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SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 60

SENATE

WEDNESDAY, October 9, 2002

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DIANE KAREHA, of Luther Crest Retirement Community, Allentown, offered the following prayer:

Let us pray.

Gracious God, thank You for this day and for all the blessings You have entrusted to us. Help us to use wisely the time, talents, and resources that You have given to us.

As these Senators consider the issues before them, may they humbly come before You seeking Your guidance and the strength to do what is good and just. Grant them the courage to take bold steps to ensure high quality educational and vocational opportunities for all the children of this State, regardless of where they live. Help them to find more equitable ways of funding education without overburdening our most vulnerable citizens, our most vulnerable businesses, and our most vulnerable municipalities. Guide them as they consider other measures to promote the health and well-being of all individuals, businesses, and municipalities throughout our beautiful State of Pennsylvania.

O God, we ask Your blessing upon each of these Senators and upon their staff, their families, and their ministries. May they grow in their relationship with You and in their desire to do Your gracious will of love. We ask these things in Your most holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Kareha, who is the guest today of Senator Dent.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 8, 2002.

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

REPORTS FROM COMMITTEES

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

SB 612 (Pr. No. 2228) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the dissemination of criminal history record information to noncriminal justice agencies and individuals.

SB 1100 (Pr. No. 2157) (Rereported) (Concurrence)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for acceptance of gifts or donations; and further providing for governing body of municipal authorities and for certain fiscal reporting.

HB 1215 (Pr. No. 4443) (Rereported) (Concurrence)

An Act providing for the capital budget for the fiscal year 2002-2003; and extending certain projects.

HB 2060 (Pr. No. 4466) (Amended) (Rereported)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the prudent investor rule; codifying existing law setting forth the applicability of provisions relating to diversification; and making a repeal.

Senator EARLL, from the Committee on Finance, reported the following bills:

SB 1478 (Pr. No. 2094)

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for keystone opportunity zones, for keystone opportunity expansion zones, for application, for review, for criteria for authorization of keystone opportunity zone, for tax credit determination and for expiration of act.

HB 2591 (Pr. No. 3878)

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights; and providing additional class options.

HB 2595 (Pr. No. 3748)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for employees eligible for retirement allowances.

Senator MADIGAN, from the Committee on Transportation, reported the following bills:

SB 925 (Pr. No. 1106)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special motorcycle registration plate for veterans.

HB 1553 (Pr. No. 4463) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for classes of licenses, for learners' permits and for notice of change of name or address and for footrests and handlebars on motorcycles; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps and for scope and application of provisions relating to size, weight and load.

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

SB 831 (Pr. No. 2289) (Rereported)

An Act amending the act of June 6, 1980 (P.L.197, No.57), known as the Optometric Practice and Licensure Act, further defining "examination and diagnosis" and "practice of optometry"; and providing for requirements concerning pharmaceutical agents for the treatment of glaucoma and for approval of drugs.

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

SB 514 (Pr. No. 532)

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for residency requirement.

HB 1947 (Pr. No. 4465) (Amended)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; and making editorial changes.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator M.J. White.

Senator M.J. WHITE. Mr. President, I request legislative leaves for Senator Helfrick and Senator Holl, and a temporary Capitol leave for Senator Wenger.

The PRESIDENT. Senator M.J. White requests legislative leaves for Senator Helfrick and Senator Holl, and a temporary Capitol leave for Senator Wenger. Without objection, those leaves will be granted.

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

Senator O'PAKE. Mr. President, I request a legislative leave for Senator LaValle.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator LaValle. Without objection, that leave will be granted.

CALENDAR

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

BILL OVER IN ORDER TEMPORARILY

SB 138 (Pr. No. 2283) -- 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 declaration of policy regarding child victims and witnesses, for original jurisdiction and venue of courts of common pleas, for expenses for investigating grand juries and trials and for compensation and travel allowance for jurors; providing for venue in medical professional liability actions; and further providing for registration procedures and applicability, for sentencing court information and for duties of the Pennsylvania State Police.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 138?

Senator M.J. WHITE. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 138.

On the question,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, may we be at ease for a few moments until several more of our Members get up here, or put Senate Bill No. 138 over temporarily?

MOTION WITHDRAWN

The PRESIDENT. Senator White, would you withdraw your motion right now?

Senator M.J. WHITE. Mr. President, I withdraw the motion to concur and ask that the bill go over in its order temporarily.

The PRESIDENT. Senate Bill No. 138 will go over in its order temporarily.

SB 1452 CALLED UP OUT OF ORDER

SB 1452 (Pr. No. 2297) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator M.J. WHITE, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1452 (Pr. No. 2297) -- 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.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

SB 138 CALLED UP

SB 138 (Pr. No. 2283) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, by Senator M.J. WHITE.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 138 (Pr. No. 2283) -- 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 declaration of policy regarding child victims and witnesses, for original jurisdiction and venue of courts of common pleas, for expenses for investigating grand juries and trials and for compensation and travel allowance for jurors; providing for venue in medical professional liability actions; and further providing for registration procedures and applicability, for sentencing court information and for duties of the Pennsylvania State Police.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 138?

Senator M.J. WHITE. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 138.

On the question,
Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator M.J. White.

Senator M.J. WHITE. Mr. President, I ask for an affirmative vote. Obviously, this bill is the result of the Interbranch Commission on Venue.

CONSTITUTIONAL POINT OF ORDER

Senator COSTA. Mr. President.

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

Senator COSTA. Mr. President, I rise for a constitutional point of order concerning this legislation.

The PRESIDENT. The gentleman will state his point of order.

Senator COSTA. Mr. President, it is my belief that this legislation violates Article III, Section 23, and Article V, Section 10(c), of the Pennsylvania Constitution that clearly and unambiguously places the authority to determine venue matters with the Pennsylvania Supreme Court. Additionally, this legislation violates Article III, Section 32, which prohibits the General Assembly from enacting legislation to create a favored or preferred class of individuals, and I ask the Chair for a ruling on this constitutional point of order.

The PRESIDENT. Senator Costa raises a constitutional point of order, and the question before the Senate is a point of order that Senate Bill No. 138 is unconstitutional and violates Article III, Section 23; Article V, Section 10(c); and Article III, Section 32, of the Constitution of Pennsylvania. Pursuant to Senate Rule III, this question of order will be decided by the Senate, and the question is debatable.

On the question,
Shall the Senate sustain the constitutional point of order?

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

Senator COSTA. Mr. President, as stated, it is my contention that this particular piece of legislation violates the Pennsylvania Constitution in the three respects that I mentioned. Regardless of the merits of this change, the statutory enactment undeniably crosses the frontier from the General Assembly's legislative authority and delves into the supervisory authority over our judicial system granted exclusively to the Supreme Court by our Pennsylvania Constitution.

As I mentioned, two sections of our Constitution in particular clearly grant the issue of venue, the place where actions are filed and where injury is litigated, to the supervisory authority of the

Supreme Court. Article V, Section 10(c), provides that the Supreme Court has the authority to prescribe rules governing practice, procedure, and conduct of the courts, and all statutes that are inconsistent with that grant may be suspended. Currently, Mr. President, Pennsylvania Rules of Civil Procedure 1006 provides that a cause of action may be brought in and only in a county in which the individual may be served or in which the cause of action arose or where the transaction or occurrence took place out of which the cause of action arose or any other county authorized by law, with limited exceptions. Article III, Section 23, provides that the power to change the venue in civil and criminal cases shall rest with the courts, to be exercised in such manner as prescribed by law.

As I mentioned, Mr. President, in addition, this legislation also violates Article III, Section 32, of the Constitution by creating a special class of cases, medical malpractice actions, which may be filed without satisfying the constitutional requirements relating to such special legislation. This special classification may also offend the equal protection clause of the United States Constitution, which as Members of this General Assembly, myself and all my colleagues are sworn to defend.

Mr. President, this legislation makes an important and dramatic change to all civil law as it applies to where cause of actions may be brought in medical negligence actions. The legislation will make a change to the statutory law that overrides the General Rules of Civil Procedure as adopted and published by the Pennsylvania Supreme Court. Specifically, the legislation will require that an action for medical malpractice be brought in the county where the cause of action occurred, not where the injured victim lives, not where the alleged negligent defendant lives, not where the treating hospital or health care institution is located or does business, but where the injury occurred. Mr. President, this unconstitutional legislation to eliminate choice of venue seeks to overturn a very time-honored and tested principle of fairness that allows suit in the county where the defendant regularly does business. It is ironic that the proponents of this legislation wish to statutorily overturn a useful and historic procedural rule originally adopted to favor defendants being forced to defend themselves in a foreign jurisdiction.

And finally, Mr. President, when the General Assembly adopted Act 13, the MCARE Act, it did so by empaneling an Interbranch Commission to study the issue of venue and to ultimately make a report. Mr. President, the four alternatives proposed by a consensus of the commission are a much broader way to restrict venue options than presented in this legislation. Additionally, the commission did not include a recommendation as to whether the issue should be revised legislatively or procedurally by the Supreme Court.

Mr. President, it is my conclusion, based on these constitutional provisions, that we not adopt this legislation, unadvisedly, and again invite suspicion of the statute by our Pennsylvania Supreme Court, and I ask my colleagues to join me in determining that this legislation is not constitutional.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator M.J. White.

Senator M.J. WHITE. Mr. President, on the issue of constitutionality, I served as a Senate representative to the Interbranch

Commission on Venue, and obviously, these questions were discussed. While there was not unanimous agreement, it was the consensus of that body that these provisions concerning venue could be changed either by the court or the legislature. Article III, Section 23, of the Constitution does say, as quoted by the gentleman, "The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law." We have set venue provisions in various laws over the years for such things including profit-making corporations versus nonprofit. We have done it in divorce, we have done it in probate. We have set venue rules for adoption, for higher education assistance, and in several hazardous waste laws. There is a precedent for this body setting venue provisions.

I suggest that forum shopping is not a constitutional right. Neither the 14th amendment of the Federal Constitution nor the Pennsylvania Constitution prohibits us from classifying persons differently or treating classes in different ways so long as that classification is rational and connected to some public policy that is justifiable. In the findings of fact in our MCARE Act, this General Assembly found as a declaration of policy that recent changes in the health care delivery system have necessitated a revamping of the corporate structure for various medical facilities and hospitals across this Commonwealth. This has unduly expanded the recent scope of existing venue rules. Therefore, I believe this provision is constitutional, will withstand constitutional scrutiny, and should be acted upon by this body today.

Thank you.

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

Senator COSTA. Mr. President, if I could very briefly respond, I recognize the comments of Senator White and her reference as a member of the Interbranch Commission dealing with this issue, and I agree that it is a very controversial and complex issue. I would only add that in my understanding, as it relates to venue and jurisdiction, it may in fact be two separate and distinct issues that we are dealing with. It is my opinion that some of the things she made reference to specifically addresses the issue of jurisdiction and where in terms of what court a matter may be brought before the Commonwealth. Specifically, as it relates to venue, Mr. President, I would argue that historically we have only looked at basically two instances where this General Assembly has addressed the issue of venue and laid out a statute that addressed that. One deals with the Sovereign Immunity Act, I believe, which essentially directs where our State government and our local subdivision governments are to be sued in that respect, and there is a benefit to that in the fact that the State should be aware of and know where it is being sued and be able to direct in that regard. Again, that is a political subdivision and not an individual versus another individual.

Secondly, I look to the change of venue with respect to courts and transferring a particular case from one court to another court that we authorized statutorily. As I understand it, to give you an example, a situation where a county was not able to garner sufficient jurors who would be unbiased or a judge or a Court of Common Pleas that would not be unbiased or to be able to provide a fair and impartial trial for a litigant, that in those instances the Commonwealth has permitted rules with respect to the

change of venue. But again, I would argue that this is a situation where we are developing special legislation for a special class of cases and that it may violate the various provisions of the Constitution of our Commonwealth, as well as possibly our U.S. Constitution. But as it relates to the phrase as provided by law, there is an argument that historically we have only addressed the issue of venue in those limited instances and not extended it to individuals in the manner in which we are trying to do today.

Thank you, Mr. President.

The PRESIDENT. The question before the Senate is the point of order raised by the gentleman from Allegheny, Senator Costa. Those voting "aye" will vote to sustain the point of order, thereby declaring Senate Bill No. 138 unconstitutional; those voting "no" will vote that the point of order is not well-taken and thereby declares Senate Bill No. 138 is constitutional.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator M.J. White.

Senator M.J. WHITE. Mr. President, before the vote, I request temporary Capitol leaves for Senator Don White, Senator Corman, and Senator Waugh.

The PRESIDENT. Senator Mary Jo White requests temporary Capitol leaves for Senator D. White, Senator Corman, and Senator Waugh. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Schwartz, Senator Fumo, and Senator Bodack.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Schwartz, Senator Fumo, and Senator Bodack. Without objection, those leaves are granted.

And the question recurring,
Shall the Senate sustain the constitutional point of order?

The PRESIDENT. Once again, the Chair will remind the Members as they vote that those voting "aye" will vote to sustain the point of order raised by Senator Costa, thereby declaring Senate Bill No. 138 unconstitutional, and those voting "no" will vote that the point of order is not well-taken, thereby declaring Senate Bill No. 138 is constitutional.

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

YEA-19

Bodack	Kasunic	Mellow	Stout
Boscola	Kitchen	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Fumo	LaValle	Schwartz	Williams, Anthony H.
Hughes	Logan	Stack	

NAY-30

Armstrong	Greenleaf	Orie	Waugh
Brightbill	Helfrick	Piccola	Wenger
Conti	Holl	Punt	White, Donald

Corman	Jubelirer	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Constance
Earll	Madigan	Scarnati	Wozniak
Erickson	Mowery	Thompson	
Gerlach	Murphy	Tomlinson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Corman, and his temporary Capitol leave is cancelled.

And the question recurring,
Will the Senate agree to the motion to concur in amendments made by the House to Senate Bill No. 138?

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, will the gentlewoman from Venango, Senator White, agree to be interrogated?

The PRESIDENT. Will Senator M.J. White permit herself to be interrogated?

Senator M.J. WHITE. Yes, Mr. President.

Senator KUKOVICH. Mr. President, for the purpose of clarification and legislative intent, the effective date as it is drafted in sections 5 and 6 on pages 14 and 15 is I think a little unclear. I think I know what it means, but I think it would be helpful if we place on the record exactly what the effective date of the venue provision would be. It is clear that the sexual predator language on page 9 would probably begin immediately, but the way section 5 interacts with section 6, it is unclear when the effective date would begin for venue. What is the opinion of the gentlewoman of the effective date pursuant to her reading of the bill?

Senator M.J. WHITE. Mr. President, I believe the venue provision becomes effective for cases filed on or after the effective date of the act, which would be 60 days from passage.

Senator KUKOVICH. Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator D. White, and his temporary Capitol leave is cancelled.

And the question recurring,
Will the Senate agree to the motion to concur in amendments made by the House to Senate Bill No. 138?

The yeas and nays were required by Senator M.J. WHITE 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 Secretary of the Senate inform the House of Representatives accordingly.

HB 2410 CALLED UP OUT OF ORDER

HB 2410 (Pr. No. 4453) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2410 (Pr. No. 4453) -- The Senate proceeded to consideration of the bill, entitled:

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 availability of benefits, 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 restraint systems, 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; requiring certain traffic-control devices in highway work zones; and requiring a study by the Legislative Budget and Finance Committee.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I rise today to offer my support for House Bill No. 2410, a measure that will literally save lives by putting brakes on motorists who drive irresponsibly in work zones. Too often, drivers ignore the posted speed limits in highway construction zones, with tragic results, even though we have doubled fines in those areas. This bill, however, will put

real teeth in our laws, from offering a comprehensive definition of work zones to cracking down on those who drive recklessly through them. Under this measure, anyone who violates a posted speed limit in an active work zone by more than 11 miles per hour will face a 15-day license suspension. And if a driver causes a fatal accident in a work zone while speeding or driving recklessly, he will face the possibility of additional penalties. We are also eliminating the speed tolerance in active work zones and adding to areas where fines are doubled. There will be new fines for driving without headlights in a work zone, and increased penalties for unsafe vehicles, especially those with defective braking systems, and motor carriers who operate without a valid inspection sticker can be placed out of service right on the scene, as soon as they are pulled over. These are just a few of the provisions in this comprehensive bill that will help make our highways safer.

As chairman of the Senate Committee on Transportation, I say it is about time. I also say thank you to all of my colleagues for working with me to move this bill through the process. In particular, I want to thank Senator Brightbill for his support, and Senator Piccola and his staff for working to gain consensus on some provisions that required careful negotiation. This has been a true team effort on the part of lawmakers, and the results show. The measure before us today is sound legislation that will protect not only our PennDOT workers, who are probably at the highest risk for harm, but also the motorists who will travel in our Commonwealth. Mr. President, House Bill No. 2410 is truly in the best interest of everyone who uses our highways, and I urge my colleagues to support this measure.

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

Senator BRIGHTBILL. Mr. President, I am going to be brief. I wanted to say thank you to Senator Madigan and his staff for bringing a very difficult issue to consensus, so what I believe we will see today is a unanimous vote. We worked on this a long time. Senator Madigan led the effort and worked over the summer.

The one thing I wanted to mention is that on my way in today I was focused on today's Calendar and thinking about the kinds of things we were going to be running, including this bill, when I came upon a work zone. It was one of those small work zones where basically they have somebody out with the red sign that says "Stop," and then they turn the sign and it says "Yield," and people go back and forth. And perhaps it was because my head was already here, even though my vehicle was not, that I initially did not see this, and then I noticed it. It occurred to me that for us as legislators, it is very difficult for us to eliminate people driving cars and just not being as focused as they should be. We all know we should be there, we all know we should be paying attention, but a lot of people in today's society drive a lot of miles on a given day, and it is easy to let your mind wander.

So it occurred to me that, gee, if they had a little strobe light on one of those stop signs, which is now a very inexpensive item, that would make a big difference and that would help. It is not a big expense. It would not be very much of a fiscal note to put those battery-operated strobe lights on those signs. Well, this is the kind of thing that this bill helps to do, to drive forward the

technology so that we can be safer and do a better job on our highways.

So I congratulate all those who worked on this who Senator Madigan mentioned, including the people in the House of Representatives. This is not just a product of the Senate, this is something that was worked on in both Chambers with some very concerned people from outside the General Assembly who showed a real interest in this issue and helped to bring it to fruition, and I would say thank you to those very special people, too.

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

Senator MELLOW. Mr. President, I think one area of House Bill No. 2410 that either has not been acknowledged today or has been totally forgotten about was an amendment that we were able to insert in the bill yesterday.

Mr. President, there is no question that we must provide the proper type of safety for people who are working on Pennsylvania roads so that work crew safety is guaranteed by the motoring public. I think this particular proposal, Senate Bill No. 2410, does go a long way in trying to aid that cause.

Mr. President, there is another provision of this bill which has not been mentioned, which I very honestly believe is equally as important to the provision dealing with Senate Bill No. 2410 as originally introduced, and that is the area of the bill that deals with the Safe Kids Campaign. Mr. President, the Safe Kids Campaign put out a publication about 8 months ago that showed, with regard to Pennsylvania protecting their children, that we had a failing grade in protecting our children in motor vehicles. Mr. President, we passed in this Chamber Senate Bill No. 615, which mandated seatbelts for children under a certain age and under a certain weight, and also stated that once the children got above the age of 4 and up to the age of 8, that they must be in a child booster seat. I tried every way I possibly could to get this bill passed to include that provision which would make it mandatory. Unfortunately, Mr. President, individuals not only in this Chamber but in the other Chamber were not satisfied or would not support that particular provision which would make seatbelts to protect children, our greatest natural resource, mandatory. So we had to settle to make it a secondary action. The bill is not as good, the amendment is not as good as the bill that we would have liked to have passed, but sometimes you have to accept a little bit to eventually get to the end of the road on a very important proposal.

So back in the spring of this year the Safe Kids Campaign gave the State of California an A grade and the State of Pennsylvania an F grade, but at least we have been able to address some of that issue, and this particular provision has been endorsed now by the Pennsylvania Safe Kids Campaign. Unfortunately, it only makes seatbelts mandatory for young children a secondary offense when action is taken against a driver in a violation of the Motor Vehicle Code. I wish that it were a primary offense. Nevertheless, it does go a long way to try to continue to protect our greatest natural resource, the children of this great State of ours, so that is a very important aspect of this proposal that goes along with trying to improve Pennsylvania roads with regard to truck safety and safety in construction zones.

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

THIRD CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE
AS AMENDED REREFERRED**

SB 374 (Pr. No. 2293) -- 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, further providing for per capita taxes; and providing for the imposition and collection of an earned income and net profits tax by school districts after approval by the electors.

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 1215 (Pr. No. 4443) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2002-2003; and extending certain projects.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1215?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1215.

On the question,
Will the Senate agree to the motion?

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Waugh, and his temporary Capitol leave is cancelled. Senator Schwartz is on the floor, and her temporary Capitol leave is cancelled.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL 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.
Earl	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 Secretary of the Senate inform the House of Representatives accordingly.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 228, HB 967, HB 976, SB 1212, SB 1260, SB 1265, HB 1285 and SB 1339 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1401 (Pr. No. 4427) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the contents of lists of Commonwealth employees; and exempting certain persons from Federal law relating to public assistance.

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

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

BILLS OVER IN ORDER

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

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1554 (Pr. No. 2284) -- The Senate proceeded to consideration of the bill, 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.

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

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

BILL REREFERRED

HB 2055 (Pr. No. 4402) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL OVER IN ORDER

HB 2378 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1213, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

SUSPENSION OF RULE XIV

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

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV to the extent that it requires Senate Bill No. 1213 to be referred to the Committee on Rules and Executive Nominations, and that Senate Bill No. 1213 be placed on a Supplemental Calendar.

The PRESIDENT. Senator Brightbill moves that Senate Rule XIV been suspended insofar as it requires Senate Bill No. 1213 to be referred to the Committee on Rules and Executive Nominations, and that the bill appear directly on the Calendar.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL 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.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 832, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

SUSPENSION OF RULE XIV

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

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV to the extent that it requires Senate Bill No. 832 to be referred to the Committee on Rules and Executive Nominations, and that Senate Bill No. 832 be placed on a Supplemental Calendar.

The PRESIDENT. Senator Brightbill moves that Senate Rule XIV be suspended insofar as it requires Senate Bill No. 832 to be referred to the Committee on Rules and Executive Nominations, and that the bill appear directly on the Calendar.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL 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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Wenger, 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 imminently in the Rules room to consider Senate Bill No. 374 and certain nominations.

RECESS

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

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room. After that meeting, we will come back to the floor, and I imagine we will not be gone for more than 5 or 10 minutes.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room at the rear of the Senate Chamber, after which we will return to the floor. Without objection, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY**

SB 1439 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 2229 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 235 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 286 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 592, SB 709, HB 930, SB 962 and SB 1421 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1466 (Pr. No. 2298) -- 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 third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

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

YEA-49

Table listing names of senators in support of the bill, including Armstrong, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Fumo, Gerlach, Greenleaf, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Orié, Piccola, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, and Wozniak.

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.

SB 1469 (Pr. No. 2299) -- 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 six month limitations and for deficiency judgments.

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

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

YEA-49

Table listing names of senators in support of the bill, including Armstrong, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Fumo, Gerlach, Greenleaf, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Orié, Piccola, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, and Wozniak.

NAY-0

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

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

BILL REREFERRED

HB 2207 (Pr. No. 2992) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for procedure for licensing as professional land surveyor.

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

SECOND CONSIDERATION CALENDAR RESUMED

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

HB 152 (Pr. No. 4403) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MADIGAN offered the following amendment No. A4913:

Amend Title, page 1, line 6, by inserting after "vehicles,": for annual hauling permits,

Amend Title, page 1, line 8, by inserting after "vehicles": , for windshield obstructions and wipers

Amend Title, page 1, line 10, by removing the comma after "requirements" and inserting: ; providing for application to tow trucks; further providing

Amend Title, page 1, line 11, by inserting after "stations,": for authority to issue special size and weight permits,

Amend Sec. 6, page 18, lines 10 and 11, by striking out all of said lines and inserting:

Section 6. Sections 1301 and 1943 of Title 75 are amended by adding subsections to read:

Amend Sec. 6, page 18, by inserting between lines 22 and 23:
§ 1943. Annual hauling permits.

(r) Excess damage permit.—The annual fee for excess damage permits, as provided for in section 4961(d) (relating to authority to issue permits) shall be \$500 to cover the costs of administering the permit and inspections of the involved highway.

Amend Bill, page 24, line 28, by striking out all of said line and inserting:

Section 9. Section 4524 of Title 75 is amended by adding a subsection to read:

§ 4524. Windshield obstructions and wipers.

(g) Exemptions.—Subsections (a), (b) and (c) do not apply to motor vehicles used in construction or maintenance of highways, trafficways and bridges and which carry a load of asphalt emulsion or epoxy and aggregate material. This subsection supersedes any regulation or standard of the department applicable to intrastate movement which prescribes, adopts or authorizes the enforcement of a provision regarding window obstructions inconsistent with the application and purpose of this subsection.

Section 9.1. Section 4533 of Title 75 is amended to read:

Amend Sec. 9.1, page 25, line 7, by striking out "9.1" and inserting:
9.2

Amend Sec. 10, page 26, lines 13 and 14, by striking out all of said lines and inserting:

Section 10. Section 4729 of Title 75 is amended to read:

Amend Bill, page 27, by inserting after line 30:

Section 10.1. Title 75 is amended by adding a section to read:
§ 4949. Application to tow trucks.

The weight restrictions set forth in this subchapter do not apply to a combination consisting of any tow truck towing a disabled motor vehicle to a place of repairs or other place of safety as long as the overweight combination travels directly to the first available such location and the movement is performed at the direction of authorized emergency personnel or a qualified Commonwealth employee.

Section 10.2. Sections 4961, 4977, 7301 and 7302 of Title 75 are amended to read:

§ 4961. Authority to issue permits.

(a) General rule.—The department and local authorities with respect to highways under their respective jurisdictions may, upon application in writing showing good cause, issue special permits in writing authorizing the applicant to operate or move on specified highways any of the following:

(1) A vehicle which when unloaded exceeds the maximum size specified in Subchapter B (relating to width, height and length) or the maximum weights specified in Subchapter C (relating to maximum weights of vehicles).

(2) A combination carrying a nondivisible load and exceeding the maximum size specified in Subchapter B or the maximum weights specified in Subchapter C.

(3) A vehicle containing a nondivisible load which exceeds the maximum width specified in section 4921(a) (relating to width of vehicles) or the maximum height specified in section 4922 (relating to height of vehicles).

(4) A mobile home.

(5) A modular housing or manufactured construction unit which exceeds the maximum size prescribed in this title.

(5.1) A manufactured construction unit which exceeds the maximum size and weight prescribed in this title.

(6) A modular housing or manufactured construction unit undercarriage which exceeds the maximum size prescribed in this title.

(7) Such other vehicles and combinations as are specifically authorized in this chapter.

(b) Limitation for truck tractors.—Permits to exceed the maximum weight limit shall be issued only for truck tractors registered at the maximum weight permitted under section 4941(a) or (b) (relating to maximum gross weight of vehicles). When a truck tractor is operating under permit, the fine for axle and gross weight violations shall only be applicable to the weight that the vehicle is in excess of the weight allowed on the permit.

(c) County offices for issuing permits.—The department shall empower an authorized representative or employee to issue permits as provided in subsection (a) and may provide a place within each county where the permits may be issued.

(d) Excess damage permits.—The department and local authorities having highways under their respective jurisdictions may issue a permit with a maximum distance of 2.5 miles for the movement upon specified highways of combinations in excess of the maximum weights specified in Subchapter C and may require such security as deemed necessary to cover the cost of repairs and restoration necessitated by the movement of such vehicles. Permits issued under this subsection shall be subject to the following conditions:

(1) The security shall be in the form of an irrevocable letter of credit signed by a bank officer and naming the department or local authority as sole beneficiary, to be honored on presentment.

(2) The maximum allowable gross weight shall be 125,000 pounds.

(3) Upon notification from the department or local authority, the permittee shall reimburse the department or local authority for repair and restoration costs determined to be necessitated by the movement of the overweight vehicles. Failure to reimburse the department or local authority within 60 days of said notice shall automatically invalidate the permit and cause action against the letter of credit.

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.

BILL OVER IN ORDER

SB 457 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

ANNOUNCEMENT BY MAJORITY LEADER

Senator BRIGHTBILL. Mr. President, at this time I ask that we stand at ease, and I ask the Members of the Republican Caucus to come over to the Majority Leader's desk for a short discussion on some items.

The PRESIDENT. The Senate will stand at ease.
 (The Senate was at ease.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 1439 CALLED UP

SB 1439 (Pr. No. 2280) -- 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 ON THIRD CONSIDERATION
 AND FINAL PASSAGE**

SB 1439 (Pr. No. 2280) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,
 And the amendments made thereto having been printed as required by the Constitution,

On the question,
 Shall the bill pass finally?

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

YEA-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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

HB 286 CALLED UP

HB 286 (Pr. No. 1068) -- 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 AMENDED

HB 286 (Pr. No. 1068) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
 Will the Senate agree to the bill on third consideration?
 Senator BRIGHTBILL offered the following amendment No. A4960:

Amend Sec. 1 (Sec. 11.2), page 2, line 9, by inserting a bracket before "promulgate"

Amend Sec. 1 (Sec. 11.2), page 2, line 9, by inserting a bracket after "which:" and inserting immediately thereafter: do all of the following:

Amend Sec. 1 (Sec. 11.2), page 2, lines 12 and 13, by inserting a bracket before "Such" in line 12 and after "regulations" in line 13 and inserting immediately thereafter: The board

Amend Sec. 1 (Sec. 11.2), page 2, line 13, by inserting a bracket before "include"

Amend Sec. 1 (Sec. 11.2), page 2, line 13, by inserting a bracket after "of" where it appears the first time and inserting immediately thereafter: require

Amend Sec. 1 (Sec. 11.2), page 3, lines 6 and 7, by inserting a bracket before "Such" in line 6 and after "include" in line 7 and inserting immediately thereafter: The board shall require

Amend Sec. 1 (Sec. 11.2), page 4, line 1, by inserting after "anesthesia": , deep sedation

Amend Sec. 1 (Sec. 11.2), page 4, line 4, by inserting after "dental": schools.

Amend Sec. 1 (Sec. 11.2), page 4, line 4, by striking out "expert" and inserting: having expertise

Amend Sec. 1 (Sec. 11.2), page 4, line 5, by striking out "such" and inserting: the

Amend Sec. 1 (Sec. 11.2), page 4, line 22, by striking out "adopt by regulation those guidelines." and inserting: establish

Amend Sec. 1 (Sec. 11.2), page 4, lines 24 and 25, by striking out ". Such guidelines, standards and procedures" and inserting: which

Amend Sec. 1 (Sec. 11.2), page 4, line 25, by striking out "but not be limited to,"

Amend Sec. 1 (Sec. 11.2), page 4, line 29, by inserting after "shall": . at a minimum.

Amend Sec. 1 (Sec. 11.2), page 5, line 2, by striking out "Permit" and inserting: The board shall require permit

Amend Sec. 1 (Sec. 11.2), page 5, line 3, by striking out "shall" and inserting: to

Amend Sec. 1 (Sec. 11.2), page 5, line 4, by striking out "board regulation," and inserting: the board

Amend Sec. 1 (Sec. 11.2), page 5, line 7, by striking out "A" and inserting: The board shall prohibit a

Amend Sec. 1 (Sec. 11.2), page 5, line 8, by striking out "shall not allow" and inserting: from allowing

Amend sec. 1 (Sec. 11.2), page 5, line 8, by inserting after "anes-
thesia": . deep sedation

Amend Sec. 1 (Sec. 11.2), page 5, lines 11 through 15, by striking out "board regulations, including those" in line 11 and all of lines 12 through 15 and inserting: this section, including the requirements per-
taining to equipment and staffing.

Amend Sec. 1 (Sec. 11.2), page 5, line 17, by inserting after "2005,": the board shall require

Amend Sec. 1 (Sec. 11.2), page 5, line 18, by inserting after "anes-
thesia": . deep sedation

Amend Sec. 1 (Sec. 11.2), page 5, line 19, by striking out "shall" and inserting: to

Amend Sec. 1 (Sec. 11.2), page 5, line 23, by striking out "a dental" and inserting: an

Amend Sec. 1 (Sec. 11.2), page 5, line 29, by inserting after "anes-
thesia": deep sedation.

Amend Sec. 1 (Sec. 11.2), page 6, line 7, by inserting after "thereaf-
ter": the board shall require

Amend Sec. 1 (Sec. 11.2), page 6, line 7, by inserting after "anes-
thesia": and deep sedation

Amend Sec. 1 (Sec. 11.2), page 6, line 7, by striking out "shall" and inserting: to

Amend Sec. 1 (Sec. 11.2), page 6, line 9, by inserting after "and": deep sedation, and require

Amend Sec. 1 (Sec. 11.2), page 6, line 10, by striking out "shall" and inserting: to

Amend Sec. 1 (Sec. 11.2), page 6, line 13, by inserting after "anes-
thesia": . deep sedation

Amend Sec. 1 (Sec. 11.2), page 6, line 18, by striking out "Permit
holders shall" and inserting: The board shall require permit holders to

Amend Sec. 1 (Sec. 11.2), page 6, line 20, by inserting after "anes-
thesia": deep sedation.

Amend Sec. 1 (Sec. 11.2), page 6, line 23, by striking out "Permit
holders shall" and inserting: The board shall require permit holders to

Amend Sec. 1 (Sec. 11.2), page 6, line 24, by inserting after "anes-
thesia": deep sedation.

Amend Bill, page 6, line 30; page 7, lines 1 through 12, by striking out all of said lines on said pages and inserting:

Section 2. The board shall promulgate regulations necessary to administer this act within one year of the effective date of this section.

Section 3. This act shall take effect in 30 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 612 (Pr. No. 2228) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the dissemination of criminal history record information to noncriminal justice agencies and individuals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 612?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 612.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL 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 Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 832 (Pr. No. 2296) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L. 1, No.1), known as the Capital Facilities Debt Enabling Act, further defining "redevelopment assistance capital project"; and further providing for appropriation for and limitation on redevelopment assistance capital projects.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 832?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 832.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL 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 Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1213 (Pr. No. 2292) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2001-2002, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, Motor License Fund projects and Manufacturer's Fund projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; restricting certain funds; and making repeals.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1213?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1213.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL 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 Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

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

HB 2060 (Pr. No. 4466) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the prudent investor rule; codifying existing law setting forth the applicability of provisions relating to diversification; and making a repeal.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Mellow	Stack
Bodack	Helfrick	Mowery	Stout
Boscola	Holl	Murphy	Tartaglione
Brightbill	Hughes	Musto	Thompson
Conti	Jubelirer	O'Pake	Tomlinson
Corman	Kasunic	Orie	Wagner
Costa	Kitchen	Piccola	Waugh
Dent	Kukovich	Punt	Wenger
Earll	LaValle	Rhoades	White, Donald

Erickson	Lemmond	Robbins	White, Mary Jo
Fumo	Logan	Scarnati	Williams, Anthony H.
Gerlach	Madigan	Schwartz	Wozniak

NAY-1

Williams, Constance

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

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

CONSIDERATION OF CALENDAR RESUMED

SENATE RESOLUTION No. 268, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 268**, entitled:

A Resolution directing the Joint State Government Commission to study the level of representation of minorities in comparison to the general population of the respective counties in the jury pooling process for criminal proceedings across this Commonwealth, including the reasons therefor, and the amount of compensation for jurors, and to report its findings and make ameliorative recommendations to the General Assembly.

On the question,

Will the Senate adopt the resolution?

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

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 CIVIL SERVICE COMMISSION

June 28, 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, Katherene E. Holtzinger Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

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, Anne E. Covey, Esquire, 1594 River Road, New Hope 18938, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2005, and until her successor had been appointed and qualified, vice Edward G. Feehan, Levittown, whose term expired.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE CIVIL SERVICE COMMISSION

June 28, 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, Katherene E. Holtzinger Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE INDUSTRIAL BOARD

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, Joseph A. Bush, Jr., 334 Middle Road, Langhorne 19047, Bucks County, Sixth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January 2003 and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
LABOR RELATIONS BOARD

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, Anne E. Covey, Esquire, 1594 River Road, New Hope 18938, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2005, and until her successor had been appointed and qualified, vice Edward G. Feehan, Levittown, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE NAVIGATION COMMISSION
FOR THE DELAWARE RIVER AND ITS
NAVIGABLE TRIBUTARIES

August 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, James H. McCullen, Jr., 38 Black Walnut Road, Levittown 19057, Bucks County, Sixth Senatorial District, for reappointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

On the question,
Will the Senate advise and consent to the nominations?

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	Leimmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	

Gerlach
Greenleaf

Mellow
Mowery

Stout
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. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

REPORT FROM COMMITTEE

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

SB 374 (Pr. No. 2305) (Amended) (Rereported)

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 per capita taxes; and providing for the imposition and collection of an earned income and net profits tax by school districts after approval by the electors.

UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED

Senators GREENLEAF, ORIE, COSTA, SCHWARTZ, EARLL, D. WHITE, ERICKSON, THOMPSON, M. WHITE, KITCHEN, TOMLINSON, TARTAGLIONE, WENGER, STACK, DENT and C. WILLIAMS, by unanimous consent, offered Senate Resolution No. 295, entitled:

A Resolution declaring the week of October 20 through 26, 2002, as "Chemistry Week" in Pennsylvania.

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

Senators STACK, O'PAKE, KITCHEN, WAGNER, ERICKSON, LEMMOND, KUKOVICH, COSTA, MUSTO, DENT, LOGAN, BOSCOLA, ORIE, EARLL, THOMPSON, TARTAGLIONE, C. WILLIAMS, ROBBINS, WENGER, HUGHES, KASUNIC, TOMLINSON, FUMO, GREENLEAF, CONTI, RHOADES and SCHWARTZ, by unanimous consent, offered Senate Resolution No. 296, entitled:

A Resolution designating the month of October 2002 as "Polish American Heritage Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, I am pleased to offer this resolution designating October as "Polish American Heritage Month" in Pennsylvania. At 9.3 million people strong, Polish

Americans represent America's ninth largest ethnic group. Pennsylvania is home to the nation's fourth largest concentration of Polish Americans, nearly 900,000 people. Polish Americans have been major contributors to the founding, building, and continued global leadership of the United States.

Thaddeus Kosciuszko and Casimir Pulaski were instrumental in America's victorious war for independence. Pulaski remains known as the Father of the American Cavalry, and Kosciuszko is best remembered for his fortification of West Point, the future home of the U.S. Military Academy.

Ignacy Jan Paderewski, a brilliant pianist and statesman who was an aggressive advocate of Polish freedom, was called a modern immortal by Franklin Delano Roosevelt. More recently, Leopold Stokowski was a renowned international conductor who led the Philadelphia Orchestra for nearly three decades and selected and conducted the symphonic musical score for Walt Disney's animated classic "Fantasia."

Edmund Muskie was a prominent Senator from Maine who twice ran for President. Zbigniew Brzezinski was President Carter's National Security Advisor, and right here in Pennsylvania, Philadelphia's Cardinal Krol was the first ever Polish-American Cardinal.

In the world of entertainment, Donora's Stan "The Man" Musial was one of baseball's true legends. Canonsburg native Bobby Vinton has retained his singing popularity for more than 40 years. If America is to be defined as a melting pot, then the Polish-American community must be included as one of the prime ingredients. Polish Americans across the board contribute in every endeavor and have consistently helped raise the bar on our nation's quality of life.

Mr. President, to honor the deeds and accomplishments of all Polish Americans, past and present, I ask for unanimous approval of this regulation designating October as "Polish American Heritage Month."

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

DISCHARGE PETITION

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

October 9, 2002

A PETITION

To place before the Senate the nomination of Samuel Cohn, as a member of the Beaver 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 Samuel Cohn, as a member of the Beaver County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Robert Garner, Mr. and Mrs. Glenn Hess and to Steven D. Ginter by Senator Armstrong.

Congratulations of the Senate were extended to the Pennsylvania Organization for Women in Early Recovery by Senator Bodack.

Congratulations of the Senate were extended to Mervin A. Heller, Jr., by Senators Brightbill and O'Pake.

Congratulations of the Senate were extended to Robert L. Kidder and to Benjamin D. Kendall by Senator Corman.

Congratulations of the Senate were extended to Marlene Robinson by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Leo G. Connors and to Donald Martin Rice by Senator Dent.

Congratulations of the Senate were extended to Agnes Priscaro and to the Multicultural Health Evaluation Delivery System of Erie by Senator Earll.

Congratulations of the Senate were extended to Steven Pizzi, John J. Shoup, Matthew Bortner, Patrick Donnelly and to Roth Perelman by Senator Erickson.

Congratulations of the Senate were extended to James Carey, Dennis Neidlein, Edward Malinowski, Michael D. Stotler, Stephanie Larson, Dave Y. Sharp, Frederick C. Blunt, Kelli J. Scarlet and to Bob Prato by Senator Greenleaf.

Congratulations of the Senate were extended to James N. Hanrahan and to Robert F. Smith by Senator Holl.

Congratulations of the Senate were extended to the People's Emergency Center by Senator Hughes.

Congratulations of the Senate were extended to Samuel L. Evans by Senator Kitchen.

Congratulations of the Senate were extended to Judy Harvey, Erica Fontana, Stephanie Sellinger, Mario J. Ferretti, Joseph J. Peluso, Honorable Patricia A. Angelo, Michael P. McClincy, Reverend Henry P. Dinicco, David Negro, Kelly Camarote, Carla McCormick and to the Vienna Choir Boys by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Osmunson, Mr. and Mrs. Thomas Pisciotta, Mr. and Mrs. Theodore Swingle, Dorothy Miller and to George Keith Martin by Senator Lemmond.

Congratulations of the Senate were extended to Marilyn Skolnick, Dr. Karol L. Galcik and to North Braddock Volunteer Fire Department Company 1 by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Leslie Butters, Mr. and Mrs. Harry Boring, Mr. and Mrs. Milo J.

Ireland and to Mr. and Mrs. Clyde Shellman by Senator Madigan.

Congratulations of the Senate were extended to the Church of St. Gregory of Clarks Green by Senator Mellow.

Congratulations of the Senate were extended to Kevin L. Gasswint, Shippensburg Lions Club and to the Mid-Atlantic Coca-Cola Bottling Company, Inc., of Lemoyne by Senator Mowery.

Congratulations of the Senate were extended to the Pennsylvania Council of Republican Women by Senator Mowery and others.

Congratulations of the Senate were extended to Ann D. Smith by Senator Musto.

Congratulations of the Senate were extended to the Kiwanis Club of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph H. Heyl, Kathleen O'Bryan Astemborski, Lillian Claire Corrington Damico, Linda Siminerio and to the North Allegheny School District of Pittsburgh by Senator Orié.

Congratulations of the Senate were extended to David J. Christensen by Senator Punt.

Congratulations of the Senate were extended to Matthew S. Miller, Christopher Shaak and to Elizabeth Clews by Senator Rhoades.

Congratulations of the Senate were extended to Luke Matthew Borowy and to Peter LaRue Drake by Senator Robbins.

Congratulations of the Senate were extended to Ellen McGarrigle, Mary Auchincloss, Alice M. Thomas, Elizabeth B. Stull and to the First Financial Bank of Downingtown by Senator Thompson.

Congratulations of the Senate were extended to Cheryl Vogelsang by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to Honorable James C. Greenwood, Christina Paugh-Greenwood, Mark Blackwell, Pam Bley, As Safe As Possible Campaign of Richboro and to the Bristol Borough Little League by Senator Tomlinson.

Congratulations of the Senate were extended to Honorable Fred A. Trello by Senator Wagner and others.

Congratulations of the Senate were extended to Trinity Lutheran Church of Jefferson by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Snyder, Mr. and Mrs. Marshall Melson, Mr. and Mrs. Walter Antoszyk, Mr. and Mrs. Albert L. Brown and to Mr. and Mrs. Donald Corbett by Senator D. White.

Congratulations of the Senate were extended to Adam Christopher Frey, Jeffrey D. Hartmann, Linda L. Peifer and to Reverend James L. Armstrong by Senator M.J. White.

CONDOLENCE RESOLUTIONS

The PRESIDENT 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 Reverend Paul Matthews Washington by Senator Hughes and others.

Condolences of the Senate were extended to the family of the late Reverend Paul Matthews Washington by Senator Kitchen.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 514, SB 925, SB 1478, HB 1553, HB 1947, HB 2591 and HB 2595.

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

SENATE RESOLUTION ADOPTED

Senators HUGHES, SCHWARTZ, TARTAGLIONE, KITCHEN, EARLL, M. WHITE, BOSCOLA, ORIE, C. WILLIAMS, MELLOW, BRIGHTBILL, FUMO, A. WILLIAMS, HELFRICK, GREENLEAF, BODACK, STACK, KUKOVICH, MUSTO, and LOGAN, by unanimous consent, offered **Senate Resolution No. 297**, entitled:

A Resolution condemning the court-sanctioned practice by Nigerian courts of stoning women for engaging in sexual intercourse outside marriage.

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

BILL RECOMMENDED

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1100, which was reported from committee earlier today, be recommitted to the Committee on Rules and Executive Nominations.

The motion was agreed to by voice vote.

The PRESIDENT. Senate Bill No. 1100 will be recommitted to the Committee on Rules and Executive Nominations.

SENATE RESOLUTION ADOPTED

Senator BRIGHTBILL, on behalf of Senators ORIE and COSTA, by unanimous consent, offered **Senate Resolution No. 290**, entitled:

A Resolution supporting the Freedom's Answer voting initiative.

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

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

PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Madam President, success depends on faith and hard work. When 128 Members of the Senate and the House joined me in petitioning for a Special Session to deal with real property tax relief, I had faith. I had faith that we would do the right thing. I had faith that we would finally provide real tax

relief to the people of Pennsylvania. All that we needed to succeed was hard work. Instead, some Members have worked hard to deny any hope for success and to deny homeowners, especially our senior citizens, of the tax relief that they demand and that they deserve. You can lead a horse to water, they say, but you cannot make it drink. And although I helped lead a lot of lawmakers to a Special Session, I could not make them think beyond their own reelection. Four years ago, in another election year, I remember that we voted on another tax reform bill. In a matter of weeks, the House and the Senate acted with great speed to pass Act 50. In 1998, tax reform, as Herbert Hoover would say, was just around the corner. That is right, tax reform was just around the corner, and here we are again 4 years later. And even though Governor Ridge is no longer behind the wheel, Act 50 is still taking homeowners for a ride and still trying to turn around the corner. Act 50 did not work. Act 50 did not provide homeowners with any tax relief. Act 50 did not control school spending, and it did not help older Pennsylvanians because it did not eliminate the problem. It did not eliminate local school property taxes. In fact, it did not even come close.

So now what does the Majority want to do? Well, the Majority is saying, let us pass another version of Act 50. It did not work the first time, but maybe when we pass it again we will really mean it this time. Maybe if we really stood out there and had these mean faces when we vote this time, we will just scare those bad old property taxes away. Passing another version of Act 50, Madam President, will not make local school property taxes go away. That wolf will still be at the door, still bringing bigger tax bills to working families who cannot afford them. Act 50 does nothing to provide real tax relief to homeowners right now. It does nothing to help those seniors who have to use up the last of their life savings to pay the tax bill they got in July. And it does not work because it still leaves that wolf at the doorstep, because it still keeps the heavy burden of local school funding squarely on the aching backs of the middle-class working families, seniors, and first-time home buyers. Homeowners need help and they need help today, not a year from now, not 2 years from now, not 5. They need it today. There is only one way to absolutely, positively guarantee that local school property taxes will never go up again, and that is to eliminate them.

I have a bill in place to eliminate local school property taxes, another bill in place that has a menu of revenue sources that the lawmakers could look at. That is real property tax reform, not just talking about it or saying we are trying to do something before the election. Now is the time to act. We just have to have the will to do it, and I am convinced eventually we will have that will.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I rise at this moment to just offer a very few brief remarks about the passing of the Reverend Father Paul Washington, who passed away Monday evening. He was the rector of the Episcopal Church of the Advocate in Philadelphia. He was a constituent of mine, in my district, but in its truest sense of the idea, Madam President, he was a constituent not only of the entire city but of the entire world.

He leaves behind a legacy of a true champion of the people, a true champion of the oppressed, a true champion of the poor. He stood up against police brutality and he stood up against segregation and oppression. He stood up in so many ways for so many people on so many cases, on so many causes. And this brave giant of a man, who in the true spirit of the name of his church, the Church of the Advocate, lived out his life advocating for all of those whose voice was not as loud as his or whose voice did not sit in the seats of power and influence.

But Father Washington was not just a voice, he was a man of action. When gang violence, teenage gang violence, was the rage of the city and the rage of the nation, Father Washington did not just preach about that problem from his pulpit in the Church of the Advocate, he went out into the neighborhoods and sat down with gang members and tried to negotiate truth and peace for those young people. When people cried out that they had no food or no money to purchase food, Father Washington set up a soup kitchen to feed the poor. When the neighborhoods were blighted with housing that was crumbling and falling apart, Father Washington created a development corporation, a nonprofit development corporation, and rebuilt hundreds of houses in North Philadelphia, which stood as a model for neighborhoods all across the country. That was Father Washington.

Even in the most difficult places, Madam President, I would imagine that you and every one of us would know that probably the greatest place to advocate for change is not just in the institutions of politics and government and business, but probably one of the hardest places to create progressive change is in all church hierarchy. Father Washington ordained 11 women to be Episcopal priests, 11, when it was not popular. He fought against the tradition of that church and said that these people, these women, see God just like we all do and should have that opportunity to lead and follow their faith. Breaking down the tradition of that denomination, he led that fight. He was a true champion of anyone who needed a champion. He was always there.

I just felt it was appropriate at this moment, Madam President, to take a little bit of time out as we go through the hurly-burly of trying to move government forward to recognize this true champion, this individual who was an advocate in the greatest sense of the word. A champion for anyone who needed a champion, Father Paul Washington passed away yesterday evening.

Thank you, Madam President.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President in the presence of the Senate:

SB 138, SB 612, SB 832, SB 1213 and HB 1213.

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, November 12, 2002, at 2 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

I will indicate to the Members that most likely we will be recalled for a short Session on October 16 for the purpose of a swearing-in.

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

Senator HUGHES. Madam President, I have a question for the Majority Leader.

Do we anticipate any votes on that day?

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

Senator BRIGHTBILL. Madam President, we do not anticipate any major issues on that day. Perhaps we could discuss that as we get a little closer.

Senator HUGHES. Madam President, any minor issues?

Senator BRIGHTBILL. Madam President, if we could stand at ease.

The PRESIDING OFFICER. The Senate will stand at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. It has been moved by Senator Brightbill that the Senate do now adjourn until Tuesday, November 12, 2002, at 2 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate adjourned at 4:37 p.m., Eastern Daylight Saving time.