

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JANUARY 28, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 5

SENATE

MONDAY, January 28, 2002

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend DAVID LINDROOTH, of Ivyland New Church, Ivyland, offered the following prayer:

As I stand in this room, I see beautiful chandeliers and elegant furniture represented in this crystal, and in the wood and the woven rugs, I see the faces of more than 12 million residents of Pennsylvania. I think of the Russian immigrants who play with their children in the backyard of my church. I think of the elderly Huntingdon Valley man I visited in the hospital last week who, with a twinkle in his eye, described his plan for a complete recovery in time for a spring planting when he would again be on his hands and knees in his garden. I think of the warm summer day my family spent on the shores of Lake Erie last summer and the teenage lifeguard who watched our children splashing in the water. I think of these people because our government provides the chance for them to share their unique qualities of life and love with each other.

My faith teaches that each human being has been placed on this earth for a purpose. In God's eyes, everyone is unique and has individual talents to serve others that cannot exactly be replicated. Each person has the chance to contribute to the perfection of society by choosing to offer each other their gifts. Some people express their talents in limited ways, like an elderly woman I know who only has the strength to offer a quiet smile and a compassionate glance. Others have great talent, and with it will be able to affect the lives of thousands. The point is that each individual was created by God in his image and likeness, and each, in his or her unique way, can reflect the image of the Creator and add to the perfection of society at large. It is God's will that everyone have the opportunity to freely use the talents that they have for the sake of their neighbors. In Pennsylvania, the human tapestry woven by the lives of these 12 million citizens is beautiful indeed.

It is an awesome responsibility to be called to serve on the floor of this sacred hall. I find it humbling to reflect that the decisions taken here will either promote or detract from our citizens' abilities to develop and share their individual God-given talents with others. It is my prayer then that the Lord be with you as you

are called to serve in our Senate. I ask that God open your minds and inspire you to think from his eternal principles and fill you with a love for serving your fellow citizens. With these principles and that love, you will discover a wisdom that transcends the mental abilities of any single human being. May God lead you to use that wisdom courageously, to find innovative solutions to the challenges placed before you, so that those solutions may enhance and protect the freedoms that we hold dear. I pray that the Lord lend you the strength to take those decisions that are good in his eyes and make them real to the lives of all Pennsylvanians.

There are over 12 million people who have turned to you with the trust that your wise government will enhance their lives. It is my prayer that the men and women here today will continue to use their tenure well so that our State can move forward to allow for new opportunities for our citizens to live the lives expressive of God, the God who created them just to be them. If you do this, even in limited ways, you will have changed history, for you will increase our citizens' opportunities to participate in the Lord's unceasing blessing. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 23, 2002.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

January 25, 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, Carol R. Brown, 5029 Amberson Place, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2004, and until her successor is appointed and qualified, vice Elaine Cassalia, Huntingdon Valley, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION**

January 25, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Thirty-first Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice The Honorable Donna D. Gority, Altoona, whose term expired.

Mark S. Schweiker
Governor

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

January 25, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 5, 2001 for the appointment of Carol R. Brown 5029 Amberson Place, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2004, and until her successor is appointed and qualified, vice Elaine Cassalia, Huntingdon Valley, whose term expired.

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

Mark S. Schweiker
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 211**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 400**, 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.

RESOLUTION INTRODUCED AND REFERRED

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

January 23, 2002

Senators HELFRICK, KASUNIC, MADIGAN, ROBBINS, CORMAN, SCARNATI, WAUGH, BOSCOLA, WOZNIAK, FUMO, KUKOVICH, TOMLINSON, LAVALLE, OPAKE, MOWERY, TARTAGLIONE, ORIE, BELL, WENGER, EARLL, MURPHY, WAGNER, COSTA, LOGAN, GREENLEAF, THOMPSON, KITCHEN, ERICKSON, HOLL, MUSTO, PICCOLA, STOUT, SCHWARTZ, DENT, LEMMOND, D. WHITE, RHOADES and GERLACH presented to the Chair **SR 151**, entitled:

A Resolution recognizing the 70th anniversary of the founding of the Pennsylvania Federation of Sportsmen's Clubs.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, January 23, 2002.

BILL SIGNED

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

SB 211.

REPORTS FROM COMMITTEE

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

SB 1013 (Pr. No. 1260) (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 Office for Safe Schools and for certain reporting.

SB 1075 (Pr. No. 1674) (Amended) (Rereported)

An Act regulating bail bond enforcement agents; requiring licensure and registration; and providing for penalties.

SB 1115 (Pr. No. 1675) (Amended) (Rereported)

An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories.

HB 1333 (Pr. No. 3184) (Amended) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring Internet service providers to remove or disable access to child pornography sites on the Internet.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for legislative leaves for Senator Bell and Senator Lemmond.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Bell and Senator Lemmond. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Kasunic and Senator Schwartz. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, January 28, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 4, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, February 4, 2002, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

Fumo	Mellow	Stack	Wozniak
Gerlach	Mowery	Stout	

NAY-0

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

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

SENATE RESOLUTION ADOPTED

Senators MOWERY, BOSCOLA, COSTA, EARLL, HELFRICK, KUKOVICH, LAVALLE, LOGAN, MADIGAN, MURPHY, MUSTO, O'PAKE, PICCOLA, ROBBINS, TOMLINSON, WAGNER, WENGER, ERICKSON, HOLL, TARTAGLIONE, THOMPSON, M. WHITE, BODACK, ORIE, SCHWARTZ, DENT, GREENLEAF, LEMMOND, D. WHITE, BRIGHTBILL, GERLACH, RHOADES, SCARNATI, WAUGH and MELLOW, by unanimous consent, offered **Senate Resolution No. 157**, entitled:

A Resolution recognizing February 2002 as "American Heart Month" in Pennsylvania.

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR HAROLD F.
MOWERY PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I am pleased to introduce Dr. James Fatu, the new president of the Pennsylvania-Delaware affiliate of the American Heart Association, and Jason Trout, deputy vice president of the Pennsylvania-Delaware affiliate. Let us give them a warm welcome from the Senate.

The PRESIDENT. Would the guests of Senator Mowery kindly stand so we may welcome you to the Senate of Pennsylvania.

(Applause.)

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Lemmond, and his legislative leave is cancelled.

**GUESTS OF SENATOR MICHAEL A.
O'PAKE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake, for a very special recognition.

Senator O'PAKE. Mr. President, last week, Thursday to be precise, the eyes of the nation were fixed on a school bus from the Oley Valley School District in Berks County. Thirteen young children were being transported from Oley Valley High School to the Berks Christian Academy. They were all ages, from first grade through ninth grade. The bus left the high school with 13 students on it at 7:30 a.m. and was scheduled to arrive at the Berks Christian Academy at 8:10 a.m. By 8:30 a.m., it was

noticed that all 13 students were missing. They were not in attendance. The school reported the missing children to the Oley Valley School District's staff, and subsequently to Chief of Police George Endy. Now, if you remember last Thursday, it was very foggy, heavy rain in the morning, so the chief thought that perhaps the bus lost its way, and he made a very, very thorough search of the usual route. He did not find the bus or the children. The Pennsylvania State Police, and later the FBI, were brought in to assist.

Finally, Mr. President, after 6 hours of worry, anxiety, and prayer, these children were found unharmed in Landover Hills, Maryland. The bus driver, who reportedly had a loaded M-1 rifle in the bus, was taken into custody.

Since September 11, we have all been overwhelmed by the need for security and safety in this country. You can imagine the fear and the terror that struck the hearts of the parents of these students when they had to wait and pray for 6 hours wondering where their kids were after placing them on this school bus early that morning.

There were some real heroes, Mr. President, of that ordeal, and one of them is here today. Before we hear from one of those students who kind of took charge, and when you hear him, you will understand why; he is a very calm, cool, collected, mature, and solid young man, and he is going to talk to us briefly. But also with us here today, and I would like the body to recognize the other people who will not be speaking, of course we have the proud parents of Josh, and I would ask Fred and Debi Pletscher to stand at this time, as well as Nathan, his older brother, who came here for moral support. We also have the superintendent of the Oley Valley School District, Mr. Jeffrey Zackon, who acted very professionally and responsibly. He was there after midnight that night because the State Police escorted a bus with all the parents down to Landover Hills, Maryland, and he waited and received the kids at 12:15 a.m. the next morning. And our fine chief of police who, under a great deal of stress and pressure and tension, did a wonderful job given the resources of the Oley Valley Police Department, Chief George Endy, Jr., is here.

But the real star, the real hero, and the person I am just so impressed with, he spoke to the media when he got back after midnight that night, and actually had many of us smiling and laughing with some of the stories about what went on in the bus. They did get a free meal out of Burger King and had a couple of rest stops along the way, and I am sure he can tell the rest of the story, but it is heartwarming to know that there are young people now who, even under the most trying and difficult circumstances, had the courage and the common sense to calm all the other little kids, because there were first and second and third graders on that bus as well, and therefore one of the heroes of that ordeal, which thankfully ended successfully, peacefully, without anybody being harmed, but I know it is a day he will never forget, I would like the Senate to recognize and have Joshua Pletscher speak to us briefly about his experience during those 6 hours on that bus on the way to Landover Hills, Maryland.

The PRESIDENT. We welcome all of Senator O'Pake's guests and know that this is, I am sure, a very difficult time, but thank goodness all is well that ends well, and, Josh, we invite you to come up and say a few words. Thank you for being here.

(Applause.)

Mr. JOSHUA PLETSCHER. Good afternoon, ladies and gentlemen. It is an honor to speak to you. Thank you, Senator O'Pake, for allowing me to come, and thank you for allowing me to speak here.

It was an interesting day on Thursday. We woke up really tired, not paying attention to anything different that was on the bus, and he called two girls to the front of the bus and we did not know why. We were sitting in the back just messing around and then we just left, and the girls came to the back of the bus and said we were going to Washington, D.C. The bus driver said he was going to show us something. We were really confused. We did not know what was going on, where we were going in Washington, D.C., or what we would be doing there. And so we were going on and we got to Boyertown and turned onto the highway, and a little girl turned around and said, "There's a gun up here," and they just whispered it back and we got a little scared about that, but tried to stay calm. We went up and looked at it. He had a coat over top, so all we saw was the stock. When we saw that, we got a little scared, but we did not want the little kids to get scared, so we just did stuff, we messed around, we waved to cars as they passed, we had trucks honk their horns and we tried to see who could hold their breath the longest going under a tunnel, and we tried not to get scared. The little kids were great during the whole thing. They stayed really calm.

Some people were saying that they called it kidnapping. I do not want to call it kidnapping. One reason, I could not fall asleep during the whole thing, so we were not really napping. But the people, if you watch TV and you see a kidnapping, you always see the kidnapper as a really mean person, you know, looking over his shoulder at everything they are doing, making sure they do not do anything like call anybody or anything. He was not like that. He let us go in to Old Country Buffet to go to the bathroom by ourselves. When we got there, then he was just reading a map, because he kept getting lost. So we went in and after we came back he went back in and put me in charge, for some reason, and he went into the bathroom, and that is when we looked at the gun. We did not see any bullets or magazines or anything. And he came back and we just kept going. We stopped at Burger King, and he treated us. That was pretty nice. And a kid came up to me and said he saw on CNN that a bus was missing. I thought that there was another bus missing, but I guess he thought maybe it was us. But when you grow up in a small town, a little person there, you do not really think that you are on TV and people are looking for you, and that stuff. So, the bus driver said that when we got to Washington, D.C., we were going to call our parents, and that was the thing that worried me the most, calling my mom, because I did not think she knew where we were, calling her and saying, hey, guess where I am? I am in Washington, D.C., and then I would get an earful when I got home.

So, then we got outside of Washington where we were switching over between two maps, one just got us there and the other one was the actual roads in Washington, D.C., and we got lost again. He could not find out where we were and he decided to try to find a police officer to give us directions to where it was. So, we were driving around a little bit and saw a police officer pull into a Family Dollar, so we turned around and went there. He got out of the bus, we all stayed in, and he just went over and

I guess he turned himself in instead. So, out of the whole day, it was really a peaceful ending, which was really cool to see.

When we got to the police station we started to see how big of a deal it really was, because we really did not think it was that big of a deal. We did not know what was going on or anything, being stuck inside of a bus for 6 hours. When we got there, they had the news stations on and the cops were there. They were amazing. We played basketball. I think I gained 20 pounds from them, they kept feeding us and feeding us, and they were really amazing. So, when we found out on the news that it was a big deal, they really helped us to just keep staying calm. That is what I was trying to do for the little kids, because if they got really scared, then that could have made more problems. It was a hard situation to go through, but I know that it was for the good of other people in the future.

Thank you.

(Applause.)

The PRESIDENT. Thank you very much, Josh. I know your family is very proud of you, and well they should be. They obviously raised quite a young man.

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

Senator O'PAKE. Mr. President, I just wanted to say to Josh that even though you did not make it to the nation's Capitol, we are honored to have you as our guests here in the State Capitol. It is nicer here anyway, and a lot safer.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Kasunic is on the floor, and his temporary Capitol leave will be cancelled.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Majority Caucus Room.

Senator O'PAKE. Mr. President, likewise, Democrats are urged to report to our caucus room immediately.

The PRESIDENT. Without objection, for purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, the Senate will stand in recess.

AFTER RECESS

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 227 and SB 391 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 460 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

SB 533 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1007 (Pr. No. 1615) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, providing for the definition of "acupuncture educational program"; and further providing for the regulations of the practice of acupuncture.

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

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

NAY-0

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

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

SB 1011 (Pr. No. 1258) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, adding a definition of "mobilization/manual therapy."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, the agreement between the Pennsylvania Physical Therapy Association and the Pennsylvania Chiropractic Association has resolved the longstanding differences regarding practice issues surrounding manual therapy techniques known as mobilization and manipulation. The agreement, however, is not about ownership of these terms, but rather it is about defining each profession's practices in connection with the definitions.

Regarding Senate Bill No. 1011, defining manual therapy/mobilization, all physical therapy programs in universities and colleges in Pennsylvania for accreditation purposes must teach and educate physical therapist students in manual therapy, which includes mobilization grades one through five. Mobilization, as a practice technique, occurs in five grades. The fifth grade is recognized medically as a form of manipulation. Existing law already permits licensed physical therapists to provide mobilization techniques throughout the entire musculoskeletal system.

Madam President, the definition in Senate Bill No. 1011 delineates how this technique is applied in physical therapy practice as contrasted to the use of manipulation/adjustment techniques utilized by chiropractic when treating. Although the techniques defined in Senate Bills No. 1011 and 1012 have certain similarities, they are nevertheless utilized by the two professions in practice for a different focus and reason. Senate Bills No. 1011 and 1012 establish the benchmark relating to these techniques and their focus for each practice.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Schwartz is on the floor, and her temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1012 (Pr. No. 1259) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act, adding a definition of "manipulation/adjustment."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SB 1048 (Pr. No. 1309) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the simulation of legal process and related acts; prohibiting the use of unofficial license plates; and imposing penalties.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SB 460 CALLED UP

SB 460 (Pr. No. 1180) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 460 (Pr. No. 1180) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, further providing for fees and charges and for applicability.

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

Senator MOWERY offered the following amendment No. A0241:

Amend Sec. 1 (Sec. 1101), page 3, line 27, by inserting after "a":
retail food store licensed as a

Amend Sec. 1 (Sec. 1101), page 3, line 30, by inserting after "A":
retail food store licensed as a

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

BILL AMENDED

SB 1177 (Pr. No. 1546) -- 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 aggravated assault.

On the question,
Will the Senate agree to the bill on third consideration?
Senator SCHWARTZ offered the following amendment No. A4402:

Amend Sec. 1 (Sec. 2702), page 3, line 7, by inserting after "AGENCY": or of the legal representative of such agency

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1244 (Pr. No. 1601) -- 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 unlawful contact or communication with minor.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SB 1249 (Pr. No. 1621) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a road in Towanda Borough and North Towanda Township, Bradford County, as the John B. Merrill Parkway.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1546 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS AMENDED

HB 1758 (Pr. No. 3084) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on SR 1038, over the Allegheny River in Armstrong County, as the Kittanning Citizens' Bridge; designating a bridge on SR 1017, over the north branch of Tunkhannock Creek, as the Nicholson Veterans Memorial Bridge; and redesignating the Apollo Bridge carrying State Route 66 between Oklahoma Borough, Westmoreland County, and Apollo Borough, Armstrong County, as the Leonard C. Miller Bridge.

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

Senator BRIGHTBILL offered the following amendment No. A0195:

Amend Title, page 1, line 4, by inserting after "CREEK": in Wyoming County

Amend Sec. 1, page 1, line 16, by striking out "side" and inserting: end

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.

HB 1830 (Pr. No. 3036) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, amending the title; further providing for definitions, for the State Board for Certification of Sewage Treatment Plant and Waterworks, for certification, for professional engineers, for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of plants, for penalties and enforcement, and for civil relief; establishing the Certification Program Advisory Committee; providing for continuing education and for interim program authorization; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A0167:

Amend Sec. 14 (Sec. 13), page 28, lines 17 through 21, by striking out all of said lines.

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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 462 and **HB 751** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

HB 850 (Pr. No. 3159) -- 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 purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages; and prohibiting certain practices by telemarketers.

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

SB 1182 (Pr. No. 1495) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for grants to the estates of certain police officers, firefighters and emergency services personnel for the payment of funeral expenses.

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 1225 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 1469 (Pr. No. 2872) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, defining "listing administrator" and "telephone solicitation call"; prohibiting blocking of caller identification and other telemarketing screening products or services; and prohibiting unwanted telephone solicitation calls.

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 1813 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SENATE RESOLUTION No. 59, REREFERRED

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 59**, entitled:

A Resolution calling upon the Governor to renew contract negotiations by entering into binding arbitration and to reward valued Commonwealth employees for their dedicated work.

On the question,
Will the Senate adopt the resolution?

Senator BRIGHTBILL. Madam President, I move that Senate Resolution No. 59 be rereferred to the Committee on Appropriations.

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

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

The PRESIDING OFFICER. Senate Resolution No. 59 will be rereferred to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION
No. 97, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, **Senate Concurrent Resolution No. 97**, entitled:

A Concurrent Resolution memorializing Congress to honor Commodore John Barry as the first flag officer of the United States Navy.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I urge the full Senate's support of Senate Resolution No. 97, which memorializes Congress to honor Commodore John Barry as the first flag officer of the United States Navy. Nearly two full centuries after his death, it is puzzling that Commodore Barry remains an unsung hero. It is puzzling because he not only was one of the great naval leaders of the Revolution, he played a lead role in building the new nation's Navy after the war. He served as head of the Navy under President Washington, President Adams, and President Jefferson. A native of Ireland who lived most of his life in Philadelphia, Commodore Barry volunteered his services during the Revolutionary War and was the first American naval officer to obtain a rank higher than captain. To many, he was the founder and founding father of the American Navy. During the Revolution, it was Commodore Barry who helped plan and supported George Washington's surprise crossing of the Delaware. He was the first American officer to capture a British war vessel on the high seas. He captured more than 20 ships. In fact, he captured two British ships during a battle in which he was wounded. He also fought on land, including the battles of Trenton and Princeton, and led America to victory at the last naval battle of the Revolution in 1783.

Following the war, he wrote a book that established a set of signals for communication between ships, and he recommended the creation of a separate Department of the Navy. A naval flag officer is an officer who attains a rank higher than captain. As the officer whom President Washington personally selected as the ranking officer when the United States Navy was permanently created, Commodore Barry must be remembered as our nation's first flag officer.

Madam President, historic journals are in agreement on Commodore Barry's contributions to the building of America. The Statue of Liberty museum has recognized Barry as one of six great foreign born American leaders for the War of Independence. The time is long overdue for Congress to bestow the honor of America's first flag officer upon the great patriot and hero, the Philadelphian and the Pennsylvanian, Commodore John Barry.

Thank you, Madam President.

And the question recurring,
Will the Senate adopt the resolution?

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

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

UNFINISHED BUSINESS
RESOLUTION OFFERED

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, on behalf of Senator O'Pake, I would like to offer the following resolution, which basically asks, on behalf of the Pennsylvania taxpayer, that the Attorney General bring legal action against both Enron and Arthur Andersen because of the reported \$59 million in stock and bond investments from Enron Corporation that the Pennsylvania Public School Employees' Retirement System has lost based on what took place at that corporation, Madam President, and I offer the following resolution.

The PRESIDING OFFICER. The resolution will be referred to committee.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mary A. Thompson by Senator Armstrong.

Congratulations of the Senate were extended to Bajan's Market of Nazareth by Senators Boscola and Dent.

Congratulations of the Senate were extended to Susan Elizabeth Grassmyer and to Clair D. Delong by Senator Corman.

Congratulations of the Senate were extended to the Allentown Central Catholic High School Girls' Volleyball Team and to the Allentown Central Catholic High School Girls' Cross Country Team by Senator Dent.

Congratulations of the Senate were extended to Matthew Rothman by Senator Erickson.

Congratulations of the Senate were extended to Emma C. Wentzel by Senator Mowery.

Congratulations of the Senate were extended to Wayne Perry by Senator Orie.

Congratulations of the Senate were extended to Rodolfo S. Leuenberger and to Falling Spring Chapter No. 2840 of the American Association of Retired Persons (AARP) by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Willard C. Rimmel, Mr. and Mrs. Gary Karpulk and to Christopher S. Kinsley, Jr., by Senator Rhoades.

Congratulations of the Senate were extended to James and Mark Leofsky, Marv Reinke, Susan Howe and to Darlene E. Cole by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Wesley Rager by Senator Stout.

Congratulations of the Senate were extended to Elizabeth R. Howard by Senator Thompson.

Congratulations of the Senate were extended to Andrew Shanbarger by Senator Waugh.

Congratulations of the Senate were extended to Timothy R. Bauler, Jr., by Senator M. J. White.

Congratulations of the Senate were extended to Lillian Mulford Fehr by Senator C. Williams.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Louise Sutterlin by Senator Orie.

PETITIONS AND REMONSTRANCES

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

Senator MURPHY. Madam President, I just wanted to mention a resolution that I put in today that helps to deal with the issue that we had discussed earlier today with guests of the gentleman from Berks County, Senator O'Pake, on the issue of the unfortunate aspect of the school bus that disappeared for several hours. This resolution calls upon the Department of Transportation, the Department of Education, and the State Police to work to give us some solid information, rather quickly, I might add, to what can be done for some monitoring devices for these buses. I know Senator O'Pake also has a bill he is working on, too, and I am sure he will speak to that at another time, but I did want the Commonwealth to know that we are seeking some other information. What happens on these, we know that you can get many inexpensive devices in cars now that can track that vehicle, and there is talk of also having cell phones which are trackable now as well, that they can be located. We know the shock that all of us feel as parents when we stop and think about how something the size of a bus could disappear for so long, and so I am putting that resolution in so we would have that sort of peace of mind.

Thank you, Madam President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA COMMITTEE MEETINGS

TUESDAY, JANUARY 29, 2002

9:30 A.M.	FINANCE (to consider Senate Resolution No. 101; and House Bills No. 927, 928 and 1706)	Room 8E-A East Wing
12:45 P.M.	APPROPRIATIONS (to consider House Bill No. 1519)	Room 461 Main Capitol

WEDNESDAY, JANUARY 30, 2002

10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 547 and 1254; and House Bills No. 1157, 1458, 1536, 1948 and 2087)	Room 461 Main Capitol
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WEDNESDAY, FEBRUARY 6, 2002

1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Majority Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Majority Caucus Rm.
3:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Small Business Advocate)	Majority Caucus Rm.

MONDAY, FEBRUARY 25, 2002

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community and Economic Development)	Majority Caucus Rm.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Majority Caucus Rm.

TUESDAY, FEBRUARY 26, 2002

9:00 A.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections)	Majority Caucus Rm.
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Majority Caucus Rm.

WEDNESDAY, FEBRUARY 27, 2002

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor and Industry)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue/Budget Secretary Bittenbender)	Majority Caucus Rm.

THURSDAY, FEBRUARY 28, 2002

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Majority Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Majority Caucus Rm.

MONDAY, MARCH 4, 2002

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Majority Caucus Rm.

TUESDAY, MARCH 5, 2002

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare)	Majority Caucus Rm.

WEDNESDAY, MARCH 6, 2002

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Majority Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - State Police)	Majority Caucus Rm.

THURSDAY, MARCH 7, 2002

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Treasury)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Game Commission)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Majority Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Fish and Boat Commission)	Majority Caucus Rm.

WEDNESDAY, MARCH 13, 2002

10:00 A.M.	LAW AND JUSTICE (to consider House Bill No. 1519) <u>C A N C E L L E D</u>	Room 8E-A East Wing
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ADJOURNMENT

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

Senator MURPHY. Madam President, I move that the Senate do now adjourn until Tuesday, January 29, 2002, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:12 p.m., Eastern Standard Time.