

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, FEBRUARY 3, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 7

SENATE

MONDAY, February 3, 2003

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

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

The Chaplain, Reverend REED MOORE, of First Unity Church of God & Christ, Derry, offered the following prayer:

Let us pray.

Eternal Father, most gracious God, as we come before You on this day that You have allowed us, O Lord, to be in Your presence, You have allowed us, Lord, to rise early this morning and to get our agenda together. The decisions that will be made here, Father, we ask, Lord, that You would guide, Lord, that You would touch and, Lord, that everything with the Senate, the State, the national work, that You would bless.

We ask, Lord, that Your presence would be among us. We would thank You for Your goodness and Your kindness, for we ask these blessings in Jesus Christ's name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Moore, who is the guest today of Senator Kukovich.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 29, 2003.

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.

BILLS INTRODUCED AND REFERRED

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

February 3, 2003

Senators DENT, WONDERLING, MADIGAN, HELFRICK, LEMMOND, CORMAN, TOMLINSON, WENGER, RAFFERTY, THOMPSON, COSTA, KITCHEN and C. WILLIAMS presented to the Chair **SB 8**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance and for driving under the influence of alcohol or controlled substances.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators LOGAN, KUKOVICH, ORIE, KITCHEN, COSTA, BOSCOLA, STOUT, WAUGH, RHOADES, O'PAKE and RAFFERTY presented to the Chair **SB 98**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for registration plates for volunteer firefighters; and exempting active volunteer firefighters from paying a fee for vehicle registration.

Which was committed to the Committee on TRANSPORTATION, February 3, 2003.

Senators LOGAN, ORIE, LAVALLE, KITCHEN, COSTA, BOSCOLA and TARTAGLIONE presented to the Chair **SB 101**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for county employee retirement allowances.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators LOGAN, LAVALLE, KITCHEN, COSTA, BOSCOLA, KASUNIC, STOUT, M. WHITE, WAUGH, O'PAKE, TARTAGLIONE, EARLL, CORMAN and STACK presented to the Chair **SB 102**, entitled:

An Act amending the act of November 26, 1978 (P.L.1212, No.286), entitled "An act authorizing an employee to inspect certain personnel files of his employer," requiring an employer to provide notification to its employees of telephone call monitoring.

Which was committed to the Committee on LABOR AND INDUSTRY, February 3, 2003.

Senators LOGAN, KUKOVICH, ORIE, LAVALLE, KITCHEN, COSTA, ERICKSON, BOSCOLA, KASUNIC, STOUT, WAUGH, RHOADES, O'PAKE, RAFFERTY and TARTAGLIONE presented to the Chair **SB 103**, entitled:

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

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators LOGAN, LAVALLE, KITCHEN, COSTA, RHOADES, WOZNAK, RAFFERTY and TARTAGLIONE presented to the Chair **SB 104**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring public utilities to maintain a place of business in this Commonwealth.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 3, 2003.

Senators LOGAN, ORIE, LAVALLE, KITCHEN and COSTA presented to the Chair **SB 105**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for general powers and duties relating to weights and measures, for investigations, for orders, for specific powers and duties, for local administration, for concurrent jurisdiction, for division of responsibilities, for enforcement and regulations, for offenses and penalties, for injunctions and for disposition of funds.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 3, 2003.

Senators HELFRICK, KASUNIC, FERLO, WONDERLING and BOSCOLA presented to the Chair **SB 106**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" to include certain Pennsylvania Game Commission employees.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senator MOWERY presented to the Chair **SB 107**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the Legislative Reapportionment Commission.

Which was committed to the Committee on STATE GOVERNMENT, February 3, 2003.

Senators O'PAKE, LAVALLE, WOZNAK, TARTAGLIONE, DENT, KITCHEN, STOUT, BOSCOLA, ERICKSON, RAFFERTY and MUSTO presented to the Chair **SB 108**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for determination of paternity.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators O'PAKE, MUSTO, WAGNER, COSTA, WOZNAK, ORIE, TARTAGLIONE, DENT, RHOADES, KITCHEN, LOGAN, THOMPSON, BOSCOLA, KASUNIC and STACK presented to the Chair **SB 109**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators O'PAKE, LAVALLE, COSTA, WAGNER, WOZNAK, EARLL, RHOADES, KITCHEN, RAFFERTY, LOGAN, MUSTO, STOUT, GREENLEAF and M. WHITE presented to the Chair **SB 110**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for duration of child support payments.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators SCHWARTZ, MELLOW, KITCHEN, MUSTO, C. WILLIAMS, KUKOVICH, COSTA, TARTAGLIONE, KASUNIC, O'PAKE and STACK presented to the Chair **SB 111**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a full-day kindergarten incentive.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators SCHWARTZ, MELLOW, KITCHEN, MUSTO, C. WILLIAMS, KUKOVICH, COSTA, TARTAGLIONE, KASUNIC, O'PAKE and STACK presented to the Chair **SB 112**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a full-day kindergarten incentive.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators SCHWARTZ, MELLOW, WAGNER, MUSTO, COSTA, TARTAGLIONE, BOSCOLA and KITCHEN presented to the Chair **SB 113**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for kindergartens; and making an editorial change.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators SCHWARTZ, MELLOW, KUKOVICH, COSTA, TARTAGLIONE, KITCHEN, MUSTO and STACK presented to the Chair **SB 114**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a small class size incentive in kindergarten through third grade for certain schools.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators SCHWARTZ, MELLOW, KUKOVICH, COSTA, TARTAGLIONE, KITCHEN, MUSTO and STACK presented to the Chair **SB 115**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a small class size incentive in kindergarten through third grade for certain schools.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators MELLOW and STOUT presented to the Chair **SB 116**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for civil immunity for lenders of child passenger restraint systems.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators MELLOW, WAGNER, MUSTO, STOUT, KASUNIC, KITCHEN, KUKOVICH, COSTA, LAVALLE, LOGAN, TARTAGLIONE, ORIE and SCHWARTZ presented to the Chair **SB 117**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the purchase of creditable nonstate service for periods of furlough.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators MELLOW, O'PAKE, WAGNER, MUSTO, STOUT, KUKOVICH, KITCHEN, LAVALLE, TARTAGLIONE, ORIE, COSTA, RAFFERTY, LOGAN and SCHWARTZ presented to the Chair **SB 118**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators MELLOW, WAGNER, MUSTO, STOUT, KASUNIC, COSTA, LAVALLE, LOGAN, TARTAGLIONE, KITCHEN and SCHWARTZ presented to the Chair **SB 119**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators MELLOW, O'PAKE, WAGNER, MUSTO, KASUNIC, STOUT, COSTA, KITCHEN, KUKOVICH, LAVALLE, LOGAN, TARTAGLIONE, WOZNIAK, STACK and SCHWARTZ presented to the Chair **SB 120**, entitled:

An Act prohibiting unreasonable restraints of trade; imposing penalties; and providing for enforcement.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators MELLOW, O'PAKE, TARTAGLIONE, WAGNER, MUSTO, STOUT, KASUNIC, COSTA, HELFRICK,

KITCHEN, KUKOVICH, LAVALLE, LOGAN, ORIE and WOZNIAK presented to the Chair **SB 121**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, regulating certain contracts involving the private operation of correctional institutions.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators MELLOW, STOUT, O'PAKE, WAGNER, MUSTO, KASUNIC, COSTA, LOGAN, KITCHEN, KUKOVICH, LAVALLE, TARTAGLIONE, ORIE, RAFFERTY, WAUGH and SCHWARTZ presented to the Chair **SB 122**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemption of persons, entities and vehicles from fees; and making an editorial change.

Which was committed to the Committee on TRANSPORTATION, February 3, 2003.

Senators MELLOW, O'PAKE, WAGNER, MUSTO, STOUT, KASUNIC, COSTA, KITCHEN, LAVALLE, LOGAN, TARTAGLIONE, ORIE and SCHWARTZ presented to the Chair **SB 123**, entitled:

An Act providing for security reports of mental health and mental retardation facilities; and imposing a civil penalty.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators O'PAKE, KUKOVICH, SCHWARTZ, COSTA, MUSTO, WOZNIAK, KITCHEN, LOGAN, THOMPSON, STOUT, GREENLEAF, BOSCOLA and KASUNIC presented to the Chair **SB 124**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for excluded transactions.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators O'PAKE, KUKOVICH, SCHWARTZ, COSTA, MUSTO, WOZNIAK, TARTAGLIONE, MOWERY, KITCHEN, LOGAN, THOMPSON, STOUT, GREENLEAF, BOSCOLA, KASUNIC and RAFFERTY presented to the Chair **SB 125**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for exclusions from the realty transfer tax.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators O'PAKE, MUSTO, COSTA, WAGNER, WOZNIAK, TARTAGLIONE, KITCHEN, LOGAN, STOUT, BOSCOLA and KASUNIC presented to the Chair **SB 126**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports.

Which was committed to the Committee on AGING AND YOUTH, February 3, 2003.

Senators O'PAKE, KUKOVICH, LAVALLE, MUSTO, SCHWARTZ, WAGNER, COSTA, TARTAGLIONE, EARLL, KITCHEN, RAFFERTY, LOGAN, THOMPSON, STOUT, M. WHITE, BOSCOLA, WAUGH, KASUNIC and STACK presented to the Chair **SB 127**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for children's health insurance program definitions; and providing for children's health insurance program presumptive eligibility.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators ORIE, KITCHEN, TARTAGLIONE, RAFFERTY, WOZNIAK, COSTA and BOSCOLA presented to the Chair **SB 128**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for medical advisory board, reports on mental or physical disabilities and determination of incompetency; and providing for a civil penalty.

Which was committed to the Committee on TRANSPORTATION, February 3, 2003.

Senators ORIE, KITCHEN, COSTA, LOGAN, WOZNIAK, RHOADES and STACK presented to the Chair **SB 129**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a drug court division.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators MELLOW, WAGNER, MUSTO, KASUNIC, STOUT, COSTA, LAVALLE, LOGAN, ORIE, KITCHEN, TARTAGLIONE, D. WHITE, WOZNIAK, STACK and SCHWARTZ presented to the Chair **SB 130**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for retirement eligibility.

Which was committed to the Committee on FINANCE, February 3, 2003.

Senators ORIE, BOSCOLA, TARTAGLIONE, KITCHEN, M. WHITE and C. WILLIAMS presented to the Chair **SB 131**, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for right to freedom from discrimination, housing and public accommodation; defining "marital status"; and further providing for unlawful discriminatory practices.

Which was committed to the Committee on LABOR AND INDUSTRY, February 3, 2003.

Senators ORIE, COSTA, LEMMOND, C. WILLIAMS, RAFFERTY, BOSCOLA and KITCHEN presented to the Chair **SB 132**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons required to report suspected child abuse.

Which was committed to the Committee on AGING AND YOUTH, February 3, 2003.

Senators ORIE, COSTA, RAFFERTY, TARTAGLIONE, RHOADES, KITCHEN, O'PAKE, KASUNIC and STACK presented to the Chair **SB 134**, entitled:

An Act requiring all school districts to develop a comprehensive school violence prevention plan.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators ORIE, COSTA, DENT, RAFFERTY, KITCHEN and KASUNIC presented to the Chair **SB 135**, entitled:

An Act providing for the reporting of crimes of violence committed on the grounds of school entities; establishing a mandatory uniform school violence reporting system; and making a repeal.

Which was committed to the Committee on EDUCATION, February 3, 2003.

Senators MOWERY, BOSCOLA, EARLL, ERICKSON, GREENLEAF, KASUNIC, KITCHEN, KUKOVICH, LEMMOND, MADIGAN, ORIE, TARTAGLIONE, THOMPSON, WAGNER, C. WILLIAMS and STACK presented to the Chair **SB 136**, entitled:

An Act providing for the licensure of assisted living residences and services, for expansion of publicly funded home-based and community-based assisted living services and for greater information to the public about long-term care options; expanding Medicaid-funded services under the Pennsylvania State plan and through the expansion of home-based and community-based services waivers; establishing a new State-funded program of assisted living services to help consumers bridge to eligibility under Medicaid; eliminating barriers and financial disincentives to receiving home-based and community-based assisted living services; conferring powers and duties on the Department of Public Welfare, the Department of Health and the Department of Aging; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators MOWERY, DENT, EARLL, ERICKSON, HUGHES, LOGAN, MADIGAN, ORIE, PUNT, RAFFERTY, RHOADES, ROBBINS, TOMLINSON, WAUGH, M. WHITE and WOZNIAK presented to the Chair **SB 137**, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment; and providing for release of medical records and for certain court reporting.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators MOWERY, BOSCOLA, BRIGHTBILL, CORMAN, COSTA, DENT, EARLL, ERICKSON, KASUNIC, LEMMOND, MADIGAN, MELLOW, O'PAKE, ORIE,

RHOADES, RAFFERTY, ROBBINS, SCARNATI, SCHWARTZ, TARTAGLIONE, THOMPSON, TOMLINSON, WAGNER, WAUGH, WENGER, M. WHITE, C. WILLIAMS, WONDERLING and STACK presented to the Chair **SB 138**, entitled:

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

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators DENT, ORIE, M. WHITE, LAVALLE, KITCHEN and WOZNIAK presented to the Chair **SB 139**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further defining "facility"; defining "group child day care home"; and further providing for fees and for regulations of the Department of Public Welfare.

Which was committed to the Committee on AGING AND YOUTH, February 3, 2003.

Senators DENT, MADIGAN, COSTA, ROBBINS, LAVALLE, RAFFERTY, KITCHEN, CORMAN, SCARNATI, WOZNIAK and WAUGH presented to the Chair **SB 140**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for use of force to protect property.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators SCHWARTZ, KUKOVICH, MELLOW, LOGAN, COSTA, ORIE, TARTAGLIONE, WAGNER, BOSCOLA, KASUNIC, KITCHEN, MUSTO, C. WILLIAMS, STOUT, LAVALLE, EARLL and STACK presented to the Chair **SB 141**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for children's health insurance program definitions; and providing for children's health insurance program presumptive eligibility.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators SCHWARTZ, KUKOVICH, MELLOW, COSTA, LOGAN, ORIE, TARTAGLIONE, WAGNER, BOSCOLA, KASUNIC, KITCHEN, MUSTO, C. WILLIAMS, STOUT and STACK presented to the Chair **SB 142**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for eligibility for subsidized children's health care services; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 3, 2003.

Senators SCHWARTZ, KUKOVICH, MELLOW, COSTA, LOGAN, ORIE, TARTAGLIONE, WAGNER, BOSCOLA,

KASUNIC, KITCHEN, MUSTO, STOUT and STACK presented to the Chair **SB 143**, entitled:

An Act requiring health insurers, health service corporations and health maintenance organizations to provide individual child health benefits coverage on a continuous open enrollment basis.

Which was committed to the Committee on BANKING AND INSURANCE, February 3, 2003.

Senators DENT, RHOADES, SCHWARTZ, MADIGAN, WAGNER, RAFFERTY, LOGAN, CORMAN, COSTA, LAVALLE, KITCHEN, BOSCOLA, C. WILLIAMS and WOZNIAK presented to the Chair **SB 144**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of weapon on school property.

Which was committed to the Committee on JUDICIARY, February 3, 2003.

Senators DENT, PICCOLA, MOWERY, RAFFERTY, TARTAGLIONE, COSTA, LAVALLE, KITCHEN, BOSCOLA, WOZNIAK and WAUGH presented to the Chair **SB 145**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training definitions, training, certification and reimbursement.

Which was committed to the Committee on LAW AND JUSTICE, February 3, 2003.

Senator DENT presented to the Chair **SB 146**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for licensing eligibility.

Which was committed to the Committee on TRANSPORTATION, February 3, 2003.

RESOLUTION INTRODUCED AND REFERRED

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

January 29, 2003

Senators BOSCOLA, ORIE, M. WHITE, CONTI, KITCHEN, TARTAGLIONE, O'PAKE, COSTA, SCHWARTZ, MUSTO, LOGAN, RHOADES, RAFFERTY and WAGNER presented to the Chair **SR 15**, entitled:

A Resolution requesting the Department of Health to study the underlying causes and impact of the shortage of nurses in this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 29, 2003.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Senator Constance H. Williams as a member of the Pennsylvania Public Television Network Commission.

Mr. Sandy Leopold as a member of the Tobacco Settlement Board.

LEAVES OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, February 3, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 10, 2003, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, February 10, 2003, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

NAY-0

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

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

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Thompson.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Thompson. Without objection, that leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREFERRED

SB 55 (Pr. No. 49) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

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

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 80 -- Without objection, the bill 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. Madam President, I request a brief recess of the Senate for purposes of a meeting of the Committee on Appropriations, followed by a meeting of the Committee on Rules and Executive Nominations, and then we will return to the floor to run Senate Bill No. 55 on a Supplemental Calendar.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for purposes of a meeting of the Committee on Appropriations, followed by a meeting of the Committee on Rules and Executive Nominations, and then to bring Senate Bill No. 55 back to the floor on a Supplemental Calendar.

For those purposes, without objection, the Senate will stand in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE

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

SB 55 (Pr. No. 49) (Rereported)

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 14 (Pr. No. 88)

A Resolution recognizing February 2003 as "Women's Heart Month" in Pennsylvania.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 55 (Pr. No. 49) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Madam President, I stand to urge an affirmative vote of the Members of the Senate for Senate Bill No. 55, a proposed constitutional amendment to provide child victims and child material witnesses in the Commonwealth with the option of testifying electronically. Most of us in the legislature voted for this measure before, possibly four or five times, both in the Senate and in the House. The voters of this Commonwealth also voted for children's access to justice when this question was on the ballot in 1995. The vote of the people was an overwhelming favorable 1.2 million to 401,000 for the concept of providing child victims with an option to testify by electronic means.

The reason this is taking so long is that in order to change our Constitution, as you know, it has to pass in two successive legislative Sessions and then the question has to go on the ballot. By the way, the proposed constitutional amendment that we offered is just an option. If a child witness is capable of testifying in open court in the physical presence of the accused, then the child will testify in a courtroom. However, if a child is traumatized by the courtroom situation or frozen in fear of the defendant, then the option to testify by closed circuit television should be available. The decision on use of electronic testimony is made by a judge after a hearing to determine the child's emotional ability to withstand the courtroom situation. In other words, this process is reasonable and fair to all parties in a criminal case. Currently in this State, the process is not fair to a child witness who breaks down in the presence of the accused or is terrified in open court, because today in the Commonwealth of Pennsylvania, if such a child cannot testify as an adult does, there is no trial and there is no chance of justice for the victim.

In the majority of other States, children have access to justice. Laws in 35 States allow for video testimony, and laws in 34 States provide for closed circuit television testimony. The United

States Supreme Court has ruled in favor of the constitutionality of electronic testimony for child witnesses. Yet, in spite of affirmative votes from this legislature, in spite of the clear referendum vote in 1995, we have started over again in the process of a constitutional amendment to give child victims an opportunity for justice. This time, in answer to the State Supreme Court's technical objection in 1999 to a single ballot question, there will be two separate questions. When the State Supreme Court first overturned convictions won with the aid of electronic testimony many years ago, it provided two excellent examples of how justice does not work for young victims in this State. In one case, the child who witnessed the brutal murder of his mother and froze with fear in the presence of the accused saw justice undone when the accused was set free by the State's high court decision.

In another case, a first grader subjected to horrific familial sexual abuse and child prostitution saw the conviction of the accused overturned as well. Check with the district attorneys of the 67 counties of this State and you will find tragic examples of young lives being destroyed, while the destroyers of those lives carry on with impunity. It is for these victims that I ask you today to vote for this constitutional amendment. Let this vote be a message to all those who want to place obstacles in the path of children's justice. The legislature will never give up on this issue. We will follow the will of the people. We will provide young defenseless victims with the hope of achieving justice in a judicial system that is currently stacked against them.

Thank you.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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

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

NAY-1

Fumo

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.

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators SCHWARTZ, CONTI, ORIE, FUMO, TARTAGLIONE, KITCHEN, KUKOVICH, COSTA, MUSTO, STOUT, WAGNER, M.J. WHITE, C. WILLIAMS and A. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 20**, entitled:

A Resolution recognizing the efforts of various libraries, schools, universities, community organizations and others for their role in "One Book, One Philadelphia."

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Nancy Hunziker and to Sharon Linus by Senator Conti.

Congratulations of the Senate were extended to Josephine Himmelrick Feldmiller by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Schumacher by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. James Holland and to Mr. and Mrs. Charles Snyder by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas M. Judd by Senator Madigan.

Congratulations of the Senate were extended to Michael A. Boyson by Senator Musto.

Congratulations of the Senate were extended to Lynne Vergot by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Schwak by Senator Rhoades.

Congratulations of the Senate were extended to Gladys B. Reavis by Senator Schwartz.

Congratulations of the Senate were extended to the citizens of the Borough of New Bethlehem by Senator M.J. White.

Congratulations of the Senate were extended to Charles Bednarik by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert H. Aust, Mr. and Mrs. Nick DeLisa, Mr. and Mrs. L. James Thomas and to Mr. and Mrs. Richard T. Clark, Sr., by Senator Wozniak.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator C. Williams.

Senator C. WILLIAMS. Madam President, as the nation mourned Saturday's crash of the space shuttle Columbia, four middle schoolers from the 17th Senatorial District experienced the disaster in particularly personal terms. Two experiments created by East Norriton Middle School students were aboard the space shuttle Columbia when it broke apart during its reentry into the earth's atmosphere. Three of these eighth graders - Jack Casey, Brian Letrinko, and Christopher Delaney - were one of

the student groups from across the nation participating in NASA's space experiment module, an educational program in which science projects designed by children were loaded onto the shuttle and shipped into outer space. They packed bread into three test tubes, one with water, another with seltzer water, and a third with no water. They wanted to learn more about food preservation and mold growth in space.

The second experiment by Andrea White sent meal worms into space to see how they would survive in a different atmosphere. The experiments began more than a year ago under the guidance of Glenn Weber, who teaches seventh grade science at East Norriton. Last February, the group traveled to a NASA facility in Wallops Island, Virginia, where they spent 3 days touring the site and preparing their cargo for space travel. The students excitedly received e-mail updates from NASA throughout the shuttle's flight, and they followed it closely via television and newspaper articles.

On Saturday, the children sat for hours in front of the television waiting for a sign of what might have gone wrong. I commend the teachers across America, and especially those at East Norriton Middle School, for challenging and expanding the minds of our young people. Our nation must continue to pursue knowledge to improve the quality of life for all humankind. Sometimes incredible events like space travel seem so removed from our day-to-day lives, but the experiments that the students in my district were working on remind us how our everyday lives are connected to such a magnificent endeavor. And so, when we are successful we celebrate together, and when we are not, we mourn together.

Thank you.

RECONSIDERATION OF SB 55

BILL ON FINAL PASSAGE

SB 55 (Pr. No. 49) -- The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I move that the vote by which Senate Bill No. 55 passed finally be reconsidered.

On the question,

Will the Senate agree to the motion?

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

And the question recurring,

Shall the bill pass finally?

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

YEA-47

Armstrong	Hughes	O'Pake	Tartaglione
Boscola	Jubelirer	Orie	Thompson
Brightbill	Kasunic	Piccola	Wagner
Conti	Kitchen	Pileggi	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.

Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Greenleaf	Musto	Stout	

NAY-0

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

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 4, 2003

10:00 A.M.	TRANSPORTATION (committee briefing on Federal Transportation Reauthorization Program)	Room 461 Main Capitol
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 18 and 19; and certain executive nominations)	Rules Cmte. Conf. Rm.

SENATE RESOLUTION ADOPTED

Senators WAUGH, ARMSTRONG, BOSCOLA, BRIGHTBILL, CONTI, CORMAN, COSTA, DENT, EARLL, ERICKSON, FERLO, FUMO, GREENLEAF, HELFRICK, HUGHES, JUBELIRER, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, LOGAN, MADIGAN, MELLOW, MOWERY, MUSTO, O'PAKE, ORIE, PICCOLA, PILEGGI, PUNT, RAFFERTY, RHOADES, ROBBINS, SCARNATI, SCHWARTZ, STACK, STOUT, TARTAGLIONE, THOMPSON, TOMLINSON, WAGNER, WENGER, D. WHITE, M. WHITE, A. WILLIAMS, C. WILLIAMS, WONDERLING and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 21**, entitled:

A Resolution paying tribute to the crew of the Space Shuttle Columbia.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, this weekend our nation suffered a terrible loss. We were again reminded that rocket travel is risky. We watched the space shuttle Columbia break up during descent, disappear in a blaze of light, and rain down across the Texas countryside.

Today, I rise on behalf of all 50 Senators, I guess there are 49 today, but all of us who, it is my understanding, have agreed to cosign this resolution to remember the brave astronauts who bravely took the risk and lost their lives in pursuit of scientific

knowledge about the mysteries that lie beyond the horizon. Although this tragedy occurred quite a distance from our Commonwealth, I am sure that I speak for all Pennsylvanians when I say that we mourn deeply, because as a country we have lost some of our best, some of our brightest, and some of our boldest American citizens and one non-American citizen, I might add, who was a part of that crew, and I think that is especially poignant, given our national circumstances today. These adventurous men and women embodied the spirit of this nation, the undaunted spirit of exploration. It is our shared belief, in the importance of gaining knowledge, even at great risk, it is that shared belief that connects each and every one of us to this tragedy. For generations of Americans, space travel, with all of its perils and promises, has captured the imagination. We have been united in our quest to go further and to learn more. We have all celebrated together the historic successes. Probably each and every one of us remembers Mr. Armstrong stepping onto the moon, and many times collectively we have cried together and mourned together at times of loss.

For some Commonwealth residents, like the young students of St. John the Baptist Catholic preschool in New Freedom, York County, some my constituents, I actually had some information here that I will not get into today, but they sent a small experiment. Space tomato seeds was their project. It was on the Columbia for this most recent mission. It was interesting that the teacher was struggling not only with the feelings of loss and sadness, but wondering how she was going to explain to the students that their tomato seeds, which they had really planned and talked about for the better part of a year, were not going to be coming back either. Although that pales in comparison to the loss of the lives on that crew, it is funny how it affects so many people in so many different ways. They sent the small space tomato seed experiment, and we had other folks in the Commonwealth, Penn State researchers and scholars from the university, who had been working closely with the space program. They, too, have that link to the Columbia that was even maybe more direct. For them, for all of us, this is a time of mourning.

On behalf of the State Senate, I would like to extend our deepest sympathies to the families who lost their loved ones in this courageous pursuit. They are the ones who suffer the most, Madam President. May their dignity and bravery in the face of disaster inspire all of us, and may our national spirit of exploration be undimmed, even in the face of this terrible tragedy.

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.

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Tuesday, February 4, 2003, at 11 a.m., Eastern Standard Time.

The PRESIDENT. Senator Brightbill moves that the Senate do now adjourn until Tuesday, February 4, 2003, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

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