolds, Kathleen Elisabeth Claussen, Amber B. Januszewski, Kathleen Bet, Janelle Weiland and to James F. Cadue by Senator Boscola.

Congratulations of the Senate were extended to Ethney Louwerse, William R. Kreiser, Jr., Russell Glenn Teahl, Robert Cardy, Mt. Gretna Theatre, St. Paul's United Church of Christ of Fredericksburg and to the Tall Cedars of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to F. Travis Cope, David S. Jencks and to William Brett MacMinn by Senator Conti.

Congratulations of the Senate were extended to Alexander M. Henderson by Senator Corman.

Congratulations of the Senate were extended to Dr. Stephen L. Kondis, Georgia Hernandez and to Fred W. Weingruber by Senator Costa.

Congratulations of the Senate were extended to Rennis W. Reitz II, Daniel J. Devlin and to Ronald E. McCoy, Jr., by Senator Dent.

Congratulations of the Senate were extended to Ester Bundy by Senator Earll.

Congratulations of the Senate were extended to Barbara Bannigan and to the Reverend Kenneth C. Haubert by Senator Erickson.

Congratulations of the Senate were extended to Linwood Kolb, Robert C. Gebhardt and to Albert Ritschard by Senator Gerlach.

Congratulations of the Senate were extended to George T. Depman, Andrew J. Matthews, Montgomery County Public Schools and to the Upper Moreland Little League by Senator Greenleaf.

Congratulations of the Senate were extended to Terri Rebeck by Senator Helfrick.

Congratulations of the Senate were extended to Bryan Daniel Weber by Senator Holl.

Congratulations of the Senate were extended to Danny Glover by Senator Hughes.

Congratulations of the Senate were extended to Shelby Glover, Acacia Kreger, Noah Bungard, Petey Augustine, Dennis Butler, Amber Brooks, Louie Centofanti and to the Uniontown Area High School Boys' Basketball Team by Senator Kasunic.

Congratulations of the Senate were extended to Virgie Lee Johnson by Senator Kitchen.

Congratulations of the Senate were extended to Donna M. Durstine Kruper, Tabitha L. Holnaider and to Lindsay J. Thomas by Senator Kukovich.

Congratulations of the Senate were extended to Mary Ellen Bailey, the Pennsylvania Court Appointed Special Advocate Association and to the New Castle Area Honor Guard by Senator LaValle.

Congratulations of the Senate were extended to K. Allen and Barbara Roszel, John Baranowski, Marita Zim, Selena Swedrek, citizens of Shohola Township, Susquehanna County Literacy Program and to Wyoming County 4-H by Senator Lemmond.

Congratulations of the Senate were extended to the Wyoming Valley Barbershop Harmony Chorus by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Luzerne County 4-H by Senators Lemmond, Musto, and Mellow.

Congratulations of the Senate were extended to the YMCA of New Kensington by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Lynn H. Heberling, Paul H. Rooney, Jr., Stephen D. Keener and to John Schaffer by Senator Madigan.

Congratulations of the Senate were extended to the Honorable William Warren Scranton, Mrs. Mary Scranton, William W. Scranton III, Peter Scranton, Joseph Scranton, Susan Scranton, Michael J. Kofel and to Patricia Walker by Senator Mellow.

Congratulations of the Senate were extended to West Philadelphia High School by Senators Mellow and Hughes.

Congratulations of the Senate were extended to Jason T. Miller, Michael C. Lebo, Ryan M. Smith, Michael W. Boyd and to Michael R. Rugh by Senator Mowery.

Congratulations of the Senate were extended to Wesley G. Goodman by Senator Murphy.

Congratulations of the Senate were extended to Martha Herron and to United Charities Inc., of Hazleton and Vicinity by Senator Musto.

Congratulations of the Senate were extended to Archbishop Francis B. Schulte, Dr. M. Doris Stelmach, City of Reading Human Relations Commission and to the Reading Police Beneficial Association by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Adam Rayburg, Mr. and Mrs. Edward Gernat, Mr. and Mrs. Thomas W. George, Sr., Nathan A. Bopp, Jonathan Robert Reichel, Charles Samuel Palermo, Jonathan Steven Heiles, Andrew David Johnson, Christopher Kaiser, Jeffrey A. Elser and to the Passavant Retirement Community of Zelenople by Senator Orie.

Congratulations of the Senate were extended to Judy Biesecker and to Cassandra R. Cochran by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. John Rooney, Myrtle T. Armstrong, Anna Letkiewicz, Ashley Hager and to the Calvary Episcopal Church of Tamaqua by Senator Rhoades.

Congratulations of the Senate were extended to Michael Derek Root by Senator Robbins.

Congratulations of the Senate were extended to Dr. Richard E. McDowell, Brian Witherow, Cameron County High School of

Emporium, Kessel Construction, Inc., of Bradford, and to the Bradford Creative and Performing Arts Center by Senator Scarnati.

Congratulations of the Senate were extended to Soroptimist International of Five Points Magneta by Senator Schwartz.

Congratulations of the Senate were extended to Darrell L. Day by Senator Stout.

Congratulations of the Senate were extended to the Honorable Lawrence P. Celaschi by Senators Stout and Kasunic.

Congratulations of the Senate were extended to Juniata Park Older Adult Center of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Daniel David Quindlen, Thomas Matthew Reber, David S. Wylie, Gordon A. Jefferes and to the Westtown-East Goshen Regional Police Department by Senator Thompson.

Congratulations of the Senate were extended to the Women's Republican Club of Chester County by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to Betty Ann Detweiler, Rose Anne Mallon, Dorothy Rue, Dr. David H. Nash, Dr. Gary L. Bowman, James Schultz, Jr., and to the Bristol Lions Club by Senator Tomlinson.

Congratulations of the Senate were extended to Carl Tosi, Dr. James J. Linksz and to the Bucks County Community College by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to the Pittsburgh Mercy Health System, Department of Laboratory Medicine, by Senator Wagner.

Congratulations of the Senate were extended to Evan Perry Meyers, Bennett Robert Oberlander, Michael Harold Boyer and to the York Rescue Mission by Senator Waugh.

Congratulations of the Senate were extended to William Wingenroth, Alexander John Leed, William H. Welliver, Mabel K. Graeff and to Derek B. Drum by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Wasco Warholic, Mr. and Mrs. John Weaver, Mr. and Mrs. James L. Bence, Michael J. Estocin, Walter J. Marm, John Kridlo and to the Honorable Jack Wagner by Senator D. White.

Congratulations of the Senate were extended to Becky McGinnis, Crystal Sherlock and to Jesse Adam Zimmerman by Senator M.J. White.

Congratulations of the Senate were extended to the Terri Lynne Lockoff Child Care Foundation of King of Prussia by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Steve Zelenok, Mr. and Mrs. John Battiste, Mr. and Mrs. James Britt, Mr. and Mrs. John F. Burns, Nathanael E. Gulnac and to the Bishop Carroll High School Girls' Basketball Team by Senator Wozniak.

CONDOLENCE RESOLUTIONS

The PRESIDENT 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 Honorable Max L. Stenger and to the family of the late Morris Mitchell Devorris by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Reverend Benjamin Smith, Sr., by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Honorable John W. Potter by Senator Lemmond.

Condolences of the Senate were extended to the family of the late William D. Polanosky and to the family of the late Guy A. Guadagnino by Senator Orié.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Harlan Lorah was extended to the family by Senator Brightbill.

A posthumous citation honoring the late David J. Hancock was extended to the family by Senator Greenleaf.

A posthumous citation honoring the late Abram R. Clemmer was extended to the family by Senator Holl.

BILLS ON FIRST CONSIDERATION

Senator WOZNIAK. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 374, SB 1321, SB 1366, HB 1933, HB 1939, HB 1945, HB 2070 and HB 2126.

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

BILL ON FIRST CONSIDERATION AND REREFERRED

Senator BRIGHTBILL. Mr. 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.

The bill was as follows:

SB 1272.

And said bill having been considered for the first time.

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

PETITIONS AND REMONSTRANCES

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

Senator DENT. Mr. President, I want to take just a couple of moments to recognize a school in my senatorial district that has achieved a great deal of success. At this time of year, many of us are focused on athletic events at our high schools and colleges. Just over the weekend we saw the NCAA wrestling championships and we also saw, of course, the State basketball championships, which were all very exciting. Of course, that is

not central to our mission in education. Regardless, I want to take a moment to recognize the Hanover Elementary School, which really, truly demonstrates what high academic standards and accountability are all about. The Hanover Elementary School is in the Bethlehem Area School District. Their principal is Carol Leasure, and the superintendent is Thomas Doluisio. Hanover Elementary School was honored on Friday upon achieving the highest score on the Pennsylvania System of School Assessments, or the PSSAs as we better know them. For the second consecutive year, Hanover Elementary School has achieved high scores in mathematics and reading. About 3,800 schools participate in the PSSA test, and Hanover Elementary received a score of 1630 in mathematics and 1570 in reading. Its overall total was 3200, beating the State average, which was 2620.

Students at Hanover Elementary School are to be commended for their exceptional commitment to educational and academic excellence, and they are truly paving the way toward a bright future. I think sometimes we do not take enough time in this Chamber or elsewhere throughout society to recognize academic accomplishments, and what is truly extraordinary is that Hanover Elementary School, for the second year in a row, has achieved this honor of being the highest performing school on the PSSAs. We are very proud of what they have done at that school, and the Bethlehem Area School District as well in general for their commitment to high academic standards. They were ahead on the standards movement. When other districts were talking about standards, and even the State, Bethlehem was in the process of developing and implementing those high standards, and their work is paying off handsomely.

So with that, I am just here again to congratulate everyone at the Hanover Elementary School in the Bethlehem Area School District for again achieving this high honor.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, today a number of my colleagues and I have introduced Senate Bill No. 1373, the fairness in education funding bill. This is a major step in the debate about school funding that I am eager to begin. Only a few years ago the Pennsylvania courts answered PARSS' question, that is the Pennsylvania Association of Rural and Small School districts, about the constitutionality of our present system of school finance. PARSS took the Commonwealth to court over the issue, and the courts told PARSS that this problem is in the General Assembly's responsibility and purview to fix. It is for the General Assembly to determine how to define Article III, Section 14, of the Pennsylvania Constitution regarding a thorough and efficient system of public education, because that is what we are constitutionally obligated to provide.

The solution to the problems this Commonwealth has in funding public education is not to throw more money into our system. In truth, total per-student spending in Pennsylvania ranks 14th in the nation. Spending on teachers' salaries places us fifth, which I think very well illustrates Pennsylvania's commitment to public education. The problem lies in how we raise those funds and where we spend them. This year State support for basic education in Pennsylvania will account for less than 38 percent

of the total expenditures. That places Pennsylvania, the home of Benjamin Franklin and Thaddeus Stevens, 40th in the nation. I think that begins to show the disparity between being 40th in the nation and 15th or 14th, the problem in terms of how this is being funded, and funded fairly and properly.

This year our local school districts will raise 75 percent of the revenues required to fund our schools, and they will do it through the property tax. As a matter of fact, over the last 10 years we have had to come up with \$2.9 billion in new local tax revenues to be able to continue to fund our schools. This is a grim fact that has led us to this particular point, and it is this sad statistic that threatens to drive senior citizens out of their homes and low-income individuals from the dream of owning their own homes. The disparity is not per-pupil spending, the disparity is in the tax burden. Why can a school district in southeastern Pennsylvania spend \$14,000 per student, while a school district in the northwest can spend only \$6,000? Why can one school district derive \$2 million from a mill of tax while another can generate only \$40,000? Why are normal reassessments of local property values so onerous and frightening to local taxpayers? And I think the issue is very well seen and put: it is due to the unfairness of property taxes, the regressive nature that local property taxes have taken on.

What is the solution? My solution is to shift the burden of funding public education away from school districts and to the Commonwealth, away from the property tax and to the personal income tax. My solution is to drive State money into our public schools and require school districts to reduce local taxes dollar for dollar. My solution is to fund our public schools on a distribution formula that is stable, predictable, and fair. And my solution is to hold down costs in public education by giving taxpayers a greater say over increases in local school spending.

In the first year of this new funding formula, school districts would see an infusion of new State dollars and local school taxes would be reduced an average of 68.7 percent. In fact, some school districts would see, those with the lowest market value and shrinking personal income, reductions of over 90 percent. School districts would receive funds based on a formula that takes their actual number of students and actual local resources into consideration. School districts that are growing would receive increased State funds to compensate for that growth. School districts that are becoming poor would see those corrections as well. School districts that have high levels of poverty within their boundaries would also receive additional funds based on the personal income average daily membership in their school. And school districts would know by October 1 what they would receive through the formula in the coming fiscal year and be able to decide on their spending priorities to either compensate through their programs or know they are going to a referendum. Increases in school taxes would be capped at the percentage increase in the median actual instructional expense per average daily membership. Increases over and above that amount would be allowed only if they are approved by a local referendum.

Now understand, no one in this debate can have it both ways. We cannot reduce reliance on property tax without replacing those revenues from State sources. It is a tax shift, not a tax reform, or any other method. We cannot provide more State

funds without placing some controls on local spending. We cannot mandate programs such as all-day kindergarten, small class sizes, and any other ideas we have without providing the State resources to get the job done. Reform requires consensus, and consensus requires compromise. This proposal is a serious and important beginning, one that can and must lead to the work that is required to reform our system, one that will define the meaning of thorough and efficient equity for one and all, for our taxpayers, and most importantly, for the boys and girls of this entire Commonwealth.

I offer this because a couple of months back I said on this floor, I will have the bill ready for you. The bill is ready. If anybody wants to see what kind of reduction in local school taxes you will receive from your respective districts, these forms are available, just give my office a call and you will get them all. I am not going to go through them, but they run anywhere from 91 percent down to around 39.6 percent, so some districts in tiers I, II, and III will have enough that they will not have to raise any local taxes. Others will still have to depend upon a local tax mix, but let me say, if I can reduce that particular amount, that makes a significant difference to all the taxpayers in the Commonwealth. And the other thing I have often said, if we want standards, assessment, accountability, if we want all the programs, be they categorical of what we want and we are going to make the rules and regulations, and I do not call it unfunded mandates, I say it is putting your money where your mouth is, and I think it is time for us to make that decision.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, I was really glad to see Senator Dent acknowledge Hanover Elementary School in the Bethlehem Area School District. I was at their ceremony last year, and they very much deserve to be recognized on the Senate floor. I was also very impressed today with the Keystone Boychoir as they sang for us on the Senate floor, and I was very proud and moved by the special way they had of remembering the victims of September 11, because I recently received a letter from a senior citizen in my district asking all of us to think of 9/11 and help her by lowering the cost of her prescription drugs.

Today I would like to share what she wrote and make her words part of history by entering her letter and reading it into the record. Her name is Palma from Bethlehem, and Palma is disabled. In addition to her disability, she has also lost vision in her left eye, and she lost her eyesight because she could not afford to buy the drug her doctor had prescribed. In her letter she wrote: How foolish of me not to buy this medicine. I should not have paid my utility bills or bought food, but how could I sacrifice everyday essentials just to pay my medical bills?

That is a question that no senior citizen here in Pennsylvania should ever be faced with or forced to answer, because there is no right answer. And unfortunately, there will not be an answer until we lower the price of prescription drugs so more of our seniors can afford them.

Her letter ends this way: 9/11 has changed the lives of many. If people can show support for 9/11, they can certainly show support for everyday people who really do need the help. 9/11 is

every day. It is time people got down to earth and helped one another.

This is what she writes to me. It is time to get down to earth and it is time for us to get down to work. How many more senior citizens have to lose their eyesight, lose their quality of life, before the other side of the aisle, the Majority, will listen? Mr. President, we must act and we must act now to lower the cost of prescription drugs for older Pennsylvanians.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Logan.

Senator LOGAN. Mr. President, I rise once again to share with the Members of the Senate, just as Senator Boscola has done, and we will hear from Senator Wozniak and Senator Kitchen, and so many of our Members who have spoken on this issue over the past year and a half, to tell you about real stories from real people who need our help. These are not the lobbyists or the bureaucrats, the insurance companies, or pharmaceutical companies. These are our neighbors, our grandparents, our mothers, our fathers. These are the taxpayers of Pennsylvania. These are the senior citizens who are calling our office, writing our office for help.

Anne Mary, a widow from the city of McKeesport in my district, wrote: Senator Logan, after I pay for my gas, my VISA, my electric, water, sewerage, garbage, telephone, and medicines, I have exactly \$3.92 in my checking account to do me until my next check comes in on the 3rd of the next month. Thank God I have a garden and a VISA.

Joan, a widow from McKeesport, writes: It costs me \$300 to \$400 every 3 months for my medicine.

Peter, from the city of McKeesport, asks: The country of Canada takes care of their own people. Why not our United States?

And finally, Donald and Betty from Murrysville, write: We know seniors who are eliminating drugs that they need in order to cut costs. Something must be done.

That is so true, Mr. President. These are words straight from the mouths of men and women in my district who are being affected by the rising prices of prescription drugs. These people are begging me to help them, and I want to tell them that I will.

So, Mr. President, I ask the Republicans who control the Governor's Office, this Chamber, and the House of Representatives, when can I tell them we are going to help them?

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, I, too, stand today to read some actual responses from constituents in my district on the high cost of prescription drugs and the effects it has on those who cannot afford them.

From Wendy Watson, I received the following: The prices for my mom's medicine have gotten ridiculous. She has to take eight different ones, and we cannot afford to pay for them anymore.

Do we want our seniors to continue to go without much needed, often lifesaving medications, Mr. President?

This one is from an older couple from my district: With the limits placed by the HMOs on brand-name prescriptions, we have had to pay for a great deal of the prescriptions taken by my

husband. He suffered a stroke and takes over six different prescriptions.

Mr. President, our State's older residents are living longer by taking more and more costly prescription drugs. If we do not take action soon, we in the legislature may very well consider ourselves part of the problem, not part of the solution.

And one more, Mr. President, again from Philadelphia. This postcard pretty much sums it all up. A woman writes: Senior citizens are now on a fixed income. Why not let their last days be without a struggle to just survive?

Let us stop playing with the lives of senior citizens. We need to act now. Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I have two observations. Senator Rhoades just recently spoke about the bill he is introducing dealing with a restructuring of taxes for education, and I heartily support his effort. It is seriously needed, and I do believe that this Chamber and the Chamber across the hall should take a very serious look at restructuring our taxes, based upon the ability to pay income taxes versus property tax, the most onerous and most complained about tax in my district.

Secondly, I would like to talk about pharmaceuticals. A number of years ago when Al Gore and President Bush were running against each other, both were touting the fact that they were going to help the senior citizens of the United States with pharmaceuticals. Al Gore did not become President, George Bush did. We all said--well, not all of us--let us wait and see what Washington does. Then 9/11 comes along and a bunch of other situations, and obviously, it is no longer on the front burner of Washington politics. However, here in Pennsylvania we still have the second largest senior citizen population in the United States of America. The ones who are doing okay get to move down to Florida and enjoy their retirement years, and we keep the rest of them. My father is an elderly man, and because he served his country in a military capacity, he has a very good benefit package, and we often discuss how many thousands of dollars a month it would cost if he had to pay out of his own pocket. Every one of us who has been here long enough to get tenure has a very good medical and pharmaceutical package in our own right, but here we need to take a look at our senior citizens, mostly the elderly, those on fixed incomes, many who are widowed and their husbands did not have the opportunity to put a financial package together which could protect them in their old age.

Here are some of the postcards that I received in my hometown. Joan tells me: The big pharmaceutical companies spend more money on their cute commercials than on needed research to prevent the bad effects of their drugs. Cut the advertising costs and lower the prices.

Raymond of Johnstown writes: I am a registered Republican, but I believe politics has no place in decisions benefitting mankind.

A Johnstown couple offers this insight: We have relatives in Europe. They get all their medications for free. What is our government doing to us?

I am not foolish enough to think that there is no price tag on this effort. However, I do think it is time to step up to the plate,

take a look at the ways we can ratchet down the costs of pharmaceuticals so we can expand those programs to reach more senior citizens. An ounce of prevention is worth a pound of cure. If these people receive their proper medications, they will not be finding themselves in hospital beds under critical conditions at costs extremely higher.

Let us get to work, let us get the job done, let us take care of the pharmaceutical issue here in Pennsylvania. We cannot wait for Washington. We have the will here.

Thank you very much, Mr. President.

BILL SIGNED

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

SB 1115.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I ask that we recess to the call of the Chair.

The PRESIDENT. Senator Brightbill requests that the Senate recess to the call of the Chair.

The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, it is my understanding there will be no more votes taken today.

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

Senator BRIGHTBILL. Mr. President, that is correct. We have some things that need to come back to be signed, and we will then adjourn after the signings occur.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, very good, thank you.

The PRESIDENT. Without objection, the Senate stands in recess to the call of the Chair.

AFTER RECESS

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

HOUSE MESSAGE

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 1469**.

BILLS SIGNED

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

HB 1469 and HB 1584.

ADJOURNMENT

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Monday, April 8, 2002, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:35 p.m., Eastern Standard Time.