TUESDAY, FEBRUARY 5, 2002

SESSION OF 2002  186TH OF THE GENERAL ASSEMBLY  No. 9

SENATE
TUESDAY, February 5, 2002
The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER
The Chaplain, Reverend STEVEN HOLLINGER, of Salem United Church of Christ, Reamstown, offered the following prayer:

Please bow with me in prayer.
Heavenly Father, this morning we bow before You, the most high God, the Creator and possessor of heaven and earth, for ultimately all authority throughout creation belongs to You.
We thank You, O God, for the privilege of being citizens of the Commonwealth of Pennsylvania, and I thank You, Father, for each person here who has stepped forward and accepted the great responsibilities in Your sight of representing countless others and contributing to the making of decisions which will impact the lives of people far removed from this assembly room.
Father, the tasks before this group of people are enormous. Some of the questions they will address during this Session will seem nearly impossible to resolve, and indeed on their own, that may be true. Therefore, I pray, even as Your servant Solomon did so long ago, asking that You, who sees all things and knows all things and who is all sufficient in every way, would give to each one here understanding minds to govern Your people and the ability to discern between good and evil, asking for nothing for themselves in return.
And realizing, Heavenly Father, that each and every one of us also carries personal burdens with us today. I entrust each person here, as well as the members of their respective families, to Your care. May you watch over, care for, protect, and provide for them in every way, as only You can. Submitting ourselves then to You, entrusting in Your provision, we thank You in advance for the countless amazing and creative ways that You will be responding, and I offer You this prayer, not on my own authority, Father, but in the name of Your son whom I claim as my Savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Hollinger, who is the guest today of Senator Wenger.

JOURNAL APPROVED
The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 4, 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.

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:

February 4, 2002

Senators O'PAKE, MELLOW, WAGNER, MUSTO, KASUNIC, STOUT, SCHWARTZ, COSTA, A. WILLIAMS, BODACK, FUMO, HUGHES, BOSCOLA, KITCHEN, KUKOVICH, STACK, LAVALLE, TARTAGLIONE, WOZNIAK, C. WILLIAMS and LOGAN presented to the Chair SR 160, entitled:
A Resolution requesting the Joint State Government Commission to create a task force to review Pennsylvania law governing pension fund investments.

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

Senators DENT, KITCHEN, MURPHY, COSTA, ERICKSON, O'PAKE, HUGHES, LOGAN, WAGNER, TARTAGLIONE, TOMLINSON, ORIE, STOUT, ROBBINS, SCHWARTZ, WENGER, EARLL, PUNT, MOWERY, M. WHITE, THOMPSON, D. WHITE, BELL, LEMMOND, ROADES and STACK presented to the Chair SR 161, entitled:
A Resolution commemorating the work and accomplishments of the Pennsylvania Housing Finance Agency on the occasion of its 30th anniversary.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 4, 2002.

LEGISLATIVE LEAVES
The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.
Senator BRIGHTBILL. Mr. President, I ask for legislative leaves for Senator Bell and Senator Madigan, and a temporary Capitol leave for Senator Holl.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Bell and Senator Madigan, and a temporary Capitol leave for Senator Holl. Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

SENATE RESOLUTION No. 151 CALLED UP OUT OF ORDER, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, as a Special Order of Business, Senate Resolution No. 151, entitled:

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

On the question,
Will the Senate adopt the resolution?

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

YEA-49
Armstrong  Greenleaf  Murphy  Thompson
Bell       Holl       Muso       Tomlinson
Bodack     Hughes     O'Pake  Wagner
Boscola    Jubiler    Orie        Waugh
Brightbill Kasunic     Piccola  Wengler
Conti      Kitchen    Punt       White, Donald
Corman     Kukovich   Rhoades  White, Mary Jo
Costa      LaValle    Robbins  Williams, Anthony H.
Dent       Lemmond    Scarnati  Williams, Constance
Earl       Logan      Schwartz  Wozniak
Erickson   Madigan    Stack     
Fumo       Mellow     Stout     
Gerlach    Mowery     Tartaglione

NAY-0

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

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session, and they are as follows: The gentlewoman from Erie, Senator Earll, as chairperson; the gentleman from Chester, Senator Thompson; and the gentlewoman from Montgomery, Senator C. Williams. The committee will leave immediately to discharge its duties.

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. We are now prepared to move to the House of Representatives for our Joint Session. Would all the Members of the Senate form a line in the center aisle behind the Sergeant-at-Arms and the mace.

RECESS

The PRESIDENT. The Chair now declares a recess of the Senate for the purpose of hearing the Governor's Budget Address.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 400 and certain nominations.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 227, SB 391 and SB 1013 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Holl, and his temporary Capitol leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1115 (Pr. No. 1702) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?
The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEAS-49**

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

**NAYS-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.

**SPECIAL ORDER OF BUSINESS**

**GUEST OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE**

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

Senator BOSCOLA. Mr. President, in the gallery today I have the pleasure of introducing Cornelius Catena, president and chief executive officer of Easton Hospital. He came here to talk today about medical malpractice reform, and he will also be on a panel on Friday in my district regarding health care. I ask the Senate to give him our usual warm welcome.

The PRESIDENT. Would the guest of Senator Boscola please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL AMENDED**

**HB 1519 (Pr. No. 3198) -- The Senate proceeded to consideration of the bill, entitled:**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, adding definitions; further providing for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of retail license not subject to the quota system and for malt and brewed beverages alternating brewers' licenses; and further providing for application for distributors', importing distributors' and retail dispensers' licenses, for limiting number of retail licenses to be issued in each county, for places of amusement not to be licensed, for licenses not assignable and transfers, forrevocation and suspension of licenses and fines, for local option, for clubs, for privately owned public golf courses, for establishments proximate to interstate highways not to be licensed, for applicants to provide State tax identification numbers and statement of State tax status and waiver of confidentiality of information in the possession of the Department of Revenue and other departments and review of State tax status, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for identification cards and licensees and State liquor store employees saved from prosecution, for reporting of worthless checks, for unlawful advertising and for premises to be vacated by patrons.

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

Senator O'PAKE offered the following amendment No. A0362:

Amend Sec. 8 (Sec. 436), page 16, line 11, by inserting after "licensed," to another person.

Amend Sec. 13 (Sec. 472), page 36, line 15, by inserting after "facilities," continuing care retirement communities.

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 OVER IN ORDER**

**HB 1830 (Pr. No. 3187) -- The Senate proceeded to consideration of the bill, entitled:**

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

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

Senator BRIGHTBILL offered the following amendment No. A0374:

Amend Sec. 3 (Sec. 2), page 5, by inserting between lines 24 and 25: "The Administrative Code means the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929."

Amend Sec. 4 (Sec. 3), page 8, line 9, by inserting after "duties": in accordance with Commonwealth policy or regulations.

Amend Sec. 5 (Sec. 4), page 9, lines 3 through 5, by striking out "the act of" in line 3; all of line 4 and "Repealer Act." in line 5 and inserting 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action), known as the "Administrative Agency Law."

Amend Sec. 5 (Sec. 4), page 13, line 29, by inserting after "law": in section 607-A of The Administrative Code.

**BILL AMENDED**

**HB 1546 --** Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.
Amend Sec. 5 (Sec. 4), page 14, line 5, by inserting after "law": in section 607-A of The Administrative Code
Amend Sec. 12 (Sec. 11), page 24, line 14, by inserting a bracket before "the" where it appears the second time
Amend Sec. 12 (Sec. 11), page 24, lines 14 and 15, by striking out "act of April 28, 1978 (P.L.202, No.53), known as the ["
Amend Sec. 12 (Sec. 11), page 24, line 17, by striking out all of said line and inserting: 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action), known as the "Administrative Agency Law."
Amend Sec. 14 (Sec. 13), page 26, line 13, by inserting after "law": in section 607-A of The Administrative Code

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

On the question,
Will the Senate agree to the bill on third consideration, as amended?
Senator BRIGHTBILL offered the following amendment No. A0293:
Amend Sec. 5 (Sec. 4), page 8, line 16, by inserting after "operators": All applications for certification and all applications for recertification must be accompanied by a report of criminal history record from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information). All operators certified on or before the effective date of this act shall submit a report of criminal history record from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 with an application for renewal within three years of the effective date of this section pursuant to a schedule established by the board. The board may establish a schedule for subsequent submissions of a report of criminal history record from the Pennsylvania State Police.

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.

RECESS
The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.
Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will be held immediately. For the information of the Members, there are no more votes. We are just going to have a meeting of the Committee on Rules and Executive Nominations and then come back and finish up some items on the Calendar that will not require votes.
The PRESIDENT. Without objection, for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

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

CONSIDERATION OF CALENDAR RESUMED
SECOND CONSIDERATION CALENDAR
BILL OVER IN ORDER

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

BILLS ON SECOND CONSIDERATION

SB 1075 (Pr. No. 1674) -- The Senate proceeded to consideration of the bill, entitled:
An Act regulating bail bond enforcement agents; requiring licensure and registration; and providing for penalties.

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

HB 1157 (Pr. No. 2572) -- 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 the definition of "tax collector" or "elected tax collector"; and authorizing agreements for joint tax collection districts.

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

BILLS OVER IN ORDER

SB 1225 and SB 1254 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

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.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.
HB 1802 (Pr. No. 3202) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, further providing for definitions and for statute of limitations; establishing the Medical Professional Liability Catastrophe Loss Fund Authority and the Medical Professional Liability Catastrophe Loss Fund; providing for jurisdiction, for change of venue, for contracts for limitation of noneconomic damages, for joint and several liability, for expert witness qualifications, for liability for misrepresentation to seek informed consent, for loss of pleasures of life, for pretrial disposition of frivolous medical professional liability claims, for collateral sources, for periodic payment of future damages, for permissible argument as to damages at trial; further providing for mandatory reporting, for investigations, for reporting to licensure boards and for duty to notify licensing board about certain arrests; further providing for hearings; providing for continuing medical education, for board-imposed civil penalties and for mandatory referral for claims history; adding provisions relating to patient safety; establishing the Patient Safety Authority; and providing for preservation and accuracy of medical records and for the powers and duties of the authority and the Department of Health.

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

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

BILL OVER IN ORDER

HB 1948 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

January 31, 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 December 28, 2001, for the appointment of Reverend Amos Goodwine, Sr., 1225 East 20th Street, Erie 16503, Erie County, Forty-ninth Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 2004, and until his successor is appointed and qualified.

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

Mark S. Schweiker
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I move that the nominations 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 nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

December 28, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Benjamin F. Ellis, Jr., 6702 Wayne Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor
MEMBER OF THE ARCHITECTS LICENSURE BOARD

November 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis R. Connell, AIA, 715 North New Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frank M. Adams, Allentown, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

October 17, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan E. Rineer, 30 River Corner Road, Conestoga 17516, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Sandra R. Evans, Philadelphia, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE HEALTH POLICY BOARD

January 10, 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, Cecelia Dougherty, 1933 East Moyamensing Avenue, Philadelphia 19148, Philadelphia County, First Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Paul D. Krissel, Boiling Springs, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE HEALTH POLICY BOARD

November 8, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lupe Pearce, 225 Parkview Avenue, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Dr. William G. Berger, Grove City, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

January 17, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Barnes, 270 Sinking Springs Lane, York 17402, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice David M. DuTot, Philadelphia, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

January 17, 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, Jayne Adair, 1235 Wightman Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Leeson, Jr., Esquire, Bethlehem, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

January 17, 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 D. Varkony, 933 North 26th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rose T. Craig, Bethlehem, resigned.

Mark S. Schweiker
Governor
MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

January 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, The Honorable Kim Pizzingrilli, 411 Sioux Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2007, or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

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

SB 271 (Pr. No. 1708) (Amended)
An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for rape, for involuntary deviate sexual intercourse, for aggravated assault and for sentences for offenses against infant persons.

SB 874 (Pr. No. 1709) (Amended)
An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for rape, for involuntary deviate sexual intercourse and for sentences for offenses against infant persons.

HB 235 (Pr. No. 3239) (Amended)
An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for unauthorized publication of name or likeness; and establishing a right of action.

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

SB 400 (Pr. No. 1466) (Rereported) (Concurrence)
An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for the State Board of Physical Therapy; providing for a certificate of authorization to practice physical therapy without the required referral; requiring professional liability insurance coverage and continuing education; and providing penalties.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 149 (Pr. No. 1653)
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 the geriatric, seriously ill and lifer populations in Pennsylvania State correctional institutions.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Upland Baptist Church by Senator Bell.
Congratulations of the Senate were extended to Willie J. Cannon and to David C. Powers by Senator Bodack.
Congratulations of the Senate were extended to the J. T. Lambert Intermediate School of East Stroudsburg by Senator Boscola.
Congratulations of the Senate were extended to Larry Smythe, Jr., by Senator Erickson.
Congratulations of the Senate were extended to MaryLou Berk and to William Dougherty by Senator Greenleaf.
Congratulations of the Senate were extended to the Gypsy Rose Restaurant of Skippack by Senator Holl.
Congratulations of the Senate were extended to Brittany M. Rexroad and to Melody Reeder by Senator LaValle.
Congratulations of the Senate were extended to Bernard T. Wasiakowski, Joseph Figlerski, Bernard Yaronski, Joseph Harcharik, Ernest Pierontoni, Sr., and to Frank Rominski by Senator Musto.
Congratulations of the Senate were extended to Chris Sestric by Senator Orie.
Congratulations of the Senate were extended to Penn State Harrisburg by Senator Piccola.
Congratulations of the Senate were extended to Mr. and Mrs. William Lauffenburger by Senator Scarnati.
Congratulations of the Senate were extended to Phyllis E. White by Senator Schwartz.
Congratulations of the Senate were extended to Rita Mizgorski by Senator Wagner.
Congratulations of the Senate were extended to George R. Shirk by Senator Wenger.
Congratulations of the Senate were extended to Louella McCall by Senator A.H. Williams.

CONDOLENCE RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:
The balanced budget also cuts taxes, which is a good thing for the people of Pennsylvania. In the time of a recession, when many working families are without a paycheck, these tax cuts will accomplish two things: First, cutting taxes will reduce the burden on those working families who are struggling to get back on their feet. And secondly, the business tax cuts contained in this budget will stimulate job growth and help put people back to work. We all know that there is no government program ever conceived, ever designed, or even invented that can replace a job, a good job, a secure job, and a family-sustaining job. That is why these tax cuts will help put people back to work, reduce the number of unemployed, and restore confidence in our Commonwealth's great tradition of progress.

The old-fashioned values of faith, family, hard work, and community still have a place in today's global economy, perhaps more than ever before, and these same values must be the foundation of this budget if Pennsylvania's small businesses are going to compete in this new economy, build upon newest technologies, and thrive, just not survive, in the global marketplace.

But while this budget meets some of the challenges that lie ahead by cutting taxes and stimulating our Commonwealth's economy, it also lacks courage at this time of great challenge that we are all called upon. This is the time when we should come together as Democrats and Republicans, not only as Democrats and Republicans but as proud Americans and proud Pennsylvanians united in a common cause to reform our property tax system and provide real relief for homeowners, and to help pay for prescription drug costs that so many of our senior citizens cannot afford.

So in many ways this year's budget reflects the State of our nation after September 11. We are at a turning point and at a moment in time that calls for hard decisions and bold plans of action. If the Governor can commit $400 million to just one school district here in Pennsylvania, then he should also be willing to provide full funding for each of the other 500-some school districts here in Pennsylvania. So we have two choices before us today: We can obey the Governor's call and just spend the rest of the year debating ways to simplify our local property tax system, or we can call on the Governor to provide full funding for each of our local school districts.

This budget also ignores the need of older Pennsylvanians who are struggling to afford the medicine they need. If the Governor can commit $550 million in Rainy Day funds to help pay for a host of countless State programs out there, then he should be able to commit, at least using the interest from the Rainy Day Fund, to help our senior citizens pay for their prescription drug costs.

Mr. President, everyone in this Chamber supports the Governor's commitment to homeland security, but how secure is that 65-year-old widow in Bethlehem when we all know that the Lottery Fund will soon go bankrupt and she will not be able to use her PACE card to fill her prescriptions anymore? At least we can feel more secure knowing that the Department of Corrections is going to receive more money under this budget to lock up more prisoners. At this rate, prison building will soon be classified as Pennsylvania's number one economic development activity, now that the future of shipbuilding is slowly sinking in the east.

And finally, Mr. President, what I am most disappointed about in this budget is that once again the General Fund budget does not answer the call when it comes to helping our volunteer firefighters. There is money for emergency planning, for guarding against cyber attacks, for training antiterrorist teams, but our local heroes, our first responders, our volunteer firefighters, get zero under this budget, even those who risked their own lives to try to save the lives of others at Ground Zero.
Our volunteer firefighters deserve more than just our words of praise, admiration, and appreciation, but unfortunately, under this budget, they do not get a dime, and that is a disgrace, Mr. President.

Thank you.

SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I have a guest who is an intern in my office. Her name is Heidi Beers, and she is a senior political science major at Eastern University. I believe she is in the gallery, and I would appreciate it if we would warmly welcome her.

The PRESIDENT. Would the guest of Senator Schwartz please rise so we can welcome you to the Senate of Pennsylvania. (Applause.)

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly adjournment.

ANNOUNCEMENTS BY THE SECRETARY

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

WEDNESDAY, FEBRUARY 6, 2002

9:30 A.M.  URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 451 and 1293; Senate Resolution No.161; and any other business that may come before the Committee)  Room 461 Main Capitol

10:45 A.M.  LABOR AND INDUSTRY (to consider Senate Bills No. 106 and 813; and House Bill No. 1237)  Rules Cmte. Conf. Rm.

TUESDAY, FEBRUARY 12, 2002

9:30 A.M.  FINANCE (to consider the nomination of Edward F. Fosnaught to the State Tax Equalization Board; and a public hearing on biotechnology)  Room 8E-A East Wing

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 Wednesday, February 6, 2002, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.