

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, APRIL 22, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 28

**SENATE**

MONDAY, April 22, 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 JAMES LYONS, of St. Catherine Laboure Church, Harrisburg, offered the following prayer:

Almighty God, we thank You for the many blessings You have bestowed on the people of this country and Commonwealth. Let the Members of this legislative body always prayerfully seek to do Your will with an open mind and a humble heart.

Enrich them with a spirit of compassion and service for all their constituents, especially the poor. You have given them a share in Your creative power to build a community of peace and justice, a community where we are meant to live as brothers and sisters endowed with human dignity as members of Your human family. Strengthen their minds with the eternal truths of Your wisdom, giving them the understanding to translate these truths to enact laws and create legislation that will benefit Your people. Teach them to be thankful for the precious mystery of life that You have made ours. Bless their efforts to promote the total development of each and every human being, that all might reach the fullness of their potential and dignity as Your sons and daughters.

Guide the Honorable Members of this body to work together for the good of all. Bless their plans and deliberations, and bring them to success. Almighty God, I ask all these things in Your name. Amen.

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 17, 2002.

The Clerk proceeded to read the Journal of the preceding Session.

Senator BRIGHTBILL. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

**LEGISLATIVE LEAVE**

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

Senator BRIGHTBILL. Mr. President, I ask for a legislative leave for Senator Bell.

The PRESIDENT. Senator BRIGHTBILL requests a legislative leave for Senator Bell. Without objection, that leave is granted.

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

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR RICHARD A.  
KASUNIC PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I would like to introduce a young man from my district who is working as a guest Page in the Capitol today. Braxton Berkey is a 7th grader at Rockwood Area Junior-Senior High School in Somerset County. He plays the trumpet in the school band. He is also an avid outdoorsman,

and he enjoys watching the legislative process and debate on both C-SPAN and PCN. He is accompanied by his parents, Barbara and Lloyd Berkey, who are in the gallery.

Mr. President, I ask that the Senate extend its usual warm welcome to Braxton, Barbara, and Lloyd Berkey.

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

(Applause.)

## COMMUNICATIONS FROM THE GOVERNOR

### APPROVAL OF SENATE BILL

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

**SB 705.**

### NOMINATIONS REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE BOARD OF EDUCATION

April 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2007 or until her successor is appointed and qualified, vice James P. Gallagher, Ph.D., Philadelphia, resigned.

Mark S. Schweiker  
Governor

#### MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

April 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Czop, 724 Black Rock Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald Lacy, Reading, whose term expired.

Mark S. Schweiker  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

April 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia Jones, 1260 Boiling Springs Road, Boiling Springs 17007, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Willie M. Cooney, Harrisburg, resigned.

Mark S. Schweiker  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

April 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Fredrick C. Powell, 690 Moores Mountain Road, Mechanicsburg 17055, York County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified, vice Blake Maria Yohe, York, resigned.

Mark S. Schweiker  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

April 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barry S. Ramper, II, 3001 Rose Hill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Albert E. Myers, Harrisburg, resigned.

Mark S. Schweiker  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF SOUTH MOUNTAIN RESTORATION CENTER

April 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard A. Wiscott, Ph.D., 128 Cumberland Avenue, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Cora I. Grove, Greencastle, resigned.

Mark S. Schweiker  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN**

April 19, 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, Terry A. Bergman, 268 West Main Street, Reinholds 17569, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2007 and until his successor is appointed and qualified, vice John C. Whitehead, Bethlehem, deceased.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS**

April 22, 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, Edwin K. Galbreath, Jr., R.D. 3 Box 146, Kingswood Road, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker  
Governor

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

April 18, 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 11, 2002, for the appointment of Michelle Bonsick, 1114 Quincy Circle, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007 and until her successor is appointed and qualified, vice Blake Maria Yohe, York, resigned.

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

Mark S. Schweiker  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

April 18, 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 11, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Albert E. Myers, Harrisburg, resigned.

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

Mark S. Schweiker  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SOUTH MOUNTAIN RESTORATION CENTER**

April 18, 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 20, 2002, for the appointment of Wha Lee, 820 Clifton Heights Road #3, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Cora I. Grove, Greencastle, resigned.

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

Mark S. Schweiker  
Governor

**RECALL COMMUNICATION  
LAID ON THE TABLE**

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

MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION

April 18, 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 January 10, 2002, for the appointment of Richard Czop, 724 Black Rock Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald Lacy, Reading, 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 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:

April 17, 2002

- HB 1327, 1328 and 2005** -- Committee on Local Government.  
**HB 1616** -- Committee on Labor and Industry.  
**HB 1986 and 2312** -- Committee on Transportation.  
**HB 2207** -- Committee on Consumer Protection and Professional Licensure.  
**HB 2303** -- Committee on State Government.  
**HB 2322** -- Committee on Judiciary.  
**HB 2363** -- Committee on Finance.  
**HB 2398** -- Committee on Agriculture and Rural Affairs.

**BILL INTRODUCED AND REFERRED**

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

April 19, 2002

Senators THOMPSON and BRIGHTBILL presented to the Chair **SB 5**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund and the Ben Franklin Technology Development Authority Fund to the Executive Department; to provide appropriations from the Judicial

Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund Moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002; and to provide for the additional appropriation of Federal and State funds for the Executive Department of the Commonwealth for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

Which was committed to the Committee on  
APPROPRIATIONS, April 19, 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:

April 17, 2002

Senators CORMAN, D. WHITE, ERICKSON, BOSCOLA, COSTA, DENT, EARLL, ORIE, LEMMOND, LOGAN, MOWERY, MURPHY, O'PAKE, RHOADES, ROBBINS, SCARNATI, SCHWARTZ, STOUT, TARTAGLIONE, THOMPSON, C. WILLIAMS, TOMLINSON, WAUGH and STACK presented to the Chair **SR 206**, entitled:

A Resolution memorializing Congress to amend the Fair Credit Reporting Act to permit victims of identity theft to bring suit any time within two years of discovery of the fraud.

Which was committed to the Committee on  
INTERGOVERNMENTAL AFFAIRS, April 17, 2002.

Senator ORIE presented to the Chair **SR 207**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to study the issue of workplace pay disparity, to reexamine existing Federal and State laws relating to that issue and to make recommendations to the General Assembly.

Which was committed to the Committee on LABOR AND  
INDUSTRY, April 17, 2002.

Senators TARTAGLIONE, COSTA, DENT, BOSCOLA, HUGHES, WAGNER, O'PAKE, MURPHY, HELFRICK, ORIE, LAVALLE, EARLL, KUKOVICH, LOGAN, THOMPSON, ERICKSON, SCHWARTZ, TOMLINSON, MELLOW, CONTI, MUSTO, BODACK, BRIGHTBILL, BELL, RHOADES, FUMO, C. WILLIAMS, STACK, STOUT and KASUNIC presented to the Chair **SR 208**, entitled:

A Resolution honoring Pennsylvania's Senior citizens by declaring the month of May 2002 as "Older Americans Month" in Pennsylvania.

Which was committed to the Committee on RULES AND  
EXECUTIVE NOMINATIONS, April 17, 2002.

Senators MOWERY, M. WHITE, PUNT, ORIE, HELFRICK, ERICKSON, BOSCOLA, COSTA, KITCHEN, LAVALLE,

STOUT, MUSTO, TARTAGLIONE, SCHWARTZ, ROBBINS, MELLOW, KUKOVICH, LEMMOND, GREENLEAF, WAUGH, RHOADES, HUGHES, EARLL, CONTI, STACK, O'PAKE, SCARNATI, BODACK and THOMPSON presented to the Chair **SR 210**, entitled:

A Resolution urging the Congress of the United States to permanently eliminate the 15% cut in the Medicare home health benefit scheduled to go into effect on October 1, 2002, and extend the 10% rural add-on to Medicare home health providers; and calling upon the President to support Congress in this effort.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 17, 2002.

Senators CONTI, MUSTO, BRIGHTBILL, PICCOLA, BOSCOLA, DENT, ERICKSON, FUMO, HELFRICK, LEMMOND, MADIGAN, MELLOW, SCARNATI, STOUT, A. WILLIAMS, TARTAGLIONE, THOMPSON, TOMLINSON, WAUGH, WENGER, M. WHITE and WOZNIAK presented to the Chair **SR 211**, entitled:

A Resolution urging the Congress of the United States to sustain the President's affirmative decision on the United States Department of Energy's recommendation on a Federal repository for used nuclear fuel at Yucca Mountain, Nevada.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 17, 2002.

Senators DENT, HOLL, TOMLINSON, HELFRICK, KITCHEN, O'PAKE, LAVALLE, BOSCOLA, ORIE, BELL, ROBBINS, SCHWARTZ, GREENLEAF, RHOADES, LEMMOND, STACK and WOZNIAK presented to the Chair **SR 213**, entitled:

A Concurrent Resolution memorializing the Governor of New Jersey, James E. McGreevey, to maintain the Pennsylvania-New Jersey Reciprocity Agreement regarding individual income taxes.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 17, 2002.

### DISCHARGE PETITION

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

April 22, 2002

#### A PETITION

To place before the Senate the nomination of the Honorable Donna D. Gority, as a member of the Probation Advisory Committee.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Honorable Donna D. Gority, as a member of the Probation Advisory Committee, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto  
Robert J. Mellow  
Michael A. O'Pake

Jack Wagner  
Richard A. Kasunic  
J. Barry Stout  
Vincent J. Fumo

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

### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

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

#### MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

April 18, 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 January 10, 2002, for the appointment of Richard Czop, 724 Black Rock Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald Lacy, Reading, whose term expired.

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

Mark S. Schweiker  
Governor

### NOMINATION RETURNED TO THE GOVERNOR

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

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

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

### REQUEST FOR CAUCUS

Senator BRIGHTBILL. Mr. President, if the Senate could stand at ease, the Republicans are going to have a short caucus right here at the podium, and we should be ready to go with the Calendar in about 5 minutes.

The PRESIDENT. The Senate will stand at ease for the purpose of a brief Republican meeting at the podium.

(The Senate was at ease.)

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Local Government to meet during today's Session in the Rules room to consider House Bill No. 2305.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 219 and HB 235 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 462 (Pr. No. 1861) -- 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.

A1877:

Amend Sec. 2, page 8, lines 16 and 17, by striking out "OR AT THE REQUEST OF THE POLICYHOLDER"

Amend Sec. 3, page 10, line 21, by inserting after "settlements": as a viatical settlement provider or as a viatical settlement broker

Amend Sec. 4, page 14, line 18, by inserting after "any": material

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 785 (Pr. No. 877) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 29, 1994 (P.L.141, No.22), known as the Historic Burial Places Preservation Act, further defining "historic burial place."

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-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald

Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

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.

BILLS OVER IN ORDER

SB 824, SB 1319, SB 1367 and HB 2070 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2088 (Pr. No. 2773) -- 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 causing or risking catastrophe.

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-50

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

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.

**SECOND CONSIDERATION CALENDAR****BILL ON SECOND CONSIDERATION**

**HB 411 (Pr. No. 3701)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for purpose of act; defining "no-impact home-based business"; and further providing for ordinance provisions, for procedure for landowner curative amendments, for hearings and for governing body's functions.

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

**BILLS OVER IN ORDER**

**SB 1060, SB 1118 and SB 1164** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**HB 1222 (Pr. No. 1413)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for compensation of tax collectors in first class townships; and making an editorial change.

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 1237** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**SB 1258 (Pr. No. 1904)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, making extensive changes to modernize and update the law.

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

**BILL ON SECOND CONSIDERATION**

**HB 1458 (Pr. No. 2677)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for bonds for county officers, for bonds of deputies and other appointees, for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; providing for refusal to submit to examination and for the procedure for approval; and making an editorial change.

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

**BILLS OVER IN ORDER**

**HB 1459 and HB 1933** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**RECESS**

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

Senator BRIGHTBILL. Mr. President, I ask for a recess for the purpose of a meeting of the Committee on Local Government, which will begin immediately in the Rules room.

The PRESIDENT. Senator Brightbill requests that the Senate stand in recess for the purpose of a meeting of the Committee on Local Government to begin immediately in the Rules room at the rear of the Senate Chamber. For that purpose, without objection, the Senate will stand in recess.

**AFTER RECESS**

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

**UNFINISHED BUSINESS  
REPORT FROM COMMITTEE**

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

**HB 2305 (Pr. No. 3615)**

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for elected officers.

**SENATE RESOLUTION ADOPTED**

Senators MADIGAN, WENGER, BRIGHTBILL, M.J. WHITE, ROBBINS, THOMPSON, DENT, D. WHITE, LOGAN, KITCHEN, WAGNER, STOUT, KUKOVICH,

TARTAGLIONE, LAVALLE, LEMMOND, O'PAKE, MUSTO, MELLOW, TOMLINSON, HELFRICK, EARLL, BOSCOLA, COSTA, PUNT, C. WILLIAMS, MOWERY, WAUGH, SCARNATI, SCHWARTZ, BELL, by unanimous consent, offered **Senate Resolution No. 217**, entitled:

A Resolution designating the week of April 22, 2002, as "Rural Road Safety Week" in Pennsylvania.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. John W. Bonge, George H. Treisner, Jr., Joan Mack, Joan Christopher, Harry G. Adams, the Reverend Mark Jarvinen, Jean Hummel, James Rowden, the Honorable Steve Samuelson, Sue Shaffer and to our Lady of Pompeii of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Reppert by Senator Brightbill.

Congratulations of the Senate were extended to James A. Gilmartin by Senators Brightbill and Rhoades.

Congratulations of the Senate were extended to Lion's Roar Opera Company of Solebury by Senator Conti.

Congratulations of the Senate were extended to Brad Shipman by Senator Corman.

Congratulations of the Senate were extended to Joseph Michael Mahoney by Senator Dent.

Congratulations of the Senate were extended to Luke Vetti and to Andrew Sowa by Senator Erickson.

Congratulations of the Senate were extended to Thomas Green by Senator Fumo.

Congratulations of the Senate were extended to the Hopewell United Methodist Church and all Pennsylvanians in the observance of National Day of Prayer, Commonwealth Day of Prayer, and the Celebration of Religious Freedom by Senator Gerlach.

Congratulations of the Senate were extended to Philip Beal, James F. McCaffery, Richard Montalbano, Rabbi Harold B. Waintrup, Robert B. Chavous and to Youth at Peace by Senator Greenleaf.

Congratulations of the Senate were extended to Bryan K. Allem, David G. Phillips, James Bergey, Shirley Ott, Kathy L. Rhodes, Dennis Morral and to the Whippen Township Shade Tree Commission and the Parks & Recreation Department by Senator Holl.

Congratulations of the Senate were extended to Michael Szostek, Gregory M. Granato, HELP Philadelphia and to the Victory Baptist Church of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Robert Raymond Moore, Jr., and to Ryan Patrick Washlaski by Senator Kukovich.

Congratulations of the Senate were extended to Pauline M. Pulicare, Florence Forsyth and to Minnie Sites by Senator Lemmond.

Congratulations of the Senate were extended to Darlene Lutz and to the Bishop Hannan High School Boys' Basketball Team by Senator Mellow.

Congratulations of the Senate were extended to Edward Holland, Sr., Alexander Vankevich, Chester Welebob and to Edward W. Pawloski by Senator Musto.

Congratulations of the Senate were extended to the Hannover, Germany, YMCA and to the YMCA of Reading and Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Alice Yu, Scott Garing, Scott Garing, Jr., and to Owl Cleaners of Warrendale by Senator Orie.

Congratulations of the Senate were extended to the Reverend Daniel Joseph Mahoney, Tracy Woodell, Megan Grimes, Allison Frank, Loyalty Day Program and to the Harrisburg High School Boys' Basketball Team by Senator Piccola.

Congratulations of the Senate were extended to Christ Church & St. Michael's of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Bruce James Trinko by Senator Tomlinson.

Congratulations of the Senate were extended to Andrea-Lea Sheppard Malaney, Mark O. Foraker, Joseph Coleman, Joe McEwing and to the United Way of Bucks County by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Nathan Gentzler by Senator Waugh.

Congratulations of the Senate were extended to Meta Doehmann by Senator Wenger.

Congratulations of the Senate were extended to John Joy by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Lloyd Shaffer, Mr. and Mrs. William A. Eggert, Mr. and Mrs. Samuel J. Panarella, Mr. and Mrs. Donald Reighard, Matthew Gearhart, Turner's All-Star Cheerleading Squad, Johnstown High School Varsity Cheerleading Squad, Richland Junior High School Varsity Cheerleading Squad, Curwensville High School Varsity Cheerleading Squad, Curwensville High School Varsity Cheerleading Squad, Bishop McCort High School Cheerleading Squad, Conemaugh Valley Pee Wee Cheerleading Squad and to the Johnstown Middle School Cheerleading Squad by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Ruth C. Friedline and to the family of the late Alvin C. Gross, Jr., by Senator Orie.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Dr. George Sands was extended to the family by Senator Holl.



**BILL ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bill was as follows:

**HB 2305.**

And said bill having been considered for the first time,

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

**SENATE RESOLUTION ADOPTED**

Senator MURPHY, by unanimous consent, offered **Senate Resolution No. 218**, entitled:

A Resolution designating the week of April 21 through 27, 2002, as "Pennsylvania One Call System Week."

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

**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, recently, I received an e-mail that I would like to preserve for posterity in the Senate Journal. It came from a woman, Lorraine, who is not just upset with her local school property taxes, but she is upset with all of us as well. Lorraine is obviously a very smart person who has a lot of common sense, and we could use a lot of common sense in this Chamber at times. You see, Lorraine has written to a lot of Senators and State Representatives about her local school property taxes, but she has noticed something fishy. A lot of elected officials wrote back, but not a lot was done. Even though Senators and Representatives wrote back to her in favor of eliminating property taxes, after all was said and done, there was a lot more said than being done. I think most people who work outside this building affectionately like to refer to this political phenomenon as the-check-is-in-the-mail treatment.

Lorraine writes: The problem is this. Everyone has a different idea how property taxes should be eliminated. This debate has been going on for years and years and years, she writes. In fact, she said, the debate has already passed by my parents' lifetime, they are 80 and 83 years old, and if this issue continues in the same manner that it has been, it will probably pass my lifetime too, and I am 56 years old. But here is the best part and here comes the common sense. She says: I find it hard to believe that Senators and Representatives cannot join together for the good of the citizens of Pennsylvania in this important matter. Why can they not join together in this important matter? Would it not be possible, she writes, to introduce a simple bill to solve the problem and everyone join together and get this done?

Well, I am here to say, yes, Lorraine, we do have a bill, and it is a bill that I introduced, which would simply eliminate local school property taxes, and it is simply called Home Free. This legislation I have introduced will repeal and eliminate local

school property taxes across Pennsylvania, and it will eliminate those property taxes before the end of this year. Home Free is the first step and the most important step that we can take. Home Free removes the tremendous burden that property taxes place on our homeowners, especially our senior citizens, and it represents the only way we are going to make any progress in this legislature on devising a funding formula for basic education that is fair and equitable. Home Free eliminates school property taxes entirely, and it forces us to start from scratch to establish a more fair and equitable system of supporting public education.

I want to thank all those Members who cosponsored this proposal, which, by the way, is officially called the Home Owners Freedom Act to Repeal and Eliminate School Property Taxes. But I do not think it really matters to the people we represent what we call it or whose name is on the bill first. All that matters is that we repeal and eliminate local school property taxes so homeowners are not punished for having a nice home, and our senior citizens no longer have to struggle so hard just to be able to afford the home that they live in.

Mr. President, Home Free makes sense. It lets us join together, all of us, and do something that homeowners and senior citizens in all of our districts are begging us to do and something we all agree needs to be done. With a little effort and a little common sense, we can take this first step together.

Thank you, Mr. President.

**SB 1225, SB 1358 AND HB 247  
TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1225, Printer's No. 1624, Senate Bill No. 1358, Printer's No. 1794, and House Bill No. 247, Printer's No. 3459, be taken from the table and placed on the Calendar.

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

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

**ANNOUNCEMENTS BY THE SECRETARY**

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

## SENATE OF PENNSYLVANIA

## COMMITTEE MEETINGS

TUESDAY, APRIL 23, 2002

10:15 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 1413; and House Bill No. 2398)	Room 461 Main Capitol
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WEDNESDAY, APRIL 24, 2002

10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 1222 and 1417)	Room 461 Main Capitol
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MONDAY, MAY 6, 2002

10:00 A.M.	JUDICIARY (to receive testimony relating to Senate Bill No. 1260, comprehensive changes to Pennsylvania's law on child custody)	Room 8E-B East Wing
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MONDAY, MAY 13, 2002

10:30 A.M. JUDICIARY (public hearing on Senate Room 8E-B  
Bill No. 1376, Joint and Several Liability) East Wing

WEDNESDAY, MAY 29, 2002

12:45 P.M. JUDICIARY (public hearing to receive Gold Room  
testimony relating to the Dept. of Allegheny  
Corrections' plan to close SCI-Pittsburgh) County  
Court House

**REQUESTS FOR CAUCUS**

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

Senator BRIGHTBILL. The Republican caucus will begin immediately in our caucus room.

The PRESIDENT. Senator Brightbill has requested that the Republican Members of the Senate report to the Republican caucus room.

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

Senator O'PAKE. Mr. President, I request that the Democratic Members of the Senate report to the Democratic caucus room to the rear of the Senate Chamber.

**ADJOURNMENT**

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, April 23, 2002, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 3:50 p.m., Eastern Daylight Saving Time.