

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, OCTOBER 7, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 58

SENATE

MONDAY, October 7, 2002

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

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

PRAYER

The Chaplain of the Senate, Reverend WILLIAM FORREY, of St. Margaret Mary Rectory, Harrisburg, offered the following prayer:

Let us pray.

All merciful and loving God, we gather here before You to offer You praise and thanksgiving for the blessings that flow to us from Your eternal bounty. Open wide for us the door of Your embracing love this day and all days. During this time of challenge, we pray for this great Commonwealth and for all of the citizens across our land, that we continue to experience Your grace and consolation, which is that divine love that draws all of Your children together, bonding us in fellowship and guiding us in the ways of harmony.

Bless the leaders of this esteemed body of public servants and give them courage, inspiration, and strength. Above all, give them wisdom to seek Your ways in accomplishing the work of justice. May the elected Members of this revered institution have foremost in their hearts the welfare of our society and the progress of the common good.

Bestow upon our land renewed and just prosperity to the glory of Your name. We pray this day that with Your guidance and direction we can and will foster values of equality, life, and hope for all those who live in Pennsylvania. Above all, bless our noble efforts as we humbly seek to establish peace in our hearts, peace in our nation, and peace in our world. All these things we ask for in faith in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Forrey, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 2, 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 BILLS

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

SB 238, 483, 1035 and 1045.

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:

**JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY**

October 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, Doris M. Leisch, Esquire, 3437 West Penn Street, Philadelphia 19129, Philadelphia County, Seventh 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 Lynn B. Hamlin, resigned.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

October 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, Andrea E. Puppio, 962 Edwards Drive, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for appointment as District Justice, in and for the County of

Delaware, Magisterial District 32-1-32, to serve until the first Monday of January 2004, vice Christine A. Sereni-Massingier, resigned.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

October 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, Linda Lou Williams, 724 East Boundary Avenue, York 17403, York County, Twenty-eighth Senatorial District, for appointment as District Justice, in and for the County of York, Magisterial District 19-1-01, to serve until the first Monday of January 2004, vice William J. Farrell, III, 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:

**JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY**

October 2, 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 August 1, 2002, for the appointment of Doris M. Leisch, Esquire, 3437 West Penn Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Legrome D. Davis, resigned.

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

Mark S. Schweiker
Governor

DISTRICT JUSTICE

October 2, 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 13, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as District Justice in and for the County of York, Magisterial District 19-1-01, to serve until the first Monday of January 2004, vice William J. Farrell, III, resigned.

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

Mark S. Schweiker
Governor

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

**MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION**

October 7, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 2002, for the appointment of Toni M. Gilhooley, 362 Creamery Road, Greenfield Township 18407, Lackawanna County, Twenty-second Senatorial District, as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until her successor is appointed and qualified, vice Russell S. Howell, Neffsville, whose term expired.

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

Mark S. Schweiker
Governor

2002 PROPERTY DISPOSITION PLAN

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

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

October 3, 2002

Mr. Mark R. Corrigan, Secretary
Senate of Pennsylvania
462 Capitol Building
Harrisburg, PA 17120

Mr. Ted Mazia, Chief Clerk
House of Representatives
129 Capitol Building
Harrisburg, PA 17125

Re: 2002 Property Disposition Plan
Commonwealth Real Estate

Dear Mr. Corrigan and Mr. Mazia:

In accordance with Act 48 of 1981, as amended, 71 P.S. Section 651.1 et seq., I am hereby transmitting to you the revised 2002 Property Disposition Plan for consideration by the General Assembly. This Plan was prepared by the Department of General Services, reviewed by the House and Senate State Government Committees without modification, approved for form and legality by the Office of Attorney General and approved by me as Governor.

Thank you for your cooperation in this matter. Should additional information be required, please contact Secretary Kelly Powell Logan at 787-5996.

Sincerely,

MARK S. SCHWEIKER
Governor

The PRESIDENT. This will appear on tomorrow's Calendar as Surplus Property Disposition Plan No. 1 of 2002.

GENERAL COMMUNICATION

2003-04 BUDGET REQUEST OF THE CONSUMER ADVOCATE

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

OFFICE OF CONSUMER ADVOCATE
Commonwealth of Pennsylvania
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923

October 3, 2002

Hon. Mark S. Schweiker
Governor of Pennsylvania
Commonwealth of Pennsylvania
Room 225, Main Capitol Bldg.
Harrisburg, PA 17120

Hon. Robert C. Jubelirer
Lieutenant Governor and
President Pro Tempore
Senate of Pennsylvania
Room 292, Main Capitol Bldg.
Harrisburg, PA 17120

Hon. Matthew J. Ryan
Speaker
House of Representatives
Room 139, Main Capitol Bldg.
Harrisburg, PA 17120

Gentlemen:

Enclosed with this letter is the Budget Request of the Office of Consumer Advocate (OCA) for Fiscal Year 2003-2004. The OCA's requested budget for Fiscal Year 2003-2004 is \$4,555,000. This budget represents an increase of \$89,000 above our approved 2002-2003 budget of \$4,466,000.

The present budget request is submitted pursuant to Act No. 25 of July 20, 1983. *The OCA budget is not derived from the General Fund*, but is funded through a direct assessment on the companies that are under the jurisdiction of the Pennsylvania Public Utility Commission (PUC).

Please contact me if you have any questions about the OCA's budget request or about the Office of Consumer Advocate.

Sincerely,

IRWIN A. POPOWSKY
Consumer Advocate

The PRESIDENT. This report will be filed in the Library.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Senator Jay Costa, Jr., as a member of the Bipartisan Task Force to Study Prison Population.

Senator Shirley M. Kitchen as a member of the Bipartisan Task Force to Study Prison Population.

Senator Raphael J. Musto as a member of the Recycling Fund Advisory Committee.

REPORTS FROM COMMITTEES

Senator MURPHY, from the Committee on Aging and Youth, reported the following bill:

HB 2055 (Pr. No. 4402) (Amended)

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances; providing for inventory of personal property; authorizing the storage of personal property by elder care facilities; and imposing a penalty.

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

SB 1439 (Pr. No. 2280) (Amended) (Rereported)

An Act relating to alternative fuels; establishing the Alternative Fuels Incentive Grant Fund; authorizing grants to promote the use of alternative fuels; providing for annual report; imposing duties on the Department of Environmental Protection, the Department of Transportation, the Department of Revenue and the Environmental Quality Board; making an appropriation; and making a repeal.

HB 152 (Pr. No. 4403) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for certificates of title; providing for salvage, theft and reconstructed vehicles; further providing for registration of vehicles, for passing school buses, for stopping, standing and parking, for abandonment and stripping of vehicles and for rear wheel shields; providing for restitution of property owners; further providing for inspection requirements, for permit for moving of wooden structures, for official inspection stations, for abandoned vehicles and cargos and for messenger service; and providing for the Messenger and Agent Advisory Committee.

HB 930 (Pr. No. 4009) (Rereported)

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.

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 7, 2002

Senators WAUGH, WENGER, MADIGAN, O'PAKE, THOMPSON, WOZNIAC, KITCHEN, PUNT, M. WHITE, RHOADES, LAVALLE, HUGHES, KUKOVICH, CONTI, DENT, MUSTO, ERICKSON, COSTA, TOMLINSON, MOWERY, SCHWARTZ, ROBBINS, ORIE, LEMMOND and KASUNIC presented to the Chair **SB 1552**, entitled:

An Act providing for farm loans; imposing powers and duties on the Department of Agriculture; and establishing the Next Generation Farmer Loan Program.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 7, 2002.

Senators WAUGH, KITCHEN, TARTAGLIONE, MOWERY and THOMPSON presented to the Chair SB 1553, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

Which was committed to the Committee on TRANSPORTATION, October 7, 2002.

Senator WENGER presented to the Chair SB 1554, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for composition of commission, its membership and removal of commission members, for proposed regulations, procedures and criteria for review, and for final-form regulations and final-omitted regulations, procedures and criteria for review; providing for criteria for review of regulations; and further providing for procedures for disapproval of final-form and final-omitted regulations and emergency-certified regulations, for procedures for subsequent review of disapproved final-form or final-omitted regulations and for existing regulations.

Which was committed to the Committee on STATE GOVERNMENT, October 7, 2002.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for a legislative leave for Senator Greenleaf, and a temporary Capitol leave for Senator Lemmond.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Greenleaf, and a temporary Capitol leave for Senator Lemmond. Without objection, the leaves will be granted.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, October 7, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, November 12, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Tuesday, November 12, 2002, unless sooner recalled by the Speaker of the House of Representatives.

On the question, Will the Senate adopt the resolution?

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

YEA-49

Table with 4 columns: Armstrong, Bodack, Boscola, Brightbill, Conti, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Murphy, Musto, O'Pake, Piccola, Thompson, Tomlinson, Wagner, Waugh, Wenger

Table with 4 columns: Corman, Costa, Dent, Earll, Erickson, Fumo, Gerlach, Greenleaf, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wozniak

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond, and his temporary Capitol leave is cancelled.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room to consider certain nominations.

SENATE RESOLUTIONS ADOPTED

Senators C. WILLIAMS, GERLACH, MELLOW, BODACK, BOSCOLA, COSTA, FUMO, HUGHES, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, LOGAN, MUSTO, O'PAKE, SCHWARTZ, STACK, STOUT, TARTAGLIONE, WAGNER, A. WILLIAMS and WOZNIAK, by unanimous consent, offered Senate Resolution No. 287, entitled:

A Resolution extending condolences on the passing of Ambassador Walter Hubert Annenberg of Wynnewood, Pennsylvania, and Rancho Mirage, California, a generous benefactor of public education and the arts who died on October 1, 2002, at 94 years of age.

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

Senators SCHWARTZ, KUKOVICH, WAGNER, MUSTO, BRIGHTBILL, WOZNIAK, ROBBINS, C. WILLIAMS, STACK, TOMLINSON, WAUGH, ORIE, DENT, BODACK, GREENLEAF, EARLL, BOSCOLA, TARTAGLIONE, THOMPSON, KITCHEN, FUMO, COSTA, ERICKSON, HUGHES and WENGER, by unanimous consent, offered Senate Resolution No. 288, entitled:

A Resolution acknowledging and affirming the integral role of Hispanics and Latinos in the development of this Commonwealth and our nation and designating the week of October 6 through 12, 2002, as "Hispanic Heritage Week" in Pennsylvania.

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

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, first for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room, followed by a caucus of the Republicans in the Majority Caucus Room.

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

Senator O'PAKE. Mr. President, I request a Democratic caucus in our caucus room immediately following the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations in the Rules room, immediately followed by Republican and Democratic caucuses in their respective caucus rooms, without objection, the Senate will stand in recess.

AFTER RECESS

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 1208 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY

HB 2410 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

HB 235 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 235, Printer's No. 3239, be taken from the table and placed on the Calendar.

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1433 and **SB 1469** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 962 - Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE
AS AMENDED, ON SECOND CONSIDERATION
AND AMENDED

SB 1452 (Pr. No. 2258) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LEMMOND, on behalf of himself and Senators RHOADES, MELLOW, and BOSCOLA, offered the following amendment No. A4769:

Amend Sec. 1 (Sec. 911), page 3, line 9, by striking out all of said line and inserting:

Forty-third

[5] 6

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 second consideration, as amended?

It was agreed to.

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

BILLS OVER IN ORDER

HB 228, HB 286 and **HB 592** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 709 (Pr. No. 796) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

SB 1260, SB 1265 and HB 1285 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 1421 (Pr. No. 2259) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

SB 1466 (Pr. No. 2084) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

SB 1517, SB 1518 and HB 2378 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

HB 2410 CALLED UP

HB 2410 (Pr. No. 4373) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 2410 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SENATE RESOLUTION No. 278, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 278**, entitled:

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

On the question,

Will the Senate adopt the resolution?

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

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:

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

October 2, 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 August 1, 2002, for the appointment of Doris M. Leisch, Esquire, 3437 West Penn Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Legrome D. Davis, resigned.

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

Mark S. Schweiker
Governor

DISTRICT JUSTICE

October 2, 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 13, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as District Justice in and for the County of York, Magisterial District 19-1-01, to serve until the first Monday of January 2004, vice William J. Farrell, III, 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 CONSTABLES'
EDUCATION AND TRAINING BOARD**

September 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, The Honorable John S. Anderson, 410 Parsonage Street, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE CONSTABLES'
EDUCATION AND TRAINING BOARD**

September 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, The Honorable James E. Russo, 112 Westholm Drive, Sewickley 15143, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE FARM
PRODUCTS SHOW COMMISSION**

September 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, Randy K. King, 1309 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

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, Anthony Scarantino (Public Member), 2132 West Allen Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gary L. Morrison, Gettysburg, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE INDUSTRIAL BOARD

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, Andrew A. Cuvo, 3661 Southwood Drive, Easton 18045, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January 2003 and until his successor is appointed and qualified, vice Peter Babnis, Hermitage, 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, A. Kenneth Mann, 2314 Marbury Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2007, and until his successor is appointed and qualified, vice Jacqueline Dixon, Pittsburgh, whose term expired.

Mark S. Schweiker
Governor

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

September 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, Barbara Corrigan, R.D. 2, Box 439A,

Wellsboro 16901, Tioga 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 her successor is appointed and qualified, vice Gary M. Welsh, Indiana, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

September 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, Christopher J. Delozier, 1520 Chatham Road, Camp Hill 17011, 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 Daniel E. Hunsinger, Larksville, 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 Stephen L. Margeson, 199-A Acre Drive, Carlisle 17013, Cumberland County, Thirty-first 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 REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS

August 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, Robert J. DeSousa, (Public Member), 964 North Fairville Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Debra C. Blaschak, Esquire, Pottsville, resigned.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor.

Which was agreed to by voice vote.

NOMINATION TAKEN FROM TABLE

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

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, Toni M. Gilhooley, 362 Creamery Road, Greenfield Township 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until her successor is appointed and qualified, vice Russell S. Howell, Neffsville, whose term expired.

Mark S. Schweiker
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

YEA-49

Armstrong	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	
Greenleaf	Mowery	Tartaglione	

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators STACK, O'PAKE, KITCHEN, WAGNER, ERICKSON, LEMMOND, KUKOVICH, COSTA, DENT, LOGAN, BOSCOLA, ORIE, EARLL, THOMPSON, TARTAGLIONE, ROBBINS, KASUNIC, FUMO and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 289**, entitled:

A Resolution declaring the week of October 6 through 12, 2002, as "Casimir Pulaski Week" in Pennsylvania and commemorating the achievements and contributions General Casimir Pulaski made to the United States of America.

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 am pleased to offer this resolution designating the week of October 6 through 12 as Casimir Pulaski Week in Pennsylvania. He was born to Polish nobility but dedicated his life to fighting tyranny and died on these shores in selfless defense of American liberty. He barely reached the age of his 21st birthday when he joined his father in leading the Confederation of Bar, an insurrection by Polish noblemen who resisted the increasing encroachment of Russian rule.

He fought bravely and served with distinction for 3 1/2 years before impending defeat forced his exile to France. During his exile, Count Pulaski joined the Turks in another futile battle against Russian tyranny, but in 1776 he learned of the great revolutionary struggle being waged in America and he knew he had to participate. In Paris, he approached Benjamin Franklin, who at the time was recruiting volunteers to fight for American independence. He impressed Franklin so much that he received a letter of introduction to the Commander-in-Chief, George Washington. In that letter, Franklin described Pulaski as an officer famous throughout Europe for his bravery and conduct in defense of liberties of his country. Shortly after his August 1777 arrival at Washington's headquarters, Pulaski proved his worth by leading a daring counterattack that covered Washington's retreat at the Battle of Brandywine Creek. A month later, the Continental Congress approved Washington's recommendation to commission Pulaski as General of the Cavalry. In September, with the recommendation of Commander-in-Chief George Washington, Pulaski was commissioned Brigadier General of the Cavalry. During the harsh winter of 1777-78, General Pulaski

began introducing his successful and innovative techniques to the American Cavalry. He then recruited Americans from the French, Polish, Irish, and Germans. He eventually gained approval to deploy the Cavalry as an independent unit, a concept not previously considered by the American military.

In May 1779, he led his forces into Charleston, South Carolina, to play a critical role in the successful defense of the city against British forces with far superior numbers. The victory was a major turning point in the American Revolution because it stemmed the tide of what had been a steady British progression toward the North. The British mounted the northward movement after capturing Georgia. On October 9, 1779, a combined French and American force began a Georgia counterattack by laying siege to the city of Savannah. During the initial attack, the French forces were caught in crossfire and their commander was wounded. General Pulaski reacted in the only style he knew: he charged heedlessly into the fray in an attempt to rally his troops. However, he himself was seriously wounded and died 2 days later on a ship transporting him to Charleston.

As a result of his efforts and their aftermath, he will forever be known as the Father of the American Cavalry, but his legacy cannot be defined by political boundaries. Despite a privileged upbringing, Casimir Pulaski was at heart a defender of the liberty and freedom of all men and women. He fought tyranny in his homeland, he fought tyranny with the Turks, and he fought tyranny right here in America. He was a Polish nobleman by birth, but Americans rightfully honor him as one of our greatest patriots.

In a 1777 letter to George Washington, General Pulaski explained why he had traveled so far, and I quote, "I came here, where freedom is being defended; to serve it, to live or die for it." As history unfolded, his powerful words became truly prophetic. General Pulaski's courage, valor, selflessness, and ingenuity are an inspiration to all people everywhere.

October is Polish American Heritage Month, and next week marks 223 years since General Pulaski fell at Savannah. I therefore ask for unanimous support of this resolution designating October 6 through 12 as Casimir Pulaski Week 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.

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. Robert Horst by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Kuzmanko by Senator Bodack.

Congratulations of the Senate were extended to Alyssa Machado and to Randy Stevens by Senator Boscola.

Congratulations of the Senate were extended to Boy Scouts of America, Troop 1, of Sellersville, by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph A. Gaul, Jr., and to the Embassy Theatre of Lewistown by Senator Corman.

Congratulations of the Senate were extended to Beth Shalom Synagogue of Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to State Farm Insurance of Allentown and to the Lehigh Pocono Committee of Concern by Senators Dent and Boscola.

Congratulations of the Senate were extended to Joseph Paul Cash III by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Vogel and to Dan J. Ashcroft by Senator Jubelirer.

Congratulations of the Senate were extended to Henrietta T. Smith by Senator Kitchen.

Congratulations of the Senate were extended to Helen Shiner, Richard Ford, Dennis Damico, American Legion Hill Top Post 819 of Braddock and to the East Pittsburgh Police Department by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Sienkiewich by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. John I. Paul by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Riedel, Mr. and Mrs. Frank Martincic, Court Appointed Special Advocate for Kids, Inc., of Washington and to the Bridgeville Public Library by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Fera by Senator Musto.

Congratulations of the Senate were extended to Berks Career and Technology Center's East and West Campuses by Senators O'Pake, Brightbill, and Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Morrow, Mr. and Mrs. Alfred McKinney and to the Deer Creek United Presbyterian Church of Cheswick by Senator Orié.

Congratulations of the Senate were extended to Carol Gumby by Senator Piccola.

Congratulations of the Senate were extended to Reverend Canon Doris S. Bray, Ann M. Feller, Russell F. Feller, Hayden W. Kuehner, Reverend Scott W. Lingenfelter, Alice W. McKinley, Charles Kutz, Frances R. Binder and to Diane R. Tuthill by Senator Rhoades.

Congratulations of the Senate were extended to the Northwestern Pennsylvania Cooperation Council by Senator Robbins.

Congratulations of the Senate were extended to Elstowe Park of Elkins Park by Senator Schwartz.

Congratulations of the Senate were extended to Hannah Cannon, Sadie Swartz, Andrew Benecewicz and to Reverend Jasmin W. Sculark by Senator Waugh.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late J. Preston Mauk by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Frank J. Schneider, Sr., by Senator Orié.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Granville Evans was extended to the family by Senator Boscola.

BILL ON FIRST CONSIDERATION

Senator HUGHES. Madam President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

HB 2055.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE CLEARFIELD COUNTY BOARD OF ASSISTANCE

October 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, Eileen M. Anthony, (Republican), R.D. 1 Box 196, Grampian 16838, Clearfield County, Twenty-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

RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

MEMBER OF THE STATE EMPLOYEES' RETIREMENT BOARD

October 7, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 24, 2002, for the appointment of Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice James E. Nevels, West Chester, resigned.

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

Mark S. Schweiker
Governor

MEMBER OF THE CLEARFIELD COUNTY BOARD OF ASSISTANCE

October 7, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 15, 2002, for the appointment of Eileen M. Anthony, (Republican), R.D. 1 Box 196, Grampian 16838, Clearfield County, Twenty-fifth Senatorial District, as a member of the Clearfield County Board of Assistance, to serve until December 31, 2003, 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

MEMBER OF THE DELAWARE COUNTY BOARD OF ASSISTANCE

October 7, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 13, 2002, for the appointment of Barbara Kauffman, 3182 Cornerstone Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, as a member of the Delaware County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Ruth Craig, Bryn Mawr, deceased.

Mark S. Schweiker
Governor

MEMBER OF THE TIOGA COUNTY BOARD OF ASSISTANCE

October 7, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 23, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etners 17319, York County, Thirty-first Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Merrill H. Burdick, Westfield, resigned.

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

Mark S. Schweiker
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 8, 2002

- 9:30 A.M. CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 831 and 1339; House Bill No. 967; and a public hearing on House Bill No. 823) Room 8E-B East Wing
- 10:00 A.M. STATE GOVERNMENT (to consider Senate Bill No. 1554; and House Bill No. 1401) Rules Cmte. Conf. Rm.
- 10:30 A.M. PUBLIC HEALTH AND WELFARE and AGING AND YOUTH (informational briefing on Pharmacy Plus Waiver Program) Room 8E-A East Wing
- 11:30 A.M. JUDICIARY (public hearing and committee meeting to consider the nominations of Mitchell S. Goldberg, Esq. for Judge, Court of Common Pleas, Bucks County; Richard Alan Masson, Esq. for Judge, Court of Common Pleas, Cameron/Elk Counties; Michele G. Bononi, Esq. for Judge, Court of Common Pleas, Westmoreland County; and Domenic C. Reda, Jr., for Judge, Traffic Court of Philadelphia; and Senate Bill No. 1212 and House Bill No. 976) Room 8E-B East Wing
- 12:45 P.M. APPROPRIATIONS (to consider Senate Bills No. 374 and 457; and House Bills No. 2200 and 2229) Room 461 Main Capitol
- 12:55 P.M. RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 138, 362 and 406; House Bills No. 2060 and 2207; and certain executive nominations) Rules Cmte. Conf. Rm.

WEDNESDAY, OCTOBER 9, 2002

- 9:30 A.M. FINANCE (to consider Senate Bill No. 1478; and House Bills No. 2591 and 2595) Room 8E-A East Wing
- 9:30 A.M. MILITARY AND VETERANS AFFAIRS and HOUSE VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS joint informational meeting on veterans' meeting on veterans' legislative issues) Hearing Room 1 North Office Building

10:00 A.M.	TRANSPORTATION (to consider Senate Bill No. 925; and House Bill No. 1553)	Room 461 Main Capitol
10:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 514; and House Bills No. 889, 890, 892 and 1947)	Room 8E-A East Wing
10:45 A.M.	LABOR AND INDUSTRY (to consider the nomination of Anne E. Covey, Esq. to the PA Labor Relations Board)	Rules Cmte. Conf. Rm.

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Tuesday, October 8, 2002, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 7:09 p.m., Eastern Daylight Saving Time.