

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MAY 7, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 35

SENATE

TUESDAY, May 7, 2002

The Senate met at 1:30 p.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Heavenly Father, be gracious to us and bless us with a measure of Your spirit this day. As this Senate gathers, may it be with confidence, hope, and faith in You and each other, that these, the servants of the people, may do with excellence the work to which they have been called. And when this day is done, may their accomplishments be pleasing in Your sight. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 6, 2002.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1014, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Recess adjournment.

RESOLUTION INTRODUCED AND REFERRED

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

May 7, 2002

Senators ROBBINS, EARLL, TOMLINSON, MUSTO, RHOADES, BODACK, GREENLEAF, BOSCOLA, MADIGAN, KUKOVICH, ORIE, WAGNER, ERICKSON, STOUT, MOWERY, TARTAGLIONE, WAUGH, DENT, BRIGHTBILL, LEMMOND, KASUNIC, SCHWARTZ, LOGAN, GERLACH and THOMPSON presented to the Chair **SR 236**, entitled:

A Resolution designating the month of May 2002 as "Corrections Officers Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 7, 2002.

BILL SIGNED

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

SB 1014.

REPORTS FROM COMMITTEES

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

SB 856 (Pr. No. 985)

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, providing for retention election of justices of the peace.

SB 857 (Pr. No. 1991) (Amended)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, requiring an individual to pass a certification examination before filing a nominating petition to become a district justice and before assuming office as a judge of the traffic court in the City of Philadelphia.

SB 1383 (Pr. No. 1880)

An Act authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

HB 529 (Pr. No. 572)

An Act amending the act of June 5, 1913 (P.L.419, No.276), entitled "An act to authorize the display of the State, county, city, borough, or other municipal flags on public buildings in the Commonwealth," providing for display of the Pennsylvania flag over memorials, caskets and at funerals of certain persons.

HB 590 (Pr. No. 3851) (Amended)

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for the commissioner's salary and meeting times; providing for delegation of authority to the director; further providing for residency and for recordkeeping requirements; eliminating the certification of payrolls; requiring the commissioners to submit an annual report; revising the records retention period; deleting citizenship and oath requirements; further providing for the filling of vacancies; requiring citizenship to be the deciding factor in a case of equal qualifications; eliminating certain requirements for promotion without examination; further providing for the distribution of public notice of examinations and requirements for maintaining eligibility lists and for the procedure for certain eligibles who waive consideration for a promotion, for procedures for filling a position, for the requirements of the probationary period; providing for the expansion of the authority of the director to approve temporary assignments; eliminating certain performance standards; requiring probationary performance evaluations and evaluation forms; further providing for a period of removal from eligibility lists; authorizing the commissioner to impose penalties; and providing copies and notices to the director.

HB 1995 (Pr. No. 2969)

An Act establishing the William Penn Liberty Medal of Honor; providing for awarding of medals, for an advisory board and for design and cost of medals.

HB 2100 (Pr. No. 3852) (Amended)

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

HB 2131 (Pr. No. 2843)

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

Senator TOMLINSON, from the Committee on Military and Veterans Affairs, reported the following bills:

SB 1290 (Pr. No. 1699)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing certain members of the Pennsylvania National Guard to operate State-owned vehicles for certain security purposes.

HB 1356 (Pr. No. 3854) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State

Armory Board and for the Pennsylvania Veterans' Memorial Trust Fund.

RESOLUTION REPORTED FROM COMMITTEE

Senator TOMLINSON, from the Committee on Military and Veterans Affairs, reported the following resolution:

SR 232 (Pr. No. 1984)

A Resolution recognizing the contributions of the American Gold Star Mothers.

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

LEGISLATIVE LEAVE

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.

LEAVE OF ABSENCE

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

CALENDAR

**SENATE RESOLUTION No. 222
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 222**, entitled:

A Resolution designating the month of May 2002 as "Community Action Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

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

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ALLYSON Y.
SCHWARTZ PRESENTED TO THE SENATE**

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

Senator SCHWARTZ. Mr. President, I would like to introduce a guest Page I have here in the Chamber today, Donielle Turner, who is a seventh grader at the Hill JE/Freedman Samsun Middle School in my district, and she is here because she actually won the day here in the Senate in a silent auction with the Girl Scouts at one of their special events in Philadelphia. She is 12 years old, a good student, and she also dances and plays the violin. I ask you to welcome her and her mother, Stacey Turner, who is here visiting in the gallery. It is Mrs. Turner's birthday today, and she is a teacher in the Philadelphia school system. Please join me in welcoming the Turners.

The PRESIDENT. Would the guests of Senator Schwartz please rise so we may welcome you.

(Applause.)

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

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

Senator ARMSTRONG. Mr. President, joining us today in the gallery I have friends from England, John and Val New from Sunderlind, England. They are enjoying the Capitol today, and I would like the Senate to give them its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR HAROLD F.
MOWERY PRESENTED TO THE SENATE
BY THE PRESIDENT**

The PRESIDENT. On behalf of Senator Mowery, I am advised there are some Camp Hill Girl Scouts working on their government badge and they are observing the Senate today. Would they rise? I know Senator Mowery would say a lot of nice things about you, but we will just welcome you to the Senate of Pennsylvania, so if you will please rise.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

**SENATE RESOLUTION No. 230
CALLED UP OUT OF ORDER, ADOPTED**

Senator TOMLINSON, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 230**, entitled:

A Resolution honoring in memoriam Stephen Girard as an exemplary merchant, mariner, banker, philanthropist, humanitarian,

patriot, founder of Girard College in Philadelphia and a great Philadelphian, Pennsylvanian and American.

On the question,
Will the Senate adopt the resolution?

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

Senator TOMLINSON. Mr. President, Senate Resolution No. 230 honors the memory of Stephen Girard, an exemplary merchant, mariner, banker, philanthropist, humanitarian, patriot, founder of Girard College in Philadelphia, and a great Philadelphian. We have a lot of great Americans - George Washington, Thomas Jefferson, Benjamin Franklin - but there are many, many great American heroes who are not quite as known.

Mr. President, Stephen Girard is the founder of Girard College and was born in France in 1750. He came to the United States as a young merchant mariner and embraced three great causes: liberty, philanthropy, and humanitarianism. He left his country at the age of 12, became a cabin boy and soon became a captain on a merchant ship. During the Revolutionary War, during the blockades of New York, he was diverted to Philadelphia. He stayed in Philadelphia and became a great success as a businessman and became involved in the first bank of the nation, and in the War of 1812, he loaned the insolvent United States Treasury \$7 million to enable this nation to win the war. Also, he loaned this State, the State of Pennsylvania, \$100,000 with no requirement for repayment to get Pennsylvania through some very difficult times. In 1793, during the yellow fever epidemic when it struck Philadelphia, Girard did not flee the city as many other of his well-known peers did. Instead, he established a hospital, cared for the sick, and used his own finances and resources to bury the dead. Today one of the greatest legacies that Mr. Girard leaves is Girard College.

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

Senator TOMLINSON. Mr. President, I am here along with Senator Kitchen to introduce a few guests on the floor. First, before I introduce the president of Girard College, I would like to introduce Thomas Baggio, the alumni director for Girard College, and Mike DiMeo and his wife, Frances, from my district in Bensalem. Mike is not only a lector and an active community citizen involved in many activities in Bensalem and Lower Bucks County, but also when I was a high school athlete growing up, Mike announced all our high school games on the local radio station and had a great distinctive voice. And, of course, it is because of Michael that I rise today to offer this resolution. Many of the fond memories of his days at Girard College and the things that college did for him and many other young people in this country when they needed a place to go, when they did not have the financial resources, when things were difficult in their families, Girard College was an institution that Mike and many other people could go to get a good education and go on to be very successful young men, and now young women.

In fact, Mike wrote a book called, "The Stone Cocoon" about his experiences at Girard College and what that college and what the discipline and the academic programs did for him and his fellow classmates at Girard College.

So, Michael, thank you very much, and I ask that the Senate give Mike applause for that.

(Applause.)

Because of Stephen Girard's benefaction and being such a wealthy man and giving so much back to the community, that college has evolved into a great institution, and now I understand they have women there and they have just built a couple of new dorms and have around 600 students and are trying to grow to 1,000 and are still offering many, many young people in the Philadelphia area and the Commonwealth of Pennsylvania an opportunity at success in life, offering a good, rigorous academic program.

To describe some of the things that are going on at Girard College now, I would like to ask the president of Girard College, Joseph Devlin, to please step up and address the Senate on some of the activities and advances that Girard College has made in recent years.

The PRESIDENT. The Chair is pleased to welcome the president of Girard College and ask for his comments, and we look forward to hearing from him.

Mr. DEVLIN. Thank you very much, Mr. President, Members of the Senate, distinguished guests. Special thanks to Senators Kitchen and Tomlinson for introducing and supporting this resolution honoring the founder of the school.

Actually, Girard College is not a college at all. It was named that and it is very misleading to a lot of people. It was named "college" because it was modeled after an academic boarding school in France, as our founder was a Frenchman and he referred to it as a college in his will. Today we are 600 students. All of the students are there on complete scholarships. It is a privately-funded institution from the estate of Stephen Girard. All of the students board. There are no day students at all, and our mission really is to serve at-risk children. So all of the children who come to Girard College have to meet the original guidelines in terms of being poor and having not more than one biological parent in the family. The children are good kids. They come to a school that is very impressive. We have 43 acres of greenery really in the middle of Philadelphia, so we are really an oasis. It is an academic school. We have an elementary, a middle, and a high school. And as Senator Tomlinson said, we have just been able to build a new elementary school and three new dormitories, the first building on our campus in 70 years. This will enable us to grow the school from the current 600 to 800. Ultimately, we would like to get to 1,000, but we can see our funding getting us to 800 students. All of our students are college preparatory, of course, as they reach high school, and 100 percent of our students go on to 4-year colleges and universities.

According to the will, the first preference is given to the children of Philadelphia, the second to the State of Pennsylvania, and I would welcome students from needy families from all of our districts to come to learn a little bit about Girard College, and we would love to reach out to more of the State. Most of our kids do come from Philadelphia. We are 50 percent male, 50 percent female, so we are coed. Although it is a

nondenominational school, there is a strong work ethic which really comes from Stephen Girard that we feel very committed to, and we are very strong in community service. In first grade it is as simple as making beds, but by senior high school, all of our students must volunteer a minimum of 40 hours a year off campus in an organization of their choice. It can be either a church, their neighborhood, their communities, the Franklin Institute, any of those opportunities. To date, we have educated about 22,000 young men and women in our 154-year history. We are going strong, we have a very strong endowment, and as a result of that we are able to give scholarships to our young men and women.

Thank you very much. If you would want to learn more about the school in any way, I would be happy to contact you or one of your aides and make that opportunity available to some of the students in your district.

Thank you very much.

(Applause.)

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

Senator KITCHEN. Mr. President, it is indeed an honor to cite a very good thing in the Third Senatorial District, and right now, today, despite its distinguished history, poor children are being educated at Girard College. They have one of the higher percentages of children going on to college, somewhere within 80 percent go on to college and do very well. So we are glad to just honor his memory and what Stephen Girard stood for for so many years.

Today was a very enlightening day, because I learned that my colleague, Senator Tomlinson, is an historian, and we learned facts today about Mr. Girard that I think would probably be well-known and acknowledged in the district. So I do thank you. It has been a good afternoon.

And the question recurring,

Will the Senate adopt the resolution?

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

GUESTS OF SENATOR ANTHONY H. WILLIAMS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Mr. President, we have in our audience, and frankly, this is one of the great things about PCN, because tonight all across the Commonwealth the greatest sorority in the Commonwealth will be on television, and they are with us today in our audience. They are led by my Aunt Audrey. Her AKA sisters are with us today. I would like her and her sisters to stand.

The PRESIDENT. Would you stand so we may welcome you to the Senate of Pennsylvania.

(Applause.)

Senator A.H. WILLIAMS. For those who do not know the history of some of these sororities and fraternities, for generations when people of color would come out of schools of color, employment opportunities were not always plentiful. These sororities and fraternities have been, for generations,

methods of accomplishment, charitable contribution, and scholarships. Thinking of the old phrase, lifting yourself up by your bootstraps, well, they are the laces, the boots, and the support of many generations of people of color in our community. They have proliferated lawyers, doctors, teachers, and they continue to do such. They are role models to all of us, and they literally go from grandmothers to young women who are teenagers entering colleges of higher learning, and they have stood the test of time within our communities to support all of us in the things they do. I am grateful that the Senate has taken its time to recognize their efforts, and I am grateful that they are here with us today. God bless, and continued success.

(Applause.)

**SPECIAL ORDER OF BUSINESS
2001 KING COAL QUEEN
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, on behalf of Senator Kasunic and myself, it is my pleasure today to once again introduce a very special guest to the Senate of Pennsylvania.

As many of you know, for the past 48 years the King Coal Association, located in Carmichaels, Greene County, has a Coal Queen Pageant in conjunction with the coal show for the purpose of selecting a young lady to represent the coal industry of southwestern Pennsylvania. This year Miss Valerie Berish, the 2001 Pennsylvania Coal Queen, is from Masontown, Fayette County, a district represented by our colleague, Senator Kasunic. I am very pleased to have Miss Berish and her parents, David and Vicky, along with the representatives of the King Coal Pageant with us this afternoon. I would like them to stand and be recognized by the Senate.

The PRESIDENT. We certainly want to welcome all of you. Please stand so we can give you our usual warm welcome (Applause.)

Senator STOUT. Miss Berish is a senior at Albert Gallatin High School and is a very lovely and talented young lady and very active in school activities. Later today she will be honored at a dinner held by the Pennsylvania Coal Association in recognition of her being selected as the 2001 Coal Queen.

At this time, Mr. President, I would like the Senate of Pennsylvania to extend its usual warm welcome to Miss Berish, our 2001 Coal Queen, and give her an opportunity to address the Senate.

Thank you, Mr. President.

The PRESIDENT. We would be very honored to have you speak to the Senate, if you would like to come forward. We certainly want to welcome you.

Miss BERISH. Good afternoon. I would like to take this opportunity to say thank you to those who made my visit to Harrisburg possible - Senator Kasunic, Senator Stout, and his office staff. As this year's queen, one of the highlights of my reign has been touring Emerald Mine in Greene County. While in the mine, I was given the opportunity to run mining machinery. From this experience, I gained a finer appreciation for the coal industry. Throughout the year, I have attended many functions representing the coal association. This, by far, has been a

once-in-a-lifetime experience, to be able to speak in front of the Pennsylvania Senate.

In the next 3 weeks, I will be graduating from Albert Gallatin Area Senior High School. In the fall, I will be attending Point Park College and will be majoring in dance.

Once again, thank you for this honor and privilege. (Applause.)

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

The SECRETARY. Consent has been given for the following committee meetings to occur off the floor during today's Session: the Committee on Intergovernmental Affairs to consider Senate Resolutions No. 206, 210, 211, 213, 216, 221, 228, 229, 233, and House Bill No. 900. Also, the Committee on Communications and High Technology to consider Senate Bills No. 1401, 1403, 1406, and 1546.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this point I ask that we recess the Senate for purposes of the two committee meetings that were mentioned, which will begin immediately in the Rules room to the rear of the Chamber. Mr. President, caucus will immediately follow the two committee meetings.

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

Senator MELLOW. Mr. President, I also request that immediately following the conclusion of the two committee meetings, the Democratic Members report to our caucus room.

The PRESIDENT. For purposes of meetings of the Committee on Communication and High Technology and of the Committee on Intergovernmental Affairs, which will take place in the Rules room to the rear of the Senate Chamber, to be immediately followed by Republican and Democratic caucuses in their respective caucus rooms, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

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

CONSIDERATION OF CALENDAR RESUMED

**SENATE RESOLUTION No. 234
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 234**, entitled:

A Resolution recognizing the week of May 6 through 12, 2002, as "Suicide Awareness Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, in 2000, suicide claimed 1,348 lives in Pennsylvania and more than 28,000 lives nationally, and there may be as many as 16 attempted suicides for every completed suicide in the Commonwealth alone. Madam President, suicide is a preventable public health problem that can be reduced with increased community information, education, and greater use of crisis intervention, mental health, and substance abuse services. But unfortunately, suicide also has a devastating and long-lasting impact on the family members and close friends who are left behind by suicide victims. In turn, those family members and friends of the victims are put at higher risk of mental illness and suicide as the result of their loss. That loss can fuel a vicious cycle of suicidal tendencies within a family, leaving its members feeling alone and devastated with few places to turn for help.

Madam President, the Commonwealth currently does not have a statewide suicide prevention plan, and I believe we should work together toward the development of such a plan. I also want to encourage every county to develop a county-level suicide prevention plan to increase the accessibility and availability of suicide prevention.

Therefore, we are here today and have offered a resolution recognizing the week of May 6 through 12, 2002, as Suicide Awareness Week in Pennsylvania, so we might be able to address this issue in an effort to prevent future suicide tragedies. In designating this week Suicide Awareness Week, I believe we can increase the level of awareness to reduce the incidents of suicide among the residents of all 67 counties of the Commonwealth. Thank you for supporting this resolution, because suicide is a devastating tragedy that can and should be prevented in Pennsylvania.

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

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

YEA-48

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

NAY-0

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

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 402 (Pr. No. 419) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

LEAVE OF ABSENCE

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

And the question recurring,
Shall the bill pass finally?

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

YEA-39

Bodack	Helfrick	Mellow	Stack
Boscola	Holl	Mowery	Stout
Conti	Hughes	Murphy	Tartaglione
Corman	Jubelirer	Musto	Thompson
Costa	Kasunic	O'Pake	Tomlinson
Dent	Kitchen	Piccola	White, Mary Jo
Earll	Kukovich	Punt	Williams, Anthony H.
Fumo	LaValle	Rhoades	Williams, Constance
Gerlach	Lemmond	Scarnati	Wozniak
Greenleaf	Logan	Schwartz	

NAY-9

Armstrong	Erickson	Robbins	Waugh
Bell	Madigan	Orie	Wenger
Brightbill			

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SB 1158 (Pr. No. 1449) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-32

Armstrong	Gerlach	Mowery	Scarnati
Bell	Greenleaf	Murphy	Schwartz
Brightbill	Helfrick	O'Pake	Thompson
Conti	Holl	Orie	Tomlinson
Corman	Jubelirer	Piccola	Waugh
Dent	LaValle	Punt	Wenger
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Wozniak

NAY-16

Bodack	Hughes	Logan	Stout
Boscola	Kasunic	Mellow	Tartaglione
Costa	Kitchen	Musto	Williams, Anthony H.
Fumo	Kukovich	Stack	Williams, Constance

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 AMENDED

SB 1164 (Pr. No. 1436) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting deception relating to solicitations for charity.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, on behalf of Senator O'PAKE, offered the following amendment No. A2248:

Amend Sec. 1 (Sec. 4107.3), page 1, lines 15 through 17, by striking out "at the time of solicitation, the" in line 15, all of line 16 and "accept funds and he" in line 17 and inserting: upon receipt of solicited contributions, the defendant

Amend Sec. 1 (Sec. 4107.3), page 1, by inserting after line 18:

(c) Construction.—Nothing in this section shall be construed to prohibit prosecution of the defendant under any other statute.

Amend Sec. 1 (Sec. 4107.3), page 2, line 1, by striking out "(c)" and inserting: (d)

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 OVER IN ORDER

SB 1225 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

HB 1237 (Pr. No. 3774) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 1237 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1237, Printer's No. 3774, be taken from the table and placed on the Calendar.

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

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

BILLS OVER IN ORDER

SB 1319 and **HB 1458** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED AND LAID ON THE TABLE

HB 1933 (Pr. No. 3505) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator GERLACH offered the following amendment No. A2278:

Amend Sec. 1 (Sec. 5749), page 3, line 8, by striking out "MAY"

Amend Sec. 1 (Sec. 5749), page 3, line 9, by striking out "or the filing of criminal charges"

Amend Sec. 1 (Sec. 5749), page 3, lines 11 and 12, by striking out "if no criminal charges are filed within the applicable statute of limitations,"

Amend Sec. 1 (Sec. 5749), page 3, lines 14 and 15, by striking out "expiration of the statute of limitations" and inserting: conclusion of the proceedings related to the citation

Amend Sec. 1 (Sec. 5749), page 5, lines 8 and 9, by striking out "required to consent to such use"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1933, as amended, be laid upon the table.

On the question,
Will the Senate agree to the motion?
A voice vote having been taken, the question was determined in the affirmative.

HB 1933 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1933, Printer's No. 3867, be taken from the table and placed on the Calendar.

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

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 4 (Pr. No. 3839) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the maintenance and operation of multipurpose service centers for displaced homemakers and single parents; and providing for powers and duties of the Department of Education.

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1324 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 2525 (Pr. No. 3603) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

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

HB 2526 (Pr. No. 3604) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

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

HB 2527 (Pr. No. 3834) -- 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 second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

HB 2528 (Pr. No. 3606) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

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

HB 2531 (Pr. No. 3609) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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

HB 2532 (Pr. No. 3610) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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

BILLS OVER IN ORDER

HB 96, HB 330, HB 481 and HB 641 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

SB 1060 (Pr. No. 1345) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 17, 1961 (P.L.659, No.339), known as the Pennsylvania Bituminous Coal Mine Act, further providing for certificates of qualification as mine foremen, mine electricians, assistant mine foremen, mine examiners and miners; and providing for safety precautions on coal stockpiles.

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

BILLS ON SECOND CONSIDERATION

SB 1118 (Pr. No. 1398) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for exercise of eminent domain and for restrictions as to certain property.

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

SB 1429 (Pr. No. 1978) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1985 (P.L.120, No.32), entitled "An act creating a special fund in the Treasury Department for use in attracting major industry into this Commonwealth; establishing a procedure for the appropriation and use of moneys in the fund; establishing the Tax Stabilization Reserve Fund; and providing for expenditures from such account," further providing for transfer of portion of revenue surplus.

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

BILLS OVER IN ORDER

HB 2005 and HB 2125 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2164 (Pr. No. 3401) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing penalties on department employees or

agents who issue a fraudulent driver's license; and further providing for motorcycle fees.

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

SENATE RESOLUTION No. 235, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 235**, entitled:

A Resolution designating the week of May 6 through 12, 2002, as "Nurses Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 369, Senate Resolution No. 236, and certain nominations.

UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED

Senators BOSCOLA, DENT, BODACK, C. WILLIAMS, TARTAGLIONE, O'PAKE, WAGNER, SCHWARTZ, MUSTO, STOUT, ERICKSON, EARL, GREENLEAF, LOGAN, STACK and COSTA, by unanimous consent, offered **Senate Resolution No. 237**, entitled:

A Resolution recognizing the 31st anniversary of Pennsylvania's ratification of the 26th Amendment to the Constitution of the United States, which lowered the voting age to 18, and urging Pennsylvania's youngest voters to observe this anniversary by exercising their right to vote in the upcoming 2002 elections.

On the question,
Will the Senate adopt the resolution?

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

Senator BOSCOLA. Madam President, I am offering a resolution to recognize the 31st anniversary of Pennsylvania's ratification of the 26th amendment to the United States Constitution. The actual anniversary fell on the last Saturday in April without even a mention of it in our local papers, but with 2 weeks remaining until the primary election, I thought today would be a perfect opportunity to talk about the 26th amendment and our right to vote.

As you know, the 26th amendment lowered the voting age to 18. Prior to the ratification of the 26th amendment in 1971, citizens were required to be at least 21 years old in order to vote. Pennsylvania became one of the 39 States to ratify the 26th amendment when this State legislature voted in favor of

ratification on April 27, 1971. President Richard Nixon signed the 26th amendment into law on the 4th of July in 1971 and said that 18-, 19-, and 20-year-old voters would, quote, "...infuse into this country some idealism, some courage, some stamina, some high moral purpose, that this nation always needs."

Madam President, in 2 weeks voters in Pennsylvania will have the opportunity to cast their ballots in May's primary election, and I hope by observing the work of this legislature to ratify the 26th amendment, it will encourage our youngest citizens to appreciate the right they have been given to go to the polls and cast their vote on May 21. It should disturb all of us that voter turnout has shown a steady decline in our country. We began the 20th century with a 75-percent turnout in the first presidential election in the 1900s, and a few years ago we ended the 20th century with only about half of the potential voters, 51 percent, voting in the 2000 presidential election. And as we all know, that election will go down in history as one of the closest presidential elections ever held in this great nation.

So I hope everyone, especially our youngest voters, will take note of this anniversary by exercising their right to vote in the upcoming 2002 elections.

Thank you, Madam President.

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

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

Senator ORIE, by unanimous consent, offered **Senate Resolution No. 238**, entitled:

A Resolution recognizing the week of May 6 through 10, 2002, as "Children's Literacy Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I am asking for support on a resolution that declares May 6 through 10 Children's Literacy Week. Evans City Elementary School in Seneca Valley District in Butler County is conducting a special reading program May 6 through 10, with the theme, "Go for the Gold, Read," and the promotion of literacy among children. I think this is an important theme and a tremendous project, and I ask for unanimous support.

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

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

Senators O'PAKE, COSTA, KUKOVICH, ROBBINS, LOGAN, MURPHY, LAVALLE, STOUT, WAGNER, MUSTO, DENT, A. WILLIAMS, C. WILLIAMS, CONTI, TOMLINSON, HELFRICK, THOMPSON, ORIE, TARTAGLIONE, SCHWARTZ, M.J. WHITE, WAUGH, MELLOW, EARLL and BRIGHTBILL, by unanimous consent, offered **Senate Resolution No. 239**, entitled:

A Resolution designating the month of June 2002 as "Sober Graduation Month" in Pennsylvania.

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

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I request a recess for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held at the rear of the Senate.

The PRESIDING OFFICER. At the request of Senator Brightbill, for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held at the rear of the Senate, without objection, the Senate will now stand in recess.

AFTER RECESS

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

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Jennifer Hoover, (Public Member) 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the State Board of Barber

Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lois K. Herr, Manheim, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE STATE CIVIL
SERVICE COMMISSION

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the State Civil Service 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 Norma J. Gotwalt, Camp Hill, whose term expired.

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

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

May 6, 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 4, 2002 for the appointment of Barbara Kauffman, 3182 Cornerstone Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of three years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Carol M. Thompson, Manheim, whose term expired.

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

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Michelle Grove Bonsick (Public Member), 1114 Quincy Circle, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until her

successor is appointed and qualified, but not longer than six months beyond that period, vice Michael A. Cibik, Esquire, Philadelphia, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE POLK CENTER
BOARD OF TRUSTEES

May 6, 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 11, 2002 for the appointment of Barbara Kauffman, 3182 Cornerstone Drive, Lancaster, Lancaster County, Thirteenth Senatorial District, as a member of the Polk Center Board of Trustees, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Alvin G. Kessler, Oil City, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Stephanie Moore (Public Member), 40 Red Barberry Drive, Eppers 17319, York County, Thirty-first Senatorial District, as a member of the State Board of Psychology, to serve until November 11, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony J. Fubio, Altoona, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Norah Griffiths, 2304 Edgewood Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2005, vice Susan Genesi, Philipsburg, resigned.

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

Mark S. Schweiker
Governor

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

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Wha Lee (Public Member), 820 Clifton Heights Road #3, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, 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 her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis P. McManus, Pittsburgh, whose term expired.

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

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

May 6, 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 11, 2002 for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Velma C. Noonan, Carnegie, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

May 6, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 8, 2002 for the appointment of Kathie Smith, 6163 Spring Knoll Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Bonney C. Daubenspeck, Erie, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
WERNERSVILLE STATE HOSPITAL

May 6, 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 11, 2002 for the appointment of Elisabeth Baker, P.O. Box 59, Mt. View Drive, Lehman, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Warren W. Lamm, Sinking Spring, deceased.

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

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
WERNERSVILLE STATE HOSPITAL

May 6, 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 11, 2002 for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Pattee J. Miller, Reading, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

May 6, 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 11, 2002 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice William F. Showers, Clarion, resigned.

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

Mark S. Schweiker
Governor

**MEMBER OF THE SNYDER COUNTY
BOARD OF ASSISTANCE**

May 6, 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 11, 2002 for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Judy A. Jones, Selingsgrove, resigned.

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

Mark S. Schweiker
Governor

**MEMBER OF THE VENANGO COUNTY
BOARD OF ASSISTANCE**

May 6, 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 11, 2002 for the appointment of Norah Griffiths, 2304 Edgewood Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the Venango County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Creeta Y. Owens, Oil City, resigned.

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

Mark S. Schweiker
Governor

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

May 6, 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 11, 2002 for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Wanda C. Little, North Warren, resigned.

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

Mark S. Schweiker
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

The PRESIDING OFFICER. The nominations 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 BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY**

April 9, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Alvin H. Clemens, 907 Exeter Crest, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2003, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

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

April 18, 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 A. Wiscott, Ph.D., 128 Cumberland Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for appointment 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, vice Cora I. Grove, Greencastle, resigned.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

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

The PRESIDING OFFICER. The nominations will be laid on the table.

REPORTS FROM COMMITTEES

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

SB 369 (Pr. No. 1998) (Amended) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications.

Senator HOLL, from the Committee on Intergovernmental Affairs, reported the following bill:

HB 900 (Pr. No. 2998)

An Act providing for multistate sales and use tax administration for commerce.

Senator CORMAN, from the Committee on Communications and High Technology, reported the following bills:

SB 1406 (Pr. No. 1995) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of unlawful transmission of electronic mail; and imposing a penalty.

HB 1546 (Pr. No. 3866) (Amended) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for identity theft; and providing for the statute of limitations for the civil cause of action for identity theft and for damages in actions for identity theft.

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

SB 1402 (Pr. No. 1944)

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

HB 341 (Pr. No. 3859) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for general regulations relating to criminal history record information and for information relating to prospective child-care personnel.

HB 1478 (Pr. No. 2104)

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

RESOLUTIONS REPORTED FROM COMMITTEES

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

SR 236 (Pr. No. 1993)

A Resolution designating the month of May 2002 as "Corrections Officers Month" in Pennsylvania.

Senator HOLL, from the Committee on Intergovernmental Affairs, reported the following resolutions:

SR 206 (Pr. No. 1921)

A Resolution memorializing Congress to amend the Fair Credit Reporting Act to permit victims of identity theft to bring suit any time within two years of discovery of the fraud.

SR 210 (Pr. No. 1924)

A Resolution urging the Congress of the United States to permanently eliminate the 15% cut in the Medicare home health benefit scheduled to go into effect on October 1, 2002, and extend the 10% rural add-on to Medicare home health providers; and calling upon the President to support Congress in this effort.

SR 211 (Pr. No. 1925)

A Resolution urging the Congress of the United States to sustain the President's affirmative decision on the United States Department of Energy's recommendation on a Federal repository for used nuclear fuel at Yucca Mountain, Nevada.

SR 213 (Pr. No. 1926)

A Concurrent Resolution memorializing the Governor of New Jersey, James E. McGreevey, to maintain the Pennsylvania-New Jersey Reciprocity Agreement regarding individual income taxes.

SR 216 (Pr. No. 1996) (Amended)

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.

SR 221 (Pr. No. 1966)

A Resolution urging the Congress of the United States to extend the tax credit under section 29 of the Internal Revenue Code of 1986 to continue to provide a reliable, secure and fair-priced supply of natural gas to United States gas consumers.

SR 228 (Pr. No. 1980)

A Concurrent Resolution reaffirming the Pennsylvania General Assembly's support for the Delaware River Channel Deepening Project.

SR 229 (Pr. No. 1981)

A Resolution memorializing the President and Congress of the United States to reexamine the level of funding for veterans medical services in order to provide timely, high-quality service to veterans of United States military services.

SR 233 (Pr. No. 1986)

A Concurrent Resolution memorializing the Congress of the United States to develop a nationwide reciprocity agreement among the states regarding individual income taxes.

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

DISCHARGE PETITIONS

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

May 7, 2002

A PETITION

To place before the Senate the nomination of Amanda Pflugh, as a member of the Industrial Board.

TO: The President Officer of the Senate:

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

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

May 7, 2002

A PETITION

To place before the Senate the nomination of Maggie Baker, as a member of the Professional Engineers, Land Surveyors and Geologists, State Registration Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Maggie Baker, as a member of the Professional Engineers, Land Surveyors and Geologists, State Registration Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

The PRESIDING OFFICER. The communications will be laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Matthew P. Bruno by Senators Bodack and Murphy.

Congratulations of the Senate were extended to Karen L. Suborits, Gretchen A. Stoudt, Danielle Niper, Cassandra Klein, Elizabeth Jansen, Lauren Frisbie, Rachel Egerton, Northampton County Council of Democratic Women and to the Greater Bethlehem Area Council of Churches by Senator Boscola.

Congratulations of the Senate were extended to Bertha Grumbine by Senator Brightbill.

Congratulations of the Senate were extended to John E. Kelly and to the Warminster Symphony Orchestra by Senator Greenleaf.

Congratulations of the Senate were extended to Justin B. Sweeney by Senator Holl.

Congratulations of the Senate were extended to Susan S. Belin, Rachel R. Yaklic, Charlton Jordan, Brian E. Walkowski, Chris McGarvey, Matthew McDonnell, Jonathan Michael McClave, Drew J. Morgan and to John Powell by Senator Mellow.

Congratulations of the Senate were extended to Gerard J. Zezza, Jr., Nora Barrett Burke, Barbara Russo, John M. Stash, Nicholas Anzemi and to the Valley Styx Under-16 Girls' Field Hockey Team of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to Dale Hildebrand by Senators Musto and Lemmond.

Congratulations of the Senate were extended to the Reverendo Charles A. Marciano by Senator O'Pake.

Congratulations of the Senate were extended to Jake Ramsey, Eric Cassidy, Hampton Township Volunteer Fire Department No. 1, Hampton Township Police Department, North Hampton Volunteer Fire Department and to the LaRoche College Girls' Softball Team of Pittsburgh by Senator Orie.

Congratulations of the Senate were extended to Sherry McLaughlin by Senator Piccola.

Congratulations of the Senate were extended to Cindy Stottlemeyer, Marcella Shoeman, Regina Chamberlin and to Randy Lee Finkey by Senator Punt.

Congratulations of the Senate were extended to Felix Legarreta by Senator Tartaglione.

Congratulations of the Senate were extended to Jonathan David Clark and to Maple Point Middle School of Langhorne by Senator Tomlinson.

Congratulations of the Senate were extended to Betty L. Tsai, Sandra Harris, Valerie Ridge, Carol E. Lumadue, Jackie Mullin, Laura Nash and to Vonna Berkey by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Joshua Scott Stetler and to the Hametown One Room Schoolhouse by Senator Waugh.

Congratulations of the Senate were extended to J. Harold Summers by Senator Wenger.

Congratulations of the Senate were extended to Carol Smith by Senator D. White.

Congratulations of the Senate were extended to Emory Wyant and to Geraldine Talley by Senator C. Williams.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Honorable Harvey N. Schmidt by Senators Hughes and A.H. Williams.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 856, SB 857, SB 1290, SB 1383, SB 1402, SB 1406, HB 341, HB 529, HB 590, HB 900, HB 1356, HB 1478, HB 1995, HB 2100 and HB 2131.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

May 7, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Pedro A. Cortes, 1602 Churchill Road, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2003, and until his successor is appointed and qualified, vice Sid Booker, Fairview, resigned.

Mark S. Schweiker
Governor

RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the

Governor of the Commonwealth, which were read as follows and laid on the table:

MEMBER OF THE INDUSTRIAL BOARD

May 7, 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 13, 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 Industrial Board, to serve until the third Tuesday of January 2003 and until her successor is appointed and qualified, vice Peter Babnis, Hermitage, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

May 7, 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 13, 2002, for the appointment of Maggie Baker, (Public Member), 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Debra C. Blaschak, Esquire, Pottsville, whose term expired.

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

Mark S. Schweiker
Governor

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

May 7, 2002

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

Please note the nomination dated March 28, 2001, for the appointment of Jonathan H. Newman, 1079 Baron Drive, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May, 2006, should be corrected to read:

Jonathan H. Newman, 1079 Baron Drive, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May, 2006, and until his successor is appointed and qualified, but not longer than six months beyond that period.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 771**, with the information the House has passed the same without amendments.

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

WEDNESDAY, MAY 8, 2002

10:45 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 483 and 1240)	Rules Cmte. Conf. Rm.
------------	---	--------------------------

ADJOURNMENT

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

Senator **BRIGHTBILL**. Madam President, I move that the Senate do now adjourn until Wednesday, May 8, 2002, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:08 p.m., Eastern Daylight Saving Time.