

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, APRIL 29, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 31

**SENATE**

MONDAY, April 29, 2002

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

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

**PRAYER**

The Chaplain, Reverend JAMES ZEISLOFT, of Grace United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty God, Creator and Sustainer of the universe, You speak and the heavens thunder with the sound of Your voice. We heard it last night. You stretch forth Your hand and even the sparrows find safe lodging. You choose not to leave us alone but to guide us. Thank you.

Now especially, we ask Your blessing upon this Session of the Senate. Let Your divine order condition our decisions, O God, determining the present and future of this great Commonwealth. We pray for a recurring intrusion of perception that will enlighten our vision of the good. Give us endurance and patience with one another when we do not agree. Give us wisdom that we may serve with honor the people who have chosen us to be their Senate. Save us from the arrogance of forgetting that we serve the people. Speak for the people. Decide great issues for the people who have put their trust in us. Now we put our trust in You.

Give us glimpses of Your concern for the people when we wrestle with the forces that would dehumanize them. Grant us strength and courage to act on their behalf. Give us freedom to take risks for their sake. You know each one of us by name and You know our concerns and our motives. With that assurance, O God, let us begin our work this day.

God bless this gathering. Use us to bless our Commonwealth, use our Commonwealth to bless our nation, and use our nation to bless Your troubled world. May Your will be done here and now. Amen.

The PRESIDENT. The Chair thanks Reverend Zeisloft, who is the guest today of Senator Piccola, and who, the Chair might say, was my constituent a few years ago. We welcome him here today and thank him.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 24, 2002.

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

April 26, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

Mark S. Schweiker  
Governor

**MEMBER OF THE DAUPHIN COUNTY  
BOARD OF ASSISTANCE**

April 29, 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, Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance,

to serve until December 31, 2003, and until her successor is appointed and qualified, vice Sam Morrison, Harrisburg, resigned.

Mark S. Schweiker  
Governor

### RECALL COMMUNICATION LAID ON THE TABLE

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

#### MEMBER OF THE ADVISORY COMMITTEE ON PROBATION

April 26, 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 February 1, 2002, for the appointment of The Honorable Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

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

Mark S. Schweiker  
Governor

### REPORTS FROM COMMITTEES

Senator HELFRICK, from the Committee on Game and Fisheries reported the following bills:

#### SB 1158 (Pr. No. 1449)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, excluding elk kept in Cervidae livestock operations from definition of game animals.

#### SB 1242 (Pr. No. 1940) (Amended)

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

#### SB 1243 (Pr. No. 1600)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the allocation of revenues within the Game Fund.

#### HB 2125 (Pr. No. 3768) (Amended)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of enforcement officers and deputy game commission officers; authorizing licensed hunters to remove deer over baited areas in certain areas pursuant to Pennsylvania Game Commission regulations; and increasing the penalty for safety zone violations.

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

#### SB 5 (Pr. No. 1948) (Amended)

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund and the Ben Franklin Technology Development Authority Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund Moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002; and to provide for the additional appropriation of Federal and State funds for the Executive Department of the Commonwealth for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

### LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Lackawanna, Senator MELLOW.

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

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

### SENATE CONCURRENT RESOLUTION

#### WEEKLY ADJOURNMENT

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

In the Senate, April 29, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, May 6, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, May 6, 2002, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-50**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT D. ROBBINS  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I have some special guests today whom I would like to introduce. First, we have with us Jane Rath with Pyne Tree Packaging of Mercer, Pennsylvania, Len and Karen Darby with Kalco Metals, of Farrell, Pennsylvania, and Amy Weller, small business consultant with Gannon University Small Business Development Centers. They are all here today exhibiting in the Capitol with the Expo in the East Wing. Could we please give them a good, hearty Senate welcome.

The PRESIDENT. They are already standing, and we welcome them 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 also for the purpose of introductions. It is a pleasure to introduce the executive director of the Bucks County Water and Sewer Authority, Mr. Ben Jones, who is here along with his daughter, Jessica, who is 10 years old and a student at Doyle Elementary School. Along with them is her friend, Vicki Cangelosi, a student at Central Bucks West High School, my alma mater, and also Mr. Scott Cornell, who is here with his son, Dan Cornell, a student at Buckingham Elementary and who is serving as a Page for the day in the House of Representatives. So would you lead the Senate in a warm welcome for my guests.

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

**GUESTS OF SENATOR MICHAEL J.  
STACK PRESENTED TO THE SENATE**

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

Senator STACK. Mr. President, I would like to introduce some people in the gallery. These are students who attend Roxborough High School in Philadelphia, and they are part of Student Voices 2002, which is a project designed to promote civic awareness, democracy, and citizenship in high school students. It is this project which brings them here to the Capitol.

They are accompanied by their contemporary government teacher, Mike Horwits. I would like the Senate to extend its usual warm welcome to my guests from Roxborough High School.

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

**RECESS**

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

Senator BRIGHTBILL. Mr. President, at this point 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. Senator Brightbill has requested a caucus.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a Democratic caucus.

The PRESIDENT. Senator Brightbill and Senator Mellow request a recess of the Senate for purposes of Republican and Democratic caucuses to take place in their respective caucus rooms. For those purposes, without objection, the Senate will stand in recess.

**AFTER RECESS**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILL ON  
THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1358 (Pr. No. 1937)** — The Senate proceeded to consideration of the bill, entitled:

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

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-50

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

NAY-0

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

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

BILL OVER IN ORDER

HB 247 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS AMENDED

HB 411 (Pr. No. 3701) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for purpose of act; defining "no-impact home-based business"; and further providing for ordinance provisions, for procedure for land-owner curative amendments, for hearings and for governing body's functions.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator CONTI offered the following amendment No. A2002:

Amend Sec. 2 (Sec. 107), page 4, lines 6 through 8, by striking out all of lines 6 and 7 and "(6)" in line 8 and inserting: (5)

Amend Sec. 2 (Sec. 107), page 4, line 13, by striking out "(7)" and inserting: (6)

Amend Sec. 2 (Sec. 107), page 4, line 16, by striking out "(8)" and inserting: (7)

Amend Sec. 2 (Sec. 107), page 4, line 19, by striking out "(9)" and inserting: (8)

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.

SB 824 (Pr. No. 1890) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P.L. 495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing for the compensation of district election officers; and making a repeal.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator Lemmond offered the following amendment No. A2023:

Amend Sec. 1 (Sec. 10.3), page 6, by inserting between lines 4 and 5:

(j) As used in this section, unless the context clearly indicates otherwise:

"District election board" means election officers required for the conduct of elections in any election district in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

"Election" means any general, municipal, special or primary election.

"Election district" means a district, division or precinct established in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," in which all qualified electors are eligible to vote in the same polling place.

Amend Sec. 2, page 6, by inserting between lines 6 and 7:  
Section 3. This act shall be applicable as constitutionally permissible.

Amend Sec. 3, page 6, line 7, 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 1319, HB 1458 and HB 1459 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 1060, SB 1118 and SB 1164 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**SB 1222 (Pr. No. 1938)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, relating to credit unions; making revisions, corrections and additions; providing for parity with Federal credit unions and for involuntary dissolution; and making editorial changes.

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

## BILLS AMENDED

**SB 1225 (Pr. No. 1624)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "vehicle"; defining "electric personal assistive mobility device" or "EPAMD"; and further providing for driving upon sidewalk.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A2056:

Amend Title, page 1, lines 2 and 3, by striking out "further defining "vehicle"; defining "electric personal assistive mobility device" or "EPAMD"; and"

Amend Title, page 1, line 4, by inserting after "for": definitions, for vehicles not requiring certificate of title and for vehicles exempt from registration; providing for electric personal assistive mobility devices; and further providing for

Amend Sec. 1, page 1, line 7, by striking out "definition of" and inserting: definitions of "motor vehicle" and

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting: are

Amend Sec. 1 (Sec. 102), page 2, line 1, by inserting a period after "system"

Amend Sec. 1 (Sec. 102), page 2, lines 2 and 3, by striking out all of said lines

Amend Sec. 1 (Sec. 102), page 2, by inserting between lines 4 and 5:

"Motor vehicle." A vehicle which is self-propelled except [one] an electric personal assistive mobility device or a vehicle which is propelled solely by human power or by electric power obtained from overhead trolley wires, but not operated upon rails.

\*\*\*

Amend Bill, page 2, by inserting between lines 12 and 13:

Section 2. Sections 1102 and 1302 of Title 75 are amended by adding paragraphs to read:

§ 1102. Vehicles not requiring certificate of title.

No certificate of title is required for:

\*\*\*

(12) An electric personal assistive mobility device.

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

\*\*\*

(20) An electric personal assistive mobility device.

Section 3. Chapter 35 of Title 75 is amended by adding a subchapter to read:

## SUBCHAPTER E

## ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec.

3581. Equipment.

3582. Pedalcycle helmets for certain persons.

3583. EPAMD prohibited on freeways.

§ 3581. Equipment.

(a) Exemption.—Electrical personal assistive mobility devices shall be exempted from the vehicle equipment requirements in Chapters 41 (relating to equipment standards), 43 (relating to lighting equipment) and 45 (relating to other required equipment) and department regulations relating to those sections.

(b) Lamps and reflectors.—Every EPAMD when operated on a sidewalk, sidewalk area or highway between sunset and sunrise shall be equipped on the front with a lamp which emits a beam of white light intended to illuminate the EPAMD operator's path and visible from a distance of at least 500 feet in front, a red reflector facing to the rear which is visible at least 500 feet to the rear and a reflector on each side.

§ 3582. Pedalcycle helmets for certain persons.

(a) General rule.—A child under 12 years of age may not operate an EPAMD unless the person is wearing a pedalcycle helmet meeting the requirements of section 3510 (relating to pedalcycle helmets for certain persons).

(b) Waiver of fine.—If a person receives a citation issued by the proper authority for violation of subsection (a), a district justice, magistrate or judge shall dismiss the charges if the person prior to or at his hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to the district justice, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

(c) Exemption.—This section shall not apply to a child under 12 years of age who can produce a statement from the family's church authorities attesting that it is against the tenets of the family's religion to wear a helmet.

(d) Civil actions.—In no event shall a violation or alleged violation of subsection (a) be used as evidence in a trial of any civil action, nor shall any jury in a civil action be instructed that any conduct did constitute or could be interpreted by the jury to constitute a violation of subsection (a), nor shall failure to use a pedalcycle helmet be considered as contributory negligence, nor shall failure to use a pedalcycle helmet be admissible as evidence in the trial of any civil action.

(e) Penalty.—Notwithstanding any other provisions of law, any violation of subsection (a) is punishable by a fine, including all penalties, assessments and court costs imposed on the convicted person not to exceed \$25. The parent or legal guardian having control or custody of a child under 12 years of age whose conduct violates this section shall be jointly and severally liable with the person for the amount of the fine imposed.

(f) Definitions.—As used in this section, the term "wearing a pedalcycle helmet" means having a pedalcycle helmet of good fit fastened securely upon the head with the helmet straps.

§ 3583. EPAMD prohibited on freeways.

No person shall operate an EPAMD on a freeway.

Amend Sec. 2, page 2, line 13, by striking out "2" and inserting: 4

Amend Sec. 2 (Sec. 3703), page 2, line 27, by striking out "A" and inserting: Unless prohibited by ordinance, a

Amend Sec. 2 (Sec. 3703), page 2, line 29, by inserting a period after "area"

Amend Sec. 2 (Sec. 3703), page 2, lines 29 and 30; page 3, lines 1 through 7, by striking out "if the" in line 29 and all of line 30, page 2; and all of lines 1 through 6 and "performing assigned duties." in line 7, page 3

Amend Sec. 2 (Sec. 3703), page 3, line 7, by striking out "THE" and inserting: A

Amend Sec. 2 (Sec. 3703), page 3, line 8, by striking out "ARE" and inserting: may be

Amend Sec. 3, page 3, line 10, by striking out "3" and inserting: 5

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.

**HB 1237 (Pr. No. 3679)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A1932:

Amend Sec. 10, page 8, line 26, by striking out "notice" and inserting: determination

Amend Sec. 10, page 8, lines 26 and 27, by striking out "to all interested parties by certified mail." and inserting: by certified mail to the applicant and to all parties who filed a notice of protest or submitted written comments pursuant to subsection (c).

Amend Sec. 11, page 9, lines 6 and 7, by striking out "(relating to administrative law and procedure)" and inserting: Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies)

Amend Sec. 11, page 9, lines 20 and 21, by striking out "to the Commonwealth Court within 30 days of" in line 20, all of line 21 and inserting: in accordance with the provisions of 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

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.

#### BILL ON SECOND CONSIDERATION

**SB 1413 (Pr. No. 1920)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further providing for limitation on local ordinances.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 1417 and HB 1933** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL REREFERRED

**HB 2398 (Pr. No. 3649)** -- 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 small business definitions and loan eligibility and terms.

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

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room during today's Session to consider Senate Bill No. 1007, Senate Resolution No. 208, and certain nominations.

#### RECESS

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

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to begin immediately. There will be no more votes for the Members.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for the purpose 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. For that purpose, without objection, the Senate will stand in recess.

#### AFTER RECESS

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

#### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS, by unanimous consent, called from the table 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 ADVISORY COMMITTEE ON PROBATION

April 26, 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 February 1, 2002, for the appointment of The Honorable Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

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 NAVIGATION COMMISSION  
FOR THE DELAWARE RIVER AND ITS  
NAVIGABLE TRIBUTARIES**

April 10, 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, Earl G. Eggers, Jr., 6 Toft Woods Way, Media 19063, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified, vice John A Haggerty, Wallingford, resigned.

Mark S. Schweiker  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN**

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, John W. Mason, 3285 Muirfield Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Lois A. Waters, Esquire, Chambersburg, resigned.

Mark S. Schweiker  
Governor

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

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, Ronald E. Hays, 19 Tower Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Social Workers,

Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker  
Governor

**DISTRICT JUSTICE**

April 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, Fred B. Miller, Esquire, 601 Engelman Drive, Tyrone 16686, Blair County, Thirtieth Senatorial District, for appointment as District Justice, in and for the County of Blair, Magisterial District 24-3-01, to serve until the first Monday of January 2004, vice John B. Greene, 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, Bette Rae Bucci (Democrat), 5 East High Street, Susquehanna 18847, Susquehanna County, Twentieth 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, vice Rita Tiffany, Kingsley, whose term expired.

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, Elaine Burman (Republican), RR 1, Box 62, Thompson 18465, Susquehanna County, Twentieth 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, Nancy W. Ross (Republican), RR 2, Box 3289, Uniondale, 18470, Susquehanna County, Twentieth 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, Carol B. Tripp (Republican), RR 1, Box 338, Kingsley 18826, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2003, and until her successor has been appointed and qualified.

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.

**REPORT FROM COMMITTEE**

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

**SB 1007 (Pr. No. 1956) (Amended) (Rereported) (Concurrence)**

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, providing for the definition of "acupuncture educational program"; and further providing for the regulations of the practice of acupuncture.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 208 (Pr. No. 1923)**

A Resolution honoring Pennsylvania's Senior citizens by declaring the month of May 2002 as "Older Americans Month" in Pennsylvania.

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

**UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED**

Senators MOWERY, BELL, BRIGHTBILL, CORMAN, COSTA, DENT, EARLL, ERICKSON, HOLL, HUGHES,

KASUNIC, KUKOVICH, LOGAN, MELLOW, MUSTO, MURPHY, O'PAKE, ORIE, SCHWARTZ, STOUT, THOMPSON, TOMLINSON, WAGNER, WENGER, D. WHITE, M.J. WHITE, C. WILLIAMS, KITCHEN, PUNT, BODACK, ROBINS, GREENLEAF, WAUGH, LEMMOND, GERLACH, by unanimous consent, offered **Senate Resolution No. 223**, entitled:

A Resolution designating the month of May 2002 as "Mental Health Month" in Pennsylvania.

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

Senators RHOADES, BRIGHTBILL, MADIGAN, MUSTO, GREENLEAF, KUKOVICH, THOMPSON, LAVALLE, TOMLINSON, WAGNER, DENT, KITCHEN, MURPHY, SCHWARTZ, CONTI, BODACK, TARTAGLIONE, C. WILLIAMS, D. WHITE, STACK, GERLACH, BOSCOLA, ERICKSON, LEMMOND, WENGER, HUGHES, EARLL, STOUT, COSTA, O'PAKE, LOGAN, MELLOW, PUNT, ORIE, ARMSTRONG and MOWERY, by unanimous consent, offered **Senate Resolution No. 224**, entitled:

A Resolution designating May 2002 and every month of May thereafter as "Watershed Awareness Month" in Pennsylvania.

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

**DISCHARGE PETITION**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

April 29, 2002

**A PETITION**

To place before the Senate the nomination of Stephanie Moore, as a member of the Clarion 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 Stephanie Moore, as a member of the Clarion 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 communication 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 James Lincke by Senator Bell.

Congratulations of the Senate were extended to Edward Norkus by Senator Bodack.

Congratulations of the Senate were extended to Stefany FeKula and to Paul L. Freeby by Senator Boscola.

Congratulations of the Senate were extended to Christopher Burrell by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Nulton, Grace Tate and to Kali L. Byers by Senator Jubelirer.

Congratulations of the Senate were extended to Dr. Stewart M. Lee by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Donald E. Britt, Gladys M. Swanson, Mary Potter, Melissa Wilbur, Beth Hance, Kathleen E. Sibia, Julia Ester Franklin and to Julie Fillebrown by Senator Lemmond.

Congratulations of the Senate were extended to Hank Itri and to Family Health Council, Inc., of Pittsburgh, by Senator Logan.

Congratulations of the Senate were extended to Sister Adrian Barrett by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. G. Thomas Adams, Angelo Cammarata, Carol Vargo and to the North Allegheny Intermediate High School of Pittsburgh by Senator Orié.

Congratulations of the Senate were extended to Johnny Escobales, Robert Frazier, Carl Biter, Michael Radziewicz, Dawn Dickey, Jeff Shaw, Tim Bowman, Krystal Salas and to Tammy Eldridge by Senator Piccola.

Congratulations of the Senate were extended to Victor W. Fluke by Senator Rhoades.

Congratulations of the Senate were extended to Warren County Fire School, Inc., by Senator Scarnati.

Congratulations of the Senate were extended to Blair Christian Academy of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Cathy Adams, Amy Worrell, Katie Betham, Karen Spock, Anne Jones, Paula Kline, Jacqueline Bennett, Patricia Felix, Marjorie Gaines, Anita Crouthamel, Clarissa Williams, Ilene Sackner, Alice Houston, Mary Walicki, Deborah Maggitti, Robin Perri-Hoyt, Cynthia Carr, Terry Loadenthal, Beverly Bowman, Oline Bartleson, Jennifer Hughes, Cecilia Nagele-Corsanico, Laurie Valles, Judy Doney, Michele Turner, Cassandra Gilreath, Catherine Capaldi, Donna Meehan, Doreen Williams, Chris Bloch and to Grace Negrón by Senator Stack.

Congratulations of the Senate were extended to Valerie Berish by Senators Stout and Kasunic.

Congratulations of the Senate were extended to Kathryn Robinson by Senator Thompson.

Congratulations of the Senate were extended to Weyth L. Barley, Jr., Brandon McLean Hall and to Joshua Francis Folger by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Othmer K. Heilman, Jr., and to Mr. and Mrs. Lloyd R. Jack by Senator D. White.

Congratulations of the Senate were extended to Leroy B. Andre and to Jeannette I. Andre by Senator M.J. White.

## BILLS ON FIRST CONSIDERATION

Senator ORIE. 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 5, SB 1158, SB 1242, SB 1243 and HB 2125**

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

## PETITIONS AND REMONSTRANCES

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

Senator CONTI. Mr. President, I rise to share with my colleagues a most memorable evening that I spent over the weekend. It was a presentation to the Bill and Melinda Gates Foundation of an award from the Hepatitis B Foundation. The Hepatitis B Foundation is an outstanding and wonderful entity we have in Doylestown, Pennsylvania, at Delaware Valley College. It is contained in the Jefferson Science Center where they are doing an awful lot of great research trying to cure hepatitis, and the Hepatitis B Foundation is the outreach portion of that. They gave their award that evening to the Bill and Linda Gates Foundation and Dr. Mark Kane, who runs a vaccine program where they are getting an awful lot of vaccines out to developing countries, and some of the diseases that we confront in the world today such as hepatitis will no longer be around in future generations. So Dr. Thomas London, who is a board member of the Hepatitis B Foundation and a senior member of The Fox Chase Cancer Center delivered a wonderful introduction that I think sums up the importance of immunization. It was a great evening, and I would like to submit Dr. London's remarks for the record.

Thank you, Mr. President.

The PRESIDENT. The remarks will be submitted for the record.

*(The following remarks were made a part of the record at the request of the gentleman from Bucks, Senator CONTI:)*

### Presentation of HBF Awards to Mark Kane, MD, MPH and

#### The Bill and Melinda Gates Foundation Presented by W. Thomas London, M.D.

Board Member of the Hepatitis B Foundation  
Senior Member, The Fox Chase Cancer Center

Good evening ladies and gentleman *[sic]*.

I have the honor this year of presenting the Hepatitis B Foundation Founder's Awards to Dr. Mark Kane and the Bill and Melinda Gates Foundation.

To better understand the significance of these awards, you need to know some facts about the past and present status of global health. In 1900, life expectancy at birth in the United States, Great Britain, and other advanced western countries was 40 to 50 years. In the less developed countries, life expectancy was only about 30 years. The major causes of death in the United States and the rest of the world in 1900 were infectious diseases like tuberculosis, pneumonia, and diarrhea. By 1940, however, life expectancy at birth in the United States had risen to

about 65 years and the leading causes of death were then, what they are now - heart disease, cancer, and stroke.

So what changed in the United States between 1900 and 1940? It wasn't amazing new drugs or breakthrough technologies. It was the careful, universal application of the principles of PUBLIC HEALTH to the population. What are they? Simple things like: CLEAN WATER, SANITARY SEWAGE DISPOSAL, DISEASE SURVEILLANCE, FOOD INSPECTION, FREE MILK AND FREE LUNCHES, HOUSING REGULATIONS, WORKER SAFETY, WORKER AGES AND HOURS, AND CHILDHOOD VACCINATIONS FOR SMALL POX, TETANUS, DIPHTHERIA AND WHOOPING COUGH.

Now fast forward to 1998. Life expectancy at birth in the developed countries has reached 70 to 80 years, but in the developing countries it is only about 50 years, where we were in 1900. Not only that, the leading causes of death in the developing world are infectious diseases. Many are the same ones that plague us in 1900 plus the biggie, HIV/AIDS. The developing countries have 90% of the world's disease burden, but only 10% of the resources to deal with them.

What to do. Curse the darkness or light a candle.

Bill and Melinda Gates looked at these disparities and were appalled. They did a lot more than light one candle. First, they learned that a relatively small amount of money could have a big effect and that the single most cost-effective public health intervention is immunization. With that fact in mind they created the Bill and Melinda Gates Foundation, which quickly gave 100 million dollars to establish the CHILDREN'S VACCINE PROGRAM. The Foundation followed that with a 750 million dollar donation to establish the VACCINE FUND, the major funding source for the Global Alliance for Vaccinations and Immunizations, know to aficionados as GAVI. GAVI is a consortium of public and private institutions dedicated to saving the lives of 3 million children each year who are dying of vaccine preventable diseases.

Now you have to pull another switch in your heads to understand where hepatitis B and Mark Kane come into the picture.

Dr. Kane is one of a very small number of physicians who have dedicated their lives to improving the public's health. I first met Mark in the 1980's when he was with the Hepatitis Branch of the Centers of Disease Control and Prevention (the CDC). It was apparent then that Mark saw his mission as radically reducing the burden of hepatitis B by making hepatitis B vaccination universal for all newborn babies in the United States. By 1989, he was taking this mission to the world. In that year, the CDC leant him to the World Health Organization in Geneva to lead its Viral Hepatitis Division. Over the next 10 years he introduced hepatitis B vaccination into the immunization programs of 110 countries!

In 1998, Dr. Kane moved again and once more was in a unique position to further his mission of universal hepatitis B immunization. He went to Seattle to direct the CHILDREN'S VACCINE PROGRAM at PATH, the Program for Appropriate Technology in Health. As I said earlier, the Bill and Melinda Gates Foundation funded this program to the tune of 100 million dollars. A major focus of the CHILDREN'S VACCINE PROGRAM is hepatitis B immunization.

Ladies and gentlemen there are only two ways to deal with any disease. The first is to prevent new cases from occurring and the second is to find effective treatments for the people who already have the disease.

Mark Kane and the Bill and Melinda Gates Foundation are devoting their skills and resources to preventing as many children in this world, as possible, from becoming infected with hepatitis B virus. If they are successful, in a few decades hepatitis B will go the way of small pox and polio and ultimately will be eradicated from the earth.

What could be more important and who could possibly be more deserving of the Hepatitis B Foundation Founder's Award than Dr. Mark Kane and his sponsor the Bill and Melinda Gates Foundation.

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

Senator PICCOLA. Mr. President, I would like to rise this afternoon and discuss an issue that I believe has implications for the women and children of Pennsylvania today and now. You will recall, Mr. President, that last week I rose to bring to the

attention of the Senate the fact that the medical malpractice crisis and our failure to deal adequately with that crisis has resulted in the difficulty of the Hershey Medical Center filling the chair of the OB/GYN department at the Hershey Medical Center. Two of their leading candidates coming from out of State declined to take the position because of the medical malpractice crisis here in the Commonwealth of Pennsylvania. The very next day, Mr. President, a press release was handed out, dated Thursday, April 25, indicating that the Methodist Hospital in Philadelphia has decided to close its maternity ward. It will no longer provide prenatal care and will not deliver babies, to be perfectly honest about it, and the reason cited is the medical malpractice crisis. The Methodist Hospital is a division of Jefferson Hospital in Philadelphia, and its closing will leave south Philadelphia without a maternity ward. Mr. President, I cannot imagine an issue more important to the women and children of Pennsylvania than to have adequate hospital facilities in which to have prenatal care, as well as a place to have and give birth to children.

The Methodist Hospital, as I said, has cited the cost of its medical malpractice insurance as the reason for cutting back in this service. Right now they pay \$6 million a year for medical malpractice insurance. That increased in 1 year from \$3 million to \$6 million. They expect to be able to save about \$700,000 of this cost by cutting and closing down their obstetrical services. Sadly, it will mean the loss of 91 part-time and full-time jobs in that institution, and that will be a loss to the area of south Philadelphia. It is an example, Mr. President, just one example of the things that are happening throughout Pennsylvania resulting from this medical malpractice crisis and one that is specifically hurting the women and children of Pennsylvania. But it is not just simply Philadelphia.

I cited last week the Milton S. Hershey Medical Center. On Friday of last week the Central Pennsylvania Business Journal, in its lead story, front page, cited that medical malpractice coverage is scanty for hospitals, and I will not go into the details of the story, but it basically cited information coming from Dauphin County, Cumberland County, and York County hospitals where the cost of medical malpractice premiums has gone through the roof, and more importantly, more importantly than the costs, the unavailability, in some instances, of this insurance at any price. And even more important than that, from the perspective of our constituents, the fact that if they cannot get this kind of coverage or if they have to pay an exorbitant price, they simply will have to cut back services, and I heartily urge my colleagues to read the story that is in the Central Pennsylvania Business Journal, because it cites the need for a change in our tort system to address this problem.

My staff had the opportunity to meet, Mr. President, with representatives of Memorial Hospital from York, Pennsylvania, and that hospital actually had to go overseas to Ireland to try to find medical malpractice insurance coverage. This crisis is hurting all Pennsylvanians, and it is falling unreasonably upon the women and children of Pennsylvania because obstetrics is one of the first services to be cut, because it is a large factor in contributing to the high cost of medical malpractice insurance. Even when they can obtain coverage, Mr. President, it is interesting to note what the cost of medical malpractice insurance costs the consumer of medical services in Pennsylvania. It has been calcu-

lated that in Pennsylvania an average 2-day maternity stay costs about \$3,367. The true cost of that is about \$2,867, with another \$500 added on as a lawsuit tax. That is the cost of a 2-day maternity stay that is attributable to malpractice insurance, a tax for the opportunity of people to file lawsuits in Pennsylvania.

We have gotten, Mr. President, with this crisis, the attention of the United States Congress. Last week it was announced by Congressman Greenwood of Bucks County and Congressman Murtha of western Pennsylvania that they are introducing jointly a bipartisan bill—Congressman Greenwood is a Republican, Congressman Murtha is a Democrat—in Congress entitled, the Help Efficient, Accessible, Low Cost, Timely Health Care Act of 2002, or the HEALTH Act. This bill, admittedly, will only affect Federal litigation. It certainly cannot help us in any great degree with our State courts, but it is interesting to note, Mr. President, that this crisis has gotten the attention of our two United States Congressmen from opposite ends of the State, of both parties, enough to the point that they are introducing Federal legislation that, if enacted, would cap noneconomic damages, establish criteria for punitive damages, establish periodic payments, and institute a sliding scale for attorney fees.

Mr. President, this is a crisis that is not only applicable to the medical malpractice field. We are being inundated with examples of the cost of liability insurance generally to the business community of Pennsylvania.

Mr. President, as I said last week, we have an opportunity here in the Senate and in the House of Representatives to help alleviate this crisis. Senator Mowery has introduced Senate Bill No. 1376, and the Senate Committee on Judiciary will be having a hearing on that bill on May 13, which I believe will demonstrate quite clearly the need for immediate relief in this area. This bill will eliminate the principle of joint and several liability, which is an unfair principle attributing to any defendant, no matter what their level of liability might be in a particular lawsuit, the possibility of paying up to 100 percent of the verdict if no one else can pay. That is simply unfair and needs to be changed. It will contribute mightily to relieving this crisis.

Mr. President, I am hopeful that as soon after the 13th of May as possible, that the Senate will take this bill up and deal with this crisis in a meaningful way because, Mr. President, if we do not do this, if we do not do this, our constituents may be left without vital services in their communities, and in fact that is already beginning to happen.

Thank you, Mr. President.

### BILLS INTRODUCED AND REFERRED

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

#### April 29, 2002

Senators MELLOW, LAVALLE, MUSTO, KUKOVICH, KITCHEN, SCHWARTZ, HELFRICK, COSTA, BOSCOLA, LEMMOND, HUGHES, STOUT, C. WILLIAMS and STACK presented to the Chair SB 1379, entitled:

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining "crimes related to public office or public employment."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 29, 2002.

Senators BELL, BODACK, KITCHEN, D. WHITE, O'PAKE, WAUGH, MUSTO, LAVALLE, BOSCOLA, ERICKSON, EARLL, CONTI and C. WILLIAMS presented to the Chair SB 1388, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for incidence and rate of cigarette tax; and providing for use of a portion of the proceeds.

Which was committed to the Committee on FINANCE, April 29, 2002.

Senators CORMAN, D. WHITE, ERICKSON, BELL, BOSCOLA, BRIGHTBILL, DENT, ORIE, HOLL, HUGHES, LAVALLE, LEMMOND, MUSTO, LOGAN, O'PAKE, RHOADES, TARTAGLIONE, TOMLINSON, WAUGH, C. WILLIAMS and STACK presented to the Chair SB 1401, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the interception of wire, electronic or oral communications; and providing for offenses relating to computers.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, April 29, 2002.

Senators D. WHITE, CORMAN, ERICKSON, BELL, BOSCOLA, BRIGHTBILL, DENT, ORIE, HOLL, HUGHES, LAVALLE, LEMMOND, LOGAN, C. WILLIAMS, MUSTO, O'PAKE, RHOADES, TARTAGLIONE, TOMLINSON, WAUGH, CONTI and STACK presented to the Chair SB 1402, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of forgery.

Which was committed to the Committee on JUDICIARY, April 29, 2002.

Senators D. WHITE, CORMAN, ERICKSON, BELL, BOSCOLA, BRIGHTBILL, ORIE, HOLL, HUGHES, LAVALLE, LEMMOND, MUSTO, O'PAKE, LOGAN, C. WILLIAMS, RHOADES, TARTAGLIONE, TOMLINSON, WAUGH, CONTI and STACK presented to the Chair SB 1403, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of theft of trade secrets.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, April 29, 2002.

Senators CORMAN, D. WHITE, ERICKSON, BELL, BOSCOLA, DENT, ORIE, HOLL, BRIGHTBILL, HUGHES, LAVALLE, LEMMOND, MUSTO, O'PAKE, RHOADES,

TOMLINSON, C. WILLIAMS, LOGAN and STACK presented to the Chair **SB 1404**, entitled:

An Act providing for the Office of Identity Theft Victim Support in the Pennsylvania Commission on Crime and Delinquency; establishing an Identity Theft Advisory Board; and making an appropriation.

Which was committed to the Committee on JUDICIARY, April 29, 2002.

Senators CORMAN, D. WHITE, ERICKSON, BELL, BOSCOLA, ORIE, HOLL, HUGHES, LAVALLE, LEMMOND, MUSTO, O'PAKE, BRIGHTBILL, RHOADES, TOMLINSON, WAUGH, C. WILLIAMS, LOGAN and STACK presented to the Chair **SB 1406**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for computer trespass.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, April 29, 2002.

Senators CORMAN, D. WHITE, ERICKSON, BELL, BRIGHTBILL, ORIE, HELFRICK, LAVALLE, LEMMOND, MOWERY, MUSTO, O'PAKE, RHOADES, TARTAGLIONE, TOMLINSON, WAUGH, C. WILLIAMS, LOGAN and STACK presented to the Chair **SB 1407**, entitled:

An Act relating to confidentiality of Social Security numbers.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 29, 2002.

Senators D. WHITE, CORMAN, ERICKSON, BRIGHTBILL, BELL, BOSCOLA, DENT, HELFRICK, HUGHES, LAVALLE, LEMMOND, MUSTO, O'PAKE, RHOADES, TARTAGLIONE, TOMLINSON, C. WILLIAMS, LOGAN and STACK presented to the Chair **SB 1408**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the right to privacy.

Which was committed to the Committee on JUDICIARY, April 29, 2002.

Senators CORMAN, D. WHITE, ERICKSON, BRIGHTBILL, BELL, BOSCOLA, ORIE, HOLL, HUGHES, LAVALLE, LEMMOND, MOWERY, MUSTO, O'PAKE, RHOADES, LOGAN, C. WILLIAMS, SCHWARTZ, TARTAGLIONE, WAUGH, CONTI and STACK presented to the Chair **SB 1409**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring Internet service providers to maintain confidentiality of certain information; and imposing a penalty.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, April 29, 2002.

Senators CORMAN, D. WHITE, ERICKSON, BRIGHTBILL, BELL, BOSCOLA, ORIE, HOLL, HUGHES,

LAVALLE, LEMMOND, MUSTO, O'PAKE, RHOADES, TOMLINSON, WAUGH, C. WILLIAMS, LOGAN and STACK presented to the Chair **SB 1410**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, April 29, 2002.

Senators WAUGH, TARTAGLIONE, LOGAN, KITCHEN, KUKOVICH, PUNT, COSTA, O'PAKE, HOLL, BODACK, SCHWARTZ, THOMPSON, CORMAN and KASUNIC presented to the Chair **SB 1418**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a safe driver point system.

Which was committed to the Committee on TRANSPORTATION, April 29, 2002.

Senators D. WHITE, WOZNIAK, MADIGAN and STOUT presented to the Chair **SB 1419**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for permit for movement of waste coal and beneficial combustion ash.

Which was committed to the Committee on TRANSPORTATION, April 29, 2002.

Senators SCHWARTZ, MELLOW, C. WILLIAMS, M. WHITE, LAVALLE, KITCHEN, TARTAGLIONE, HUGHES, BODACK, A. WILLIAMS, KUKOVICH, COSTA, BOSCOLA and STACK presented to the Chair **SB 1420**, 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 certification requirements for teachers of English as a second language.

Which was committed to the Committee on EDUCATION, April 29, 2002.

Senators O'PAKE, COSTA, TARTAGLIONE, LOGAN, HUGHES, BODACK, LAVALLE, SCHWARTZ, KITCHEN, KUKOVICH, STACK, WAGNER, ORIE, BOSCOLA and D. WHITE presented to the Chair **SB 1422**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for medical nutrition therapy coverage requirements for health insurance policies.

Which was committed to the Committee on BANKING AND INSURANCE, April 29, 2002.

Senators HOLL, ORIE, M. WHITE, MOWERY and JUBELIRER presented to the Chair **SB 1424**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for requisites for foreign companies to do business; deleting provisions relating to admitted assets; further providing for standard nonforfeiture law for individual deferred annuities, for health insurance coverage for mastectomy and breast cancer reconstruction and for title insurance

agents; further defining "wet marine and transportation insurance"; and further providing for placement of surplus lines insurance, for requirements for eligible surplus lines insurers, for surplus lines licensee's duty to notify insured, for declarations, for licensing of surplus lines licensee, for records of surplus lines licensee, for suspension, revocation or nonrenewal of surplus lines licensee's license and for service of process in actions against surplus lines insurer.

Which was committed to the Committee on BANKING AND INSURANCE, April 29, 2002.

Senator BOSCOLA presented to the Chair SB 1425, entitled: An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unlawful acts and penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 29, 2002.

**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:

April 29, 2002

Senators JUBELIRER, MOWERY, COSTA, ERICKSON, THOMPSON, DENT, TARTAGLIONE, MUSTO, BRIGHTBILL, TOMLINSON, ROBBINS, EARLL, RHOADES, SCARNATI, SCHWARTZ, WENGER, BELL, KUKOVICH, LAVALLE, O'PAKE, C. WILLIAMS, CONTI, A. WILLIAMS, WAUGH, LEMMOND and MURPHY presented to the Chair SR 216, entitled:

A Resolution informing the National Science Foundation of the support of the senate of Pennsylvania for the Basic Education/Higher Education Science and Technology Partnership currently serving the Commonwealth and urging funding for this effort through the foundation's Math and Science Partnership.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 29, 2002.

**BILL SIGNED**

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

**HB 2305.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 30, 2002

|            |   |                          |
|------------|---|--------------------------|
| 10:00 A.M. | LOCAL GOVERNMENT (to consider Senate Resolution No. 183; and House Bills No. 1326, 1327, 1328, 2005 and 2223) | Room 461<br>Main Capitol |
|------------|---|--------------------------|

|            |  |                          |
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| 11:00 A.M. | BANKING AND INSURANCE (to consider Senate Bill No. 1424) | Room 461<br>Main Capitol |
|------------|--|--------------------------|

|            |  |                        |
|------------|--|------------------------|
| 11:30 A.M. | EDUCATION, AGING AND YOUTH, AND PUBLIC HEALTH AND WELFARE (informational briefing to review data contained in the PA Partnerships for Children's 2002 Report - The State of the Child in PA: A 2002 Guide to Child Well-Being) | Room 8E-A<br>East Wing |
|------------|--|------------------------|

|            |   |                        |
|------------|---|------------------------|
| 11:30 A.M. | JUDICIARY (to consider Senate Bills No. 763 and 859; and House Bills No. 330, 402, and 641) | Room 8E-B<br>East Wing |
|------------|---|------------------------|

|            |   |                        |
|------------|---|------------------------|
| 12:45 P.M. | AGING AND YOUTH (to consider House Bill No. 2213) | Room 8E-B<br>East Wing |
|------------|---|------------------------|

MONDAY, MAY 6, 2002

|            |   |                        |
|------------|---|------------------------|
| 10:00 A.M. | JUDICIARY (to receive testimony relating to Senate Bill No. 1260, comprehensive changes to Pennsylvania's law on child custody) | Room 8E-B<br>East Wing |
|------------|---|------------------------|

MONDAY, MAY 13, 2002

|            |   |                        |
|------------|---|------------------------|
| 10:30 A.M. | JUDICIARY (public hearing on Senate Bill No. 1376, Joint and Several Liability) | Room 8E-B<br>East Wing |
|------------|---|------------------------|

WEDNESDAY, MAY 29, 2002

|            |  |   |
|------------|--|---|
| 12:45 P.M. | JUDICIARY (public hearing to receive testimony relating to the Dept. of Corrections' plan to close SCI-Pittsburgh) | Gold Room<br>Allegheny<br>County<br>Court House |
|------------|--|---|

**ADJOURNMENT**

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

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Tuesday, April 30, 2002, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:37 p.m., Eastern Daylight Saving Time.