

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MARCH 17, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 16

SENATE

WEDNESDAY, March 17, 2004

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

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

Let us pray.

Eternal God, who has created everything that exists and sustains it with faithful love and continual blessing, as we begin another day in the service of Your people, we pray that You would refresh our hearts and our minds. Help us to properly exercise the power entrusted to us to build and to lead, that You and the people of God may be ennobled by our efforts. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

The PRESIDENT. Happy St. Patrick's Day to everyone.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 16, 2004.

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

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

March 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 9, 2003, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

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

EDWARD G. RENDELL
Governor

**CORRECTIONS TO NOMINATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

March 17, 2004

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

Please note the nomination dated, December 29, 2003, for the appointment of Joseph J. Borgia, 2504 East 43rd Street, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2007, or until his successor is appointed and qualified, vice Edward F. Fosnaught, Ellwood, whose term expired, should be corrected to read:

Joseph J. Borgia, 2504 East 43rd Street, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2007, or until his successor is appointed and qualified, vice Daniel G. Guydish, West Hazleton, whose term expired.

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

March 17, 2004

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

Please note the nomination dated, December 16, 2003, for the appointment of The Honorable Joseph E. Gurzenda, 85 North Kennedy Drive, McAdoo 18237, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Tax Equalization

Board, to serve until November 14, 2007, or until his successor is appointed and qualified, vice Daniel G. Guydish, West Hazleton, whose term expired, should be corrected to read:

Honorable Joseph E. Gurzenda, 85 North Kennedy Drive, McAdoo, 18237, Schuylkill County Twenty-ninth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2007, or until his successor is appointed and qualified, vice Edward F. Fosnaught, Ellwood, whose term expired.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 133** with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 100**.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Earll, Senator Madigan, and Senator Armstrong.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Earll, Senator Madigan, and Senator Armstrong.

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Schwartz, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Schwartz, Senator Stout, and Senator Tartaglione.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 200 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 922 (Pr. No. 1438) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for custodial care facilities.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	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 979 (Pr. No. 1439) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining child or children; repealing provisions relating to testimony by child victim or material witness; and providing for child victim or material witness testimony by alternative methods.

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 York, Senator Waugh.

Senator WAUGH. Madam President, I rise today to offer my strong support for Senate Bill No. 979, a proposal that would offer alternative testimony opportunities for young victims who have to be a part of criminal proceedings. I would like to just briefly offer for the Senate's consideration one of the main reasons, there are several, one of the main reasons that I stand before you today asking for your support.

In the small village of Winterstown Borough in York County, on Friday, February 2, 2001, actually a little over 3 years ago, at the elementary school, a man made his way through the security

system in the front lobby and withdrew from under a trenchcoat a 2-foot long machete. He walked into the elementary school there, brandishing the machete, and when approached by the principal of the building and one of the teachers, he began swinging the weapon wildly. It was only through the heroic actions of the principal and two teachers at the elementary school that the brutal attack by this individual, I should say crazed individual, ended. It is interesting, and I think it is a credit to the school district and to the educators who were involved, in fact all three, the principal and the two teachers, were ladies who actually jumped on this guy. Two of them ended up with pretty severe injuries to their hands and arms as he swung the machete wildly, but they brought him down. But before they could do that, he had actually entered a couple of classrooms, and in addition to the 3 adults who were injured by the machete attack, there were 10 students who sustained injuries inflicted by this crazed man.

The reason I stand before you today is to state that in addition, however, to the physical injuries that the 13 individuals sustained, there were several classrooms full of young children who witnessed this whole thing and watched it play out in horror. Since that day, during court proceedings, it has been a real challenge to have these young people come before the court, look at the individual who had carried the machete that day, and provide testimony.

So, I rise today because in York County, in Winterstown, in the Red Lion Area School District, North Hopewell-Winterstown Elementary, we longed for this type of proposal the last several years as they worked their way through the proceedings. So, today, on behalf of the students of that district, the administration, and parents in that area, I rise in full support of Senate Bill No. 979 and ask for all Members to do the same.

Thank you, Madam President.

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

Senator GREENLEAF. Madam President, I rise also to support Senate Bill No. 979, and I thank Senator Waugh for his comments on the practical application of this legislation. This is legislation that we have passed numerous times both in the House and the Senate and has been approved by the voters sometimes 3 to 1, 4 to 1. We are now in the final stage where we are now authorized by the ballot questions to pass this legislation. It would allow children under the age of 13 to testify after a full hearing before a judge to determine whether that child would be traumatized by their testifying in open court, and it would be left up to the judge to make the decision whether in that particular case the child is a victim or material witness, if they would be able to testify either through closed-circuit television or videotaping. The defendant would still have the opportunity to cross-examine the child. That right, obviously, would not be taken away from them, only in certain specific cases where the child just cannot testify and their testimony is very important in the case would we level the playing field and give the child the opportunity to testify in a setting where they are not intimidated, and that is what this legislation would do. This is based on the Uniform Act that was adopted by the Commissioners of the United States Uniform Act. It is very similar to that act. That act was also approved by the American Bar Association at their summer meeting in 2002. Thirty-five other States have legislation

such as this, and the United States Supreme Court, in *Craig v. Maryland*, has indicated that it meets constitutional requirements as well.

I ask for an affirmative vote.

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

Senator O'PAKE. Madam President, this is a very important piece of legislation, and I want to commend Senator Greenleaf. When he started working on this, as I said before, he did not even have gray hair. That is how long Stewart has worked on this, but it is carefully crafted, Madam President, to strike a balance between the rights of criminal defendants and the rights of youthful victims. Too often we hear about defendants walking free in a horrible child abuse case just because the victim was too young or too terrified to testify in open court. This should prevent that from happening, and should go a long way in deterring child abuse cases, the terrible tragedies that result in Pennsylvania.

So, I urge approval and hope that this will stand up in a court of law. I think it will. It is based on the uniform law which has been sustained elsewhere, and I urge an affirmative vote.

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-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	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.

BILL OVER IN ORDER

HB 1130 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator BRIGHTBILL. Madam President, I ask that the meeting of the Committee on Education convene in the Rules room at this time, and that we continue to run the Calendar. So, I ask all

Members of the Committee on Education to report to the Rules room to the rear of the Chamber immediately, if not sooner.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1423 (Pr. No. 3386) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in adoption, for voluntary relinquishment to adults, for an alternative procedure, for reports of intention and for consent.

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-47

Armstrong	Hughes	Orie	Tartaglione
Boscola	Jubelirer	Piccola	Thompson
Brightbill	Kasunic	Pileggi	Tomlinson
Conti	Kukovich	Pippy	Wagner
Corman	LaValle	Punt	Waugh
Costa	Lemmond	Rafferty	Wenger
Dent	Logan	Rhoades	White, Donald
Earll	Madigan	Robbins	White, Mary Jo
Erickson	Mellow	Scarnati	Williams, Constance
Fumo	Mowery	Schwartz	Wonderling
Gordner	Musto	Stack	Wozniak
Greenleaf	O'Pake	Stout	

NAY-3

Ferlo	Kitchen	Williams, Anthony H.
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

BILL OVER IN ORDER

HB 2027 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 37 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

SB 54 (Pr. No. 1436) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, making editorial changes by replacing the phrase "justice of the peace" with "magisterial district judge."

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

HB 60 (Pr. No. 2909) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," defining "municipal corporation"; further providing for property acquired in fee simple and for local taxing option; and making an editorial change.

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

BILLS OVER IN ORDER

HB 80, HB 147 and HB 225 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 305 (Pr. No. 1380) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses.

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

BILL OVER IN ORDER

HB 518 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 679 (Pr. No. 1437) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, prohibiting possession or transporting of liquefied ammonia gas under

certain circumstances; prohibiting possession of certain precursors and chemicals used in the manufacture of controlled substances; and imposing duties and responsibilities relating to clandestine drug laboratories upon the Pennsylvania State Police.

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

BILL OVER IN ORDER

SB 704 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 705 (Pr. No. 1394) -- 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 deceptive or fraudulent business practices.

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

BILLS REREFERRED

SB 871 (Pr. No. 1435) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, further providing for appointment by nonprofit corporations; providing for humane society police officers' appointment, qualifications, authority and discipline; conferring powers and duties on the Department of Agriculture; providing for search warrants; establishing the State Board of Humane Society Police Officers and the Humane Society Police Officer Training and Education Account; and making a related repeal.

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

SB 893 (Pr. No. 1139) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for notice to employees of electronic monitoring by employers of network and information technology resources; establishing a cause of action; and imposing civil penalties.

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

BILL OVER IN ORDER

SB 971 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 977 (Pr. No. 1431) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1998 (P.L.946, No.125), known as the Forest Lands Beautification Act, further providing for funding for the Forest Lands Beautification Restricted Account.

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

BILLS OVER IN ORDER

SB 1004, SB 1005, HB 1597, HB 1809, HB 1899, HB 2007, HB 2008, HB 2083 and HB 2239 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

March 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 9, 2003, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

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

SB 911 (Pr. No. 1441) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the establishment of a nursing loan forgiveness program for persons employed in the nursing profession at

veterans' homes operated by the Department of Military and Veterans Affairs.

SB 931 (Pr. No. 1211)

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 209 (Pr. No. 1424)

A Resolution congratulating The Pennsylvania State University on the commencement of its sesquicentennial celebration and reaffirming its designation as Pennsylvania's land-grant university.

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

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 Shawn Lee Rose and to John P. Kopp by Senator Armstrong.

Congratulations of the Senate were extended to Ann Haggerty Raines, Meaghan Sweeney, Claire Rij, Roseann Corsi, Tori Penske Aitchison, Louis Rabouin, Karen Dolan, Kathleen McCord, Lupe Pearce, ArtsQuest of the Lehigh Valley and to The Morning Call of Allentown by Senator Boscola.

Congratulations of the Senate were extended to St. Nicholas Greek Orthodox Church of Bethlehem by Senators Boscola and Dent.

Congratulations of the Senate were extended to Donald F. Wise and to Mamie Crawford by Senator Brightbill.

Congratulations of the Senate were extended to Philip Michael Smith, Grant Castor and to Grundy Hall of Doylestown by Senator Conti.

Congratulations of the Senate were extended to Thomas J. Ackerman by Senator Dent.

Congratulations of the Senate were extended to Lamar Troup by Senator Gordner.

Congratulations of the Senate were extended to James R. Swartley by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Donald LeCrone, Mr. and Mrs. Robert J. Mayernick, Mr. and Mrs. Robert Hoover, Mr. and Mrs. David Hildebrand and to Stephen G. Sheetz by Senator Jubelirer.

Congratulations of the Senate were extended to Robert George by Senator Kukovich.

Congratulations of the Senate were extended to Nathaniel Delk by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Robert N. Shaner, Mr. and Mrs. John H. Bower, Mr. and Mrs. John McDermott, Mr. and Mrs. Carl A. Stine and to John C. Stark by Senator Madigan.

Congratulations of the Senate were extended to Deanna M. Webster and to Kyle Farringer by Senator Mowery.

Congratulations of the Senate were extended to John Gilligan and to Joseph Balbach by Senator Musto.

Congratulations of the Senate were extended to the Honorable Albert A. Stallone by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Anderson, Joshua Ray and to the North Allegheny High School Girls' Swim Team of Wexford by Senator Orie.

Congratulations of the Senate were extended to Herman Krevsky and to Pat Huth by Senator Piccola.

Congratulations of the Senate were extended to Kevin Bradley, Jonathan Carty Burton and to Widner University of Chester by Senator Pileggi.

Congratulations of the Senate were extended to Elmer Banks, Michael Weber and to the Regional Arts Education Day Committee of Allegheny County by Senator Pippy.

Congratulations of the Senate were extended to Greg Lott, John Thoms, Devin Spencer, Kyle Pancher, Brett Warner, Ian Brown, John C. Good, Sam Greer, Richard D. Eigenbrode and to Paul G. Benchoff by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Roger Klingborg, Bernadette Bremer and Elijah Bremer, Jean Ann Mahall, Dr. Gerald A. Ravitz and to the Ancient Order of Hibernians by Senator Rhoades.

Congratulations of the Senate were extended to Ryan J. Muschick, Robert D. Muschick, Bradley H. Morneweck and to Matthew T. Lackey by Senator Robbins.

Congratulations of the Senate were extended to Brad Pataky and to the citizens of Jefferson County by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. James Dallmeyer by Senator Stout.

Congratulations of the Senate were extended to Dr. Frank Baldino, Jr., Richard Merluzzi and to the Chester County Women's Commission by Senator Thompson.

Congratulations of the Senate were extended to Marion Thomas by Senator Tomlinson.

Congratulations of the Senate were extended to James C. Dawson by Senator Wagner.

Congratulations of the Senate were extended to Jacqueline Chenowith, Amy C. Jones, Stanley Brown, Terry Doll, Jeffrey Lehman, Francis Miller, Scott Brown and to Jamie B. Stickley by Senator Waugh.

Congratulations of the Senate were extended to Cody Myers by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Carl L. Lorish, Mr. and Mrs. Angelo Pizza, Joseph M. Cionzynski IV, Ryan E. Hamilton and to Mary Tomko Ciambrone by Senator Wonderling.

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 A.L. Hanford III by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Beverly Wimbush by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Edward W. Brabazon by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 911 and SB 931.

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

PETITIONS AND REMONSTRANCES

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

Senator D. WHITE. Madam President, these remarks, although a little tardy, are being made on behalf of Senator Christine Tartaglione and have to do with a piece of legislation we passed this afternoon, in particular, Senate Bill No. 922, and these are the remarks that she has asked me to make on her behalf. (*Reading:*)

Since the horrible attacks of September 11, 2001, the potential threat of terrorism has become a global concern. The threat of terrorist attacks that would utilize biological, chemical, or radiological weapons has become a significant public safety concern. That concern is amplified with respect to citizens who may be most vulnerable, our children.

Many children, throughout much of each day, are not under the direct control or supervision of their parents. Rather, they are in the care of daycare professionals or are attending educational facilities throughout this Commonwealth and ensuring their health and safety is critical.

Most daycare and educational facilities in the Commonwealth do not have the expertise necessary to prepare contingency plans in the event of terrorist attacks. That is why in May of 2003, Senator Don White and I, along with 30 Senate colleagues, introduced Senate Resolution No. 81.

That resolution urged the Pennsylvania Homeland Security Office and the Pennsylvania Emergency Management Agency (PEMA) to collaborate with the Departments of Public Welfare, Health, and Education to formulate guidelines for childcare and educational facilities in the event of a terrorist strike with weapons of mass destruction.

Senate Resolution No. 81 has since passed and, to his credit, Governor Rendell has directed the appropriate departments to begin a cooperative effort to address this issue. However, it has become apparent that in addition to terrorists' attacks, an "all hazards" planning approach is needed to ensure the safety of our youngest citizens.

Emergency preparedness plans need to be developed that address any threatening cause or situation. The facilities that care for our children need to have plans and procedures in place for use in the event of any threat to the safety of the children housed in the facility. These plans and procedures should address all potential hazards and not be limited to one specific potential danger. That is why I introduced Senate Bill No. 922, the bill we are considering here today and just recently passed.

This legislation requires that childcare and other educational facilities have in place a comprehensive emergency preparedness plan for all hazards. This proposal will also require PEMA and the various other departments to provide the necessary technical and logistical support to these facilities in order to properly develop the required plans.

It is abundantly clear that the Commonwealth should take the lead in ensuring the safety of our preschool-aged children. Emergency planning requirements must be aimed at protecting against all threats and

hazards that exist, regardless of whether they are natural or manmade.

Passage of Senate Resolution No. 81 was a beginning. To ensure that the work continues and to guarantee that appropriate safety measures will remain in effect for all childcare and educational facilities throughout the Commonwealth under future administrations, legislative action is necessary. Senate Bill No. 922 will achieve these objectives, and today I thank you for your support on this important public safety legislation.

I want to thank Senator Don White for co-authoring Senate Resolution No. 81 with me and for his tremendous support with both initiatives as they made their way through the committee system and to the Senate floor. I want to also thank my colleagues for their support as cosponsors on both Senate Resolution No. 81 and Senate Bill No. 922. And finally, I want to thank the leadership on both sides of the aisle for their assistance as the measures advanced through the legislative process in the Senate.

I greatly appreciate the unanimous vote that Senate Resolution No. 81 received in this Chamber on October 28, 2003, and while I regret that I cannot be present today to vote personally, I genuinely appreciate the support of all the Members for Senate Bill No. 922.

Childcare providers have a particularly awesome responsibility to provide safe and secure conditions for all those preschool-aged children in their care. Senate Bill No. 922 will provide the necessary assistance and guidance to accomplish that objective.

I thank the Members for their affirmative vote on final passage of Senate Bill No. 922 today.

Thank you very much.

To Christine, we all send our love and our prayers.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, it is my pleasure to introduce to you fourth grade students from Radnor Elementary School who are with us today and in the gallery. They are here with their teacher, John Carideo, plus a number of other teachers and parents, and we are delighted that they have come to Harrisburg today to see how we do business and that they got to the Senate while we were still in Session. So, I would like the students to stand up, and for all of us to give them a warm welcome.

The PRESIDENT. Would our guests rise. Thank you for coming.

(Applause.)

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the presence of the Senate signed the following bills:

HB 100 and HB 349.

ADJOURNMENT

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

Senator D. WHITE. Madam President, I move that the Senate do now adjourn until Monday, March 22, 2004, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 1:55 p.m., Eastern Standard Time.