

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, SEPTEMBER 24, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 53

**SENATE**

TUESDAY, September 24, 2002

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend RICHARD T. BOLGER of St. David's Church, Willow Grove, offered the following prayer:

Let us pray.

As we begin this afternoon's Session and realize the privilege of responsibility which is ours, let us never forget those who have brought us to this time and the opportunities we have to serve the residents of this Commonwealth. May we never lose sight of our roots, including our parents, teachers, brothers, sisters, coaches, friends, and those whom we never met but nevertheless influenced us through their lives of faithfulness and dedication. Let us always be grateful to those countless people who have helped us, and never forget those whom we are called to assist.

May our relationship with You, our God, be one which inspires, guides, and determines our actions towards those whom we are called to serve. May we always be self-giving and not self-seeking.

Heavenly Father, grant us good health, clear thinking, and compassionate hearts, so that this Commonwealth may continue the spirit of its early settlers such as William Penn, who recognized Your presence and permitted its citizens to worship You in freedom and peace.

Grant eternal peace to those who have served within these hallowed walls, especially Senator Bell, and have gone to their eternal rest. May their families, our families, and all the citizens of this great Commonwealth benefit from Your and our deliberations this day. Amen.

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

**SPECIAL ORDER OF BUSINESS  
THE SPEAKER OF THE HOUSE INTRODUCED**

The PRESIDENT. Before recognizing Senator Brightbill, it is my distinct honor to ask the longtime serving Speaker of the House, Matt Ryan, who is a friend to every Member of this Senate and to all the people of Pennsylvania, to join me on the podium today. Speaker Ryan, we would be honored to have you sit with us.

(Applause.)

I might say this is the first time I have had that privilege, and many times when we have had a Joint Session over there, Matt has asked the President pro tempore to sit at the podium of the House of Representatives, so it is a special honor to do that.

**JOURNAL APPROVED**

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

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

September 23, 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, David J. Allard, (Alternate Member), 285 Dogwood Drive, Elizabethtown 17022, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Denise K. Chamberlain, replaced.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

September 23, 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, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve until October 4, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Frank W. Fletcher, Ph.D., P.G., Selinsgrove, resigned.

Mark S. Schweiker  
Governor

#### DISTRICT JUSTICE

September 23, 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 District Justice, in and for the County of Lehigh, Magisterial District 31-2-01, to serve until the first Monday of January 2004, vice Diane R. Jepsen, forfeiture of judicial office.

Mark S. Schweiker  
Governor

#### HOUSE MESSAGES

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 582, 767, 927, 928, 1952 and 2398.**

##### HOUSE CONCURS IN SENATE AMENDMENTS WHICH FURTHER AMENDED HOUSE AMENDMENTS TO SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate which further amended House amendments to Senate amendments to **HB 2164.**

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 238, 483, 1035 and 1045.**

##### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 413**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

##### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 2322**, in which concurrence of the Senate is requested.

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

##### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

##### Weekly adjournment.

##### BILLS SIGNED

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

**SB 238, SB 483, SB 1035, SB 1045, HB 582, HB 767, HB 927, HB 928, HB 1952, HB 2164 and HB 2398.**

##### REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 1260 (Pr. No. 2230) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child custody generally and for child custody jurisdiction and enforcement.

**SB 1431 (Pr. No. 2013)**

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and for penalties.

**SB 1466 (Pr. No. 2084)**

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, establishing the Targeted Community Revitalization and Crime Prevention Advisory Committee and providing for its powers and duties.

**SB 1469 (Pr. No. 2231) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for six month limitations and for deficiency judgments.

**HB 228 (Pr. No. 4313) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for trafficking drugs to minors.

**HB 1392 (Pr. No. 4314) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for determinations in informal hearings, for standing in informal hearings and for determinations in permanency hearings in certain juvenile matters; and prohibiting profits received by third party persons from the commission of a crime; and further providing for registration procedures and applicability, for sentencing court information and for duties of Pennsylvania State Police.

**HB 2060 (Pr. No. 2723)**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for distribution of property of absentee and for notice to absentee. Further reports of committee.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bill:

**SB 1265 (Pr. No. 2226) (Amended)**

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for health care declarations and health care powers of attorney; and making conforming amendments.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator GREENLEAF, from the Committee on Judiciary, reported the following resolution:

**SR 268 (Pr. No. 2223)**

A Resolution directing the Joint State Government Commission to study whether minorities are systematically underrepresented in juries for criminal proceedings across this Commonwealth, including the reasons therefor, and to report its findings to the General Assembly.

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

**LEAVES OF ABSENCE**

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

**CALENDAR**

**SENATE RESOLUTION No. 260 CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 1 of the Calendar, as a Special Order of Business, Senate Resolution No. 260, entitled:

A Resolution designating the week of September 22 through 28, 2002, as "UPJ 75th Anniversary Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-46**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR STEWART J.  
GREENLEAF PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Madam President, I rise to introduce my guests. They are the eighth grade class of St. David's School in Willow Grove, their teacher, Maryann Wilkowski, and the Reverend Richard T. Bolger, who is our Senate Chaplain today.

I would like to also take this opportunity to introduce into the record the names of all the children here, boys and girls of the eighth grade class, and make it a permanent record of the Senate. They are Matt Cantarella, Jonathan Capili, Francis Concha, John Creamer, Zach Felte, Charles Gowdy, Pat Graham, Robert Keogh, Philip Marlin, Ayo Oke, Michael Slavin, Greg Thompson, Joey Valenza, Valerie Augustine, Adrianna D'Alessio, Kate Hilpl, Maggie Johns, Laura Lutz, Karen Medoro, Alicia Meyer, Emily Munoz, Erin Olszak, Jenitra Tart, and Victoria Weiss.

I ask that the Senate extend its usual warm greeting to my guests.

The PRESIDING OFFICER. Would the guests of Senator Greenleaf please rise so the Senate may give you its usual warm welcome.

(Applause.)

**SPECIAL ORDER OF BUSINESS  
MEMORIAL SERVICE FOR SENATOR  
CLARENCE D. BELL**

**SENATE RESOLUTION No. 272 ADOPTED**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, as a Special Order of Business, I ask unanimous consent in order to offer a resolution memorializing the life of our dear departed colleague, Senator Clarence Bell, and ask for its immediate consideration.

The Clerk read the resolution as follows:

#### A RESOLUTION

Expressing condolences on the passing of the Honorable Clarence D. Bell, member of the Senate of Pennsylvania.

WHEREAS, Senator Clarence D. Bell, a true icon of Pennsylvania politics, died on July 26, 2002; and

WHEREAS, In 1954 Senator Bell was elected to the first of three terms in the House of Representatives where he represented the Third District of Delaware County; and

WHEREAS, In 1960 Senator Bell was successful in what was to be the first of 12 consecutive elections to represent the Ninth Senatorial District consisting initially of all of Delaware County and currently of parts of Delaware and Chester Counties; and

WHEREAS, Senator Bell, who for many years has been referred to as the Dean of the Senate, served as a member of the General Assembly longer than any other person in the history of the Commonwealth; and

WHEREAS, Senator Bell enjoyed longer continuous service as a member of the General Assembly than any other person in the United States who is serving as a State legislator; and

WHEREAS, Senator Bell served in many and varied positions in the Senate during his unique tenure; and

WHEREAS, Senator Bell, the proud veteran, was long a part of the Pennsylvania National Guard where he attained the rank of Major General; and

WHEREAS, Senator Bell was a tenacious and outspoken advocate for his "neighbors," as he affectionately called his constituents in Delaware and Chester Counties; and

WHEREAS, Senator Bell generously shared his insights with his colleagues - always courteous, always candid, always the model "country lawyer"; and

WHEREAS, His encyclopedic knowledge of Pennsylvania law and his unmatched institutional memory made his point of view invaluable to his caucus and the entire membership of the Senate; and

WHEREAS, His natural independence was tempered by his thorough understanding of the realities of the process of governing; and

WHEREAS, His keen wit, his wisdom and his passion to serve will be sorely missed; therefore be it

RESOLVED, That the Senate express its profound sorrow over the loss of this remarkable gentleman; and be it further

RESOLVED, That the Senate express its gratitude for the service rendered, lessons imparted and friendship shared; and be it further

RESOLVED, That the Senate extend its condolences to the family of its cherished colleague, the Honorable Clarence D. Bell, and direct that copies of this resolution be presented to his family.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, several weeks ago many of us went to Chester to pay our final respects to our departed colleague, Senator Clarence D. Bell, joining with his family, his friends, and supporters in what I thought was an extraordinarily moving ceremony. Today we are honored to have his family and friends join us as we pay tribute to his unmatched record of legislative service and personal leadership. It is very strange for all of us to have a Senate Session and not have Clarence Bell among us. He was always here. I am completing my seventh term, and when I was first sworn in, Senator Bell already

had two decades of legislative experience. He was a constant, a fixture, one of the clearly-marked and widely-acknowledged points on our political compass.

A video we will see shortly captures the vintage Clarence: the timbre in his voice, the serious set of his eyes, the way he pointed his finger to drill home his message, or many times his "make no mistake about it" instructions. With his experience, his savvy, and his trademark directness, he did indeed influence our agenda. He influenced our debate, and he influenced the outcome of our action. When someone pushed something that was more than it seemed or different than represented, his rejoinder would be prefaced with, "I am just a country lawyer, but." When something was being debated that appeared to run counter to the public interest, we would hear about what his neighbors were telling him. When some pointless political confrontation was shaping up, he would remind us of the perils of kicking steel dogs with open-toed shoes.

He was generous with his advice and not at all reticent with his corrections. He could make a sentence feel like a verbal 2 by 4. At the same time, he kept a candy drawer right back here. He would offer some, often with the admonition, do not take the good stuff. You see, in a way, he was right. The good stuff did not come in wrappers. The good stuff was the political knowledge he possessed, his wonderful sense of history and a mind that was always marching several steps ahead of the conventional wisdom. Even in an era of increasing specialization, Clarence Bell was our all-purpose, all-issues, all-the-time Senator. No one took oversight responsibilities more seriously than he did, as committee chairman, bird-dogging utilities and the regulated professions; on Appropriations, quizzing everyone who came before the panel about funding and programs and policy concerns and priorities; and chairing the Legislative Budget and Finance Committee, his beloved watchdog panel.

When he warned someone that he was keeping an eye on them, I assure you that he meant it. When he asked for answers, it was not to be a leisurely pursuit. In the converse, when he championed a cause, there was no better defender. Our veterans and our State Police were two who prominently enjoyed his unyielding support. His legacy will endure in the laws he authored, the regulations he helped shape, the policies put in place because he was such a tenacious watchdog. He bridged the gap between traditional politics and modern politics, the era of strong political parties and the days of widespread political independence. His brand of politics, the attention to community problems, the action on worker and consumer concerns, the countless hand-addressed postcards to constituents, or should I say neighbors, would succeed anytime, and succeed they did.

It occurred to me that Pennsylvanians ought not to have to go to the history books to find out about a record-setting career of legislative leadership and service. There are places throughout this Capitol where we honor symbols of our Commonwealth and where we showcase State leaders. In sports, when a great player has completed a career, they retire the number. Here in the Senate, well, we cannot retire the desk where he was such a familiar presence in a way that baseball ships a legendary player's locker to Cooperstown, but we can honor him in another way, a display that would show career highlights of a true legislative legend. For his family and friends and admirers, when you return to our

Capitol in the future, I truly hope we will have something in the Senate Wing to remind us of his work, his service, his uncommon sense of duty.

If this were a debate, we have passed the point where he would have chided me with, Bobby, you have said enough, and maybe even the point where he would have rapped the desk with his cane. Honestly, I can still hear it, a message that you had better move things along, buddy. Well, this time I will stop and let the video remind us of memorable moments from a remarkable man and a monumental, legendary 48-year career.

Now we will present the video.

(Whereupon, a video tribute to Senator Clarence D. Bell was presented.)

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

Senator MELLOW. Madam President, I sat back and watched the video and the great presentation of the life of Senator Clarence Bell. Senator Jubelirer started by saying he was in his seventh term, or completing his seventh term in the Senate, and what a great relationship that he had with Senator Bell, and I think that can be said for each and every one of us.

This year I will be completing my eighth term in the Senate, some 32 years, and it seems like just yesterday when I walked onto the floor of the Senate and was able to develop eye contact with Senator Bell. We had an instant relationship. Senator Bell would talk to me over and over and would refer to me as a sergeant. He referred to me as a sergeant because my first communication with Senator Bell was not as a Member of the Pennsylvania State Senate but as a member of the Pennsylvania Army National Guard. I was a first sergeant in C Company in Carbondale in Lackawanna County and Senator Bell, who then was Major General Bell, was a man whom we all looked up to in the Reserves. And for the entire 32 years that I served with Senator Bell in the Senate, he did not refer to me as Senator, he did not call me by my name. When he wanted to address me, he would say, hey, Sergeant, and in the later years he would hit his cane on the desk, especially in the Rules room, when many times I thought the cane would probably break the glass, which it did not.

Senator Bell, as far as I am concerned, and I think as far as Members of the Democratic Caucus, and I think really all of the Senate, because we viewed Clarence Bell not as an individual who was a very partisan person, but as a person who was a tremendous public servant and a statesman. There is no question about his strong pro-union support, and his pro-union support I am sure probably caused him problems over the years within his own party. He was the one who was always there to cosponsor legislation to try to preserve the rights of workers. He was the individual who was totally opposed to any legislation that would permit strike breakers. I can recall how strongly he opposed the NAFTA agreement, and how he was an honorary member of both the Teamsters and the Steelworkers, and I think probably of every other organized labor group not only in Pennsylvania but in this great country of ours.

It was also mentioned before about the work that he did with regard to writing notes to his constituents, and he talked in the video about sending his constituents over the age of 60 a note, whether it was a birthday card or a Christmas card. I was one of those, as I am sure everyone else was in this room, an individual

who would receive a birthday note from Senator Bell and also a Christmas note from Senator Bell. And as you would walk behind his desk when there was a down period of time in the Senate, he would have the fountain pen out and he would be addressing his postcards to individuals if it was their birthday or a Christmas greeting. Many of those Christmas cards we saved and have them in our home and look at them at Christmastime to try to reflect back at some of the very strong memories and relationships that you develop right here in the Pennsylvania Senate.

I can recall a number of years ago when many of us on a bipartisan basis thought that consumers were paying entirely too much money for utilities, and Senator Bell, as the chairperson of the Committee on Consumer Protection and Professional Licensure, on his own called in the Public Utility Commission to find out just exactly why the costs of utilities were so high for the people in Pennsylvania and to do whatever he possibly could to bring about some kind of a resolution and a reduction to those premiums.

Senator Bell, unquestionably I think, was the conscience of the Senate, and he was probably considered to be the conscience of the Senate because I think he had deep-rooted convictions that he would vote what was right, regardless of what the party and the partisan loyalty thought he should do, and that is a very, very hard thing to do for each and every one of us. We may think we want to vote one particular way because we think it is the right thing to do, but there are so many interdealings and so many individuals and special interest groups and constituents who talk to us about doing something else, and then, of course, your consideration to your party, that sometimes we do not do those things. But I think Senator Bell always voted for what he felt to be his true conviction.

I will never forget the time that the ABATE people came in to talk to me, because I was one of those individuals who was totally opposed to supporting ABATE. I thought it was inappropriate to allow these individuals, not to mandate that they must wear a helmet while they are driving a motorcycle. This goes back a number of years ago, and after I voted that way a few times he gave me a call and said, do you mind if I send some people to see you? I saw the motorcycles outside the Capitol that day, and I was quite concerned about who Senator Bell would send in to see me. And he sent a group of individuals in who, as he said in the video, dressed in blue jeans, but then again a lot of us dress in blue jeans on a weekend, but there were a few fellows and a couple of ladies who came in and talked to me and they convinced me, not because of how they appeared, but because of what they said, that perhaps Senator Bell did have the right position with regard to a freedom of choice to let these individuals choose, under the proper type of guidelines and legislation, whether in fact they should or should not wear their helmets. But the point was, here was Senator Bell, the last person who you would think would be able to relate to driving a motorcycle or being in support of people who were riding motorcycles, was the one who was championing their cause, and as I said, I think rightfully so, and then asked me several years ago if a group of people could talk to me. Quite frankly, after that I did see the light of Senator Bell's wisdom and I voted with him to allow those individuals riding motorcycles not to have to use helmets.

I guess the most enjoyable part that I played with Senator Bell was back in 1993 when we had our swearing-in ceremony, and I was fortunate to be serving as President pro tempore of the Senate at the time. One of the things that we wanted to do was to open up the Chamber to live television coverage, but we did not have a resolution to do that. So there was no way that we could do that for the Regular Sessions, so what I decided I would do is, and if somebody was going to complain, let them complain later on, but we would have the swearing-in ceremony on that particular January day in 1993 televised live right here in the Senate, and we sent everybody a note saying that that was going to happen.

The first phone call I received was from Senator Clarence Bell, and he said to me, Sergeant, what are you doing? I called him General, I said, what is the matter, General? What are you concerned about? He said, what matinee idols are you trying to create? I said, by doing what? He said, by having the Session opened to television coverage. And he was pulling my leg. Then he said to me, once we put the lighting in the Chamber for that particular day, who is going to supply the Members with sunglasses? Then he sent me a note on the whole thing, and I said, Clarence, I will never reveal this note publicly until there comes an opportunity when I can reveal the note, because you and I both know it is in jest so we can have a good laugh about it. But he had called me that day because of his concern about what may take place on the floor of the Senate.

I, for one, had a tremendous amount of respect and admiration for Senator Bell. I learned a lot from him, not only as a Member of the Senate but also as an individual. I learned what it means to trust people. I learned a lot about the moral fiber of an individual, and when you give somebody your word, how important it is to maintain your word, and I think General Bell and Senator Bell, he reflected all of that. He reflected everything that is right in this body. And as I walked on the floor of this Senate on September 4 in the Special Session, but more importantly as I walked here yesterday and went back into a meeting of the Committee on Rules and Executive Nominations that we had late yesterday afternoon, I passed his desk and I had a little bit of a flutter in my heart and a little bit of a very soft remembrance for a man for whom I had nothing but tremendous respect and held him in the highest esteem, because he was an individual from whom we could all learn something. He will be missed, but his legacy in this Senate will last forever. And to his family, to his children, and to his grandchildren, I just want to say congratulations on having one of the most outstanding individuals ever to live in this great country of ours and who served as a beacon not only for us but I am also sure for you, too. So, General, wherever you are right now, until we see you again, God bless you.

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

Senator BRIGHTBILL. Madam President, I think there are going to be a lot of words said today about the late Senator Bell, and I am going to be very brief for one reason. I have listened to a lot, and there is one aspect of Senator Bell that has not been put on the public record as yet. Senator Jubelirer kind of touched on it, but I will lay it out more specifically. When I got here in 1983, the beginning of 1983, I obviously had a learning curve to find out about the rules and traditions of the Senate and how things

worked, and so forth and so on. Clarence Bell was very much a teacher in caucus. The class was caucus, where he would, in the course of discussions, point out things that no one else had pointed out, that while maybe some of the older, more experienced Members knew, young bucks like me were not aware of. And it was very helpful and very educational.

Secondly, he was a teacher privately, and the lessons not only started when I was young, but since I have become Majority Leader. If you looked up at me today, you saw me fidgeting around because we got started late, and the reason we got started late today was a good reason. Something got goofed up in the printing of the resolution, so we could not get rolling as soon as we would have liked. Well, let me tell you, I had my thoughts on the teacher, and he always was down here right on time, and even if I knew we were going to be late, I would come down here and walk around and talk to him and say, gee, I do not understand why everyone else cannot be here, because I did not want to get in trouble with the teacher.

He really was a great man, and having had the privilege to serve with him for all these years was a great honor. We had several things in common, but one of the things we had in common, other than the fact that he had been to Indiantown Gap, which is an area I represented and we both had an interest in that area, is we were both interested in the Pennsylvania Military College. I had not realized until I went to his service in Chester how important he had been to PMC, which has now become Widener University. I spent my first 2 years of college education there, and frankly got a lot of education that you do not get from books while attending that institution, and I got to know a lot of people who I really learned later were terrific people and just extraordinary kinds of leaders. We had that in common, too, and that was always, when I was getting in trouble and I got on the wrong side, it was always my fallback conversation piece, to talk about PMC, hoping to get him off target.

But he was terrific, and we will miss Senator Bell. There is no question about that. We will miss him.

#### SPECIAL ORDER OF BUSINESS DISTINGUISHED GUESTS INTRODUCED

The PRESIDING OFFICER. At this time, I would like to introduce some of the guests who have joined us on the floor of the Senate today.

First of all, our former colleague, and now Congresswoman, Melissa Hart. Would you please stand and be recognized.

(Applause.)

Also in addition to Speaker Ryan, we are joined today on the floor of the Senate by several Members of the House. I will call your names, please rise, and we will welcome you at the end. Representatives E. Z. Taylor, Bill Adolph, Ron Raymond, Tim Hennessey, Thaddeus Kirkland, Chris Ross, Carole Rubley, Bob Flick, Curt Schroder, and Art Hershey.

(Applause.)

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Madam President, Members of the House, and members of the Bell family, it is a real pleasure for me to be here to say a few words about my good friend, Senator Clarence Bell. It makes me feel like a mere youngster; I only had the opportunity of serving two terms with Clarence Bell. Unfortunately, I did not have quite the number of years in the Senate to have the experience of being with Clarence Bell, but I had, in a former life, some experiences working with Senator Bell.

I was president of the Chester County Chamber of Business and Industry, and at times we were on opposite sides of issues. A couple of times things have been mentioned today about his ability to generate cards to constituents. Well, I can also tell you that he could also generate a lot of cards from his constituents to people with whom he did not really agree, so he had a good way of motivating people, as well as sending cards to them. But the day I was sworn in, he was one of the first ones to come over and shake my hand and say, Tommy, welcome. If you have any questions or any concerns, or if there is anything I can do to help you, I am here to be your friend. And he has been my friend ever since.

No one has been more tough in running a committee or in questioning anyone than Clarence Bell has been, but nobody has been more tender in giving advice and being a friend than Clarence Bell has been. He was compassionate, and he touched all of us by having known and worked with him. As the Majority Leader said, he was a teacher, he has taught us much, and certainly has been the institutional memory of this organization. He has been a friend and a mentor to every one of us in this group, and we will all miss him.

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

Senator O'PAKE. Madam President, when I first got to the Senate back in January of 1973, I was very impressed by this wise old owl who used to sit in the dining room and peer out at you over those glasses and drop words of wisdom, pearls of wisdom, really. He was blunt, he was honest, and he was very independent. As has been pointed out already, we all learned a lot from this country lawyer, as he used to describe himself. He was so synonymous with the Senate that it seems surreal to look back there and not see him sitting in the back row of the Senate, or not to see him at the head of the table at the Senate meetings of the Committee on Rules and Executive Nominations. His devotion to his duties and his constituents in the Ninth Senatorial District is legendary. His heart was always with his neighbors back home. He was always an advocate for the little guy, and as chairman of the Senate Committee on Consumer Protection and Professional Licensure for most of the last 22 years, he used his position to better their lives. We can all attest to his devotion to duty. His last visits to Harrisburg were in June. It was obvious to everyone that he was not up to par. But there was a budget that needed to be passed, and Clarence was determined to make sure that his district was represented at the table.

Madam President, there is so much that we could say about Clarence Bell, the Senator, the attorney, the general, and the family man. Almost 2 months ago many of us attended the memorial service and witnessed firsthand the outpouring of love and affection from his family, his friends, and hundreds of his constit-

uents. His son, Butch, delivered a beautiful and heartfelt eulogy. We were all privileged to have known and served with him.

Turkey season is right around the corner, and it just will not be the same without Clarence warning us about the turkeys. When I go to my car every day down in the underground parking garage, the space next to mine is empty, will be empty for a while. That was the General's. If, as has been said, public service is the rent that we pay for our space here on earth, Clarence Bell paid his rent faithfully and generously. He has earned a perpetual lease in heaven.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, somehow, somehow we thought this day would never come. But death has come, as it must to all men, to all women, to Senator Clarence Bell, Esquire; Brigadier General, Pennsylvania National Guard, retired; and all of us in this Chamber today have a common thread that no one who follows us will. He was here when we got here. After that, our experiences with Clarence Bell, General Bell, Counselor Bell varied. He was a man of many dimensions. Teacher has been mentioned many times. He passed out what worked, what to watch out for. He was a superb historian. He probably knew our districts, certainly my district, better than I did. He reached in that candy drawer in the far recesses and pulled out a strip of buttons for a blazer that I was wearing one day with the letter W on it. I said, what in the world is that? He said, you do not know? That is the "Mad Anthony" Wayne regimental blazer, and you represent Wayne County, it is yours, and I have worn it proudly.

He was a historian, he was a friend, he was loyal to causes, as has been mentioned by Senator Mellow, to people, to his Masonic fraternity, to law enforcement. He was a raconteur. He was a delightful person to be with, his stories of college and law school so many years ago in Massachusetts, when he would remember fondly what he did, what he did not do. He had great memories of Agnes, the flood that Senator Mellow, Senator Musto, and I went through up in the Wyoming Valley. He would recall how he purloined the adjutant general's helicopter for a week until they caught up with him and made him give it back.

Senator Bell, if you ate with him out here, had a great appetite. A gourmet, he was not. Of late years, I had the pleasure on nights when there were no receptions, no wonderful places to go, and he did not go to a whole lot of them in these later years, but we shared the culinary pleasures of the Summerdale Diner on many occasions. We ate more chicken-like croquettes than you could possibly imagine, until he decided that he would upgrade our appetites and we moved over to the Ponderosa on this side of the river. It was a one-half star upgrade on all of the Mobil charts, and I found that probably, probably we joined Senator Bell at the Ponderosa because at the end of a sumptuous meal, they had cookies on a plate that he could put in a napkin and take back to his room for a midnight snack, and he loved it. He loved it.

In the hearings, and you have heard from so many, he kept order with his cane, and I understand that will be on display for us. He helped ours, his own, and he did it with bumper sticker slogans. Often acerbic, sometimes painful, always pointed, always relevant, most of the time always relevant, and we won-

dered, were these true ad-libs? They just seemed to come out, or were they well-thought-out by the General and his staff, and only that superb staff knows where those bumper sticker slogans came from, and like good soldiers, they are certainly not telling.

He was a friend with great instinct for the common man. On military occasions, Clarence Bell was as much at home speaking with the brass, the other generals and the like at the head of the parade, as he was in speaking with the color guard or the bugler who played "Taps." He wrote well, he wrote briefly, and I, like Senator Mellow and so many others, treasure the birthday postcards that are just where he said they would be, on my refrigerator at home. And I marvel at the time that he took to go to the post office on his own to select the right stamps for the mail that went out of his office.

Madam President and members of his family, all of us are better for having known Senator Clarence Bell. We are honored to have served with him, and as the seasons and the Sessions have passed and we move on with the splendid memory of his life, we say to all that we are delighted that he was a part of all of our lives and will be for eternity.

Thank you.

(Applause.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Madam President, when I came to this Senate in 1983, Senator Bell was already a fixture and a tradition in this Chamber. He was one of those persons whom we all looked up to. I know greatness is measured in different ways, but I think it is appropriate to say that Senator Bell was a great person, a great man. I remember a few years ago he was ill, and we got the word that he had been hospitalized and of course could not be here for a few days, so I gave him a call at the hospital where he was staying. He answered the phone, his voice was kind of weak, and as soon as I identified myself, he began to talk a little bit about the Senate and he said, you know, I have Legionnaires' disease. I said, well, Senator, that is kind of serious, you know. And he said, his voice still kind of weak, yeah, I know. It is good it did not happen to a 30-year-old, he would have died. I am not going to die, I am tough. And I will never forget that because in a lot of ways he was tough. He almost never missed caucus, and in caucus he displayed a keen mind, a sharp wit. He was an astute politician, and it is fair to say he was a beloved public servant. He served his country, his State, his senatorial district, his constituency, and his family, his very proud family who are here today with us at this very special time. He was the kind of a person who will be missed. We extend our condolences to his family and to his many friends.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, for the past 4 years I enjoyed the privilege and the honor of serving with Senator Bell on the Committee on Consumer Protection and Professional Licensure. Senator Bell was the committee chairman, and I was the Minority chair. And although we were of different parties and different generations, we worked closely together as partners, colleagues, and as friends, and he was always encouraging me. Every single committee meeting he was giving me advice on

what I should do and say in the Senate, and how I should work with colleagues, Democrats and Republicans alike. He is my role model, and even 2 years ago when I was having personal difficulty, he just reached out to me and always encouraged me, and even stuck up for me in the press, which nobody has really ever done before, and he was there just saying this girl is smart, I love working with her, and he always treated me so well.

As the legislature's longest serving Member, he was a very special individual, admired and respected by all of us, and I want to show you this photo that was taken at the last meeting of the Committee on Consumer Protection and Professional Licensure. At that meeting he sat with me for about 45 minutes after the meeting, and we talked and talked about so many different things, not only professionally but personally as well. I put this picture in my latest newsletter, the picture of Senator Bell and I in my last newsletter, because I remember when I was first appointed to the committee, he put my photo in his newsletter to say how much he was looking forward to working with me, and then, what is kind of taboo in this Chamber, is you do TV shows now and then, a monthly TV show, and he said, Lisa, come on my TV show. I said, but you are a Republican and I am a Democrat, are they going to like that? He said, I do not care what they think, you are coming on my show. We are going to talk about consumer protection issues. And then what I did was put him on my show a month later.

This photo that I showed is the way that I am always going to remember Senator Bell, smiling and happy to be doing what he thought was best for his neighbors and all consumers across Pennsylvania. And at that last meeting, I know he was a little sick and perhaps a little bit more frail, but in his mind he was as sharp as ever and he conducted that meeting in true form. The General was always a gentleman first. Senator Bell ran his committee without a shred of partisanship. He truly put consumers first and foremost, and I always respected and admired how he treated me as a Minority chair of the opposite party with a lot of respect, especially when I asked for hearings, and he would hold those hearings, and he even would bring a bill up for consideration in the committee even though I was a Democrat, and that is a little rare in this Chamber as well.

He always stood up for working men and women. He loved the unions and they loved him. He was fiercely independent. He used to tell the members of the Governor's Office that he had outlasted more than just a handful of governors during his time in the Senate. He put the people first and he put his principles first, and like he used to say, he did not care who the Governor was because that was never going to change.

So Senator Bell was a colleague, a mentor, a dear friend. I miss him, and I consider myself very blessed to have served with him. I have learned from him, and I am really going to miss him.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I had not really intended to say anything today, but then something occurred to me that I would like to share, if you would indulge me a few moments. As a Member of the younger generation of Senators, I was elected a little less than one term ago. Senator Mellow said he got to serve eight terms with him and Senator Jubelirer seven; I did not quite get to serve one with Senator Bell. And as being the



youngest Member of the Senate when I was elected--Senator O'Pake referred to Senator Bell as very impressive--I can tell you as a new Member of the Senate, he was also pretty intimidating. I think it took me until about May to build up the courage to actually start a conversation with Senator Bell, which as anyone knows, once you got to know Senator Bell, there was no reason to be intimidated. But it takes you a while when you are younger. And finally I was able to strike up a conversation because I was supportive of his efforts with ABATE, so that was my avenue to get into his circle, so to speak, and have a discussion, and we had a nice talk and he was actually very surprised because my predecessor, who happened to have the same name as myself, was always opposed to that issue. So the fact that I was supportive of it he thought was pretty nice.

And then as time went on, I had the honor of sitting with him many times in the Senate dining room where he would regale us with stories, whoever would sit at the same table. He was referred to as a teacher before, and it was essentially what he was doing there. If you listened close enough, there were always lessons to learn. But without a doubt, my most favorite thing to do, which I will never be able to do again, was when many of us were lucky enough to have constituents come down to the Senator floor to visit us before Session, when school students would come in, I would give them the 2-minute tour of the Chamber, and I would always pull out of my desk the history of the Members who sat at my desk, as all of us have in our desks. And I would always point to this year and say, in January 1965, 4 months after I was born, Senator Clarence Bell was sitting at my desk. And of course that did not really raise a whole lot of thoughts, until I then pointed to the back desk and I said, now he sits there, and all the young kids would usually drop their jaws in amazement. It was always a lot of fun to do, and it just occurred to me that I think Senator Bell spent a lifetime having young kids and old drop their jaws in amazement. We will miss him.

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

Senator MURPHY. Madam President, I suppose sometimes when you are looking at the impact of a man on this planet, it sometimes can be measured in tears or perhaps memories that we cherish. And sitting in front of Clarence Bell on the Senate floor is one that, like it or not, he insisted that I receive many of those memories from him. I would oftentimes receive a tap of the cane on my head or my shoulder, depending on which way he thought I might vote on a bill, and it is touching to see it laying there on his desk. I am almost tempted to give it one last rap in the Chamber so we can remember the sound echoing through here.

But he was filled with many quotes and quips. He, for all I know, may have invented many of them. I sometimes wonder if he knew William Penn himself, because of the way he would come up with some of these things, which you heard so much. I heard him saying one time a great man is always willing to be small, which I think is perhaps one of the mottos he lived by. He had others that we remember, certainly the turkey season one we heard before. I know when sometimes he thought a Governor was getting a little too uppity, he would remind us, I will be here long after he is gone. I know he had philosophy that we would deal with when we were arguing issues on the floor or in caucus, and he would say, I may not know too much, but I can count, when

he would think of the votes that were out there. I also remember one time in caucus he was chiding the idea that Governor Ridge had not come to our Caucus retreat. He was quite taken aback and insulted by the concept, and I remember Senator Jubelirer was trying to plead with him and said, Senator Bell, we did not invite him. And without missing a beat, Senator Bell said, well then, you will agree with me that he was not there.

In his final week here, anticipating that I might someday not be in this Chamber, too, and looking at his health, I was not sure how much longer he would be here as well, I went up to him at the back of the Chamber and thanked him for what he had taught me and the places that he had shown me that I otherwise did not know, he characteristically dismissed the importance of anything but advised me, Tim, make sure you keep working for the people, and then he reached out and shook my hand and said good-bye.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I would be remiss if I did not say a few remarks. Eighteen years ago when I came to the Senate, I had the privilege of being in the lunchroom with Senator Bell and another senior Member, and that senior Member said to me, I served in the Senate with your father. Senator Bell said, you did not, you were in the House then, but I served in the Senate with your father. And to me, I guess he became a father figure because my father passed away the summer before I was elected to the Senate of Pennsylvania. But Clarence Bell was an advisor, counsel, and to me he always brought a historical perspective, not only on the Senate but the legislature, and indeed State government. He will be sorely missed by all of us.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, it is kind of a somber thought when I stand here, because 22 years ago when I got here and whenever we would have either the ending of a Session and Members leaving, or someone passing away, I was young enough that I really did not understand and I did not have the relationship to know that person that well to be able to get up to say anything. I think of John Shumaker, I think of John Hopper, and I thought Clarence will always be here, because he always was here. He was always the hand you reached and knew. It was like the steady rock was here. For 22 years I sat in the back row, there was a chair between Clarence and me, and it was like we were part of the back row mavericks, because I think we always liked to do our different things. Clarence did not mind instigating and stirring when he got the chance, and smiled in the process.

But one of the things about him, and I say this after his being here for 48 years, he was as new and as challenging his last days as he was any other. Maybe the body was not at its peak, but the mind certainly was, because he was there to challenge us. When I think of him legislatively, I have to say this, I do not know of anyone in this Chamber who analyzed or looked at legislation more than he did, because when we sat in caucus he would come in and say, yes, and on page 3, line 24, it says this. We would all look around and say, yes, but Clarence knew what he was doing. And in his district, you have seen what he has done. His constituents, I will say this, his service to his constituents was as big as his heart could be, and he had the biggest heart around, because

he met his citizens' needs. He did it with his heart, he did it with his mind, he did it with his physical body. His postcards, and I have to say this, his petitions were unique, because whenever he wanted to stir something up, he wrote the petitions, sent them out and had them sent back to him. That was the uniqueness of the man. He knew how to do it, he knew how to work it.

And in caucus we sat together on the same side. The only thing is there was a chair between him and me, and I think leadership and everyone would always look to see who was sitting there because they were afraid he and I would brainwash them into a labor vote somewhere along the line. And I will say this, Clarence probably had the best labor vote maybe in the Chamber, but I know definitely on the Republican side, and I was second, and as he would remind us in caucus on a regular vote, and he always used to say, Jimmy, come here, this is a blood vote. I mean, when he said it was a blood vote, you knew it was serious and this was it. This was not just a regular vote, this was a blood vote. And turkey season, I would laugh, because he knew where the turkeys were, even the ones he had in the turkey. You did not let him kid you that he did not know what he was doing, he did.

I valued his counsel, I valued his knowledge, but most importantly, I valued his friendship. When I first got here, it was always nice to have someone take you under their wing, which he did. One of the unique things he talked about in his service was when there was a flood up in the Wilkes-Barre/Scranton area, and he used to stop in a little store in Frackville, Anna's Antique Shop, and he asked me when I came here, was it still there? And he told me the things that he secured and bought when he was in Frackville, and all the people he knew back in the coal region, too. I do not know of anyone who had the institutional history that Clarence had, because so many times he would sit there and say, yes, but back in 1950 or 1960, all these different things that were done, he always seemed to know where they were at and rolled them out. His sage advice and his insight cannot be replaced, will never be replaced. But I will say this, too: I miss him from the standpoint, in the last weeks and months I could see in his face a very familiar face to me. Before my father passed away, I could read in his face, and when I saw Clarence I saw in his face the same sickness and illness that I saw in my dad's face, and so I looked and I cried with a sad heart, but I will say this, Clarence, I know you are sitting at the right side of God and giving him the advice he needs, because he could not have a better servant.

Thank you.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF THE PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, we have introduced a number of guests who are here today, but there are some other special folks whom I would like to introduce at this time. First and foremost, I would like to introduce Senator Bell's son, Butch, and granddaughter, Allison. Would you please stand and be recognized.

(Applause.)

Senator Bell was extraordinarily proud of his staff and gave them a lot of credit. They were very dedicated, very loyal people, and some of the very finest people who certainly were employed in this building, and I ask that all the present and former members of Senator Bell's staff who are here today please rise and be recognized for your loyalty and dedication and all the hard work you have done.

(Applause.)

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

The PRESIDING OFFICER. All those in favor of the adoption of the resolution will please rise and stand in a moment of silence. Staff and guests will also please rise.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Senator CLARENCE D. BELL.)

The PRESIDING OFFICER. The Chair declares the resolution unanimously adopted.

**RESOLUTION INTRODUCED AND REFERRED**

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

September 24, 2002

Senators WAUGH, WENGER, O'PAKE, MADIGAN, PUNT, THOMPSON, KITCHEN, BOSCOLA, KUKOVICH, TARTAGLIONE, MURPHY, CORMAN, CONTI, TOMLINSON, WAGNER, STOUT, ORIE, ERICKSON, COSTA, LOGAN, ROBBINS, GREENLEAF, LEMMOND, MOWERY, MUSTO, DENT, SCHWARTZ and RHOADES presented to the Chair SR 271, entitled:

A Resolution proclaiming the month of September 2002 as "Food Safety Education Month."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, September 24, 2002.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room to consider Senate Bill No. 1486, House Bill No. 2322, Senate Resolution No. 149, 271, and certain nominations.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**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 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-46

Bodack	Hughes	Musto	Thompson
Boscola	Jubelirer	O'Pake	Tomlinson
Brightbill	Kasunic	Orie	Wagner
Conti	Kitchen	Piccola	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rhoades	White, Donald
Dent	Lemmond	Robbins	White, Mary Jo
Erickson	Logan	Scarnati	Williams, Anthony H.
Fumo	Madigan	Schwartz	Williams, Constance
Gerlach	Mellow	Stack	Wozniak
Greenleaf	Mowery	Stout	
Holl	Murphy	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 227 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

UNFINISHED BUSINESS  
DISCHARGE PETITIONS

The PRESIDING OFFICER laid before the Senate the following communications, which were read by the Clerk as follows:

September 24, 2002

A PETITION

To place before the Senate the nomination of Toni M. Gilhooley, as a member of the Pennsylvania Human Relations Commission.

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 Toni M. Gilhooley, as a member of the Pennsylvania Human Relations Commission, 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

September 24, 2002

A PETITION

To place before the Senate the nomination of E. Douglas Newton, M.D., as a member of the State Board of Podiatry.

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 E. Douglas Newton, M.D., as a member of the State Board of Podiatry, 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 PRESIDING OFFICER. The communications will be laid on the table.

SENATE RESOLUTIONS ADOPTED

Senators STACK, BODACK, FUMO, HUGHES, LOGAN, COSTA, EARLL, WAGNER, TOMLINSON, KUKOVICH, TARTAGLIONE, THOMPSON, MURPHY, SCHWARTZ, LEMMOND, BRIGHTBILL, CORMAN, KITCHEN, MUSTO, O'PAKE, C. WILLIAMS and CONTI, by unanimous consent, offered Senate Resolution No. 273, entitled:

A Resolution recognizing the month of September 2002 as "National Alcohol and Drug Addiction Recovery Month" and September 24, 2002, as "Substance Abuse Awareness Day."

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 am introducing a resolution which recognizes September 2002 as National Alcohol and Drug Addiction Recovery Month in Pennsylvania, and Tuesday, September 24, 2002, as Substance Abuse Awareness Day. Usually it is a privilege to offer a resolution for consideration by my Senate colleagues, but today I make this presentation with mixed feelings. It is critical that we remain vividly aware of substance abuse and its pervasiveness in our States, cities, and neighborhoods. It is equally important that we recognize the recovery process, most particularly the success stories. This resolution also honors those organizations and dedicated professionals who tirelessly work to deliver treatment services that help pave the road to successful recovery.

Still, I remain troubled at the prospect that substance abuse is so very much with us. There are no six degrees of separation with substance abuse. It is much closer than many of us may choose to believe. One in 10 Pennsylvanians suffer from addiction, thereby affecting one in every four families. As a society, we pay more for medical costs, counseling, and legal and criminal problems related to substance abuse than for the combined costs associated with treating cancer and heart disease. As is the case with so many other challenges we face in life, substance abuse is best confronted head on. Studies have shown that early treatment intervention is one of the most effective weapons in defeating addiction. This upfront approach costs about \$1 for every \$7 we spend on the costs associated with full-blown untreated addiction. We are talking about a solution that saves lives and money. There is no downside. When we choose inaction, there is nothing but a downside.

I offer this resolution today, because choosing to do nothing is not an option in the fight against alcohol and drug abuse and addiction. These are not problems that simply go away, and we cannot go away until they are fixed. Fighting addiction is an uphill struggle, but I continue to believe that this is one fight we can win. We must support those who have bravely taken their steps to beat their addictions and provide the means to help others do the same.

Throughout America, September has been designated as National Alcohol and Drug Addiction Recovery Month. It is a time to set aside and recognize and commend those who have successfully confronted substance abuse. Let us join in that observance by making a similar declaration here in Pennsylvania. At the same time, Pennsylvanians need to be made more aware of all the causes, effects, and available treatments of substance abuse. Knowledge and understanding of this disease can only help in our efforts to defeat it.

As part of the resolution I have submitted, I ask that today, September 24, 2002, be designated as Substance Abuse Awareness Day in Pennsylvania.

Madam President, I request unanimous approval of this resolution, and I thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators MURPHY, MOWERY, M. WHITE, TOMLINSON, THOMPSON, BRIGHTBILL, GREENLEAF, WENGER, ROBBINS, MUSTO, LEMMOND, KUKOVICH, LOGAN, KITCHEN, ERICKSON, EARLL, DENT, COSTA, CONTI, ARMSTRONG, BOSCOLA, MELLOW, O'PAKE, SCARNATI, SCHWARTZ, STACK, TARTAGLIONE, WAGNER, WOZNAK, C. WILLIAMS and RHOADES, by unanimous consent, offered **Senate Resolution No. 274**, entitled:

A Resolution designating the week of October 1 through 7, 2002, as "Long-Term Care Awareness Week" in Pennsylvania.

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

Senators MELLOW and JUBELIRER, by unanimous consent, offered **Senate Resolution No. 275**, entitled:

A Resolution designating the week of September 23 through 29, 2002, as "Religious Freedom Week" in Pennsylvania, and urging the Governor to issue a proclamation in observance of this week.

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

### 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 Dr. Richard Burley by Senator Armstrong.

Congratulations of the Senate were extended to Eamon M. Cunningham and to Bob Dorough by Senator Boscola.

Congratulations of the Senate were extended to David Armstrong, Jeffrey Taylor and to Jacki Gilmore Van Wagner by Senator Conti.

Congratulations of the Senate were extended to the Pittsburgh Public School District by Senator Costa.

Congratulations of the Senate were extended to Osrarn Sylvania Products, Inc., of Towanda by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Zebracki and to Mr. and Mrs. George Mudrinich by Senator Ori.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 1260, SB 1265, SB 1431, SB 1466, SB 1469, HB 228, HB 1392 and HB 2060.**

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

### LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I request a legislative leave for Senator Earll.

The PRESIDING OFFICER. Senator Brightbill requests a legislative leave for Senator Earll. Without objection, that leave is granted.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM TABLE**

Senator BRIGHTBILL. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

May 20, 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, Marilyn R. Kanenson, 3809 Sarayo Circle, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC**

June 11, 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, Carole I. Lee (Public Member), 1250 Schuylkill Mountain Road, Schuylkill 17972, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the State Board of Chiropractic, 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 STATE  
CONSERVATION COMMISSION**

May 31, 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, Loren W. Lustig, 795 Stone Jug Road, Biglerville 17307, Adams County, Thirty-third Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2006, and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE BOARD  
OF DENTISTRY**

June 13, 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, Mariellen Brickley-Raab, RDH, PO Box 376, Solebury 18963, Bucks County, Tenth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve until April 20, 2005, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Beverly Hawkins, Wallingford, resigned.

Mark S. Schweiker  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
EDINBORO UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

August 6, 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, The Honorable John R. Evans, 123 Meadville Street, Edinboro 16412, Erie County, Fiftieth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Patricia B. Heasley, Erie, resigned.

Mark S. Schweiker  
Governor

**MEMBER OF THE STATE FARM  
PRODUCTS SHOW COMMISSION**

August 16, 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, Robert Mazza, 11580 East Lake Road, North East 16428, Erie County, Fiftieth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor has been appointed and qualified.

Mark S. Schweiker  
Governor

**DISTRICT JUSTICE**

September 4, 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, Thomas N. Jordan, 129 Tussey Meadow Lane, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, as District Justice, in and for the County of Centre, Magisterial District 49-3-04, to serve until the first Monday of January 2004, vice Ronald J. Horner, resigned.

Mark S. Schweiker  
Governor

## DISTRICT JUSTICE

April 23, 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, John J. Shimek, III, 545 Lincoln Avenue, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as District Justice, in and for the County of Erie, Magisterial District 06-2-01, to serve until the first Monday of January 2004, vice A. Joseph Weindorf, resigned.

Mark S. Schweiker  
Governor

## DISTRICT JUSTICE

September 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, Karen M. Holly, 923 Wyoming Avenue, West Pittston 18643, Luzerne County, Fourteenth Senatorial District, as District Justice, in and for the County of Luzerne, Magisterial District 11-2-01, to serve until the first Monday of January 2004, vice Carmen J. Maffei, resigned.

Mark S. Schweiker  
Governor

## DISTRICT JUSTICE

August 29, 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, John R. Olwert, 9 C North Main Street, P.O. Box 773, Stewartstown 17363, York County, Twenty-eighth 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

MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE

July 3, 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, Paula J. Griffith, (Republican) 117 South Humberson Drive, PO Box 925, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice John Lichvar, Berlin, resigned.

Mark S. Schweiker  
Governor

MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE

July 3, 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 M. Mostoller, (Republican) 141 Mini Horse Lane, Friedens 15541, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice T. Jeffrey Cook, Somerset, whose term expired.

Mark S. Schweiker  
Governor

MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE

July 3, 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, Pamela L. Ream, (Republican) 428 Davis Avenue, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Sharon A. Ritenour, Somerset, whose term expired.

Mark S. Schweiker  
Governor

MEMBER OF THE SOMERSET COUNTY  
BOARD OF ASSISTANCE

July 3, 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 M. Sarsfield, (Republican) 2975 Stutzmantown Road, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Dorothy G. Glessner, Bosewell, resigned.

Mark S. Schweiker  
Governor

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

## QUESTION DIVIDED

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

Senator BRIGHTBILL. Madam President, I ask for a separate roll call on the nomination of Karen M. Holly as District Justice, Luzerne County.

The PRESIDING OFFICER. Senator Brightbill requests a separate roll call on the nomination of Karen M. Holly to serve as District Justice of Luzerne County.

The question before the Senate is the remainder of the nominations.

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

POINT OF INFORMATION

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, point of information.

Are we voting on the remainder of the nominees or on Karen Holly?

The PRESIDING OFFICER. That is correct, the first vote will be on the remainder of the nominees.

Senator MUSTO. Thank you, Madam President.

And the question recurring,  
Will the Senate advise and consent to the remainder of the nominations?

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

YEA-47

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

On the question,  
Will the Senate advise and consent to the nomination of Karen M. Holly as District Justice, Luzerne County?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, I request a negative vote.

The PRESIDING OFFICER. Senator Musto requests a negative vote.

And the question recurring,  
Will the Senate advise and consent to the nomination of Karen M. Holly as District Justice, Luzerne County?

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

YEA-26

Brightbill	Greenleaf	Orie	Tomlinson
Conti	Holl	Piccola	Waugh
Corman	Jubelirer	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Earll	Madigan	Robbins	White, Mary Jo
Erickson	Mowery	Scarnati	
Gerlach	Murphy	Thompson	

NAY-21

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

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator BRIGHTBILL. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations. For the interest of the Members, we will come back after the meeting, conclude today's Session, convene Special Session, and then go to caucus, which for the Republican Members will be expected to meet in the Majority Caucus Room immediately.

The PRESIDING OFFICER. Senator Brightbill requests a recess for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the rear of the Chamber, to be followed by Special Session, and followed by a caucus. Without objection, this Session stands in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

**SB 1486 (Pr. No. 2142) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding definitions; providing for State System of Higher Education campus police powers and duties; and making a repeal.

**HB 2322 (Pr. No. 4289) (Rereported) (Concurrence)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

**RESOLUTIONS REPORTED FROM  
COMMITTEE**

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, by unanimous consent, reported the following resolutions:

**SR 149 (Pr. No. 2175) (Rereported) (Concurrence)**

A Concurrent Resolution directing the Joint State Government Commission to establish a bipartisan task force with an advisory committee to study and make recommendations regarding certain segments of the prison population in Pennsylvania State correctional institutions.

**SR 271 (Pr. No. 2232)**

A Resolution proclaiming the month of September 2002 as "Food Safety Education Month."

The PRESIDING OFFICER. The resolutions will be placed on the Calendar.

**COMMUNICATION FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported 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 STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS**

September 20, 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 August 6, 2002, for the appointment of Wha Lee (Public Member), 820 Clifton Heights Road #3, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until her successor is

appointed and qualified, but not longer than six months beyond that period, vice Dennis P. McManus, Pittsburgh, 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 BRIGHTBILL. Madam President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDING OFFICER. The nomination will be returned to the Governor.

**ADJOURNMENT**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Wednesday, September 25, 2002, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 3:25 p.m., Eastern Daylight Saving Time.