

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, APRIL 8, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 21

**SENATE**

MONDAY, April 8, 2002

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

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

**PRAYER**

The Chaplain, Reverend CHARLES MILLIKEN, of United Brethren In Christ Church, Franklintown, offered the following prayer:

Let us pray together.

Dear Heavenly Father, Lord God Almighty, we come to seek Your blessing on this afternoon Session. Grant us wisdom from Your word, give us understanding by Your Holy Spirit, and fill us with Your love in Christ Jesus.

As we start this new week, may our decisions reflect Your mind and not our shortsightedness. May our choices radiate Your love to others and not our selfish ambitions or greed. May our voting follow Your will for our lives as one nation under God.

Thank You for the health and the strength that allows us to work together on the agenda set before us today. As elected officials, may we be sensitive and responsive to the needs and the concerns of all the people who have given us their trust. Keep us focused on serving You, God, and we give You thanks for the privilege and the opportunity for faithfully serving all the people of this Commonwealth.

Lord, give grace to us, Your servants, in exercising our responsibilities. We pray this in the name of the Father and of the Son and of the Holy Spirit. In Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Milliken, who is the guest today of Senator Punt.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 26, 2002.

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

**COMMUNICATIONS FROM THE GOVERNOR**

**APPROVAL OF SENATE BILLS**

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

SB 218, 219, 220, 985, 1011, 1012 and SB 1115.

**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 MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION**

March 28, 2001

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, Bart Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years, and until his successor is appointed and qualified.

Mark S. Schweiker  
Governor

**MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD**

April 1, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia M. Bricklin, Ph.D., 470 General Washington Road, Wayne 19087, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four

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 BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

April 1, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kara L. Wealand, 110 Keller Avenue, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice James E. Manser, IV, Harleysville, graduated.

Mark S. Schweiker  
Governor

MEMBER OF THE PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT BOARD

April 1, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James H. Shacklett, III, 1109 Sweetbriar Circle, Gwynedd Valley 19437, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2003 and until his successor is appointed and qualified, vice Frederick C. Tecce, Esquire, Gladwyne, resigned.

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

April 1, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elissa M. Lang, 106 Church Lane, Pittsburgh, 15238, Allegheny County, Fortieth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-2-04, to serve until the first Monday of January 2004, vice John T. Bender, resigned.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BLAIR COUNTY

April 5, 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, Daniel J. Milliron, Esquire, 101 South Beckman Drive, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as Judge of the Court of Common Pleas of Blair County, to serve until the first Monday of January 2004, vice The Honorable Norman D. Callan, lost retention election.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
MONTGOMERY COUNTY

April 5, 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, Steven T. O'Neill, Esquire, 426 Bryn Mawr Avenue, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2004, vice The Honorable Samuel W. Salus, II, resigned.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY

April 5, 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, Emil A. Giordano, Esquire, 4380 Loraine Lane, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January 2004, vice The Honorable Robert E. Simpson, Jr., resigned.

Mark S. Schweiker  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

April 5, 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. Dych, Esquire, 1922 Green Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Richard B. Klein, resigned.

Mark S. Schweiker  
Governor

JUDGE, TRAFFIC COURT  
OF PHILADELPHIA

April 5, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Doris M. Leisch, Esquire, 3437 West Penn Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Francis J. Little, resigned.

Mark S. Schweiker  
Governor

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

April 5, 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, Domingo Quintero-Martinez, 1911 Mary Lane, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until April 24, 2005 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Janis M. Horn, Harrisburg, resigned.

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

April 5, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as District Justice, in and for the County of Blair, Magisterial District 24-3-01, to serve until the first Monday of January 2004, vice John B. Greene, resigned.

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

April 5, 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, Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as

District Justice, in and for the County of York, Magisterial District 19-1-01, to serve until the first Monday of January 2004, vice William J. Farrell, III, resigned.

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

April 5, 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, Wha Lee, 820 Clifton Heights Road #3, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-2-29, to serve until the first Monday of January 2004, vice Guido A. DeAngelis, resigned.

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

April 5, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as District Justice, in and for the County of York, Magisterial District 19-3-03, to serve until the first Monday of January 2004, vice James D. Hodge, resigned.

Mark S. Schweiker  
Governor

RECALL COMMUNICATION  
REFERRED TO COMMITTEE

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 referred to the Committee on Rules and Executive Nominations:

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

April 5, 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 March 18, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until April 24, 2005 and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Janis M. Horn, Harrisburg, resigned.

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

Mark S. Schweiker  
Governor

**CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE**

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 referred to the Committee on Rules and Executive Nominations:

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

April 1, 2002

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

Please note the nomination dated March 28, 2001 for the appointment of Bart Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years, and until his successor is appointed and qualified, should be corrected to read:

March 28, 2002, Bart Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years, and until his successor is appointed and qualified.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

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

March 27, 2002

- HB 930 and 2223** -- Committee on Local Government.
- HB 1281 and 1964** -- Committee on Transportation.
- HB 2100** -- Committee on State Government.
- HB 2302** -- Committee on Environmental Resources and Energy.

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- HB 387** -- Committee on Transportation.
- HB 959** -- Committee on Public Health and Welfare.
- HB 1716** -- Committee on Labor and Industry.
- HB 2059 and 2200** -- Committee on Education.

**BILLS INTRODUCED AND REFERRED**

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

March 27, 2002

Senators LOGAN, LAVALLE, KUKOVICH, TARTAGLIONE, WAUGH, O'PAKE, BELL, MELLOW, BOSCOLA, RHOADES, MUSTO, COSTA, HUGHES and KITCHEN presented to the Chair **SB 1369**, entitled:

An Act exempting volunteer fire, rescue and ambulance companies from all State and local taxes.

Which was committed to the Committee on FINANCE, March 27, 2002.

Senators MOWERY, MURPHY, ARMSTRONG, BELL, BODACK, BOSCOLA, BRIGHTBILL, CONTI, CORMAN, COSTA, DENT, EARLL, ERICKSON, FUMO, GERLACH, GREENLEAF, HELFRICK, HOLL, HUGHES, JUBELIRER, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, LOGAN, MADIGAN, MELLOW, MUSTO, O'PAKE, ORIE, PICCOLA, PUNT, RHOADES, ROBBINS, SCARNATI, SCHWARTZ, STACK, STOUT, TARTAGLIONE, THOMPSON, TOMLINSON, WAGNER, WAUGH, WENGER, D. WHITE, M. WHITE, A. WILLIAMS, C. WILLIAMS and WOZNIAK presented to the Chair **SB 1371**, entitled:

An Act directing the Department of Public Welfare to file an application for the Commonwealth to participate in the Federal Pharmacy Plus program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 27, 2002.

April 1, 2002

Senators FUMO, GERLACH, ARMSTRONG, TARTAGLIONE, SCHWARTZ, STACK, KITCHEN, A. WILLIAMS, ERICKSON, GREENLEAF, C. WILLIAMS, O'PAKE, HOLL, BELL, TOMLINSON, MUSTO, CONTI, MELLOW and CORMAN presented to the Chair **SB 1372**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for wage tax reduction.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, April 1, 2002.

Senators RHOADES, ERICKSON, CORMAN, MADIGAN, TOMLINSON, BODACK, LAVALLE, M. WHITE, FUMO, BRIGHTBILL, MOWERY, KUKOVICH, WAGNER and WOZNIAK presented to the Chair **SB 1373**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for revenue sources and taxing authority for funding public schools; establishing the Educational Trust Fund; providing for education funding State revenue report; requiring local tax reductions; defining terms for Commonwealth reimbursement of school districts; providing for fairness in educational funding; and making a repeal.

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

Senators WAUGH, BELL, LAVALLE, LEMMOND, ERICKSON, COSTA, BOSCOLA, MOWERY and RHOADES presented to the Chair **SB 1374**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for private services, gifts, payments and contracts which are prohibited.

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

April 4, 2002

Senators BELL, LAVALLE, PUNT, ERICKSON, MADIGAN, WENGER, BOSCOLA, SCARNATI, KITCHEN, CORMAN, FUMO, TARTAGLIONE, WOZNIAK, EARLL, ROBBINS, D. WHITE, KUKOVICH and MELLOW presented to the Chair **SB 1375**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for violations relating to motorcycle riders.

Which was committed to the Committee on TRANSPORTATION, April 4, 2002.

April 5, 2002

Senators MOWERY, PICCOLA, THOMPSON, WENGER, CORMAN, ROBBINS, BELL, ERICKSON, SCARNATI, PUNT, D. WHITE, MADIGAN, ARMSTRONG, DENT and WAUGH presented to the Chair **SB 1376**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for actions for negligence.

Which was committed to the Committee on JUDICIARY, April 5, 2002.

Senators STACK, WAGNER, KUKOVICH, MUSTO, LOGAN, M. WHITE, O'PAKE, ERICKSON, COSTA, BODACK, ORIE, WOZNIAK, HELFRICK, SCHWARTZ, HUGHES, MELLOW, RHOADES, LEMMOND, KITCHEN, STOUT, GERLACH, ROBBINS, TOMLINSON, PUNT, GREENLEAF, BOSCOLA, A. WILLIAMS and C. WILLIAMS presented to the Chair **SB 1377**, entitled:

An Act providing for Commonwealth support for an Alcohol and Drug Addiction Counselor Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and apply their education to careers as alcohol and other drug addiction counselors in this Commonwealth.

Which was committed to the Committee on EDUCATION, April 5, 2002.

Senators GERLACH, KUKOVICH, COSTA, KITCHEN, LOGAN, PUNT, MADIGAN, LAVALLE, ROBBINS, ERICKSON, RHOADES, WOZNIAK, TARTAGLIONE, LEMMOND and BOSCOLA presented to the Chair **SB 1380**, entitled:

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

Which was committed to the Committee on LOCAL GOVERNMENT, April 5, 2002.

Senators GREENLEAF, BOSCOLA, CONTI, ERICKSON, HUGHES, M. WHITE, KUKOVICH and C. WILLIAMS presented to the Chair **SB 1381**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of greyhound racing; and prescribing a penalty.

Which was committed to the Committee on JUDICIARY, April 5, 2002.

**RESOLUTIONS INTRODUCED AND REFERRED**

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

March 27, 2002

Senator GERLACH presented to the Chair **SR 183**, entitled:

A Resolution designating the month of October 2002 as "Planning Great Communities Month" in Pennsylvania.

Which was committed to the Committee on LOCAL GOVERNMENT, March 27, 2002.

April 4, 2002

Senators PICCOLA, HELFRICK, MURPHY, KITCHEN, KUKOVICH, LEMMOND, ERICKSON, THOMPSON, WENGER, ORIE, TOMLINSON, WAUGH, CONTI, GREENLEAF, COSTA, ROBBINS, PUNT, MOWERY, DENT, O'PAKE, BOSCOLA, EARLL, JUBELIRER and BRIGHTBILL presented to the Chair **SR 188**, entitled:

A Resolution designating the week of April 14 through 20, 2002, as "Pennsylvania Home Education Week."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 4, 2002.

Senators ROBBINS, TOMLINSON, KITCHEN, BELL, LEMMOND, EARLL, PUNT, D. WHITE, HUGHES, JUBELIRER, BRIGHTBILL, MELLOW, PICCOLA, WAGNER, THOMPSON, FUMO, GERLACH, MURPHY, HELFRICK, LAVALLE, MOWERY, BODACK, RHOADES, MUSTO, DENT, M. WHITE, WENGER, SCHWARTZ, SCARNATI, GREENLEAF, TARTAGLIONE, ERICKSON, ORIE, COSTA, KUKOVICH, WAUGH, LOGAN, STOUT, O'PAKE, BOSCOLA, CONTI and STACK presented to the Chair **SR 190**, entitled:

A Resolution proclaiming the week of June 9 through 15, 2002, as "State Veterans' Home Week."

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, April 4, 2002.

**GENERAL COMMUNICATIONS**  
**ANNUAL REPORTS ON DRUG AND**  
**ALCOHOL PROGRAMS**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Health  
Post Office Box 90  
Harrisburg, PA 17108

March 26, 2002

The Honorable Mark R. Corrigan  
Secretary, Senate of Pennsylvania  
Senate Box 203053  
462 Capitol Bldg.  
Harrisburg, Pennsylvania 17120-2020

Dear Senator[*sic*] Corrigan:

I am pleased to submit the Pennsylvania State Plan for Drug and Alcohol Abuse and Dependence Programs for state fiscal year 2000-01, and the Annual Report covering the period July 1999 through June 2000, required by the Pennsylvania Drug and Alcohol Abuse Control Act (71 P.S. § 1690.101-1690.114). Also included is the Women and Children's Report, required by Act 65 of 1993. I hope you find each of these reports informative.

If you have any questions, please contact Deborah Griffiths, Director of Legislative Affairs, at 783-3985.

Sincerely,

ROBERT S. ZIMMERMAN, JR.  
Secretary of Health

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

**ANNUAL REPORT OF QUALITY**  
**ASSURANCE PROGRAMS**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Health  
P.O. Box 90  
Harrisburg, PA 17108

March 26, 2002

The Honorable Mark R. Corrigan  
Secretary, Senate of Pennsylvania  
Senate Box 203053  
462 Capitol Bldg.  
Harrisburg, Pennsylvania 17120-2020

Dear Senator[*sic*] Corrigan:

I am pleased to submit the Department of Health's annual Quality Assurance Report covering the period of July 1, 2000 through June 30, 2001. I hope you find it informative.

If you have any questions, feel free to contact Deborah Griffiths, Director of Legislative Affairs, at 783-3985.

Sincerely,

ROBERT S. ZIMMERMAN, JR.  
Secretary of Health

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

**APPOINTMENT BY THE**  
**PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Mary Jo White as a member of the Interbranch Commission on Venue for actions relating to medical professional liability.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Mr. President, I ask for a legislative leave for Senator Bell, and temporary Capitol leaves for Senator Tomlinson and Senator Armstrong.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Schwartz, and a legislative leave for Senator Stout.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Stout, and a temporary Capitol leave for Senator Schwartz. Without objection, those leaves will be granted.

**LEAVES OF ABSENCE**

Senator BRIGHTBILL asked and obtained a leave of absence for Senator SCARNATI, for today's Session, for personal reasons.

Senator MELLOW asked and obtained a leave of absence for Senator KUKOVICH, 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, April 8, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, April 15, 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, April 15, 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-48**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR EDWARD W.  
HELFRICK PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I have the honor today to introduce you to a lovely young guest Page from my district. Her name is Maggie Mae Ross of Sunbury, and she is the daughter of Edward and Paula Greco. She is a senior at Mount Carmel High School, where she is the school mascot, Twisty the Tornado, they call her. She plans to attend the Pennsylvania College of Technology to major in mass communications.

Maggie is active in the youth group at the United Lutheran Church of Sunbury. She is active as a volunteer in the Republican Party in Northumberland County, and she is a huge young Dale Earnhardt fan. I have been encouraging her to run for the Senate some day. I keep telling her what a good job the lady Senators do here, and she would fit right in. When she came in today, I let her sit in my chair. I said, you may as well take a picture now and in future years you will be able to look back at that and say, I was there a long time ago; this is the second time I am here.

Thank you, Mr. President.

The PRESIDENT. Would the guest of Senator Helfrick kindly rise 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 Schwartz, and her temporary Capitol leave is cancelled.

**GUESTS OF SENATOR JAMES W. GERLACH  
AND SENATOR MICHAEL A. O'PAKE  
PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, on behalf of Senator Gerlach and myself, I would like to call attention to my colleagues of a fine group of young leaders who are here from Berks County. Many, many years ago when I was a student, I was the beneficiary of the Optimist Club through an oratorical contest that they sponsored, and ever since then, they set aside Youth Appreciation Week. Tom Kirchner has, for years, chaired that committee and he always brings outstanding seniors from Senator Gerlach's district and from my district, and he has done that again this year. They are students from the Daniel Boone School District, basically. They are here with the president of the Daniel Boone Optimist Club, Mr. Barry Leier, and the past president of the Daniel Boone Optimist Club, Maryann Uivary, and I would ask the Chair to extend its usual warm welcome to the students from Daniel Boone who are here for Youth Appreciation Week, sponsored by Optimist International.

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

(Applause.)

**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.

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

Senator O'PAKE. Mr. President, I ask all Democrats to come immediately to the caucus in the back of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to take place in their respective caucus rooms, without objection, the Senate will stand in recess.

**AFTER RECESS**

**The PRESIDING OFFICER (Senator M.J. White) in the Chair.**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILLS  
OVER IN ORDER**

SB 1354 and SB 1358 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 235 and HB 247 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 462 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

SB 785 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 813 (Pr. No. 931) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the discount rate on workers' compensation insurance policies.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

LEGISLATIVE LEAVES CANCELLED

Senator BRIGHTBILL. Madam President, I would like to remove Senator Armstrong and Senator Tomlinson from temporary Capitol leave.

The PRESIDING OFFICER. Without objection, those leaves are cancelled.

LEGISLATIVE LEAVE

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

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Wagner.

The PRESIDING OFFICER. Senator Mellow requests a temporary Capitol leave for Senator Wagner. Without objection, that leave is granted.

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 Greenleaf Mowery Thompson
Bell Helfrick Murphy Tomlinson

Bodack Holl Musto Wagner
Boscola Hughes O'Pake Waugh
Brightbill Jubelirer Orié Wenger
Conti Kasunic Piccola White, Donald
Corman Kitchen Punt White, Mary Jo
Costa Kukovich Rhoades Williams, Anthony H.
Dent LaValle Robbins Williams, Constance
Earl Lemmond Schwartz Wozniak
Erickson Logan Stack
Fumo Madigan Stout
Gerlach Mellow 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 462 CALLED UP

SB 462 (Pr. No. 1465) -- 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

SB 462 (Pr. No. 1465) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of viatical settlements and for powers and duties of the Insurance Department.

On the question, Will the Senate agree to the bill on third consideration? Senator MOWERY offered the following amendment No. A1300:

Amend Sec. 2, page 5, lines 18 through 20, by striking out all of said lines and inserting:

(i) destroys, removes, conceals or alters the assets or records of a

Amend Sec. 2, page 8, line 6, by striking out "CERTIFIED"

Amend Sec. 2, page 8, line 6, by inserting after "PLANNER": accredited by a nationally recognized accreditation agency

Amend Sec. 2, page 9, line 5, by inserting after "viator.": This term shall not include a written agreement entered into between a viator and a person having an insurable interest in the viator's life.

Amend Sec. 2, page 9, line 14, by inserting after "contract": or at the request of the policyholder

Amend Sec. 3, page 13, line 29, by inserting after "stockholders,": investors,

Amend Sec. 3, page 15, line 1, by striking out "provided" and inserting: certified to the department implementation of

Amend Sec. 7, page 22, line 19, by striking out "date" and inserting: time

Amend Sec. 8, page 25, by inserting between lines 11 and 12:

(3) If the viatical contract involves a life insurance policy that is being viaticated within the two-year period commencing with the date of the issuance of the insurance policy or certificate pursuant to section 9(2), a document in which the insured consents to the tolling of the running of the policy's contestable period until after the insurer has completed its good faith investigation regarding the validity of the insurance contract.



Amend Sec. 8, page 25, line 12, by striking out all of said line and inserting:

(b) Notice to insurer.—Within 20 days after a viator executes documents

Amend Sec. 8, page 25, line 19, by striking out "The" and inserting: If the viator is terminally or chronically ill, the

Amend Sec. 8, page 25, line 19, by striking out "the document" and inserting: a written statement from the viator

Amend Sec. 8, page 25, line 20, by striking out "subsection (a)(1)" and inserting: subsection (a)(1)(iv)

Amend Sec. 8, page 25, line 21, by striking out "(b)" and inserting:

(c) Amend Sec. 8, page 25, line 28, by striking out "(c)" and inserting:

(d) Amend Sec. 8, page 26, line 4, by striking out "(d)" and inserting:

(e) Amend Sec. 8, page 26, line 9, by striking out "subsection (a)(3)" and inserting: subsection (b)

Amend Sec. 8, page 26, line 12, by inserting after "transaction.":

The verification of coverage request shall be on a form substantially similar to the form developed by the department.

Amend Sec. 8, page 26, lines 15 and 16, by striking out "respond to a request for verification of coverage submitted on an approved form" and inserting: complete the verification of coverage form submitted by the viatical settlement provider or viatical settlement broker and transmit to the requesting party the completed verification of coverage form

Amend Sec. 8, page 26, line 18, by striking out "received and" and inserting: received. The completed verification of coverage form

Amend Sec. 8, page 26, line 20, by inserting after "intends": in good faith

Amend Sec. 8, page 26, line 21, by inserting after "contract": because of an actual or potential fraudulent viatical settlement act or other fraud

Amend Sec. 8, page 26, line 25, by striking out "(e)" and inserting:

(f) Amend Sec. 8, page 26, line 29, by inserting after "this": section, provided that the viatical settlement provider shall remain responsible for any failure of the viatical settlement broker to have fulfilled the requirements of this

Amend Sec. 8, page 26, line 30, by striking out "(f)" and inserting:

(g) Amend Sec. 8, page 27, line 5, by striking out "(g)" and inserting:

(h) Amend Sec. 8, page 27, line 14, by striking out "(h)" and inserting:

(i) Amend Sec. 8, page 28, line 7, by striking out "(i)" and inserting:

(j) Amend Sec. 8, page 28, line 12, by striking out "NULL AND VOID." and inserting: ; voidable by the viator for lack of consideration until the time consideration is tendered to and accepted by the viator.

Amend Sec. 8, page 28, line 13, by striking out "(j)" and inserting:

(k) Amend Sec. 8, page 29, line 4, by striking out "(k)" and inserting:

(l) Amend Sec. 8, page 29, line 10, by striking out "(l)" and inserting:

(m) Amend Sec. 9, page 29, line 16, by striking out "Knowingly enter" and inserting: Enter

Amend Sec. 9, page 29, line 17, by inserting after "that": the licensee knew or should have known

Amend Sec. 9, page 30, lines 5 through 7, by striking out all of said lines

Amend Sec. 9, page 30, line 8, by striking out "(iii)" and inserting:

(ii) Amend Sec. 10, page 33, line 14, by striking out "A VIATICAL SETTLEMENT" and inserting: the business of viatical settlements

Amend Sec. 10, page 33, lines 26 and 27, by striking out all of said lines and inserting: another, presents or causes to be presented any statement forming a part of,

Amend Sec. 10, page 34, line 1, by striking out all of said line and inserting: ; material to the insurance policy or viatical settlement

contract, or any claim thereunder, commits a fraudulent viatical settlement act and is subject to civil and criminal penalties.

Amend Sec. 10, page 34, line 9, by inserting after "shall": within 30 days make a written report of that information to a Federal, State or local criminal law enforcement agency and

Amend Sec. 10, page 34, line 9, by striking out "the" where it appears the second time and inserting: that

Amend Sec. 10, page 34, line 10, by striking out "required by and"

Amend Sec. 10, page 37, lines 9 through 11, by striking out all of lines 9 and 10 and "in place" in line 11 and inserting:

(g) Viatical settlement antifraud initiatives.—

(1) Viatical settlement providers shall within 60 days of licensure and annually by March 31 of each year thereafter certify to the department implementation of

Amend Sec. 10, page 37, lines 12 through 27, by striking out all of said lines and inserting: investigate, prevent and report fraudulent viatical settlement acts. Antifraud initiatives shall include:

(i) Hiring of individuals qualified by experience and education for the investigation of fraudulent viatical settlement acts, including the viatical settlement provider's criteria and rationale for securing the services of such individuals.

(ii) An antifraud plan that includes:

(A) A description of the procedures for detecting and investigating actual or possible fraudulent viatical settlement

Amend Sec. 10, page 38, lines 1 through 4, by striking out all of said lines and inserting:

(B) A description of the procedures for reporting possible fraudulent viatical settlement acts to the department and any appropriate law enforcement agency.

(C) Procedures to prevent fraudulent viatical settlement acts, including fraud awareness, detection and antifraud

Amend Sec. 10, page 38, lines 7 and 8, by striking out all of said lines and inserting:

(D) A description of the viatical settlement provider's organizational structure and key personnel, including antifraud personnel who

Amend Sec. 10, page 38, by inserting between lines 12 and 13:

(2) A statistical reporting on the number of viatical settlement applications, viatical settlement contracts and actual or potential viatical settlement fraudulent acts that relate to the business of viatical settlements occurring within this Commonwealth. This statistical reporting shall accompany the initial and annual antifraud initiative certification submitted to the department.

Amend Sec. 10, page 38, line 13, by striking out "plans" and inserting: certifications, plans and reports

Amend Sec. 11, page 38, lines 22 through 26, by striking out all of said lines

Amend Sec. 13, page 42, line 17, by striking out all of said line and inserting:

(1) A violation of this act shall be considered a violation of Amend Sec. 13, page 42, by inserting between lines 19 and 20:

(2) A person who, without an appropriate license, engages in the business of viatical settlements in this Commonwealth as a viatical settlement provider or viatical settlement broker commits a felony of the third degree.

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 third consideration, as amended?

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A0193:

Amend Sec. 5, page 17, line 26, by inserting a period after "agencies)"

Amend Sec. 5, page 17, lines 27 and 28, 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.

BILLS OVER IN ORDER

SB 1013, SB 1318, SB 1319 and HB 1546 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2129 (Pr. No. 2841) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful possession of retail or library theft instruments.

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-49

Armstrong	Greenleaf	Mowery	Thompson
Bell	Helfrick	Murphy	Tomlinson
Bodack	Holl	Musto	Wagner
Boscola	Hughes	O'Pake	Waugh
Brightbill	Jubelirer	Orie	Wenger
Conti	Kasunic	Piccola	White, Donald
Corman	Kitchen	Punt	White, Mary Jo
Costa	Kukovich	Rhoades	Williams, Anthony H.
Dent	LaValle	Robbins	Williams, Constance
Earll	Lemmond	Schwartz	Wozniak
Erickson	Logan	Stack	
Fumo	Madigan	Stout	
Gerlach	Mellow	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 without amendments.

BILL OVER IN ORDER

HB 2203 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 219 (Pr. No. 1510) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for powers and duties of victim advocate, for parole notification to victim and for petitions to deny parole upon expiration of minimum sentence.

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

BILL REREFERRED

SB 374 (Pr. No. 388) -- 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.

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

BILLS ON SECOND CONSIDERATION

HB 599 (Pr. No. 656) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code, further providing for licensing of agents.

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

SB 1030 (Pr. No. 1283) -- 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 weapons or implements for escape and for contraband; and making a conforming amendment.

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

SB 1045 (Pr. No. 1770) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for loans for agricultural producers.

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

**BILL ON SECOND CONSIDERATION, AMENDED**

**HB 1289 (Pr. No. 3461)** -- 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, providing for notification of pesticide treatments at schools.

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator GREENLEAF offered the following amendment No. A1228:

Amend Sec. 2, page 8, line 25, by striking out "in 60 days" and inserting: January 1, 2003

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 1321** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 1361 (Pr. No. 1817)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2002-2003.

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**

**SB 1366 (Pr. No. 1840)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further regulating abandoned property.

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 1731** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILLS REREFERRED**

**HB 1933 (Pr. No. 3505)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the retention of certain records; requiring the promulgation of regulations; and further providing for windshield obstructions and wipers.

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

**HB 1939 (Pr. No. 3500)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, limiting the issuance of permits, licenses, variances and approvals.

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

**HB 1945 (Pr. No. 3501)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, limiting issuances of permits, licenses, variances and approvals.

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 2070** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION**

**HB 2087 (Pr. No. 2772)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act, providing for the establishment and modification of fees and for an additional fee in counties of the second class.

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

#### BILL REREFERRED

**HB 2126 (Pr. No. 3499)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further providing for the definitions of "governing body" and "political subdivision," for earned income tax limits and for certain prohibition of occupation tax; and making an editorial correction.

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

#### UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators SCHWARTZ, STACK, KITCHEN, WENGER, HUGHES, BODACK, ERICKSON, STOUT, COSTA, MUSTO, O'PAKE, GREENLEAF, CONTI, C. WILLIAMS, MURPHY, WOZNAK, LEMMOND, THOMPSON, ROBBINS, BRIGHTBILL, HELFRICK, DENT, KUKOVICH, HOLL, EARLL, WAGNER, TOMLINSON, LOGAN, BOSCOLA, JUBELIRER and GERLACH, by unanimous consent, offered **Senate Resolution No. 195**, entitled:

A Resolution proclaiming April 7 through 13, 2002, as "Holocaust Remembrance Week" in Pennsylvania.

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

Senators STACK, MELLOW, ARMSTRONG, TARTAGLIONE, WAGNER, COSTA, LOGAN, TOMLINSON, BODACK, EARLL, KITCHEN, ERICKSON, KUKOVICH, STOUT, O'PAKE, BRIGHTBILL, HUGHES, RHOADES, MUSTO, ROBBINS, CONTI, LEMMOND and GERLACH, by unanimous consent, offered **Senate Resolution No. 196**, entitled:

A Resolution recognizing the month of April 2002 as "Autism Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I rise to submit a resolution recognizing April as Autism Awareness Month in Pennsylvania.

Autism is a severely incapacitating, lifelong developmental disability. It impairs a person's ability to learn, develop healthy interactive behaviors, or understand verbal, nonverbal, and reciprocal communications. Autism is the third most common developmental disability. It affects 25,000 Pennsylvanians, and more than a half-million people nationwide. There is no cure for

autism. However, recent advancements in care, treatment, and educational opportunities have vastly improved abilities to cope, both for the afflicted individuals and their families. While it is true that autism is a disability, it is equally true that it is a human condition. As such, an autistic individual deserves no less compassion or understanding than anyone else we encounter during the course of our respective lifetimes. The key to this compassion and understanding is knowledge and awareness.

I, therefore, submit this resolution and ask for my colleagues' unanimous consent in recognizing April as Autism Awareness Month in Pennsylvania.

Thank you, Madam President.

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

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

#### 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 Ryan Kilpatrick and to Thomas C. Pantazes by Senator Bell.

Congratulations of the Senate were extended to John Major by Senator Bodack.

Congratulations of the Senate were extended to the Harris Township Lions Club by Senator Corman.

Congratulations of the Senate were extended to James C. Saxon by Senator Erickson.

Congratulations of the Senate were extended to Joseph B. Sherman, Dale Kuhns and to the Citizens Fire Company of Upper Milford Township by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Roland A. Davis and to Mr. and Mrs. Don K. Crawford by Senator Helfrick.

Congratulations of the Senate were extended to John Moran, Sr., by Senator Holl.

Congratulations of the Senate were extended to Tunkhannock Township by Senator Lemmond.

Congratulations of the Senate were extended to Dorothy Vay by Senator Logan.

Congratulations of the Senate were extended to Michael Andrew Chenosky and to the Cumberland Valley High School Girls' Basketball Team by Senator Mowery.

Congratulations of the Senate were extended to Natalie Cajka, St. Alphonsus School Girls' Basketball Team and to Pittsburgh Mellwood No. 2854, American Association of Retired Persons, (AARP) by Senator Orie.

Congratulations of the Senate were extended to the Hebrew Immigrant Aid Society by Senator Schwartz.

Congratulations of the Senate were extended to George Washington High School of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to the citizens of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Cletus Arnold, Michael Landis, James Halpin, David Lauer and to Court Appointed Special Advocates (CASA) by Senator Waugh.

Congratulations of the Senate were extended to Rameen Mamoozadeh by Senator M.J. White.

Congratulations of the Senate were extended to the Bible Way Baptist Church of Philadelphia by Senator A. Williams.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Abram R. Clemmer by Senator Holl.

Condolences of the Senate were extended to the family of the late Rosa Edwards Shuler, to the family of the late Ronald J. Pugh and to the family of the late Teressa Elizabeth Alston by Senator Hughes.

### PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Madam President, I also offer a resolution, a very important resolution regarding medical malpractice, and I invite additional cosponsors.

Madam President, a little over 3 weeks ago we passed House Bill No. 1802 to deal with the immediate risks to quality medical care in Pennsylvania from the rising costs and shrinking availability of malpractice insurance for doctors and hospitals. That legislation makes important changes, but it probably will not produce a long-term solution, because once again the insurance industry was given a free pass to make money, and there is nothing wrong with that, but without being required to contribute to a solution. We need to examine insurance industry practices and to do a better job of regulating them. In this resolution, I am proposing a study by the Joint State Government Commission, using a select committee of legislative Members, cabinet members, that is the Attorney General and the Secretary of Health and Secretary of Insurance, a representative of the Supreme Court, and several members of the public. The study would examine the causes and impact of changes and trends in the insurance marketplace with regard to medical malpractice insurance and report its findings and recommendations for changes to our laws by September 1. If more time is needed, the deadline could be extended through the end of November. By doing that, Madam President, this resolution will help make sure that today's children will have quality care into their retirement years. We must keep malpractice insurance rates from skyrocketing and end the recurring boom-bust cycle in the insurance market.

Three times since the 1980s we have had to step in to protect the medical community from outrageous insurance premium costs, and we will have to do it again if we continue to ignore the insurance industry's primary role in offering policies and setting prices. Insurers are the only major player not figured into the equation in House Bill No. 1802, which is now the law. Everyone seems to agree that incompetent doctors must be accountable. Everyone seems to agree that no doctor should have to defend himself in a distant county because of some flimsy business connection. I certainly do. But we also need to

recognize that the outrageous hikes and the shrinking malpractice insurance market are not limited to Pennsylvania. We must acknowledge that medical malpractice policies were not the only types of policies affected with rising prices and a retreat from the market. We cannot ignore statistics indicating there has been no significant change in Pennsylvania in how many suits were filed each year, how many awards were granted, or how much the average size of an award is. We cannot turn our backs on the internal financial mismanagement that drove dominant malpractice coverage providers out of the market and why the Insurance Department of Pennsylvania's regulation did nothing to prevent that from happening. It is time to get serious. Doctors need affordability in premium prices; they need stability in the market. We cannot respond repeatedly on an emergency basis that produces no lasting solutions. We must get to the root causes, and we have to eliminate those causes.

I hope the Senate will act quickly on this resolution so we can eliminate these root causes. Our doctors and hospitals need it. Most importantly, Pennsylvanians deserve it.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, last week I was proud to stand before homes of taxpayers in my district to talk about my proposal to repeal and eliminate local school property taxes. This week I will be introducing this proposal, because it is obvious to me that this legislature is not going to freeze property taxes for seniors like I proposed for the last several years, and it is not going to convene a Special Session to deal strictly with this issue. Since being elected to the State Senate in 1998, I have introduced and fought for both of these proposals. To me they both represent a fair and responsible first step toward relieving the tremendous burden that property taxes place on homeowners, and especially our senior citizens. But 4 years later, I am just as frustrated as the local taxpayers are in my district, because after all is said and done here in Harrisburg, there is a lot more being said than done on this issue.

None of the proposals I have introduced have been reported out of committee. Neither have any of the numerous other bills that I have cosponsored and sponsored been brought up for a full vote by the Senate. Quite frankly, I am very disappointed that property tax relief is still a long way from being signed into law in Pennsylvania. I am also disappointed that the three candidates who want to be our next governor seem more determined to eliminate local property taxes, school taxes, than our current Governor does. That is why I have joined with local homeowners and senior citizens who deserve, desire, and demand that the legislature eliminate and repeal local school property taxes now. Having served 4 years in the House of Representatives and now 4 years in the State Senate, I am convinced that the only way we are going to move forward on this issue and see any movement toward real property tax reform is by the measure I am introducing today, and that is to eliminate the local school property tax entirely and start from scratch to establish a more fair and equitable system of supporting public education.

This week I will introduce a proposal called Home Free. Its official name is the Homeowners Freedom Act to Repeal and Eliminate School Property Taxes, but I think Home Free is kind

of short and sweet, and it will be even sweeter when we repeal and eliminate local school property taxes that our senior citizens cannot afford anymore. They are struggling, they are struggling to pay for that tax bill, and a lot of them right now are determining whether or not they should live in their homes, which is sad. And so we can, here in this legislature, and we must do the same thing here in Pennsylvania that other States have already done and provide that same type of tax relief to our homeowners and our senior citizens. They deserve our attention, they need this bill passed now.

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, APRIL 9, 2002

9:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bill No. 1370)	Room 8E-B East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 917, 1099 and 1367; and House Bill No. 2088)	Room 8E-B East Wing
12:45 P.M.	STATE GOVERNMENT (to consider the nomination of Ron Greenley to the State Athletic Commission; and House Bill No. 2048)	Rules Cmte. Conf. Rm.

##### THURSDAY, APRIL 11, 2002

1:00 P.M.	LAW AND JUSTICE (public hearing on Senate Bill No. 1228)	Penn Stater Conf. Center Hotel, Dean's Hall 2, 215 Innovation Blvd. State College
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##### MONDAY, APRIL 15, 2002

10:00 A.M.	STATE GOVERNMENT (public hearing to receive testimony on House Bill No. 2100)	Room 8E-B East Wing
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##### TUESDAY, APRIL 16, 2002

10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 1118)	Room 8E-B East Wing
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##### THURSDAY, APRIL 18, 2002

2:00 P.M.	LAW AND JUSTICE (public hearing on Senate Bill No. 1228)	Westin Con- vention Center Hotel Crawford Rm. 1000 Penn Ave., Pgh.
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##### MONDAY, MAY 6, 2002

10:00 A.M.	JUDICIARY (to receive testimony relating to Senate Bill No. 1260,	Room 8E-B East Wing
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comprehensive changes to Pennsylvania's law on child custody)

### ADJOURNMENT

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I move that the Senate do now adjourn until Tuesday, April 9, 2002, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:47 p.m., Eastern Daylight Saving Time.