

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, APRIL 10, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 23

SENATE

WEDNESDAY, April 10, 2002

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend ERICA TRAUTHAM, of Unity Church, Mechanicsburg, offered the following prayer:

Good morning. I invite everyone now to just take a moment to become settled as we come together in prayer. We come together with the intent to acknowledge that we are in the living, loving presence of God, as the living, loving presence of God is also in us.

(Pause.)

And as you know, the guiding power of God within you is a power that you can totally trust and know that your good is coming forth now, and for this we say thank You.

(Pause.)

In this collected consciousness, in this gathering of people who have willingly come forward to serve and to work for the highest good of this State and of this nation, we know that the spirit of God fills you individually and collectively with wisdom and understanding, so now you look to God's spirit to guide you in your thinking wisely and in your thinking creatively today.

(Pause.)

The choices and the actions taken here produce perfect results as the spirit of God within you gives each one of you the faith in yourself, confidence in your ability to do that which is yours to do.

(Pause.)

And in this thinking, we also bring into this prayer all world leaders and know that the same Creator is working in and through all world leaders, so we see them infused also with the same wisdom and the same light and the same guidance and the same understanding. We also bring into this prayer the entire global situation and call forth the love, understanding, wisdom, and peace of God that does truly reside within each person, and we just call it forth and affirm it and say, thank You, God.

(Pause.)

So together you trust in God, knowing that whatever you do, God is the wisdom that is guiding you, God is the power that is governing you, God is the living, loving substance that is blessing you now, and God is the presence that is protecting you as

you do God's work. So as you move through this Session, know that the perfect order is established and each of you choose to trust that God is in charge. So in the spirit and consciousness of the loving Father/mother God, we pray in faith and say thank You, thank You, God.

(Pause.)

Amen and amen.

The PRESIDENT. The Chair thanks Reverend Trautham, who is the guest today of Senator Mowery.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 9, 2002.

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

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1536** and **1923**.

REPORT FROM COMMITTEE

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

SB 1234 (Pr. No. 1871)

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."

**RESOLUTIONS REPORTED FROM
COMMITTEE**

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

SR 182 (Pr. No. 1830)

A Resolution designating April 19, 2002, as "Care By Celebrating Children Day" in Pennsylvania.

SR 188 (Pr. No.1854)

A Resolution designating the week of April 14 through 20, 2002, as "Pennsylvania Home Education Week."

SR 200 (Pr. No. 1872)

A Resolution amending section 7 of Senate Rule XV.

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

LEGISLATIVE LEAVES

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

Senator PICCOLA. Mr. President, I request legislative leaves for Senator Bell and Senator Helfrick.

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

LEAVES OF ABSENCE

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

Senator O'PAKE asked and obtained leaves of absence for Senator KUKOVICH and Senator SCHWARTZ, for today's Session, for personal reasons.

CALENDAR

HB 599 CALLED UP OUT OF ORDER

HB 599 (Pr. No. 3636) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PICCOLA, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 599 (Pr. No. 3636) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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
GUESTS OF SENATOR JAMES W. GERLACH
PRESENTED TO THE SENATE**

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

Senator GERLACH. Mr. President, we have as our guest today in the gallery a Rotary exchange student from Japan who is a student this year at Downingtown High School in Chester County, and I would like our body to welcome Koji Yamamoto and his father, Kazuhide Yamamoto, to our Chamber today, as well as the host for Koji, B.J. Barrett, and his wife, Kathleen, who also reside in the Downingtown area. So I would appreciate it if our Chamber would give them its usual warm welcome.

(Applause.)

The PRESIDENT. The Chair welcomes you to the Senate of Pennsylvania.

CONSIDERATION OF CALENDAR RESUMED

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 PICCOLA.

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 PICCOLA.

BILL LAID ON THE TABLE

SB 785 (Pr. No. 877) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 29, 1994 (P.L.141, No.22), known as the Historic Burial Places Preservation Act, further defining "historic burial place."

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

BILL OVER IN ORDER TEMPORARILY

SB 1013 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

BILL OVER IN ORDER

SB 1030 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1045 (Pr. No. 1869) -- 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 and for provisions relating to eligibility.

On the question, Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, the bill before us is an amendment to the current Job Enhancement Act of our Commonwealth. This act was created in 1996. This is a very successful program in its own right. Since 1996, the Job Enhancement Act has provided, by way of a revolving loan fund, through the Department of Community and Economic Development, approximately \$17 million per year in loans to small businesses across the Commonwealth. As I said, it is administered by DCED and it makes funding available to corporations, partnerships, and sole proprietorships who are involved primarily in manufacturing and processing operations. Not too many years ago we also added the hospitality industry to be made part of the eligible list for those looking for funding under the Small Business Loan Fund. There are several requirements involved, it is primarily for small businesses, that is businesses with 100 or less employees, et cetera, et cetera. One important point, obviously, is that the businesses must be based in Pennsylvania.

The bill that I have proposed today, Senate Bill No. 1045, would add another category of eligible businesses to the Small Business First Loan Program. Specifically, it would add agricultural production to the program. This bill basically would set ag producers, that is farmers, on equal footing with other small businesses across the State. It would allow them to take advantage of loans at interest rates not to exceed 5 percent.

Now there is another part of this bill that I have crafted just in the last couple of weeks as it has been developed, and it really sort of speaks to the situation that we encounter today on farms across the State, and that is the drought situation. Many times, as

we all know, over the last several years we have had natural events, whether it be droughts or flooding or other types of storms and events, that create hardships for agriculture in Pennsylvania. So what we have done in addition to allowing ag producers to be eligible for the 5-percent loans is put in a portion here that says, when there is a declared emergency, natural emergency, in the Commonwealth, not only would agricultural producers be eligible for the loans, but they would also be eligible for reduced interest rates during times of natural disaster.

I believe given the fact that we are in the midst of a drought and actually in the midst of planting season or the very beginning of planting season across the Commonwealth, this is a good move, and I ask all Members to support the proposal.

Thank you very much.

And the question recurring, Will the Senate agree to the bill on third consideration? It was 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	Gerlach	Mellow	Tartaglione
Bell	Greenleaf	Mowery	Thompson
Bodack	Helfrick	Murphy	Tomlinson
Boscola	Holl	Musto	Wagner
Brightbill	Hughes	O'Pake	Waugh
Conti	Jubelirer	Orie	Wenger
Corman	Kasunic	Piccola	White, Donald
Costa	Kitchen	Punt	White, Mary Jo
Dent	LaValle	Rhoades	Williams, Anthony H.
Earll	Lemmond	Robbins	Williams, Constance
Erickson	Logan	Stack	Wozniak
Fumo	Madigan	Stout	

NAY-0

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

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

BILLS OVER IN ORDER

SB 1318, SB 1319, HB 1546, HB 2070 and HB 2087 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 917, SB 1099, SB 1321, SB 1367, SB 1370, HB 1731, HB 2048 and HB 2088 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**COMMUNICATION FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

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

April 5, 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 18, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until April 24, 2005 and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Janis M. Horn, Harrisburg, resigned.

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

Mark S. Schweiker
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I move that the nomination 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 nomination will be returned to the Governor.

**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 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, Ivan G. Rose, R.D. 2, Box 1080, Spartansburg 16434, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to

serve until October 8, 2003, and until his successor is appointed and qualified.

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, Francis A. Salerno, M.D., 8035 Orchard View Lane, Fogelsville 18051, Lehigh County, Forty-eighth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until May 23, 2004, and until his successor is appointed and qualified, vice Dwight Davis, M.D., Hummelstown, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE
ATHLETIC COMMISSION**

February 12, 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, Ron Greenley, 2476 Elfreth's Alley, Bensalem 19020, Bucks County, Sixth Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified, vice George Bochetto, Esquire, Philadelphia, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

March 19, 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, Dennis G. Ridenour, D.C., 24 North Juniata Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for reappointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 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, Kara L. Wealand, 110 Keller Avenue, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice James E. Manser, IV, Harleysville, graduated.

Mark S. Schweiker
Governor

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

March 19, 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, George A. Durrwachter, D.M.D., 907 West Fourth Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified, vice William F. Williams, Jersey Shore, deceased.

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION**

January 17, 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, Steve Aaron, 6186 Grant Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ellen Abom, Camp Hill, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER**

March 19, 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 G. Sciamanna, 575 Montgomery Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER**

March 19, 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, William H. Shank, III, 357 Glen Street, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2007 and until his successor is 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, Richard B. Pelicci (Democrat), PO Box 113, 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 his successor has been appointed and qualified.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

March 4, 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, Duane L. Quinn, PO Box 125, Fisher 16225, Clarion County, Twenty-first Senatorial District, for appointment as District Justice, in and for the County of Clarion, Magisterial District 18-3-02, to serve until the first Monday of January 2004, vice Norman E. Heasley, mandatory retirement.

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.

RECESS

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

Senator PICCOLA. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus in the Rules room.

The PRESIDENT. Senator Piccola requests a brief recess of the Senate for the purpose of a Republican caucus to begin immediately in the Rules room to the rear of the Senate Chamber.

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

Senator O'PAKE. Mr. President, I would like to interrogate the gentleman from Dauphin, Senator Piccola.

The PRESIDENT. Senator Piccola, will you stand to be interrogated?

Senator PICCOLA. Mr. President, I will.

Senator O'PAKE. Mr. President, I understand the gentleman was going to caucus, and the question is how long does he think we will be in caucus, and will there be any votes after he returns from caucus?

Senator PICCOLA. Mr. President, I estimate that we would be in caucus probably no longer than 15 minutes to half an hour. There is an amendment to Senate Bill No. 1013 that has been proposed, and we are going to be discussing that in caucus. Whether or not the mover of that amendment will offer it or not ultimately is unknown to me at this time. So there could be a roll-call vote on the amendment.

Senator O'PAKE. Mr. President, we have not seen the amendment either, so there is no need for us to caucus because we would have nothing to caucus on, but as soon as that amendment is available, if you intend to offer the amendment, we would appreciate seeing the amendment so we could caucus.

Senator PICCOLA. Mr. President, could we be at ease for just a moment.

The PRESIDENT. The Senate will be at ease while the two leaders caucus.

Senator PICCOLA. Mr. President, I would like to give Senator O'Pake a more definitive answer on whether or not there will be additional roll-call votes, but I cannot. The answer has to be "maybe" at this time, until we have an opportunity to caucus briefly.

The PRESIDENT. Senator O'Pake, I think you are getting a very, very definite "maybe" this time.

Senator O'PAKE. Well, Mr. President, in addition to the "maybe," could we see the amendment so we can caucus on it and then we will not have to caucus after your caucus, or else we can run the bill without the amendment?

Senator PICCOLA. Mr. President, as soon as I see it I will make sure that Senator O'Pake receives a copy.

The PRESIDENT. It seems that nobody has seen it.

For the purpose of a Republican caucus to begin immediately in the Rules room at the rear of the Senate Chamber, without objection, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

Senator O'PAKE. Mr. President, I request that Senator Schwartz's personal leave be changed to a legislative leave.

The PRESIDENT. Senator O'Pake requests that the personal leave granted to Senator Schwartz be changed to a legislative leave. There being no objection to the request, the leave is approved.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1013 CALLED UP

SB 1013 (Pr. No. 1715) -- 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 PICCOLA.

BILL AMENDED

SB 1013 (Pr. No. 1715) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for Office for Safe Schools; and requiring the establishment of policies relating to bullying.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MURPHY offered the following amendment No. A1430:

Amend Sec. 2 (Sec. 1303.1-A), page 4, line 2, by inserting after "PREVENTION": intervention

Amend Sec. 2 (Sec. 1303.1-A), page 4, line 6, by striking out all of said line and inserting:

(c) For purposes of this section:

(1) The term "bullying"

Amend Sec. 2 (Sec. 1303.1-A), page 4, lines 12 through 18, by striking out all of said lines and inserting:

(i) physically harming a student or damaging a student's property;

(ii) knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

(iii) placing severe mental or emotional distress upon the student.

(2) An intervention program shall refer to any program designed to address mental health needs including, but not limited to, psychological services, parent education and counseling, counseling services, behavior support or conflict resolution programs.

On the question,

Will the Senate agree to the amendment?

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

Senator MURPHY. Mr. President, on the amendment, I would just like to offer a couple of comments with regard to legislative intent. What this amendment does is, in addition to Senate Bill No. 1013, in dealing with issues of discipline for children who are seen as bullying and victimizing in schools, it also adds the word "intervention." In other words, asking schools that are considering issues that deal with children such as this, they are also looking at intervention such as counseling, psychological referral, et cetera. It is not mandated that every school provide these

services, but recognizes some very important things. As much as we are upset and angered by the issue of bullying in schools, prevention, not punishment, is oftentimes the best way to go. There is no one best way to design programs to handle these children, but we have to communicate to students that this will not be tolerated and have to offer them an array of services that are important to deal with these issues.

There has been a great deal of rhetoric that talks about those kinds of things with regard to disciplining such children, but speaking from my background as a psychologist, I also know that in many cases you are dealing with children who may themselves have a mental illness diagnosis or other problems that they have, and it is important for us to provide a range of services that the school might offer or at least recommend to parents under such circumstances, and that is the purpose of the amendment.

Thank you, Mr. President.

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

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

YEA-32

Bell	Greenleaf	Lemmond	Rhoades
Bodack	Helfrick	Logan	Schwartz
Brightbill	Holl	Mellow	Stack
Conti	Hughes	Murphy	Stout
Costa	Jubelirer	Musto	Tartaglione
Dent	Kasunic	O'Pake	Tomlinson
Fumo	Kitchen	Orie	Williams, Anthony H.
Gerlach	LaValle	Punt	Williams, Constance

NAY-16

Armstrong	Erickson	Robbins	Wenger
Boscola	Madigan	Thompson	White, Donald
Corman	Mowery	Wagner	White, Mary Jo
Earl	Piccola	Waugh	Wozniak

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

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

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators COSTA, LOGAN, WAGNER, BODACK, ORIE, MURPHY, MELLOW, KITCHEN, KUKOVICH, O'PAKE, TARTAGLIONE, ROBBINS, EARLL, GREENLEAF, LAVALLE, STOUT, WENGER, CONTI, DENT, MOWERY, MUSTO, M.J. WHITE, WOZNIAK, ERICKSON, and HUGHES, by unanimous consent, offered **Senate Resolution No. 194**, entitled:

A Resolution honoring the players of the University of Pittsburgh Basketball Team, Head Coach Ben Howland and the Panthers coaching staff on the occasion of winning the most games in team history, concluding the regular season with a top 10 national ranking, capturing the West Division in the Big East Conference, playing in the Big East Tournament Championship game, earning an NCAA Tournament berth and advancing to the "Sweet 16" for the first time since 1974.

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

DISCHARGE PETITIONS

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

April 10, 2002

A PETITION

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

TO: The President Officer of the Senate:

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

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

April 10, 2002

A PETITION

To place before the Senate the nomination of Steve Aaron, as a member of the Pennsylvania Public Television Network.

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 Steve Aaron, as a member of the Pennsylvania Public Television Network, 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

April 10, 2002

A PETITION

To place before the Senate the nomination of Florencio P. Cardenas, M.D., as a member of the Fayette 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 Florencio P. Cardenas, M.D., as a member of the Fayette 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

April 10, 2002

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the Indiana 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 Donna Kriner, as a member of the Indiana 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

April 10, 2002

A PETITION

To place before the Senate the nomination of John Cerra, as a member of the Lackawanna 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 John Cerra, as a member of the Lackawanna 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.

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 David Archard by Senator Bell.

Congratulations of the Senate were extended to Cyndi McAleer and to Ellen Naches by Senator Bodack.

Congratulations of the Senate were extended to Ryan Arno, Dr. Lynn S. Beedle, Kevin Benfield and to Charles Keegan by Senator Boscola.

Congratulations of the Senate were extended to the Eastern Montgomery County Emergency Management Group by Senators Holl and Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Harry L. Otto, Mr. and Mrs. Ernest Csato, Mr. and Mrs. Donald Nardelli, the Reverend Myers P. Kimmel and to the Reverend Lois E. Kimmel by Senator Jubelirer.

Congratulations of the Senate were extended to Lee Richard Terrill by Senator Kukovich.

Congratulations of the Senate were extended to George F. Matta by Senator Logan.

Congratulations of the Senate were extended to Michael C. Mitnick, Kellie M. Grom, David E. Henry, Catherine E. Steger, Michelle Bushee, Betty J. Glevicky and to Denise Wagner by Senator Orie.

Congratulations of the Senate were extended to the Mater Dolorosa Italian National Parish of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Richard Miles by Senator C. Williams.

Congratulations of the Senate were extended to Thomas A. Polenik by Senator Wozniak.

BILL ON FIRST CONSIDERATION

Senator THOMPSON. 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 by voice vote.

The bill was as follows:

SB 1234.

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

BILLS SIGNED

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

HB 1536, HB 1923 and HB 2129.

ADJOURNMENT

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

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Thursday, April 11, 2002, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote

The Senate adjourned at 1:15 p.m., Eastern Daylight Saving Time.