

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, FEBRUARY 11, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 11

SENATE

TUESDAY, February 11, 2003

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend BRUCE GALLUP, of Christ United Methodist Church, Mountain Top, offered the following prayer:

Let us pray.

O God of many names gathered into one, Creator of the universe and of all humankind, who has granted us dominion over the earth and who has instituted government as a servant for good, we come before You on behalf of our legislative leaders, the Senators of the Commonwealth of Pennsylvania. Fill them with Your spirit, that they may deliberate with wisdom and justice. Grant them a sense of Your presence and prompt them with a still, small voice of Your word during quiet reflection. Give them ears to hear all sides in the heat of debate. Help them to glean all necessary evidence in committee hearings. Remind them always that the greatness of any Commonwealth is measured by the treatment of its neediest citizens. Keep them from taking themselves too seriously by tempering vanity with humor. Remove all cynicism by filling them with genuine compassion for the welfare of all people. Save them from a narrow party spirit and from the clutches of selfish interest by granting them the courage to vote their conscience.

This we pray in Your name, Leader of all, Creator, Sustainer, and Redeemer. Amen.

The PRESIDENT. The Chair thanks Reverend Gallup, who is the guest today of Senator Lemmond.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR CHARLES D.
LEMMOND PRESENTED TO THE SENATE**

The PRESIDENT. With Reverend Gallup is his lovely wife, Sarah, his daughter, Alicia Sell, and Hunter, Alicia's son and Bruce and Sarah's grandson.

Thank you so much for attending.
(Applause.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 10, 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.

HOUSE MESSAGE

**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:

Recess adjournment.

GENERAL COMMUNICATION

**ANNUAL REPORT OF THE PUBLIC
EMPLOYEE RETIREMENT COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA
Public Employee Retirement Commission
P.O. Box 1429
Harrisburg, PA 17105-1429

February 10, 2003

The Honorable Mark R. Corrigan, Secretary
Senate of Pennsylvania
Commonwealth of Pennsylvania
462 Main Capitol
Harrisburg, PA 17120

Dear Secretary Corrigan:

As required by the Public Employee Retirement Commission Act, this annual public report is issued to summarize the Commission's findings, recommendations, and activities for the year 2002.

During 2002, the Commission authorized the attachment of nineteen actuarial notes to eleven bills, four documents, two bills as amended, and five amendments at the request of the various committees of the General Assembly. This report contains a synopsis of each of these notes and contains a summary of the Commission's review of the State Employees' Retirement System and the Public School Employees' Retirement System. This report also describes research conducted during 2002 and summarizes the Commission's administrative activities under the Municipal Pension Plan Funding Standard and Recovery Act and Act 293 of 1972.

On behalf of the Public Employee Retirement Commission and its staff, I am pleased to provide you with the twentieth annual public report of the Commission. The Commission hereby expresses its thanks and appreciation to all individuals, organizations, and agencies whose assistance and cooperation contributed to the work of the Commission during 2002.

Sincerely,

PAUL D. HALLIWELL
Chairman

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

REPORTS FROM COMMITTEE

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

SB 72 (Pr. No. 68)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault.

SB 92 (Pr. No. 91)

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

SB 109 (Pr. No. 106)

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

SB 152 (Pr. No. 157)

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Earl and Senator Thompson.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Earl and Senator Thompson. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

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

Senator O'PAKE asked and obtained a leave of absence for Senator FUMO, for today's Session, for personal reasons.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 80 (Pr. No. 75) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

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.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, we are fortunate to have in the gallery a Member of the House of Representatives who is being shadowed today by a political science major from Muhlenberg College. I would like the Senate to welcome Josh Brookstein, who is here from Muhlenberg, together with Representative Jennifer Mann, whom he is shadowing today.

The PRESIDENT. Representative Mann and Josh, please stand up so we may give you a warm welcome.

(Applause.)

GUEST OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE

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

Senator C. WILLIAMS. Madam President, I am delighted to introduce to the Senate today Bridget Kulik, a senior from Dickinson College, who is a political science major. She is from Havertown, and she is going to be my intern here in Harrisburg. Bridget, welcome. You may be seeing her in the halls.

The PRESIDENT. Please stand.

(Applause.)

**GUESTS OF SENATOR JAMES J.
RHOADES PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, as you know, we passed Senate Resolution No. 24 designating February 9 through 15 as "Career and Technical Education Week" in Pennsylvania. In the Capitol today I think you saw many young men and women scurrying about demonstrating the projects which they brought with them from their vocational technical centers. I invite all of you, if you get a chance, to go into the Rotunda or the East Wing to see the demonstrations that the young men and women are putting on.

I have with us today from our Schuylkill Technology Center our Schuylkillbotics Robotics Team, who were here in 2001. It is an engineering initiative between our schools and businesses whose goal is to excite students about science and technology. In 2001 when they were here, they went down to Drexel University and competed with 42 other schools. They came in 15th in that regional competition at Drexel, but they also became the rookie team of the year. They went to the national competition at Epcot in Florida and came in 45th. In 2002, they received the Entrepreneurship Award recognizing strong business and education partnerships. They came in 3rd at regional competition and 15th at national competition.

Growing out of that initiative, because there are two groups here today, is another group, the Junior LEGO League from my county, and it consists of 14 middle school teams who are participating. As a matter of fact, they have been so successful that they have been chosen to host the State LEGO Tournament in December 2003 at Pottsville Martz Hall. The Blue Mountain LEGO Team is here today. If you go down, they did their project on a mine sweeper, or identifying mines, military mines that can explode. They have a LEGO machine that they put together, and did the math and science and all that goes with it, and they are also here.

The other thing which I want to bring onto the floor and welcome is a demonstration by our Schuylkillbotics Robotic Team. So on the floor is the Schuylkill Technology Center teacher and advisor, Mr. Jason Sharockman, and Mr. Jared Gerace, who is the Blue Mountain Middle School LEGO advisor. The high school students here on the floor are Adam Otto, Zach Bloch, and Matt Melochek. They are the boys who made the big robot. Again, they had to do the physics, the math, and all the things that go with it. They have about 5 weeks of work into this project, and it stacks containers. The middle school students who brought their LEGO project onto the floor are Tom Connors and Austin Siple. In the gallery are their advisors, Mr. Thomas Wiley and Mrs. Lisa Greenawalt. Also here are students Austin Langon, Tom Letarte, Tom Hrishak, Heather Faust, and Alex Lowmaster.

I would appreciate it if the Senate would extend its usual warm welcome to our young men and women on the fine job they have done and the robots they brought with them.

(Applause.)

The PRESIDENT. The Senate will be at ease so you can observe all that they have built.

(The Senate was at ease.)

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 274 (Pr. No. 266) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 23, 2002 (P.L.1982, No.229), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for grounds for refusing registration and for renewal of registration; providing for motor carrier vehicles; further providing for operation following suspension of registration and for suspension of registration; providing for suspension of motor carrier vehicle registration; further providing for suspension of operating privilege, for schedule of convictions and points, for occupational limited license, for duty of driver in construction and maintenance areas, for special speed limitations, for availability of benefits, for trucks and truck tractors and for speed timing devices; providing for accidents involving certain vehicles; further providing for unlawful activities; providing for lighted head lamps in work zones; further providing for restraint systems, for operation of vehicle without official certificate of inspection and for inspection by police or Commonwealth personnel; providing for designation of highway safety corridors; further providing for erection of traffic-control devices while working; requiring certain traffic-control devices in highway work zones; and requiring a study by the Legislative Budget and Finance Committee," further providing for the effective date.

Considered the second time and agreed to,

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

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.

RULE XXIX SUSPENDED

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

Senator BRIGHTBILL. Madam President, the following judicial nominations were first introduced last fall for the same position and for the same term of office. During October and November, they were each reviewed by the Committee on Judiciary, which reported its recommendations to the Committee on Rules and Executive Nominations.

Accordingly, as to the nominations of Jill E. Rangos, Christine A. Ward, David N. Wecht, Mitchell S. Goldberg, Richard Alan Masson, Lori A. Dumas, Jeffrey P. Minehart, and Bradley K. Moss, for their respective Courts of Common Pleas, I move that the Senate do suspend Senate Rule XXIX, section 3.

The PRESIDENT. Senator Brightbill moves that the Senate suspend Senate Rule XXIX, section 3.

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

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

YEA-46

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
The PRESIDENT. The rule is suspended.

NOMINATIONS TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I call from the table certain nominations and ask for their consideration.
The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

December 27, 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, Jill E. Rangos, Esquire, 333 Trinity Lane, Allison Park 15101, Allegheny County, Thirty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2004, vice The Honorable David S. Cercone, resigned.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

December 27, 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, Christine A. Ward, Esquire, 723 Copeland Street, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2004, vice The Honorable Paul R. Zavarella, deceased.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

December 27, 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 N. Wecht, Esquire, 119 Westland Drive, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2004, vice The Honorable H. Patrick McFalls, resigned.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

December 27, 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, Mitchell S. Goldberg, Esquire, 534 Southridge Circle, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January 2004, vice The Honorable Cynthia M. Rufe, resigned.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
CAMERON/ELK COUNTIES

December 27, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Alan Masson, Esquire, 614 Center Street, St. Marys 15857, Elk County, Twenty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cameron/Elk Counties, to serve until the first Monday of January 2004, vice The Honorable Vernon D. Roof, deceased.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

December 27, 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, Lori A. Dumas, Esquire, 7740-C Stenton Avenue #103, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common

Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Lynn B. Hamlin, resigned.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

December 27, 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, Jeffrey P. Minehart, Esquire, 8622 Evergreen Place, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Legrome D. Davis, resigned.

MARK S. SCHWEIKER
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

December 27, 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, Bradley K. Moss, Esquire, 2219 Mt. Vernon Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Arthur S. Kafritsen, resigned.

MARK S. SCHWEIKER
Governor

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

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

YEA-46

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

NAY-0

A constitutional two-thirds 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 PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately. After the meeting of the Committee on Rules and Executive Nominations, I request a Republican caucus, which will probably run about 20 to 30 minutes.

The PRESIDENT. Senator Brightbill asks for a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations, followed by a Republican caucus.

The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, after the conclusion of the meeting of the Committee on Rules and Executive Nominations, I request all Democratic Senators to report to the Democratic caucus room.

The PRESIDENT. Senator Musto requests a Democratic caucus after the conclusion of the meeting of the Committee on Rules and Executive Nominations. Without objection, the Senate will stand in recess for those purposes.

AFTER RECESS

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator BRIGHTBILL, 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:

SECRETARY OF CORRECTIONS

January 21, 2003

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, Jeffrey A. Beard, Ph.D., 2520 Lisburn Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Corrections, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

SECRETARY OF GENERAL SERVICES

January 21, 2003

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 Donald T. Cunningham, Jr., 1014 West Market Street, Bethlehem 18018, Lehigh County, Eighteenth Senatorial District, for appointment as Secretary of General Services, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Kelly Powell Logan, Mechanicsburg, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator BRIGHTBILL. Madam 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.

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 ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

SECRETARY OF CORRECTIONS

January 21, 2003

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, Jeffrey A. Beard, Ph.D., 2520 Lisburn Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as Secretary of Corrections, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

SECRETARY OF GENERAL SERVICES

January 21, 2003

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 Donald T. Cunningham, Jr., 1014 West Market Street, Bethlehem 18018, Lehigh County, Eighteenth Senatorial District, for appointment as Secretary of General Services, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Kelly Powell Logan, Mechanicsburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

December 27, 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, Janet Summers, OD, 613 13th Street, Oak Mont [sic] 15139, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Optometry, 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.

MARK S. SCHWEIKER
Governor

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

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

Senator BOSCOLA. Madam President, I want to personally thank the leaders of both Caucuses for acting so quickly on the Governor's nomination of Don Cunningham to be the next Secretary of the Department of General Services. Today's vote recognizes the unique position that Mayor Cunningham is now in. He has been a hands-on mayor of the city of Bethlehem since his first day in office. Thanks to his leadership and vision, our city is moving out of the shadows of what is left now of Bethlehem Steel and moving into a future that is bright and full of promise.

I know I speak for everyone back home when I say that we are so very proud of Mayor Cunningham and very proud that Governor Rendell has called him to serve as Pennsylvania's Secretary of General Services. We may be losing our mayor, but we are gaining a friend in this administration, and Bethlehem's loss is truly Pennsylvania's gain. I know Don Cunningham, and I know that he comes to this job fully prepared to do a good job. At a time when our Commonwealth is facing incredible fiscal challenges and a growing budget deficit, I have confidence that Don Cunningham will be able to put his experience as mayor to good use.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I rise as the Democratic chairperson of the Committee on Judiciary to state that I am very pleased to recommend the confirmation of Dr. Jeffrey Beard as Commissioner of the Pennsylvania Department of Corrections. Clearly, Dr. Beard has advanced to this important position the

hard way, he has earned it. Dr. Beard has served in various positions within the Department of Corrections since 1972. His 31 years of hands-on experience uniquely qualifies him for this very demanding and crucial leadership post. He has earned the respect and admiration of his fellow Department of Corrections employees from his early days as a counselor in Rockview to his most recent assignment as a key administrator in the department's central office. Dr. Beard knows and understands the correctional system. His extensive qualifications transcend the normal partisan tug of war that intrudes on so many political appointees. A registered Independent, he has worked and thrived under both Democratic Shapp and Casey administrations during his lengthy and very impressive tenure. It is refreshing, Madam President, to see someone recommended who worked their way up through the ranks. It will be enormously helpful having someone leading the department who has an understanding of the department, and more importantly, its challenges from the ground up.

I personally had the opportunity to meet with Dr. Beard when he made his Senate rounds, and I had the opportunity to speak with him on various occasions in the past 2 years when he served as Secretary of Corrections, and I have always been impressed with his qualifications as well as his vision for the future of Pennsylvania's prison system. As Commissioner for the Department of Corrections, I am confident and I am certain that he will work closely with all of us to remedy a number of the critical issues, ranging from prison overcrowding to budget challenges. I am confident that Dr. Beard is the best possible candidate for these challenges and more, and I enthusiastically support him and urge my colleagues to join in supporting him for this very important position.

Thank you, Madam President.

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

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

YEA-46

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

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.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
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 Adam Leaman, Chris Wipprecht and to Millersville Area Meals on Wheels by Senator Armstrong.

Congratulations of the Senate were extended to June Hess by Senator Boscola.

Congratulations of the Senate were extended to Samuel Eisenhower by Senator Brightbill.

Congratulations of the Senate were extended to Luigi Corrado, Josh Hunt and to Levittown Fire Company No. 1 by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Banks A. Zimmerman, Mr. and Mrs. Donald H. Hower, Mabel Ernest Gregg, Linda Byers, Dorothy Ennist and to the Juniata Senior High School Wrestling Team of Mifflintown by Senator Corman.

Congratulations of the Senate were extended to Ray Heller by Senator Costa.

Congratulations of the Senate were extended to Christian Messler, Ian Duckworth and to Stuart Anderson by Senator Dent.

Congratulations of the Senate were extended to Franklin Mann III by Senators Dent and Rafferty.

Congratulations of the Senate were extended to Joseph R. Manfre by Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Glen Blymire, Biagio DeSimone and to Dr. Antonio Giordano by Senator Fumo.

Congratulations of the Senate were extended to Merrill H. Bergey by Senator Greenleaf.

Congratulations of the Senate were extended to James Wade Gibson, Reverend Monsignor Hubert McGuire and to the Mount Carmel Area Junior-Senior High School Football Team by Senator Helfrick.

Congratulations of the Senate were extended to Seth R. Williams, Clarence Gary, Willie London Smith and to Mzazi Naima Aye by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. John Frank, Mr. and Mrs. Verino J. DiTosti and to Jules Crowell by Senator Jubelirer.

Congratulations of the Senate were extended to Michael W. Perry and to Robert E. Eberly, Sr., by Senator Kasunic.

Congratulations of the Senate were extended to Alison Davis and to Abbey Way by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. James Card, Mr. and Mrs. Thomas R. Franklin, Sr., Mr. and Mrs. Philip Walter, Mr. and Mrs. Albert R. Klein, Mr. and Mrs. Richard S. Masters, Erma Grace Bailly and to Ruth Orloski by Senator Lemmond.

Congratulations of the Senate were extended to Lawrence D. Carra and to Orelia Vecchio by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Earnest Buck, Mr. and Mrs. Wayne Mitchell, Mr. and Mrs. Michael J. Paucke, Mr. and Mrs. Dio Vandine, Mr. and Mrs.

Charles W. Cogley, Paul Hostettler and to Burton S. Smeal by Senator Madigan.

Congratulations of the Senate were extended to the Pennsylvania Association of Student Assistance Professionals and to the Scranton Aerie No. 314, Fraternal Order of Eagles, by Senator Mellow.

Congratulations of the Senate were extended to Gary H. Charette and to PPG Industries, Inc., of Carlisle, by Senator Mowery.

Congratulations of the Senate were extended to Patrick Burke, Shannon Elizabeth Doyle and to the Reverend Paul A. McDonnell by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Dean Double, Joseph L. Smith, Thomas Greway, Carrie Walker, Rene Rock, Erik Agle, William V. Day, Jeremy Grubs, Margaret Isengard, Rick LaFerriere and to Etna Civic Association by Senator Orie.

Congratulations of the Senate were extended to Napoleon A. Saunders, Katherine Alfieri, Ruth Campbell, Paul C. Kinsinger and to the Historic Harrisburg Association by Senator Piccola.

Congratulations of the Senate were extended to Robert E. McCallister by Senators Piccola and Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph E. Zdun, Matthew Vaughn, David Allen, Mohit Mangesh Honwad, Daniel William Aument and to Franklin Holtz by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Daniel Datchko and to Mr. and Mrs. Vincent J. Rosato by Senator Rhoades.

Congratulations of the Senate were extended to Will A. Webster and to the Maplewood High School Biology Class by Senator Robbins.

Congratulations of the Senate were extended to Nicholas M. Welsh and to Laura Thomas by Senator Scarnati.

Congratulations of the Senate were extended to Sandra Muller by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. James Piatt, Mr. and Mrs. William H. Dhayer, Mr. and Mrs. Angelo Porco, Mr. and Mrs. Edward W. Brooks, Mr. and Mrs. Anthony Tomazin, Mr. and Mrs. Fred Juskowich, Mr. and Mrs. James Christopher, Mr. and Mrs. Francis L. Gressly, Florence M. Jenkins, Jennie Testa and to the Greater Canonsburg Lions Club by Senator Stout.

Congratulations of the Senate were extended to Gloria Thomas Moore and to Salvation Temple of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Jeffrey Abram Nartowicz and to Daniel Skrajewski by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Repetski, Robert A. Messa, James Burns, Joe Burns, Stephen Joseph Otto, Curtis M. Corson, Jr., Hillary J. Mintz and to the Sisters of the Blessed Sacrament and the Saint Katharine Drexel Guild of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Kevin M. Morrison by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Edgar O. Beck and to Mr. and Mrs. Donald Good by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Brown, Mr. and Mrs. George W. Hooks, Sr., Mr. and Mrs. Regis Fallecker, William Sechler, Gladine Wiles, Bill Woods, Gary DeComo, Kristy Green, Brandon Auman, Kevin Campbell, Lizzie Suwala, Michael Evans and to Paul Leslie Miller by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Hogue, James W. Rankin IV, Mark T. Robinson, citizens of the City of Butler and to the Clarion Electric Supply Company by Senator M.J. White.

Congratulations of the Senate were extended to Richard Wolfe by Senators M.J. White and D. White.

Congratulations of the Senate were extended to Terry Milankow, Christian Foy, Michael G. Kirkner and to Youth and Family Services of Green Lane by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Ervin L. Bloom, Jr., Mr. and Mrs. Robert A. Giles, Mr. and Mrs. William Maley, Mr. and Mrs. Raymond K. Hughes, Mr. and Mrs. Charles Frick, Dr. Rodney H. Eatman, Betsy Goenner and to Tony Palm III by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Jeannette S. Spatz by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Creola Mozzella Salley Pauling by Senator Hughes.

Condolences of the Senate were extended to the family of the late James Antoniono by Senator Logan.

Condolences of the Senate were extended to the family of the late Raymond L. Woodall, Jr., by Senator C. Williams.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 72, SB 92, SB 109 and SB 152.

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

SPECIAL ORDER OF BUSINESS LINCOLN DAY ADDRESS

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

Senator WONDERLING. Madam President, I am honored to have the opportunity on this day to spend a few moments in reflection and in celebration of our cherished 16th President. And I must admit, as a relatively new Member of this body, I rise with some fear and trepidation, not so much by the fact that I have not received a warm welcome from all of you, indeed that has been the case, but my fear is grounded in a very awful memory from

the last time I spoke publicly of Lincoln. In the small town where I grew up, it was a tradition to select one high school student to recite the Gettysburg Address as part of the Memorial Day celebration, and in 1980, I was that student. I must confess, as a graduating senior in the spring of the year, the last thing that was on my mind was the Gettysburg Address, Lincoln, or laying a wreath. Let me just suggest that I had a healthy dose of spring fever. Well, the day arrived and the town gathered, and by circumstances it had rained, and so they moved the ceremony inside the junior high school auditorium, and the civic leaders of my community, the veterans, were all in the front row. The auditorium was packed and the high school band was up in the balcony in orange and black, and I began to recite the Gettysburg Address, and I recited the first three lines over and over and over again. And there was some rustling in the front row, whispers, and a sense of uneasiness in the room when finally my heart sank and I realized that I had blown it, that I was not prepared. I am not going to make that mistake twice, and I come here today fully prepared, not necessarily to recite anecdotes or quotes or speeches about Abe Lincoln, but to really speak from my heart, and to speak from my heart about three enduring principles that are part of the Lincoln legacy that I think today bind us all together as citizens of this Commonwealth and of this great country.

First, Abraham Lincoln was a fair man. He treated everyone with fairness and decency. There are countless stories of his early life in Illinois, when no matter if it was in business or through his law profession, he acted in a sense of fairness and decency, not necessarily related to profit motive or political consideration.

Second, Abraham Lincoln was a patient man, and he was patient on the matters of his day that mattered most. As a young State official from Illinois, he was very patient and focused on building this country in a post-agrarian age, in fact developed ties with the political, business, and civic community in this Commonwealth while still a very young man out west in Illinois. And as President, as he pored over battlefield reports and maps and communications from the field during the Civil War, he was patient. And that is not to suggest that he did not get frustrated from time to time, as we all do as we dispatch our duties. And he was known at one point in time to suggest that a General really did have the slows and ought to get moving, but he always kept his eye on the prize, and his patience was persistent, and the result was peace in a reestablished union.

Finally, what is in my heart about Abraham Lincoln is that he was prepared at the right time to act boldly, to act boldly and not with reckless abandon, but to act boldly on those things that are great on a grand scale, on all those things that matter so much to all of us today in this Commonwealth. Now, in the short time that I have been serving here, I make a habit of it when I come through that door to look up in that balcony, and I am really glad Mr. Weaver, my band teacher, is not up there today, I must tell you that. But I do have a slight fear about our future, ever so slight, that someday some citizen is going to be sitting up in that balcony disappointed in me, perhaps disappointed in other Members of this body, and disappointed not so much related to what votes we cast, and disappointed not rooted in the vigor of our debate on ideas or issues, but perhaps if we are not careful, disappointed that we have failed to remember and hold precious the

great democratic system of government that Abraham Lincoln preserved for us. At the time it was said of Lincoln's efforts that it is the last best hope on earth. Now I know, having spent a short time here, that we are all prepared, and I firmly believe within this body there are the principles of fairness and decency. Within our hearts and foremost in our minds, there are the principles of patience and bold action, and I am utterly convinced that as we move forward we will carry forward Lincoln's legacy, not only for today, but also offer the best hope for our citizens in this Commonwealth tomorrow and in the years to come.

Thank you, Madam President.

(Applause.)

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I come to the floor this afternoon to pay a compliment to Governor Ed Rendell for a position, or some remarks I should say, that he made yesterday in conjunction with a congressional hearing that was held down in Bucks County. Before I give the specifics, I would just like to give a little background. As you know, we are engaged in and have in this Commonwealth a medical malpractice crisis, and it is a crisis so great that it has caused the President of the United States to come to Scranton to speak out on the issue, because it is a national crisis, and it has caused the Congress of the United States, led by Congressman Jim Greenwood of Bucks County, to introduce legislation to address that crisis. We here in Pennsylvania, led by Senator Jake Corman, some of us in this Chamber have introduced a bill which would amend the Constitution of Pennsylvania to allow for the legislature to enact certain limitations, reasonable limitations, on noneconomic loss in certain civil justice cases. The hearing in Bucks County yesterday was held by one of the congressional committees chaired by Congressman Greenwood, the House Energy and Commerce Subcommittee. The Governor was a witness at that hearing, testifying on the issue of medical malpractice. And everything that I had read prior to that, and I believe all the press reports and, in fact, the article that was in today's Patriot-News indicates that my observation was correct, that the Governor, prior to yesterday, was opposed to the kind of legislation that Senator Corman and I and others have introduced here in the Senate of Pennsylvania. But during the course of the hearing, and I am quoting from the Patriot-News, and I look forward to getting a transcript from the hearing so that I can make sure this is accurate, but there are quotation marks around this sentence, "I am willing to consider caps," the Governor said. And I think the Governor is to be commended for taking that flexible position, that he is willing, as he said, to consider caps. In the course of his testimony he asked, "Do caps help? Of course caps would help."

Now, Madam President, you may recall that a couple of weeks ago I brought to the attention of the Senate a case over in Cumberland County, and in the course of some interplay and colloquy on that particular day between myself and Senator Mellow, Senator Mellow very eloquently described his position on this issue, and particularly on the issue of caps, caps on noneconomic damages. Senator Mellow took the position very similar to what I believe Governor Rendell's position was before yesterday and

said that he felt caps on noneconomic damages in any amount of money is highly discriminatory, and he later said that he, for one, would never cast a vote for that kind of discriminatory legislation. That was on January 29 of this year, and I am certain that Senator Mellow's remarks that day represented the views of a number of Members of the Senate, and that is certainly a justifiable position and he is certainly entitled to it. But apparently it was very similar to the position that the Governor had taken prior to yesterday.

The point that I am trying to make, Madam President, is that I think the Governor took a major step forward in a leadership position by indicating that he is willing to be flexible on the position that he had previously taken in opposing caps on noneconomic loss. He has indicated that he is willing to consider caps. He has indicated that he does, in fact, believe that caps would be helpful, that caps would help. I think, Madam President, that all of us in this Chamber and in the House of Representatives need to reflect on what the Governor did yesterday. I think he took a major step forward in trying to resolve this problem of the malpractice crisis in Pennsylvania by indicating that he was willing to consider a remedy which many of us feel is absolutely essential, which heretofore he did not have a lot of sympathy with. I commend him for doing that, and I encourage all Members of the Senate and all Members of the House who heretofore may have been hardened in their position against this initiative, reflect on what the Governor did and perhaps consider being a little bit more flexible on that issue. This problem is not going to be solved with one single silver bullet. It is not going to be solved with one single Member's idea or solution. It is not going to be solved by the Governor imposing his will on all of us. It is going to be solved by all of us working together, and I commend the Governor for taking a step forward in that direction.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I rise very briefly to respond to the comments of my colleague from Dauphin County with respect to the position of Senator Mellow. Senator Mellow, unfortunately, is not here on the floor at this moment. However, my recollection of his comments was that he was not supportive of a damage cap on noneconomic damages of \$250,000. And I think that is an important distinction to make, because what the Governor has stated, based upon the news accounts that I have spoken about, in fact I would like to read the caption of the Morning Call article which reads, "Rendell: Jury Award Caps Fall Short," indicating in the very first paragraph, "Limiting jury awards for pain and suffering won't fix Pennsylvania's malpractice insurance crisis." My sense of the discussion indicates that caps on damages, in and of themselves, will not be the silver bullet that will address the medical malpractice crisis.

So I just wanted to put those comments on the record. I recognize that the Governor has indicated his willingness to consider caps. The amount of the cap, obviously, is where I think a lot of discussion will need to take place, if in fact we do go down that road. But most importantly, there is more than just one aspect to this crisis that needs to be resolved, and I am hopeful that we will have that discussion at some point in time.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I just wanted to point out, as our previous speaker mentioned, Senator Costa from Allegheny County, that I agree with him. No one on this side who has been supportive of the issue of caps has said it is a silver bullet. It is not. A cap, in and of itself, will not solve our medical malpractice crisis. Act 13 that we passed last year was a very important piece of legislation that goes to that, that if we did not have that, passing caps would not be as effective as passing caps with that.

The other issues that we need to look at as far as maybe reducing the amount of insurance coverage will all be part of the solution. Our argument has been that caps are part of that solution as well, not a silver bullet. There is no one over here promoting this idea who thinks it is a silver bullet by itself.

So we are glad the Governor has joined the debate on this issue. We are glad to discuss it. No one here, again, is putting a number to that. I know the President of the United States put a number to it. We are not putting a number to it at all, whether it be \$250,000 or something else. We want to get it back in the hands of the legislature, through this constitutional amendment process, so we can discuss what that number may be, what exceptions we may want to put with that, so that we can come up with the right type of cap on noneconomic damages, so we get the amount that is right for Pennsylvania.

So we agree with the Senator who spoke before. No one here thinks that it is a silver bullet. No one here is putting a number on it. What we want to do is get it in the hands of the legislature so that we can together, through a debating process, through a hearing process, through a process in which we work so well in this body, come up with a cap that is reasonable for everyone so that we can bring some sanity back to our liability issues in Pennsylvania.

Thank you, Madam President.

ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I move that the Senate do now adjourn until Monday, February 24, 2003, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 3:12 p.m., Eastern Standard Time.