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TUESDAY, APRIL 9, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 22

SENATE

TUESDAY, April 9, 2002

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

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

PRAYER

The Chaplain, Reverend KRIS LENTZ, of Emanuel Unity Church of Christ, York, offered the following prayer:

Let us now join our hearts and our minds together for a word of prayer.

Almighty and Eternal God, You have been our help in ages past, and You are our hope for years to come. I come before You today with a prayer for our State Senate. I am grateful for these Senators of our State who have been elected by the people and have been ordained by You to represent the people of Pennsylvania.

We pray today that You would bless all who are in authority with health and wisdom and understanding, with love for righteousness and peace, that under their leadership our State may continue to live side by side in peace and harmony, recognizing that each one of us has rights and privileges given to us by You in Your goodness.

You, O God, set the limits and boundaries of nations and States and localities, and You remind us that we are not a State unto ourselves. We, the State of Pennsylvania, are a part of a nation and we live among nations, and we have a responsibility to the people around us. Help our Senators in their responsibilities to work for the good of all people.

Hold Your protecting hand over everyone here today and all who live in this land, so that people everywhere may enjoy justice, peace, and freedom, and share in the goodness of Your creation. In the name of the Holy One, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Lentz, who is the guest today of Senator Waugh.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for a legislative leave for Senator Bell, and a temporary Capitol leave for Senator Gerlach.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Bell, and a temporary Capitol leave for Senator Gerlach. Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 8, 2002.

The Clerk proceeded to read the Journal of the preceding Session.

Senator BRIGHTBILL. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR HAROLD F.
MOWERY PRESENTED TO THE SENATE**

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

Senator MOWERY. Mr. President, the Senate of Pennsylvania is always pleased to recognize those exceptional athletes who, through their dedication and perseverance, bring great credit to themselves and to this Commonwealth. I would like to take this opportunity to introduce the PIAA Class AAAA Girls' Basketball State Champions, the Cumberland Valley Girls' Basketball Team.

Under the leadership of head coach John Smith, the Eagles won their first State crown for a Class AAAA team, finishing with a 32-2 winning record. For the first time in PIAA championship history, a District 3 team won the Class AAAA game. All the girls on the team are outstanding individuals, and it took a team effort to bring the State title home to the Cumberland Valley Eagles. However, there is one team member who caught the attention of sportswriters and broadcasters. Carla Thomas, the 6'3" Cumberland Valley junior who is the team center, was recently named a second team selection for the All-State High School Girls' Basketball Team, as selected by the sportswriters and broadcasters. Also, head coach John Smith has been recognized by being named the Associated Press Big School Coach of the Year.

Please join me in giving a warm Senate welcome and a big congratulations to the Cumberland Valley Girls' Basketball Team, the PIAA Class AAAA State Champions.

The PRESIDENT. Would the Cumberland Valley team please stand up.

(Applause.)

The PRESIDENT. We welcome you and congratulate you.

Senator MOWERY. Mr. President, I would also like to introduce two young people who have captured State titles in the PIAA Class AAAA Boys' and Girls' State Swimming Championships, who are also from Cumberland Valley High School. Jason T. Miller won the State Championship in the 100 meter butterfly, and Ryan M. Smith won the State Championship in the 100 meter backstroke. Let us also give them a warm welcome to the Senate.

The PRESIDENT. Would the guests of Senator Mowery kindly rise.

(Applause.)

GUESTS OF SENATOR CHARLES W. DENT PRESENTED TO THE SENATE

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

Senator DENT. Mr. President, I, too, am delighted to introduce my guests today, three friends and three first responders who are detectives with the Allentown Police Department. They are Detectives Kevin Smith, Bruce Zimmerman, and James Bowers. I just wanted the Senate to welcome them, and also to let you know that Kevin Smith is the president of the Queen City Lodge of the Fraternal Order of Police. I would like the Senate to give them its usual warm welcome.

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

(Applause.)

GUESTS OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE

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

Senator BOSCOLA. Mr. President, I, too, have about 40 ladies from the Easton area. They are part of the URW Social Club. They visited the Governor's Mansion today and they will be touring the Capitol. Emma Ruhle put this together, and I am so honored that they are here. I hope the Senate gives them its usual warm welcome.

The PRESIDENT. Would the guests of Senator Boscola kindly rise so we may welcome you as well.

(Applause.)

GUESTS OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, we are always pleased when constituents from our district come to visit our State Capitol and observe part of our Senate Session. Today I am pleased to have two groups here visiting with us.

First, is a group from the Mount Calvary Christian School in Elizabethtown who are visiting us in the gallery today. Mr. Patterson is their teacher, and he has brought two eighth grade classes to Harrisburg to tour the State Capitol today. I would appreciate it if the Senate would give them its usual warm welcome.

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

(Applause.)

Senator WENGER. The other group I have visiting us today is from Elizabethtown College. Dr. Tom Bowersox and his social policy class from the college came to Harrisburg today for their lobby day. I ask you to join me in welcoming my special guests from Elizabethtown College to the Senate.

The PRESIDENT. Would these guests of Senator Wenger kindly rise so we may welcome you.

(Applause.)

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 16.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly adjournment.**BILL SIGNED**

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

SB 16.**REPORTS FROM COMMITTEES**

Senator LEMMOND, from the Committee on State Government, reported the following bill:

HB 2048 (Pr. No. 2698)

An Act amending the act of June 25, 1999 (P.L.205, No.27), entitled, as amended, "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and Department of Transportation, to sell and convey to the Borough of Hollidaysburg certain land situate in the Borough of Hollidaysburg, Blair County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for another tract of land in the Borough of Selinsgrove, Snyder County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township," further providing for reversion of property.

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

SB 917 (Pr. No. 1865) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a mental health court division.

SB 1099 (Pr. No. 1380)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for State intermediate punishment.

SB 1367 (Pr. No. 1827)

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for qualifications of directors.

HB 2088 (Pr. No. 2773)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for causing or risking catastrophe.

Senator PUNT, from the Committee on Community and Economic Development, reported the following bill:

SB 1370 (Pr. No. 1829)

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job and work force training; and further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; and making a repeal.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this point in time, I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Majority Caucus Room.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, I request all Democratic Members to report to the Minority Caucus Room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin in their respective caucus rooms immediately, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator M.J. White) in the Chair.

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

CALENDAR**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 219, HB 235, HB 247 and SB 462 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 599 (Pr. No. 656) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code, further providing for licensing of agents.

On the question,
 Will the Senate agree to the bill on third consideration?
 Senator WOZNIAK, on behalf of Senator MELLOW, offered the following amendment No. A1380:

Amend Sec. 1 (Sec. 609), page 2, line 19, by striking out all of said line and inserting:

(2) Beginning July 1, 2007, and every five years thereafter, the commissioner

Amend Sec. 1 (Sec. 609), page 2, line 23, by inserting after "Bulletin": The adjustment shall not exceed the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics, for the period since the last adjustment made pursuant to this subsection.

On the question,
 Will the Senate agree to the amendment?
 It was agreed to.
 Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 785, SB 1013 and SB 1030 – Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 1045 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1289 (Pr. No. 3616) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for notification of pesticide treatments at schools.

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

On the question,
 Shall the bill pass finally?

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

YEA-49

Armstrong	Greenleaf	Mowery	Thompson
Bell	Helfrick	Murphy	Tomlinson
Bodack	Holl	Musto	Wagner
Boscola	Hughes	O'Pake	Waugh
Brightbill	Jubelirer	Orie	Wenger
Conti	Kasunic	Piccola	White, Donald
Corman	Kitchen	Punt	White, Mary Jo

Costa	Kukovich	Rhoades	Williams, Anthony H.
Dent	LaValle	Robbins	Williams, Constance
Earll	Lemmond	Schwartz	Wozniak
Erickson	Logan	Stack	
Fumo	Madigan	Stout	
Gerlach	Mellow	Tartaglione	

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Gerlach has returned from temporary Capitol leave, and his temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1045 CALLED UP

SB 1045 (Pr. No. 1770) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 1045 (Pr. No. 1770) – The Senate proceeded to consideration of the bill, entitled:

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

On the question,
 Will the Senate agree to the bill on third consideration?
 Senator WAUGH offered the following amendment No. A1250:

Amend Title, page 1, line 12, by removing the period after "producers" and inserting: and for provisions relating to eligibility.

Amend Sec. 1 (Sec. 1301), page 2, line 3, by inserting after "person": or entity

Amend Sec. 1 (Sec. 1301), page 3, by inserting between lines 4 and 5:

"Natural disaster." As defined in 35 Pa.C.S. § 7102 (relating to definitions).

Amend Sec. 1 (Sec. 1301), page 3, line 13, by inserting brackets before and after "or" and inserting an underscored comma

Amend Sec. 1 (Sec. 1301), page 3, line 13, by inserting after "proprietorship": limited liability company or other entity

Amend Sec. 2, page 3, lines 25 and 26, by striking out "and the section is amended by adding a subsection"

Amend Sec. 2 (Sec. 1303), page 5, lines 1 through 23, by striking out all of said lines

Amend Sec. 2 (Sec. 1303), page 6, line 1, by inserting brackets before and after the period after "opportunities" and inserting immediately thereafter: or, in the case of a small business enterprise that is an agricultural producer, loans which demonstrate a substantial likelihood of the enhancement and growth of normal agricultural operations.

Amend Sec. 2 (Sec. 1303), page 6, line 1, by inserting after "loans":
except loans provided to a small business enterprise which is an agricultural producer.

Amend Bill, page 6, by inserting between lines 24 and 25:

Section 3. Section 1310 of the act is amended to read:

Section 1310. [Transitional] Eligibility provisions.

The following eligibility requirements and eligible uses shall apply to all requests for funding [received after this chapter becomes effective and before submission of the first annual financing strategy]:

(1) A small business enterprise with 100 full-time employees or less that proposes to undertake a capital development.

(2) (i) The maximum loan amount for land, buildings and machinery and equipment is \$200,000 or 50% of the total eligible project costs, whichever is less. The maximum loan amount for working capital is \$100,000 or 50% of the total eligible project costs, whichever is less.

(ii) Loans used for real estate shall have a repayment period of up to ten years. Loans used for machinery and equipment shall have a repayment period of up to seven years. Loans used for working capital shall have a repayment period of up to three years. In projects where two or more uses of funds are planned, the loan terms may be blended.

(iii) Interest rates shall [be fixed at 5%.] not exceed 5%, except as provided in clause (iv).

(iv) Loans made to a small business enterprise that is an agricultural producer shall be made at an interest rate of not less than 2% if a declaration under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor) is in effect for at least ten days for a natural disaster.

[(iv)] (v) All loans must be adequately secured.

(3) (i) Applications for assistance under the Capital Loan Fund Act which have been approved prior to the effective date of this chapter will be processed in accordance with the act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act. Applications for assistance which have been received but which have not been approved prior to the effective date of this chapter will be evaluated and processed in accordance with this chapter.

(ii) Applications for assistance under section 7.13 of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, section 709 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, and the Recycling Incentive Development Account which have been approved prior to the effective date of this chapter shall be processed in accordance with those respective provisions. Applications for assistance which have been received but which have not been approved prior to the effective date of this chapter shall be evaluated and processed in accordance with this chapter.

Amend Sec. 3, page 6, line 25, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 1318, SB 1319, HB 1546 and HB 2087 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

HB 2203 (Pr. No. 3309) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for required contractual provision regarding home inspections.

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 1321 and HB 1731 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2070 (Pr. No. 2938) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators WOZNIAK, KUKOVICH, HUGHES, MUSTO, DENT, KITCHEN, O'PAKE, COSTA, SCARNATI, SCHWARTZ, TARTAGLIONE, LOGAN, BOSCOLA, ORIE, MURPHY, ERICKSON, BODACK, THOMPSON, C. WILLIAMS and RHOADES, by unanimous consent, offered **Senate Resolution No. 201**, entitled:

A Resolution designating the week of April 1 through 7, 2002, as "Sleep Awareness Week" in Pennsylvania.

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

Senators BOSCOLA, KUKOVICH, MURPHY, THOMPSON, TOMLINSON, COSTA, BODACK, KITCHEN, LAVALLE, EARLL, TARTAGLIONE, STOUT, LOGAN, GREENLEAF, MELLOW, MUSTO, O'PAKE, ERICKSON, CONTI, SCHWARTZ, WOZNIAK and HUGHES, by unanimous consent, offered **Senate Resolution No. 202**, entitled:

A Resolution acknowledging the efforts of CASA volunteers in speaking for the best interests of abused and neglected children by recognizing April 11, 2002, as "Light of Hope Day" in Pennsylvania.

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

Senators STACK, WOZNIAK, WAGNER, COSTA, LOGAN, BODACK, EARLL, ERICKSON, KUKOVICH, STOUT, O'PAKE, BRIGHTBILL, MUSTO, BELL, BOSCOLA, LEMMOND and GERLACH by unanimous consent, offered **Senate Resolution No. 203**, entitled:

A Resolution designating April 10, 2002, as "Sleep Apnea Awareness Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I rise today to offer a resolution designating April 10, 2002, as Pennsylvania Sleep Apnea Awareness Day. Numerous studies have shown that the general public knows very little about sleep disorders and sleep deprivation, as well as the consequences of these conditions. Examples of these consequences include 36 million Americans being negatively affected by sleeplessness at work, including job accidents, and the National Highway Traffic Safety Administration estimates that 100,000 motor vehicle crashes are caused by drowsy drivers each year, resulting in more than 1,500 fatalities and 71,000 injuries.

One sleep disorder in particular that affects over 712,000 Pennsylvanians is sleep apnea. Sleep apnea is a potentially life-threatening breathing disorder. If left untreated, sleep apnea leads to depression, hypertension, as well as an increased risk of heart attack, stroke, and automobile accidents. The effects of sleep apnea and other sleep disorders can be curtailed through treatment and education. By passing this resolution and through the work of sleep awareness organizations such as Awake in Philly Community Education Group, we can educate the public on these serious conditions that affect millions of Pennsylvanians every year. I ask for my colleagues' support.

Thank you, Madam 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 KUKOVICH, BELL, BODACK, BOSCOLA, EARLL, HUGHES, KITCHEN, OPAKE, ORIE, SCHWARTZ, STACK, TARTAGLIONE, C. WILLIAMS and M.J. WHITE, by unanimous consent, offered **Senate Resolution No. 204**, entitled:

A Resolution honoring and recognizing Arline Jolles Lotman, Esquire, on the occasion of the 30th anniversary of her appointment as the first Executive Director of the Pennsylvania Commission on the Status of Women.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. William Groff, Sr., and to Mr. and Mrs. Kenneth Miller by Senator Armstrong.

Congratulations of the Senate were extended to Thomas J. Doluisio, Christopher Lee Moyer, Ronald Rankin, Dr. Daniel R. Gilbert, Jr., and to Jean Ocker by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Harold H. Robinson and to Kevin Troutman O'Donnell by Senator Corman.

Congratulations of the Senate were extended to Jim Wagner by Senator Fumo.

Congratulations of the Senate were extended to Glen S. Mariani by Senator Gerlach.

Congratulations of the Senate were extended to Calvin Alexander and to John Brown by Senator Hughes.

Congratulations of the Senate were extended to Alexander Raygor by Senator Kukovich.

Congratulations of the Senate were extended to Tuskegee Airmen by Senator LaValle.

Congratulations of the Senate were extended to Robert N. Opel II by Senator Lemmond.

Congratulations of the Senate were extended to Adam R. Werkmeister, Brian R. Spratt and to the Upper St. Clair Girls' Soccer Team by Senator Murphy.

Congratulations of the Senate were extended to Dr. Ernest R. Gelb, the Reverend Paul J. Pavese and to the Wilkes-Barre North End Little League by Senator Musto.

Congratulations of the Senate were extended to Steven P. Kokal by Senator Orie.

Congratulations of the Senate were extended to Barry R. Long and to Benjamin G. Novinger by Senator Rhoades.

Congratulations of the Senate were extended to Donna Popieski, Matthew Wilcox and to Grove City Meals on Wheels by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Etkins, Erik Paller, Frank Casey, Thomas Maminski, Joseph Flynn, John Ciarlante and to Michael Walsh by Senator Tartaglione.

Congratulations of the Senate were extended to John Haiko by Senator Thompson.

Congratulations of the Senate were extended to the Honorable Joseph DiGirolamo and to Middletown Township by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

Senator MADIGAN. Madam 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 917, SB 1099, SB 1367, SB 1370, HB 2048 and HB 2088.

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

PETITIONS AND REMONSTRANCES

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

Senator STACK. Madam President, I have many concerns about the budget that Governor Schweiker presented to us early

last month. I am concerned about how this budget unnecessarily bruises children in working families. Today I want to talk about one of my most profound concerns: how this administration proposes to treat these children with disabilities. I was literally stunned when I discovered that this budget proposal includes a recommendation that the Department of Public Welfare impose more stringent income eligibility limits for families with children who have disabilities, such as autism or cerebral palsy. In the past, only the affected child's income was considered when determining eligibility. In this budget, this onerous burden is shifted to the family. Any family of four with an income exceeding \$100,000 no longer qualifies.

On the surface, \$100,000 sounds like a recipe for living large. Admittedly, if you are single and you are making that kind of money, you should be in pretty good shape. But when you are raising an autistic child, the financial landscape changes dramatically. In fact, the total price tag to provide care for a child with a disability such as this easily exceeds \$100,000 a year. Even with Medical Assistance support, families with a disabled child still pay a very stiff price. Many costly medical supplies and educational and training tools are not covered by Medical Assistance. Often what is covered needs to be supplemented.

For example, Medical Assistance covers 1 hour of speech therapy a week. That alone is of very little benefit, so families pay for the additional hours out of their own pockets. One of the key benefits of Medical Assistance eligibility is that the program supports funding for qualified professionals who shadow a child with disabilities while the child is receiving schooling or services. These shadows, called wraparounds or therapeutic support staff, ensure that the child's needs are being met, and it is these people who are the very backbone of all efforts undertaken to bring the disabled child as much into the mainstream of family and community life as possible. Without Medical Assistance support, wraparound service would become unaffordable, as would many other related services. What these services do is give the child and the family hope. Without these services, hope fades and a life with promise becomes a life wasted.

I do not seek this office to be a party to dooming anyone to nonexistence just to save a few bucks. Children with disabilities do not indulge in addictive behavior, they are not self-destructive. They do not seek their affliction. Their condition is not their fault. They are in no position to pull themselves up by their own bootstraps and create an upwardly mobile life for themselves. They do not need our pity, but neither do they need our scorn. What they do need is our help. Where do effective families reach out if the Medical Assistance window is closed on their hands? From what I am told, there is nowhere else. We basically tell these children and their families that we are sorry, you are ineligible. Tough luck. Then we shut the door, the door to oblivion.

Madam President, there are no cures for autism or cerebral palsy, but medical technological treatment and educational advancements have steadily improved the quality of life for these children and their families. What the administration is telling us is that this progress stops here now. This budget is a first step in taking away access to all those advancements. After all, a ceiling can always be lowered. If we establish a \$100,000 income limit next year, then why not drop it another \$10,000 the year after

that? Two years from now, the eligibility ceiling would be \$75,000 for a family of four. You get my drift. The proposed income limits set a dangerous precedent in Pennsylvania. If one of these children were abandoned in a dumpster, we would rightly be outraged. We would seek justice and retribution. We would want laws to make sure this never happened again. Yet, in many ways this is precisely what is proposed by these income limits, a form of abandonment, a bureaucratic abandonment that is bone chilling in its precalculation.

If the administration has genuine alternatives for disabled children who are deprived of their Medical Assistance coverage, we eagerly await them. Until that day arrives, the entire income limit proposal should be removed from the budget, not because I demand it, but because basic humanity should dictate that no other course of action is possible.

Thank you, Madam President.

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

Senator LOGAN. Madam President, of all the bills offered and amended last year in this Chamber, those allocating the national tobacco settlement moneys were a highlight. I can say with certainty that nearly every Pennsylvanian will benefit from that money in some shape or form, be it through biotechnology breakthroughs or improved health care opportunities. After we allocated funds for a plan to provide thousands of low-income working Pennsylvanians with health care coverage, the Governor now wants to use almost \$100 million of that money to balance the budget. Additionally, the Governor asked elderly Pennsylvanians across the State, and the disabled in particular, to take a backseat so that he could use money allocated for home health care to make the ends of his \$20 billion State budget meet. Evidently, the Governor would rather force low-income families, seniors, and those with disabilities to go without access to health care rather than tighten the State's fiscal belt and maintain the integrity of the original allocation of the tobacco settlement funds.

Madam President, I realize that balancing a budget in a year such as we are facing is a difficult task, but, in this case, we should learn a lesson from those who are most likely to be adversely affected if the Governor has his way, Pennsylvania's low-income families. Madam President, when the Jones family calculates their monthly budget, they do not have a tobacco settlement to rely on when times are tough and they cannot make ends meet. Instead, they scrimp and save every penny possible, using every cost-saving method they know. That, Madam President, is the means that the Governor and the legislature must use to balance the 2002-03 fiscal budget. We must keep our word that every cent of the tobacco settlement will be spent on health care programs, as we agreed and designated last year. Dipping into the tobacco fund to balance the budget is an easy answer for the State this year, but will be hard on the disabled, it will be hard on the elderly, and it will be hard on low-income Pennsylvanians. And I feel confident in saying, Madam President, it will be even harder to resist the tobacco funds as an easy answer to fiscal problems in the coming years.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, today I would like to talk about the high cost of prescription drugs, drugs our seniors need, and those seniors who cannot afford to pay for them. If anyone is watching this back home, I hope you keep those letters and cards coming, because the last time that I was on the Senate floor, six people stopped me the very next day and thanked me for reminding them to send their cards in, too, and they did. And that is why I take the time to read them, so that all of us will be reminded, too, that our older Pennsylvanians need our help and they need it now.

The letters and e-mails I am going to read today all have one thing in common: they were all sent to me by senior citizens who are just barely over the income limit for the PACE program, and I do mean barely over the income eligibility limit. Yet, because of a few dollars' difference in their Social Security checks, they are squarely at the limit of what prescriptions they can afford to take.

The first letter is from Ann in Nazareth who is 82 years old. She was denied a PACE card because she earned \$14 over the income limit, \$14, and paid nearly \$5,000 for her prescription drugs last year. But like she says: I am being penalized for trying to save my money. Ann has tried taking only half-doses of her medications, but even though it saves her money, it causes her legs to swell up, so she cannot do that anymore. And in her letter she says: My sister and my brother bring me food because they know I have the huge medicine bills that I have to pay.

Now, the next letter is from Janet, who lives in Bethlehem and is a widow. Even though she is 63 years old, she still works 30 hours a week just so she can keep her prescription plan. She wrote to me: All of these years we have worked and paid into our insurance, and now it becomes unaffordable to keep up with the high deductibles. And Janet goes on to say: Most of what I earn goes to health care, and it always seems like I am just over the income eligibility limit to receive some help.

And then this last letter which came to me by e-mail, which is really great, because this was written by Carol Ann from Nazareth. She wrote to me about her 84-year-old mother-in-law who had been on the PACE program for the past 10 years since her husband passed away. This year her mother-in-law, Mary, lost her PACE card because she was \$3.88 over the limit, \$3.88 over the limit. So, Mary received a card from PACENET instead. But guess what? Her daughter-in-law said with PACENET, she has to pay a \$500 deductible, and the cost for her prescriptions is much higher. She will have to pay \$100 per month, and this is going to be a terrible hardship for her.

Madam President, we can do something to relieve these hardships. We can pass a FAIRx bill as a companion to the budget bill, and we can help our seniors afford the medication that they need to stay healthy, to stay active, and to stay alive.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, just a few minutes ago we passed a couple of resolutions dealing with Sleep Apnea Awareness Day and Sleep Disorders Awareness Week. Last week I had a press conference dealing with sleep disorders, and I think it is important that I talk about it for just a few minutes, because I have a condition called sleep apnea. I probably have

had this condition for many, many years, probably going back to high school. It took my parents, my children, and my wife to finally convince this stubborn American male that something was wrong. Inside I knew things were not right, so I finally went and took the sleep tests. They put the electrodes in my head and I went to the room and did all those things and they came and said, yep, you are definitely not right, John, and I know a lot of people say that about me, but they gave me a machine called a CPAP machine. Basically, what you do is wear a mask at night and it keeps a continuous flow of air down through your trachea, so you are breathing yourself, but you are using this as a tool to make sure that you get the appropriate amount of sleep. What was happening for me is that for 80 or 90 times a night I would fall asleep, my muscles would relax, my trachea would close, and I would not breathe for minutes on end, and then I would wake up, my wife would be concerned. What is happening is that the hypothalamus kicks in because your carbon dioxide level goes up and you wake up. You do not know you wake up, but you are doing this 80, 90 times a night and you are not getting your appropriate sleep. So where are you getting it? The next day while you are driving down the highway. I have been so far along that I actually hallucinated in the daytime because I was sleep deprived. But the first night that I used this machine, the fog lifted, and I should have done it a long time ago.

The reason I am bringing it up today is because I know how stubborn people are and they refuse to accept things that they know are wrong. So I am urging husbands, wives, sons, daughters, moms and dads, if you know somebody who might have this condition, I am asking you to go out and get yourself diagnosed. You are going to appreciate it, extend the quality of your life, and maybe you will not be killing somebody on the highway because you fell asleep. And I can guarantee you, my right hand up, because I am a sufferer of this condition, that by using that machine your world will change.

So, I just wanted to take this opportunity to make people aware that sleeping disorders are alive and well in the United States, very much underdiagnosed, and there is help out there. You can go on the Internet for sleep disorders, or you can call my office and I can find all the information you need. So, I just wanted to take this opportunity to use this pulpit as an opportunity to reach the people of Pennsylvania.

I thank you.

The PRESIDING OFFICER. Thank you, Senator.

COMMUNICATION FROM THE GOVERNOR NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

April 9, 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, Alvin H. Clemens, 907 Exeter Crest, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2003, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

BILL INTRODUCED AND REFERRED

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

April 9, 2002

Senator BRIGHTBILL presented to the Chair SB 1234, entitled:

An Act reenacting the act of January 7, 2002 (P.L.1, No.1), entitled, "An act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census."

Which was committed to the Committee on STATE GOVERNMENT, April 9, 2002.

RESOLUTIONS INTRODUCED AND REFERRED

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

April 9, 2002

Senators ORIE, EARLL, BOSCOLA, GERLACH, GREENLEAF, KUKOVICH, MUSTO, LEMMOND, CONTI, HOLL, M. WHITE, COSTA, C. WILLIAMS, FUMO, BELL, LOGAN, TARTAGLIONE, LAVALLE, SCHWARTZ, RHOADES, HUGHES, BODACK, KITCHEN and STACK presented to the Chair SR 189, entitled:

A Resolution designating April 16, 2002, as "Equal Pay Day" in Pennsylvania.

Which was committed to the Committee on LABOR AND INDUSTRY, April 9, 2002.

Senator BRIGHTBILL presented to the Chair SR 200, entitled:

A Resolution amending section 7 of Senate Rule XV.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 9, 2002.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 10, 2002

10:45 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 1234)	Rules Cmte. Conf. Rm.
10:50 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 182, 188 and 200; and certain executive nominations)	Rules Cmte. Conf. Rm.

TUESDAY, APRIL 16, 2002

10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 1118; and House Bills No. 930, 1222 and 1459)	Room 8E-B East Wing
11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 1258)	Room 461 Main Capitol

ADJOURNMENT

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Madam President, I move that the Senate do now adjourn until Wednesday, April 10, 2002, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:20 p.m., Eastern Daylight Saving Time.