

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JUNE 11, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 41

**SENATE**

TUESDAY, June 11, 2002

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

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

**PRAYER**

The Chaplain, Reverend TONY VASQUEZ, of Harvest Rock Church, Havertown, offered the following prayer:

Almighty God, God of Abraham, Isaac and Jacob, I come to You in Jesus' name. I come knowing fully that the hearts of the kings of the earth are in Your hands, and the exaltation of a nation is given unto You.

Holy Spirit, come and fill this House with Your presence. Stir our hearts with Your passions and fire. Come enlighten the hearts of these who have been destined by the Almighty to lead in these troubled times. Send upon this House the holy zeal of the Lord. Strengthen our spines to stand in the torrents, even to defy death, should we be forced to face it.

These are not times to speak amiable words to a people searching for answers from You, the only true God. These are the days when this House must lead. Bare naked the hearts of those who are called by Your name to align them as one heart to Your Son, Jesus Christ, for this is a generation that has been chosen by You to carry the banner of righteousness. Our sons and our daughters have wanting eyes, ever searching for the ones who would lead unashamed, bearing Your name.

Lord Jesus, give Your children heroes from this House. Father, You have been good. You have been faithful to our generations because of the covenants that You have established through our fathers who walked these halls with You and kept Your commandments. I ask You, Heavenly Father, for Your name's sake and the name of Your Son, Jesus Christ, shake the heavens again upon Your house. Give this nation fathers from this House, fathers marked by You.

Holy Spirit, I ask for an awakening upon these Your people. Remove the reproach that we have brought upon our land through the bowing of ourselves to other gods, thus making them equal to You. There are no other Gods but You, God and Father, our Lord, Jesus Christ, the Messiah. Wash us in the blood of Your Son. Write a new chapter in the history of this great House so that the generations of our children to come may not walk in darkness. And I ask this in Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Vasquez, who is the guest today of Senator Greenleaf.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 10, 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**

**APPROVAL OF SENATE BILL**

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

**SB 369.**

**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 STATE BOARD  
OF BARBER EXAMINERS**

June 11, 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, Carl J. Stillo, 1061 Chestnut Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC**

June 11, 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, Carole I. Lee (Public Member), 1250 Schuylkill Mountain Road, Schuylkill 17972, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the State Board of Chiropractic, 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.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS**

June 11, 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, Gregory E. Black, 1494 Letchworth Road, Camp Hill 17110, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, vice Lawrence J. Walko, Drums, whose term expired.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS**

June 11, 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, Edward J. Rak, 3222 Sundale Drive, Glenshaw 15116, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE REAL  
ESTATE COMMISSION**

June 11, 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, Beverly R. Brookes, 2 Concord Way, Chadds Ford 19317, Delaware County, Ninth Senatorial District, for reappointment as a member of the State Real Estate Commission, to

serve for a term of five years or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker  
Governor

**MEMBER OF THE BEAVER COUNTY  
BOARD OF ASSISTANCE**

June 11, 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, Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Beaver County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Nell Puskarich, Monaca, deceased.

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:

**CORONER, LAWRENCE COUNTY**

June 11, 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 19, 2002, for the appointment of Theo O. McCracken, 825 Beckford Street, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, as Coroner, in and for the County of Lawrence, to serve until the first Monday of January 2004, vice John Russell Noga, resigned.

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 PRESIDENT 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  
TURNPIKE COMMISSION**

June 11, 2002

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

Please note the nomination dated June 10, 2002, for the appointment of Mitchell Rubin, 110 Moredun Avenue, Philadelphia 19115, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, should be corrected to read:

Mitchell Rubin, 1108 Rodman Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 96, 481, 1237 and 1546**.

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

#### Weekly adjournment.

### BILLS SIGNED

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

**HB 96, HB 481, HB 1237 and HB 1546.**

### REPORTS FROM COMMITTEES

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 449 (Pr. No. 472)**

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for rescission of contracts.

**HB 286 (Pr. No. 1068)**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, providing for functions of the Commissioner of Professional and Occupational Affairs; and further providing for anesthesia.

**HB 767 (Pr. No. 4003) (Amended)**

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions and for resale of returned motor vehicle.

**HB 1272 (Pr. No. 1475)**

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for applications for licensure and for student barbers.

### HB 2020 (Pr. No. 3287)

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for the definition of "School of Cosmetology," for practice of cosmetology without license prohibited, requirements to practice, eligibility requirements for examination, for management of cosmetology shops, for requirements of a school of cosmetology, for exceptions to examination requirements, for shared shops, for regulations by the board, for examinations and issuance of licenses, for temporary licenses, for sanitary rules, for fees and for penalties.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bills:

**HB 1012 (Pr. No. 4004) (Amended)**

An Act amending the of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for personal needs allowance deduction for medical assistance eligible persons in nursing facilities.

**HB 1501 (Pr. No. 4005) (Amended)**

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, further providing for sale of tobacco; providing for placement of cigarette vending machines; and providing for preemption.

**HB 1804 (Pr. No. 4006) (Amended)**

An Act providing for pooled trusts for persons with disabilities.

Senator RHOADES, from the Committee on Education, reported the following bills:

**SB 885 (Pr. No. 1026)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the reporting of student conduct; and requiring the adoption of a code of student conduct.

**SB 1256 (Pr. No. 1642)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for nursing loan forgiveness program; establishing the Pennsylvania Nurse Scholarship Program; providing for administration of the program; further providing for annual report; and providing for minimum nursing data set.

**SB 1465 (Pr. No. 2050)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

**HB 2200 (Pr. No. 3510)**

An Act amending the act of March 10, 1949, (P.L.30, No.14), known as the Public School Code of 1949, providing for conditional employment; imposing penalties for submitting a false affidavit; providing for firefighter and emergency service training as creditable high school courses; and further providing for education support services

providers and grants, for high school certificates and for approved reimbursable rental for approved leases and reimbursable sinking fund charges on debt.

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

**SB 1323 (Pr. No. 1751)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing proceeding.

**SB 1433 (Pr. No. 2067) (Amended)**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for classification and order of payment of claims against the estate of a decedent.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following resolution:

**SR 171 (Pr. No. 2064) (Amended)**

A Resolution urging the Department of Health to develop a task force to investigate the health effects of toxic mold.

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

**BILL INTRODUCED AND REFERRED**

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

June 11, 2002

Senator CONTI presented to the Chair **SB 1474**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting operators from using handheld mobile telephones.

Which was committed to the Committee on TRANSPORTATION, June 11, 2002.

**LEGISLATIVE LEAVE**

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

Senator MELLOW. Mr. President, I request a legislative leave for today's Session for Senator Tartaglione.

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

**CALENDAR**

**SENATE RESOLUTION No. 183  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 11 of the Calendar, as a Special Order of Business, **Senate Resolution No. 183**, entitled:

A Resolution designating the month of October 2002 as "Planning Great Communities 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-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 the Senators having voted "aye," the question was determined in the affirmative.

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

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator D. White.

Senator D. WHITE. Mr. President, I am pleased today to have a guest, Alison Gerber, of Penn Run in Indiana County. She recently completed fourth grade at Penns Manor Elementary School in Clymer, Pennsylvania, and submitted the winning essay in "There Ought to be a Law" competition back home with her proposal about mini license plates for bicycles. Alison believes this is an important law because it could be a way to identify children who could be hurt in a bicycle accident and allow authorities to contact their parents. I hope her experience visiting today will also spark an interest in coming back someday as a lawmaker.

She is active in Girl Scouts and the school basketball team. She is here with her parents, Mark and Stacy Gerber, her older brother Justin, and her fourth-grade teacher, Mrs. LaRue Kensey, and her husband. I ask that the Senate extend its usual warm welcome to Alison and her family.

The PRESIDENT. Would the guests of Senator D. White kindly rise so that we may extend a warm welcome from the Senate of Pennsylvania.

(Applause.)

**GUESTS OF SENATOR JAY COSTA  
PRESENTED TO THE SENATE**

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

Senator COSTA. Mr. President, I rise today and would like to take this opportunity to introduce to the Senate three of the four

interns with whom I have had the pleasure of working back in my district office in the Pittsburgh area. Mr. President, all three come from different backgrounds and educational institutions; however, they all possess one similar interest, and that is State government and the laws surrounding its operation.

Lindsey Behrman of Penn Hills graduated with honors in June 2001 from Woodland Hills High School and is currently pursuing an English degree at the University of Pittsburgh. Upon graduation from Pitt, she intends to pursue a teaching certificate. Between her studies and attending classes, she can be found challenging her opponents on the volleyball court.

Allison Haberski, originally from the Wilkes-Barre area, also attends the University of Pittsburgh, and as a senior she is pursuing a communications degree with a focus in media and mass communications. After graduating, she hopes to travel to various parts of the United States, as well as internationally, before pursuing a career in advertising and public relations. Allison is the daughter of our Senate Democratic photographer, Jim Haberski, who currently works with us here in Harrisburg. She can be found reading and planning her future travel endeavors in her spare time.

Finally, Mr. President, Matthew Matyasovsky of McKeesport is a 2000 graduate of South Allegheny High School and is now a junior at Waynesburg College, pursuing a criminal justice degree. He is a Waynesburg College honor scholar, leadership scholar, student senator, judiciary committee member, and has been on the dean's list four straight semesters. I am very happy, Mr. President, that Matt does not actually reside in my district, I might add. In his spare time, like most of us, he can be found swinging his clubs on the golf course.

Mr. President, I am truly honored to have these fine individuals working in my district office, and I ask that the Senate give them its warm welcome.

The PRESIDENT. Would the guests of Senator Costa please rise so that we may extend to you a warm welcome.

(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 today for the introduction of some guests. I have some friends visiting today, Russ and Lisa Andersen, who live in Doylestown. Russ works as a real estate broker, and Lisa is in accounting and sales in Newtown. They are spending the day with me in the Capitol, and I ask you, Mr. President, to lead the Senate in its usual warm welcome for my guests.

The PRESIDENT. Would the guests of Senator Conti kindly rise so that we may extend to you a warm welcome.

(Applause.)

#### **GUESTS OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO THE SENATE**

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

Senator BRIGHTBILL. Mr. President, I have in the gallery two young people who are interns this summer here in Harrisburg. One is a young man by the name of Gregory Becker. His parents are Sam and Denise Becker, and they reside in Palmyra, Lebanon County. Greg graduated from Lebanon Catholic High School and he will be attending Pennsylvania State University at University Park, majoring in economics.

The other young person, Elizabeth Hess, actually resides in Dauphin County. Her parents are David and Mary Hess. Some people will remember David Hess from the days when he was the executive director of the Committee on Environmental Resources and Energy under Mike Fisher. He also serves as secretary of the Department of Environmental Protection. She is a junior at American University, majoring in political science and international studies. Both are really delightful young people.

The PRESIDENT. Would the guests of Senator Brightbill kindly rise so that we may extend to you a warm welcome.

(Applause.)

#### **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:

#### **CORONER, LAWRENCE COUNTY**

June 11, 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 19, 2002, for the appointment of Theo O. McCracken, 825 Beckford Street, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, as Coroner, in and for the County of Lawrence, to serve until the first Monday of January 2004, vice John Russell Noga, resigned.

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

Mark S. Schweiker  
Governor

#### **NOMINATION RETURNED TO THE GOVERNOR**

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

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

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

#### **RECESS**

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

Senator BRIGHTBILL. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Majority Caucus Room. I would judge that we will be back about 4:00 or 4:30.

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

Senator MELLOW. Mr. President, the Democrats will caucus as well.

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

**AFTER RECESS**

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR SEAN F. LOGAN  
PRESENTED TO THE SENATE**

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

Senator LOGAN. Mr. President, I wanted to introduce two of my district office interns who were not here before when we opened our Session. They are with us in the gallery. One is Amanda Risha, who is in my McKeesport district office. She is a sophomore at the University of Pittsburgh, and also Jade Briggs, who is a junior at Robert Morris College. I would hope the Senate would give them a warm welcome.

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

**CONSIDERATION OF CALENDAR RESUMED**

**BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS TO SENATE AMENDMENTS**

**BILL OVER IN ORDER**

**SB 1089** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**THIRD CONSIDERATION CALENDAR**

**BILLS REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**HB 170 and SB 832** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED, AMENDED**

**HB 1360 (Pr. No. 3980)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1988 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police and Firefighter

Postretirement Adjustment Act, further providing for definitions, for special ad hoc postretirement adjustments and for the administration of the Commonwealth's reimbursements for these adjustments; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A3249:

Amend Sec. 10, page 13, line 21, by striking out "JULY 1" and inserting: June 30

Amend Sec. 10, page 13, line 24, by striking out "JULY 1" and inserting: June 30

Amend Sec. 10, page 14, line 1, by striking out "JULY 1" and inserting: June 30

Amend Sec. 11, page 14, line 2, by striking out "in 60 days" and inserting: immediately

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 REREPORTED FROM COMMITTEE  
AS AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1363 (Pr. No. 3981)** -- 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 payments under existing pension plans and for service increments to pensions of police and firefighters.

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

**HB 1848 (Pr. No. 3982)** -- The Senate proceeded to consideration of the bill, 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 the time period of research and development tax credits.

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 763 (Pr. No. 1968)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

**YEA-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**

**SB 857** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 893 (Pr. No. 2036)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No. 284), known as the Pennsylvania Securities Act of 1972, further providing for definitions, for exempt securities and transactions, for exemption proceedings, for registration by coordination, for general registration provisions, for denial, suspension, revocation and conditioning of registrations, for federally covered securities, for exemptions and for registration and notice filing procedures; providing for prearranged trading programs; further providing for time limitations on rights of actions, for right of the Pennsylvania Securities Commission to bring actions, for investigations and subpoenas and for criminal penalties; providing for return of sales compensation; further providing for administration, for salaries of commissioners, for fees, for assessments, for administrative files, for miscellaneous powers of commission, for hearings and judicial review, for regulations and forms and orders; and providing for burden of proof.

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, Senate Bill No. 893 brings Pennsylvania's law in line with the changes in the Federal Gramm-Leach-Bliley Financial Modernization Act and

strengthens the penalties for Securities Act violations. Fines are doubled to deter fraud. Senate Bill No. 893 provides more enforcement powers to the Pennsylvania Securities Commission to combat scams.

Finally, Senate Bill No. 893 brings the Pennsylvania Securities Act in line with other State laws protecting our senior citizens. In Senate Bill No. 893, a person can receive more severe penalties for security fraud committed against anyone over the age of 60. The current lower limit is a great aid to protecting the interest of the public, and particularly our senior citizens. This legislation is supported by the Pennsylvania Securities Commission, and I urge a favorable vote on the bill.

Thank you, Mr. President.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

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

On the question,  
Shall the bill pass finally?

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

YEA-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.

BILLS OVER IN ORDER

SB 1164, SB 1222 and SB 1225 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 1257 (Pr. No. 2002) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of environmental harassment; and providing a penalty.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator SCARNATI offered the following amendment No. A3169:

- Amend Sec. 1 (Sec. 5518), page 2, line 8, by striking out "the business"
- Amend Sec. 1 (Sec. 5518), page 2, line 9, by striking out "of the" and inserting: including any
- Amend Sec. 1 (Sec. 5518), page 2, line 9, by inserting a comma after "business"

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 TEMPORARILY

SB 1366 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 1370, SB 1406, SB 1416 and HB 1458 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 2005 (Pr. No. 3790) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for compensation of solicitors appointed by county officers.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator WAUGH offered the following amendment No. A3217:

- Amend Title, page 1, line 13, by removing the period after "OFFICERS" and inserting: and for private services by certain county employees.
- Amend Bill, page 4, line 17, by striking out all of said line and inserting:  
Section 2. Section 1210 of the act is amended to read:  
Section 1210. Private Services, Gifts and Payments, Contracts, Prohibited.--(a) No sheriff, deputy sheriff, detective or other county police officer whatsoever, shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services. Nothing herein contained shall prohibit such officers from serving writs and other legal process as authorized by law. Any compensation payable to any such officer for official duties and services shall be paid only out of the proper county, or other public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the county or to any official or agent thereof, shall not constitute public funds within the meaning of this section.



(b) No county, or any official or agent thereof, shall accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by any person, association or corporation.

(c) Any contract or agreement, whatsoever, made in violation of the provisions of this section, shall be utterly void and of no effect, in law or in equity, and is hereby declared to be contrary to public policy.

(d) Notwithstanding any other provision of this section, unless otherwise prohibited by resolution or ordinance of the county, an individual who is employed as a sheriff, deputy sheriff, detective or other county police officer may engage in outside employment, including employment in security, during a period in which the individual is not scheduled to perform, nor performing, duty as a county employe. The county is not liable for any damage resulting from an act of an individual acting under this subsection.

Section 3. This act shall take effect as follows:

- (1) The amendment of section 1630 of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

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 MELLOW offered the following amendment No. A3164:

Amend Sec. 1 (Sec. 1630), page 4, lines 14 and 15, by inserting brackets before and after "OF QUARTER SESSIONS AND OYER AND TERMINER"

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 LAID ON THE TABLE**

**HB 2125 (Pr. No. 3768)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**HB 2125 TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Mr. President, I move that House Bill No. 2125, Printer's No. 3768, be taken from the table and placed on the Calendar.

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

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

**BILL OVER IN ORDER**

**HB 2164** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 2312 (Pr. No. 3676)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Pennsylvania State Route 33 in Northampton County as the General Anthony Clement McAuliffe 101st Airborne Memorial Highway.

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-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.
Earl	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SECOND CONSIDERATION CALENDAR**

**BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**SB 1258, SB 1272 and HB 2398** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION**

**HB 2530 (Pr. No. 3978)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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

#### BILLS OVER IN ORDER

**HB 330, SB 451, SB 559, HB 582, HB 590, HB 641, HB 751, HB 754, SB 856, HB 878, SB 1187, SB 1210, SB 1243, SB 1290, SB 1364, SB 1368, SB 1372, SB 1401, SB 1403, SB 1409, SB 1410, SB 1423, SB 1448, SB 1453, SB 1459, HB 1478, HB 1952 and HB 2445** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### SENATE RESOLUTION No. 216, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 11 of the Calendar, **Senate Resolution No. 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.

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

On the question,

Will the Senate adopt the resolution?

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

#### ANNOUNCEMENT BY MAJORITY LEADER

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

Senator BRIGHTBILL. Mr. President, just for the Members' information, we will have a short meeting of the Committee on Rules and Executive Nominations, which we will hold off the floor within the next 5 or 10 minutes. I just thought I would provide that information for the Members.

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider Senate Bill No. 766, Senate Resolution No. 220, and certain nominations.

#### RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately.

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 be held in the Rules room at the rear of the Senate Chamber. For that purpose, without objection, the Senate stands in recess.

#### AFTER RECESS

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

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

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

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

May 20, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Denise Illig Robison, Nine Niagara Pier, Erie 16507, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2004, and until her successor is appointed and qualified, vice Reverend Amos Goodwine, Sr., Erie, resigned.

Mark S. Schweiker  
Governor

#### MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

May 2, 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, Anne N. Davies, PO Box 163, Huntsville Road, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, 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 Robert W. Wentzel, Halifax, whose term expired.

Mark S. Schweiker  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

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, Virginia Jones, 1260 Boiling Springs Road, Boiling Springs 17007, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Willie M. Cooney, Harrisburg, resigned.

Mark S. Schweiker  
Governor

MEMBER OF THE HEALTH  
POLICY BOARD

May 2, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David K. Kelley, M.D., MPA, 2700 Roberts Valley Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Kimberly A. Rankin, New Providence, whose term expired.

Mark S. Schweiker  
Governor

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

May 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, Timothy Cuevas, 4683 Stafford Avenue, Bethlehem 18020, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until his successor is appointed and qualified, vice Gregory J. Celia, Lancaster, whose term expired.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BLAIR COUNTY

April 5, 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, Daniel J. Milliron, Esquire, 101 South Beckman Drive, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Blair County, to serve until the first Monday of January 2004, vice The Honorable Norman D. Callan, lost retention election.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
MONTGOMERY COUNTY

April 5, 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, Steven T. O'Neill, Esquire, 426 Bryn Mawr Avenue, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2004, vice The Honorable Samuel W. Salus, II, resigned.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

April 5, 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, Emil A. Giordano, Esquire, 4380 Loraine Lane, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January 2004, vice The Honorable Robert E. Simpson, Jr., resigned.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 5, 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, Joseph A. Dych, Esquire, 1922 Green Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Richard B. Klein, resigned.

Mark S. Schweiker  
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

May 31, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Graci, Esquire, 506 Deubler Road, Camp Hill, 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Judge of the Superior Court, to serve until

the first Monday of January 2004, vice The Honorable J. Michael Eakin, resigned.

Mark S. Schweiker  
Governor

**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

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

May 20, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert S. Markle, 1799 Spring Run Road, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years, and until his successor is appointed and qualified, vice Thomas F. Rockenbach, Jr., Allison Park, resigned.

Mark S. Schweiker  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL**

May 8, 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, Mark C. Inge, 3122 Woodridge Drive, Landisville 17538, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2005 and until his successor is appointed and qualified, vice Pattee Miller, Reading, resigned.

Mark S. Schweiker  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
WERNERSVILLE STATE HOSPITAL**

May 8, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis D. Louwerse, 103 Park Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified.

Mark S. Schweiker  
Governor

**MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE**

May 15, 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, Charlotte L. Kanour, (Republican), 706 West Locust Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified.

Mark S. Schweiker  
Governor

**MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE**

May 15, 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, Martha F. Lynch, (Republican), 121 Clearfield Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for reappointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified.

Mark S. Schweiker  
Governor

**MEMBER OF THE FAYETTE COUNTY  
BOARD OF ASSISTANCE**

May 14, 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, Donald M. Miller, II, (Republican), 123 Ben Lomond Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Joseph Dorazio, Uniontown, whose term expired.

Mark S. Schweiker  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

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

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

**MEMBER OF THE BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL**

June 4, 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 May 2, 2002, for the appointment of Dale M. Miller, 1099 Lafayette Street, Bridgeville 15017, Allegheny County, Thirty-seventh Senatorial District, as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified.

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**

June 4, 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 May 8, 2002, for the appointment of Christine C. Brubaker, 22 Leaf Park, Lancaster 17603, Lancaster County, Thirteenth 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.

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

Mark S. Schweiker  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1**

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 1360 (Pr. No. 4010)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1988 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act, further providing for definitions, for special ad hoc postretirement adjustments and for the administration of the Commonwealth's reimbursements for these adjustments; and making editorial changes.

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

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

**UNFINISHED BUSINESS BILL RECOMMITTED**

**SB 1465 (Pr. No. 2050)** -- The Senate proceeded to consideration of the bill entitled:

June 11, 2002

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on Education

### REPORTS FROM COMMITTEES

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

**SB 766 (Pr. No. 2072) (Amended) (Rereported) (Concurrence)**

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for certain reimbursement.

Senator GERLACH, from the Committee on Local Government, reported the following bills:

**SB 1374 (Pr. No. 2069) (Amended)**

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for private services, gifts, payments and contracts which are prohibited.

**SB 1380 (Pr. No. 1858)**

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

**HB 930 (Pr. No. 4009) (Amended)**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to consolidation or merger, for initiative of electors seeking consolidation or merger without home rule; providing for initiative of electors seeking consolidation or merger with a new home rule charter; further providing for conduct of referenda and for consolidation or merger agreement; and making editorial changes.

### RESOLUTION REPORTED FROM COMMITTEE

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

**SR 220 (Pr. No. 1965)**

A Resolution observing the third Saturday of June 2002 as "Juneteenth National Freedom Day" in Pennsylvania.

The PRESIDING OFFICER. The resolution 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:

#### A PETITION

To place before the Senate the nomination of Daniel J. Milliron, Esq., as Judge, Court of Common Pleas, Blair County.

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 Daniel J. Milliron, Esq., as Judge, Court of Common Pleas, Blair County, 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

June 11, 2002

#### A PETITION

To place before the Senate the nomination of Steven T. O'Neill, Esq., as Judge, Court of Common Pleas, Montgomery County.

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 Steven T. O'Neill, Esq., as Judge, Court of Common Pleas, Montgomery County, 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

June 11, 2002

#### A PETITION

To place before the Senate the nomination of Emil A. Giordano, Esq., as Judge, Court of Common Pleas, Northampton County.

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 Emil A. Giordano, Esq., as Judge, Court of Common Pleas, Northampton County, 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

June 11, 2002

## A PETITION

To place before the Senate the nomination of Joseph A. Dych, Esq., as Judge, Court of Common Pleas, Philadelphia County.

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 Joseph A. Dych, Esq., as Judge, Court of Common Pleas, Philadelphia County, 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

June 11, 2002

## A PETITION

To place before the Senate the nomination of Doris M. Leisch, Esq., as Judge, Traffic Court of Philadelphia.

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 Doris M. Leisch, Esq., as Judge, Traffic Court of Philadelphia, 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

June 11, 2002

## A PETITION

To place before the Senate the nomination of Domingo Quintero-Martinez, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

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 Domingo Quintero-Martinez, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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

June 11, 2002

## A PETITION

To place before the Senate the nomination of Jennifer Hoover, as District Justice, York County.

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 Jennifer Hoover, as District Justice, York County, 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

June 11, 2002

## A PETITION

To place before the Senate the nomination of Stephanie Moore, as District Justice, York County.

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 District Justice, York County, 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. Charles Brubaker, Mr. and Mrs. Robert Sangrey and to Kenneth Work by Senator Armstrong.

Congratulations of the Senate were extended to Elaine Brandt and to Larry Bowman by Senator Brightbill.

Congratulations of the Senate were extended to the Reverend Monsignor Francis J. Zavodny, Maria Teresa Donate and to Northampton Community College by Senator Dent.

Congratulations of the Senate were extended to the Lehigh Valley Latino students by Senators Dent and Boscola.

Congratulations of the Senate were extended to Michael J. Lehr by Senator Gerlach.

Congratulations of the Senate were extended to Rebecca Smith by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Wayne Arthur by Senator Lemmond.

Congratulations of the Senate were extended to Joseph Viscovitz by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Bernard A. Shalonis by Senator Mowery.

Congratulations of the Senate were extended to Ronald M. Ewing by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Henry J. Jendrey, Westinghouse Electro-Mechanical Division of Cheswick and to the Sisters of Divine Providence, Mother of Divine Providence Chapel, of Pittsburgh, by Senator Orie.

Congratulations of the Senate were extended to the McEntire Farm, J. C. Bears, Inc., of Meadville, Precision Profiles, Inc., of Titusville, Arrow Electric, Inc., of Jamestown, and to Ongley Hardwoods, Inc., of Spartansburg, by Senator Robbins.

Congratulations of the Senate were extended to the West Chester University Women's LaCrosse Team by Senator Thompson.

Congratulations of the Senate were extended to Mossie Abbott by Senator Wagner.

Congratulations of the Senate were extended to Cynthia D. Hopf by Senator M.J. White.

### BILLS ON FIRST CONSIDERATION

Senator D. WHITE. 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 449, SB 885, SB 1256, SB 1323, SB 1374, SB 1380, SB 1433, HB 286, HB 767, HB 930, HB 1012, HB 1272, HB 1501, HB 1804, HB 2020 and HB 2200.**

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

### PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Mr. President, as you know, both the Democratic and Republican candidates for Governor have pledged to call a Special Session of the legislature to address the issue of local property taxes. And since both parties agree that a Special Session is the best way to focus on this issue and remove the burden of property taxes for homeowners, especially for our senior citizens, I see no reason to wait. Under Pennsylvania's Constitution, Article II, Section 4, it says, "Special sessions shall be called by the Governor on petition of a majority of the

members elected to each House...." So if you believe, as I do, that there is no pocketbook issue that is more important to the people we represent than property tax relief, I would urge you to join me and join your fellow colleagues in the House and the Senate in signing an Article II petition that I have drafted calling for a Special Session of the legislature to deal with property taxes right now, not a year from now or 2 years from now, but right now.

Thank you, Mr. President.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### WEDNESDAY, JUNE 12, 2002

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 704, 1393, 1396, 1419, 1462, 1463 and 1474; and House Bill No. 1670)	Room 461 Main Capitol
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10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 1424)	Room 461 Main Capitol
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### ADJOURNMENT

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I move that the Senate do now adjourn until Wednesday, June 12, 2002, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:50 p.m., Eastern Daylight Saving Time.