

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, OCTOBER 1, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 56

SENATE

TUESDAY, October 1, 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 CRAIG LANTZ, retired Army Chaplain of Glen Rock, offered the following prayer:

Let us pray.

Almighty God, as we gather here this afternoon we thank You for all the many blessings that You are continually bestowing upon us. We thank You for bringing us into this day, for the privilege of living in this good land of promise and opportunity, and for the privilege of serving the people of our Commonwealth.

Refresh our hearts with dedication to the ideals of our Founding Fathers, with appreciation for the honesty of just women and men, with obedience to the laws of upright men and women, and with service to our constituents. Forgive us when our patriotism is hollow, our service half-hearted, when our concern for our people tires and party politics prevent clear vision. Stir within us thanksgiving for all that we have inherited, a renewed effort to serve all of our people, a renewed dedication to the office to which all have been elected here, a willingness to be open-minded, and the courage to stand on our principles at all costs.

As these honorable men and women deliberate the issue of property taxes, especially this day, guide and direct them with a deep sense of obligation to those who have placed their trust in them. Help them to debate honestly and openly, help them to hear one another's viewpoints, help them to vote their conscience.

Bless the Governor and the people of our Commonwealth as well, and bless each of us as we attempt to serve to the best of our ability. In Your holy name we pray. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 30, 2002.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION**

September 30, 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 E. Graybill, DVM, 577 Willow Road, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

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

September 30, 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Donald E. Abrey, Wyalusing, resigned.

Mark S. Schweiker
Governor

RECALL COMMUNICATIONS 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:

SECRETARY OF AGING

September 30, 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 September 4, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as Secretary of Aging, to serve until the third Tuesday of January 2003, vice The Honorable Richard Browdie, Harrisburg, resigned.

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

Mark S. Schweiker
Governor

SECRETARY OF BANKING

September 30, 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 September 4, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as Secretary of Banking, to serve until the third Tuesday of January 2003, vice The Honorable James B. Kauffman, Jr., Harrisburg, resigned.

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

Mark S. Schweiker
Governor

BILLS INTRODUCED AND REFERRED

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

October 1, 2002

Senators PICCOLA, TARTAGLIONE, LEMMOND and WOZNIAK presented to the Chair **SB 1535**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

Which was committed to the Committee on FINANCE, October 1, 2002.

Senators ORIE, LAVALLE, ERICKSON, PUNT, O'PAKE, LEMMOND, TOMLINSON, WOZNIAK and MOWERY presented to the Chair **SB 1536**, entitled:

An Act requiring fiscal notes and a continuing study of all legislation, regulations and court decisions having a fiscal impact on public schools.

Which was committed to the Committee on EDUCATION, October 1, 2002.

Senators ORIE, C. WILLIAMS, COSTA, KITCHEN, LOGAN, MUSTO, TARTAGLIONE, MOWERY, BOSCOLA, TOMLINSON, RHOADES and KASUNIC presented to the Chair **SB 1537**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death.

Which was committed to the Committee on JUDICIARY, October 1, 2002.

Senators ORIE, TARTAGLIONE, WOZNIAK, MOWERY and KITCHEN presented to the Chair **SB 1539**, entitled:

An Act providing for law enforcement officer residency requirements.

Which was committed to the Committee on LAW AND JUSTICE, October 1, 2002.

Senators BRIGHTBILL, M. WHITE, STOUT, WENGER, TOMLINSON, RHOADES, CORMAN, THOMPSON, MOWERY, CONTI, ROBBINS, ERICKSON, COSTA, MUSTO, ORIE, BOSCOLA and LEMMOND presented to the Chair **SB 1541**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense relating to lie detector tests.

Which was committed to the Committee on JUDICIARY, October 1, 2002.

Senator THOMPSON presented to the Chair **SB 1542**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to the Society for the Prevention of Cruelty to Animals of Chester County, Inc., certain land situate in West Bradford Township, Chester County.

Which was committed to the Committee on STATE GOVERNMENT, October 1, 2002.

Senators RHOADES, LAVALLE, ARMSTRONG, KITCHEN and WOZNIAK presented to the Chair **SB 1543**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for dates and times of school terms and sessions.

Which was committed to the Committee on EDUCATION, October 1, 2002.

Senators CONTI, TOMLINSON, THOMPSON, MOWERY, LEMMOND, COSTA, HUGHES, KITCHEN, MUSTO, O'PAKE and WOZNIAK presented to the Chair **SB 1544**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for health services.

Which was committed to the Committee on EDUCATION, October 1, 2002.

Senators CONTI, TOMLINSON, LEMMOND and M. WHITE presented to the Chair **SB 1545**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for authority of county commissioners to make contracts.

Which was committed to the Committee on LOCAL GOVERNMENT, October 1, 2002.

RESOLUTIONS INTRODUCED AND REFERRED

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

October 1, 2002

Senators TOMLINSON, KITCHEN, ROBBINS, WENGER, THOMPSON, TARTAGLIONE, EARLL, PUNT, WAGNER, LOGAN, ERICKSON, FUMO, COSTA, HELFRICK, PICCOLA, CORMAN, LEMMOND, D. WHITE, SCARNATI, O'PAKE, BRIGHTBILL, GREENLEAF, DENT, WAUGH, WOZNIAK, STACK, RHOADES, SCHWARTZ and KASUNIC presented to the Chair **SR 278**, entitled:

A Resolution designating the week of November 3 through 10, 2002, as "Women Veterans Week" in Pennsylvania.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, October 1, 2002.

Senators ROBBINS, TOMLINSON, KITCHEN, JUBELIRER, BRIGHTBILL, EARLL, PICCOLA, O'PAKE, WAGNER, MUSTO, THOMPSON, FUMO, CONTI, STOUT, PUNT, HUGHES, D. WHITE, STACK, MOWERY, SCHWARTZ, RHOADES, TARTAGLIONE, HELFRICK, KUKOVICH, HOLL, BODACK, CORMAN, GERLACH, SCARNATI, LAVALLE, DENT, WENGER, C. WILLIAMS, ORIE, MURPHY, LOGAN, GREENLEAF, ARMSTRONG, COSTA, MADIGAN, ERICKSON, LEMMOND, M. WHITE, WAUGH, WOZNIAK and KASUNIC presented to the Chair **SR 279**, entitled:

A Resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans Day, November 11, 2002.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, October 1, 2002.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1459**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

REPORTS FROM COMMITTEES

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

SB 698 (Pr. No. 758)

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, providing for a Deputy Secretary for Local Government Services in the Department of Community and Economic Development.

HB 2378 (Pr. No. 4352) (Amended)

An Act amending the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, amending the title and short title of the act; further providing for legislative purpose, for definitions, for optional fee increases and for disposition of proceeds; and providing for economic development efforts.

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

SB 709 (Pr. No. 796)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance and for driving under the influence of alcohol or controlled substances.

SB 1421 (Pr. No. 2259) (Amended)

An Act protecting the free exercise of religion; and prescribing the conditions under which government may substantially burden a person's free exercise of religion.

SB 1517 (Pr. No. 2260) (Amended)

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

SB 1518 (Pr. No. 2261) (Amended)

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

HB 1285 (Pr. No. 4363) (Amended)

An Act prohibiting false claims; imposing duties on the Attorney General and on district attorneys; and providing for procedures and for penalties.

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

HB 592 (Pr. No. 4353) (Amended)

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 display of the United States flag and relating ceremonies.

HB 2229 (Pr. No. 3865)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing boards of school directors to establish a program to provide high school diplomas to certain veterans.

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

SB 962 (Pr. No. 2257) (Amended) (Rereported)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for licensing and regulation of insurance producers, managers and exclusive general agents; conferring powers and imposing duties on the Insurance Commissioner and Insurance Department; imposing penalties; and making repeals.

SB 1433 (Pr. No. 2067) (Rereported)

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

SB 1452 (Pr. No. 2258) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas.

SB 1466 (Pr. No. 2084) (Rereported)

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, establishing the Targeted Community Revitalization and Crime Prevention Advisory Committee and providing for its powers and duties.

SB 1528 (Pr. No. 2244) (Rereported)

An Act providing for a deposit into the Agricultural Conservation Easement Purchase Fund.

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

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.

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 Mowery.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Mowery. Without objection, that leave is granted.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained leaves of absence for Senator HELFRICK and Senator PICCOLA, for today's Session, for personal reasons.

CALENDAR**SENATE RESOLUTION No. 269
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 2 of the Calendar, as a Special Order of Business, **Senate Resolution No. 269**, entitled:

A Resolution designating October 9, 2002, as "Health Cares About Domestic Violence Day" 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-47

Armstrong	Greenleaf	Mowery	Tartaglione
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tomlinson
Brightbill	Jubelirer	O'Pake	Wagner
Conti	Kasunic	Orie	Waugh
Corman	Kitchen	Punt	Wenger
Costa	Kukovich	Rhoades	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Scarnati	Williams, Anthony H.
Erickson	Logan	Schwartz	Williams, Constance
Fumo	Madigan	Stack	Wozniak
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 MICHAEL A.
O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, visiting the Capitol today are a group of nurses from throughout Pennsylvania, and student nurses, particularly from the nursing school at Reading Hospital School and Medical Center. I would like the Chair to recognize this fine group of medical practitioners and their teacher, Barbara Steslow, who are in the gallery, and I would appreciate your recognition of them.

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

**GUEST OF SENATOR ROBERT J.
MELLOW PRESENTED TO THE SENATE**

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

Senator MELLOW. Mr. President, I would like to introduce Hali Lynne Mellow, who said today her name was Aurora Smith, and on her ID it says she is the receptionist to Grandma Diane Mellow, who is seated over here, and she can go anywhere she wants to in the Capitol building. This is 4-year-old Hali Lynne Mellow.

The PRESIDENT. We have a wonderful recognition for Hali Lynne, and hope she comes back again.
(Applause.)

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

The SECRETARY. Consent has been given for the Committee on Rules and Executives Nominations to meet imminently in the Rules room to consider Senate Bill No. 834, House Bills No. 590, 2410, and certain nominations.

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 meeting of the Committee on Rules and Executive Nominations, which will begin immediately. Thereafter, we will go to caucus and then come back and finish the Calendar.

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

Senator MELLOW. Mr. President, after the meeting of the Committee on Rules and Executive Nominations, I request the Democratic Members report to our caucus room.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules room at the rear of the Chamber, followed by Democratic and Republican 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

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1431 (Pr. No. 2013) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and for penalties.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator WAGNER. Madam President, I rise in support of Senate Bill No. 1431, with the prime sponsor, Senator Corman. I know I am on this bill. I think it is a very important piece of legislation that should pass the Senate, hopefully pass the House of Representatives, and hopefully get the Governor's signature prior to adjournment this year.

Madam President, it is important to note what this bill is about. I introduced a similar bill almost exactly like this piece of legislation well over a year ago, Senate Bill No. 1123. The bill deals with the drug Ecstasy, which is being more frequently used by young people in our society today throughout the country and certainly here in Pennsylvania. Madam President, a group of law enforcement people approached me well over a year ago, headed up by the District Attorney of Allegheny County, Steve Zappala, the Allegheny County Coroner's Office, the Pennsylvania State Police, the United States Drug Enforcement Administration, the Federal Bureau of Investigation, the United States Attorney's Office for the western district of Pennsylvania, suggesting very strongly that the drug Ecstasy, more commonly referred to in medical terms as MDMA, needs tighter penalties in Pennsylvania. Presently, there really are none that specifically deal with this drug. There is a Federal sentence for trafficking this drug of 5 years, only if you have in your possession 800 pills, which obviously is a very large amount of Ecstasy. What this bill does, as my bill did, is sets various levels by which the penalty increases, depending on how many pills you would have in your possession or would be trafficking or selling on the street as a drug pusher, and it begins with a level of 50 pills.

Madam President, why is this important? It is important because Pennsylvanians are dying by overdosing and using this pill. The drug Ecstasy is associated with raves, or all-night dances, especially with young people. The increasing frequency of use of this drug is especially with teenagers. It is easily available. It generally is not made in America, so it is brought into our country. It is made for a very small amount of money,

less than \$1, and sold for \$25 on the street. It can cause serious heart problems, it can cause liver damage, it can cause kidney damage, and it can, over extensive use, cause brain damage.

So it is very important, Madam President, that we pass this legislation. In all frankness, I know I had the original bill in this building, but I am very happy to support the bill. Even though I am in the Minority, I am happy to support my colleague's legislation, and I would like to work with him and anyone to make sure that we finally pass this legislation prior to adjournment of this Session at the end of the year. It is a very, very important piece of legislation, especially for our children.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I will be very brief. One of the reasons that this issue caught my attention was that one of the deaths that happened because of an Ecstasy overdose happened at the University Park Campus of Penn State University in my district, and I think that is why Senator Wagner got involved as well. There was also a large drug bust by the Attorney General's Office throughout Pennsylvania, in Pittsburgh and in State College, of people who were trafficking in this.

I just wanted to briefly thank Attorney General Mike Fisher, who actually came to me and assisted me in doing this piece of legislation. We probably did use some of Senator Wagner's language, I am sure. There have been some changes. I appreciate his support and I appreciate his ideas to help bring this forward, but I also appreciate the great help we got from the Attorney General's Office in bringing this bill to the point where we are today.

Thank you very much.

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-47

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 228, SB 1260 and SB 1265 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1461 (Pr. No. 2252) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in Haverford Township, Delaware County.

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

BILL OVER IN ORDER

SB 1469 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1486 (Pr. No. 2253) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding definitions; providing for State System of Higher Education campus police powers and duties; and making a repeal.

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

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

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

SECRETARY OF AGING

September 30, 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 September 4, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Thirty-first Senatorial

District, as Secretary of Aging, to serve until the third Tuesday of January 2003, vice The Honorable Richard Browdie, Harrisburg, resigned.

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

Mark S. Schweiker
Governor

SECRETARY OF BANKING

September 30, 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 September 4, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as Secretary of Banking, to serve until the third Tuesday of January 2003, vice The Honorable James B. Kauffman, Jr., Harrisburg, 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 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 CONSERVATION COMMISSION

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, Edward D. Kuckuck, 580 North 6th Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2006, 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 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 BOARD OF TRUSTEES OF LINCOLN UNIVERSITY

September 4, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Clarence Morrison, 4308 Beaufort Hunt Drive Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2006 and until his successor is appointed and qualified, vice Jeffrey Sheridan Toalton, Dowingtown, *[sic]* resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

September 17, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ted Darcus, 225 East New Street, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2006, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

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

September 17, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Chief Edward J. Connor, R.R. 1 Box 184-C, Petersburg 16669, Huntingdon County, Thirtieth Senatorial District, for reappointment 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.

Mark S. Schweiker
Governor

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

September 16, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Nevin W. Funk, 6300 Auburn Drive, Mechanicsburg 17055, Cumberland County, Thirty-first 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 Philip W. Briddell, York, whose term expired.

Mark S. Schweiker
Governor

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

September 16, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable William Goldsworthy, Jr., 21 Montgomery Avenue, West Pittston 18643, Luzerne County, Fourteenth 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 The Honorable Thomas R. Stanton, Wheatland, whose term expired.

Mark S. Schweiker
Governor

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

September 17, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Chief William M. Heim, 1713 Crossfield Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for reappointment 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.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF PODIATRY**

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, E. Douglas Newton, M.D., 604 Little Creek Road, Evans City 16033, Butler County, Fortieth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Stephen F. Conti, M.D., Sewickley, whose term expired.

Mark S. Schweiker
Governor

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

September 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, Marilyn Painter (Public Member), 30 Love Place, Pittsburgh 15218, Allegheny County, Thirty-eighth Senatorial District, for appointment 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.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

September 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, Michael J. Burns, Esquire, 12205 Cornerstone Drive, Yardley 19067, Bucks County, Tenth Senatorial District, as District Justice in and for the County of Berks, Magisterial District 07-1-11, to serve until the first Monday of January 2004, vice Joanne M. Adamchak, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE SOMERSET COUNTY
BOARD OF ASSISTANCE

July 3, 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, Shirley J. DeVore, (Democrat) 807 Somerset Avenue, Rockwood 15557, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Kelly A. McVicker, Bosewell, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE SOMERSET COUNTY
BOARD OF ASSISTANCE

July 3, 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, Harold M. Shaulis, Jr., (Republican) 1001 Indiantown Road, Somerset 15501, Somerset County, Thirty-second Senatorial District, for reappointment as a member of the Somerset County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified.

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.

**UNFINISHED BUSINESS
REPORTS FROM COMMITTEE**

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

SB 834 (Pr. No. 2262) (Amended) (Rereported)
(Concurrence)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sexual abuse of children and for unlawful contact or communication with minor; and making editorial changes.

HB 590 (Pr. No. 4134) (Rereported) (Concurrence)

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 2410 (Pr. No. 4373) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for grounds for refusing registration and for renewal of registration; providing for motor carrier vehicles; further providing for operation following suspension of registration and for suspension of registration; providing for suspension of motor carrier vehicle registration; further providing for suspension of operating privilege, for schedule of convictions and points, for occupational limited license, for duty of driver in construction and maintenance areas, for special speed limitations, for trucks and truck tractors and for speed timing devices; providing for accidents involving certain vehicles; further providing for unlawful activities; providing for lighted head lamps in work zones; further providing for operation of vehicle without official certificate of inspection and for inspection by police or Commonwealth personnel; providing for designation of highway safety corridors; further providing for erection of traffic-control devices while working; and requiring a study by the Legislative Budget and Finance Committee.

DISCHARGE PETITIONS

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

October 1, 2002

A PETITION

To place before the Senate the nomination of Edward D. Kuckuck, as a member of the State Conservation Commission.

TO: The President Officer of the Senate:

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

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

October 1, 2002

October 1, 2002

A PETITION

To place before the Senate the nomination of Robert Powelson, as a member of the Board of Trustees of Lincoln University.

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 Robert Powelson, as a member of the Board of Trustees of Lincoln University, 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

October 1, 2002

A PETITION

To place before the Senate the nomination of Barbara Kauffman, as a member of the Delaware County, Board of Assistance.

TO: The President Officer of the Senate:

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

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

October 1, 2002

A PETITION

To place before the Senate the nomination of Samuel Cohn, as a member of the State Employees' Retirement 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 Samuel Cohn, as a member of the State Employees' Retirement 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

October 1, 2002

A PETITION

To place before the Senate the nomination of Stephanie Moore, as a member of the Tioga County Board of Assistance.

TO: The President Officer of the Senate:

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

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

October 1, 2002

A PETITION

To place before the Senate the nomination of Eileen M. Anthony, as a member of the Clearfield County Board of Assistance.

TO: The President Officer of the Senate:

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

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

A PETITION

To place before the Senate the nomination of Helen M. Kistler, as District Justice, Westmoreland 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 Helen M. Kistler, as District Justice, Westmoreland 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 Joseph Andrew Cortright, Grover H. Stainbrook, Jr., and to Meals On Wheels of Northampton County/Bethlehem Area by Senator Boscola.

Congratulations of the Senate were extended to Jessie Campbell by Senator Costa.

Congratulations of the Senate were extended to Ralph W. Seaton, Sr., and to Mary M. Breiner by Senator Dent.

Congratulations of the Senate were extended to Margaret Steigner by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. John L. Molter and to Mr. and Mrs. C. Harold Bankes by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph F. Robertazzi, Sr., Mr. and Mrs. Robert Miller and to Mr. and Mrs. Gerald M. Kibler by Senator Jubelirer.

Congratulations of the Senate were extended to Senator and Mrs. Edward Helfrick, Almeda Utter Wittie and to Saint Agnes School of Towanda by Senator Madigan.

Congratulations of the Senate were extended to M. Clare Christi Schiefer by Senator Murphy.

Congratulations of the Senate were extended to the Polish-American Heritage Committee of Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Harold W. Sweeney by Senator Orié.

Congratulations of the Senate were extended to the Philadelphia Fire Company, Engine 22, by Senator Stack.

SENATE RESOLUTIONS ADOPTED

Senators STACK, BODACK, FUMO, HUGHES, LOGAN, COSTA, EARLL, WAGNER, TOMLINSON, KUKOVICH, TARTAGLIONE, MURPHY, SCHWARTZ, LEMMOND, BRIGHTBILL, KITCHEN, O'PAKE, C. WILLIAMS and RHOADES, by unanimous consent, offered **Senate Resolution No. 282**, entitled:

A Resolution recognizing October 2002 as "The Great Hunger Remembrance Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I come before you today, as I did last year, to honor the tragic victims of that period in Irish history commonly known as The Great Hunger. We are talking about something that began and ended more than 150 years ago, but The Great Hunger must be remembered by the current and future generations because it is too terrible to forget.

That period, known in Ireland as An Gorta Mor, began in the autumn of 1845, when blight destroyed the potato crop upon which the nation was so dependent for food and income. The blight continued for 5 years, bringing levels of devastation that still even today seem unimaginable. More than 1 million lives were lost through starvation and disease. People lost their homes, their livelihoods, their families, and lived in squalor. Another 1 million Irish men and women were forced to emigrate. Thousands of those who left Ireland perished in ill-fated voyages on vessels known as coffin ships. Disease claimed the lives of hundreds of these ill-fated passengers, and many of the ships never reached their destinations.

The real tragedy of The Great Hunger was that much of it was avoidable. In the face of impoverishment and death, the country's upper class, Irish landlords and English merchants, were exporting more than enough wheat to feed the entire nation. The poor starved, the rich got richer, and the middle class evaporated. Blight destroyed the potatoes, but arrogance and greed sustained and prolonged the suffering. Yet from the ashes, a phoenix did rise. Those Irish immigrants who survived the journey to America's shores helped foster the growth of our cities, our State, and our nation by digging canals, mining coal, building railroads, working the land, and contributing to the still young nation's explosive growth into the industrial and economic power that it would soon become.

In the years since, as well as in the present, the descendants of these tough, hardworking survivors have contributed to the quality of American life in every conceivable venue: medicine, business, science, technology, politics, sports, and entertainment. As I speak, a memorial to The Great Hunger is being erected in Philadelphia at Penn's Landing along the Delaware River. The memorial serves the dual purpose of honoring those who died and also to celebrate those who triumphed over the most adverse of circumstances. It is a memorial not just to the Irish and Irish-Americans, but to the indomitable nature of the human spirit.

Today, the Senate has the same opportunity to ensure that we never forget this momentous period of history. I therefore ask for unanimous approval of this resolution, designating October as Great Hunger Remembrance Month in Pennsylvania.

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 WAGNER, on behalf of Senator MELLOW, by unanimous consent, offered **Senate Resolution No. 283**, entitled:

A Resolution proclaiming the week of October 6 through 12, 2002, as "Lupus Awareness Week" in Pennsylvania.

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

BILLS ON FIRST CONSIDERATION

Senator ORIE. 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 698, SB 709, SB 1421, SB 1517, SB 1518, HB 592, HB 1285, HB 2229 and HB 2378.

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

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

**BILL REREPORTED FROM COMMITTEE
ON SECOND CONSIDERATION**

SB 1528 (Pr. No. 2244) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a deposit into the Agricultural Conservation Easement Purchase Fund.

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 1, 2002

HB 1696 -- Committee on Environmental Resources and Energy.

HB 2061 -- Committee on Judiciary.

HB 2384 -- Committee on Local Government.

ANNOUNCEMENT BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, OCTOBER 2, 2002

10:30 A.M.	AGING AND YOUTH (to consider House Bill No. 2055)	Room 461 Main Capitol
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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, October 2, 2002, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 2:58 p.m., Eastern Daylight Saving Time.