

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MAY 7, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 32

SENATE

WEDNESDAY, May 7, 2003

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend THOMAS ROZMAN, of St. Patrick's Cathedral, Harrisburg, offered the following prayer:

Let us pray.

Almighty and Eternal God, we remember that we are in Your presence. You are the God of power and might, wisdom and justice. We ask that the light of Your divine wisdom will shine on the Members of the Pennsylvania Senate. As they gather for their important work, may they always seek to preserve peace, to promote the happiness of our Commonwealth, and serve the needs of the people of our nation.

May You continue to bless us with life, liberty, and the pursuit of happiness. We pray to You who are Lord and God, forever and ever. Amen.

The PRESIDENT. The Chair thanks Father Rozman, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 6, 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 MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 532, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 582, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**APPOINTMENTS BY THE
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Mary Jo White as a member of the Pennsylvania Public Television Network Commission.

Senator Donald C. White as a member of the State Transportation Advisory Committee.

Senator Robert C. Wonderling as a member of the Children's Trust Fund Board and the Joint Legislative Air and Water Pollution Control and Conservation Committee.

RESOLUTION REPORTED FROM COMMITTEE

Senator ORIE, from the Committee on Aging and Youth, reported the following resolution:

SR 31 (Pr. No. 826) (Amended)

A Concurrent Resolution authorizing the Joint State Government Commission to reconstitute the Task Force on Services to Children and Youth.

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Greenleaf and Senator Helfrick.

The PRESIDENT. Senator Brightbill has requested legislative leaves for Senator Greenleaf and Senator Helfrick. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Costa, Senator Anthony Williams, and Senator Constance Williams.

The PRESIDENT. Senator Mellow has requested legislative leaves for Senator Costa, Senator Anthony Williams, and Senator Constance Williams. Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

Senator PIPPY remains on military leave pursuant to Senate Rule XXI(3).

CALENDAR

**SENATE RESOLUTION No. 45
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 9 of the Calendar, as a Special Order of Business, **Senate Resolution No. 45**, entitled:

A Resolution urging Congress to support the passage of the Veterans Health Care Funding Guarantee Act of 2003.

On the question,
Will the Senate adopt the resolution?

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

YEA-48

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

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL J. STACK,
SENATOR ROBERT J. THOMPSON, AND
SENATOR JOHN C. RAFFERTY
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, we have a very special group of students visiting us in the Capitol today. It was at one time the entire fourth grade of South Elementary School in the Perkiomen Valley School District, but now it is about a quarter of that because some of them had a bus to catch. But South Ele-

mentary School is actually located in Senator Thompson's district, and Senator Rafferty also has students from his district attending the school. But I have the privilege of introducing them because my sister-in-law, Rachael-Paige Mumenthaler, is one of the students in the class, and accompanying her along with her class is my mother-in-law, Louise Mumenthaler.

These ambitious students are engaged in a fascinating activity at school right now. They are biking their way across the State of Pennsylvania, using stationary bikes in their classrooms, and each time they accumulate a certain number of miles, their teachers tell them what destination they have reached and then they learn all about that city or town. After they have lunch here in the Capitol today, they are looking forward to an exciting afternoon at Hershey Chocolate World before heading back home, and I would like the entire Senate to join me in welcoming these fine young people to our Capitol.

The PRESIDENT. Would the guests of Senator Stack, Senator Thompson, and Senator Rafferty and the family of Senator Stack all please stand so we can give you a warm welcome.
(Applause.)

**GUESTS OF SENATOR ROGER A.
MADIGAN PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, it is indeed an honor to introduce two special guests of mine who are in the gallery. One of them is Alan Sokolow, who is the director of the Eastern Regional Conference of the Council of State Governments. With Alan is David Ewing, who is the transportation consultant for the Eastern Regional Council of State Governments. I had the privilege of discussing transportation issues as well as T-3 with them this morning and making plans.

While I am up, I would like to make a plug for the annual meeting of the Council of State Governments, which will be held in Pittsburgh on October 23 to 26 of this year. It is my pleasure to have these gentlemen here. They are members of both the National Council of State Governments, as well as the Eastern Regional Council, and I would like the Senate to give them its usual warm welcome.

The PRESIDENT. Would the guests of Senator Madigan please stand.
(Applause.)

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

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

Senator BOSCOLA. Madam President, today in the gallery are two constituents of mine, Hari Ganapathy from Hellertown, and his mother, Rodha, who is a Democratic committee person. They took the tour today and they are so pleased to be in the Capitol, and I wish the Senate would give them a warm welcome.

The PRESIDENT. Would the guests of Senator Boscola please rise.
(Applause.)

GUESTS OF SENATOR MARY JO WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I have guests visiting the Capitol today, Mr. and Mrs. Jim Heasley and their son. Jim is an accountant from Oil City. His wife reminded me today that my husband married them and inserted into their vows that she would agree to his playing golf at least twice a week, and being a good sport she said "I do," or something to that effect. Anyway, I wish the Senate would give them a warm welcome.

The PRESIDENT. Would the guests of Senator Mary Jo White 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, this is the 10th year that we have had our Page program. Mr. Eisenhuth, who teaches at Minersville Area School District, each year takes the students who have scored the highest average in his class and are exemplary students and brings them to Harrisburg to spend a day as a Page in the Senate. With us today is April Loeper. I asked her if she was any relation to Senator Loeper. She did not know, but she said she had relatives at Hotel Loeper, and I know he had relatives there, so somewhere they may be distantly related. She is in Mr. Eisenhuth's social studies class and in the honors curriculum. Her honor roll status is distinguished honors. She is a member of SADD, Spanish club, student government, participates in cross country, cheerleading, and track and field.

With her is Gregory N.J. Tatusko, who is also in Mr. Eisenhuth's social studies class and in the honors curriculum and also has distinguished honor roll status. He participates in the drama club, the band, and the choir. I would appreciate it if the Senate would extend its usual warm welcome to our guest Pages.

The PRESIDENT. Would the guests of Senator Rhoades, our two Pages and their teacher, please stand so we can all give you a nice warm welcome.

(Applause.)

RECONSIDERATION OF SB 636

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

Senator BRIGHTBILL. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 636, Printer's No. 674, failed final passage on May 6, 2003, and move that the bill go over in its order and appear on the Final Passage Calendar.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT. Senate Bill No. 636 will be placed on the Calendar.

RECONSIDERATION OF SB 637

NONPREFERRED APPROPRIATION BILL OVER IN ORDER ON FINAL PASSAGE

Senator BRIGHTBILL. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 637, Printer's No. 675, failed final passage on May 6, 2003, and move that the bill go over in its order and appear on the Final Passage Calendar.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT. Senate Bill No. 637 will be placed on the Calendar.

CALENDAR

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER

SB 638, SB 639, SB 640, SB 641, SB 642, SB 643, SB 644, SB 645, SB 646, SB 647, SB 648, SB 649, SB 650, SB 651, SB 652, SB 653, SB 654, SB 655, SB 656, SB 657, SB 658, SB 659, SB 660, SB 661, SB 662, SB 663, SB 664, SB 665 and SB 666 – Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 157 (Pr. No. 822) -- 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, providing for regulation of credit card marketing on a college or university campus.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong	Helfrick	Musto	Stout
Boscola	Hughes	O'Pake	Tartaglione
Brightbill	Jubelirer	Orie	Thompson
Conti	Kasunic	Piccola	Tomlinson

Corman	Kitchen	Pileggi	Wagner
Costa	Kukovich	Punt	Waugh
Dent	LaValle	Rafferty	White, Donald
Earl	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fumo	Mellow	Schwartz	Wonderling
Greenleaf	Mowery	Stack	Wozniak

NAY-0

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

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

BILLS OVER IN ORDER

SB 257, HB 266, HB 267, SB 356 and SB 508 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 680 (Pr. No. 778) -- 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, further providing for annual budget of school districts.

On the question,
Will the Senate agree to the bill on third consideration?
It was agreed to.

RECONSIDERATION OF SB 680

Senator BRIGHTBILL. Mr. President, I move to reconsider the vote by which the bill was agreed to on third consideration.

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

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

Senator BRIGHTBILL. Madam President, I request that Senate Bill No. 680 go over in its order temporarily.

The PRESIDENT. Senate Bill No. 680 will go over in its order temporarily on third consideration.

RECESS

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

Senator BRIGHTBILL. Madam President, for the information of the Members, there is an amendment that is being drafted and proposed for Senate Bill No. 680.

Madam President, to bring a bill out of the Committee on Rules and Executive Nominations that we would like to vote today, at this point in time I ask for a brief recess of the Senate, first for the purpose of a meeting of the Committee on Rules and

Executive Nominations, which will begin immediately, to be followed by a Republican caucus in the Rules room, which we believe will be short, and then at the end of that, we should have the paperwork ready to vote.

Thank you, Madam President.

The PRESIDENT. Senator Brightbill requests a recess for purposes of a meeting of the Committee on Rules and Executive Nominations and a brief caucus.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I also request that upon the conclusion of the meeting of the Committee on Rules and Executive Nominations that our Democratic Members report to our caucus room for a very brief caucus.

The PRESIDENT. Senator Mellow requests a Democratic caucus.

Without objection, the Senate will stand in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

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

SB 582 (Pr. No. 817) (Rereported)

An Act providing for the capital budget for the fiscal year 2002-2003, itemizing public improvement and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services and the Department of Community and Economic Development, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services and the Department of Community and Economic Development; stating the estimated useful life of the projects; providing an exemption; and making appropriations.

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

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

JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY

May 6, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Denise H. Farkas, Esquire, 459 Spring Street, New Kensington 15068, Westmoreland County, Forty-fifth Senatorial District, as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

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

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

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

February 11, 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, Kristina Bologna, 1690 Sturbridge Drive, Sewickley 15143, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009 and until her successor is appointed and qualified, vice Alexander Lese, D.D.S., Bethel Park, whose term expired.

EDWARD G. RENDELL
Governor

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

February 11, 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, Cheri B. Bomar, 921 Lindfield Drive, South Park 15129, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007 and until her successor is appointed and qualified, vice Annette D. Ganassi, Allison Park, whose term expired.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. 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 ROBBINS,

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

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

February 11, 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, Kristina Bologna, 1690 Sturbridge Drive, Sewickley 15143, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009 and until her successor is appointed and qualified, vice Alexander Lese, D.D.S., Bethel Park, whose term expired.

EDWARD G. RENDELL
Governor

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

February 11, 2003

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of the Commonwealth of Pennsylvania:

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EDWARD G. RENDELL
Governor

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

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

YEA-48

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

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

The motion was agreed to by voice vote.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 582 (Pr. No. 817) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2002-2003, itemizing public improvement and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services and the Department of Community and Economic Development, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services and the Department of Community and Economic Development; stating the estimated useful life of the projects; providing an exemption; and making appropriations.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 582?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 582.

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-48

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

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 inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT C.
WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, we have two groups of athletes from Easton Area High School in the gallery today. The first is the cheerleading squad that recently finished in competition in Florida. The squad is led by Kendra Durrah and assisted by Kylean Houston, Kim Howey, Michelle Corrigan, and Chiara Montague. They captured fourth place in the National Cheerleading Association competition at Disney World in Orlando, Florida, and I hope the Senate will welcome the Easton Area Cheerleaders this afternoon.

The PRESIDENT. Would the guests of Senator Wonderling please rise so we can give you a warm welcome.

(Applause.)

Senator WONDERLING. Madam President, the Easton Area High School Wrestling Team is also here. They are coached by head coach, Steve Powell, and assistants, Barry Snyder, Ed Ferraro, Tony Rizzolino, Jason Magditch, Dave Brown, and John Fidelibus. This is the third year in a row that the Easton wrestlers have won the PIAA Class AAA wrestling championship, and I would appreciate it if the Senate would give them its usual warm welcome.

The PRESIDENT. Would the wrestling champs please stand so we can give you a round of applause.

(Applause.)

**GUESTS OF SENATOR GERALD J.
LaVALLE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, I would like to introduce a group of Vietnam veterans from my district who are in the gallery today, and maybe a couple from other districts, and I do not think there has ever been a group more deserving of recognition on this Senate floor than the Vietnam veterans. In the gallery

are Cliff Hawes and William Muns, who is also the director of veterans affairs in Beaver County, Skip Haswell, Sam Giordano, Aaron Johnson, Gary Shaffer, Dan Sinclair, Bill Porupsky, Dale Vonstein, Ed Noyes, Paul Kreiner, and John LePore, and I ask the Senate to give the Vietnam veterans its usual warm welcome.

The PRESIDENT. Would the guests of Senator LaValle, the Vietnam veterans, please rise.

(Applause.)

PARLIAMENTARY INQUIRY

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

Senator BRIGHTBILL. Madam President, I rise to a parliamentary inquiry.

The PRESIDENT. The gentleman will state his parliamentary inquiry.

Senator BRIGHTBILL. Madam President, I would like to confirm that the last vote on Supplemental Calendar No. 1 was a vote to concur in House amendments to Senate Bill No. 582.

The PRESIDENT. The gentleman is correct.

Senator BRIGHTBILL. Thank you, Madam President.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 680 CALLED UP

SB 680 (Pr. No. 778) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 680 (Pr. No. 778) -- 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, further providing for annual budget of school districts.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A0633:

Amend Sec. 1 (Sec. 687), page 1, lines 14 through 19, by striking out all of said lines and inserting:

(i) (1) (i) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year less than \$12,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to twelve per centum (12%) of its total budgeted expenditures for that school year.

(ii) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$12,000,000 and less than \$13,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to eleven and one-half per centum (11.5%) of its total budgeted expenditures for that school year.

(iii) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$13,000,000 and less than \$14,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to eleven per centum (11%) of its total budgeted expenditures for that school year.

(iv) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$14,000,000 and less than \$15,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to ten and one-half per centum (10.5%) of its total budgeted expenditures for that school year.

(v) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$15,000,000 and less than \$16,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to ten per centum (10%) of its total budgeted expenditures for that school year.

(vi) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$16,000,000 and less than \$17,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to nine and one-half per centum (9.5%) of its total budgeted expenditures for that school year.

(vii) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$17,000,000 and less than \$18,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to nine per centum (9%) of its total budgeted expenditures for that school year.

(viii) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$18,000,000 and less than \$19,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to eight and one-half per centum (8.5%) of its total budgeted expenditures for that school year.

(ix) For the 2003-2004 school year and each school year thereafter, no school district with total budgeted expenditures for that school year equal to or greater than \$19,000,000 shall approve an increase in real property taxes unless it has adopted a budget that includes an estimated, ending unreserved undesignated fund balance less than or equal to eight per centum (8%) of its total budgeted expenditures for that school year.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 133 (Pr. No. 819) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for revocation of habitual offenders' licenses and for requirements for driving under influence offenders; providing for violations of ignition interlock system provisions; further providing for occupational limited license and for penal-

ties for driving under the influence of alcohol or controlled substances; and making repeals.

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

SB 673 (Pr. No. 818) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act, further providing for definitions, for the Agriculture Education Loan Forgiveness Program and for funding.

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

BILL REREFERRED

SB 10 (Pr. No. 606) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for an economic enhancement program in the Department of Community and Economic Development; creating tax incentive districts; establishing the Economic Enhancement Fund and the Economic Enhancement Financing Authority; providing for the issuance of bonds and for debt service reserve funds; and making an appropriation.

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

BILLS OVER IN ORDER

SB 44, SB 68 and SB 95 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 230 (Pr. No. 238) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, providing for a Deputy Secretary for Local Government Services in the Department of Community and Economic Development.

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

BILLS OVER IN ORDER

SB 259, SB 371, SB 498, SB 503, SB 553, SB 596, HB 623 and SB 677 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators LAVALLE, KUKOVICH, WAGNER, HUGHES, EARLL, TARTAGLIONE, O'PAKE, D. WHITE, BRIGHTBILL, PILEGGI, CORMAN, COSTA, STACK, KASUNIC, TOMLINSON, WONDERLING, ARMSTRONG, LEMMOND, GREENLEAF, C. WILLIAMS, A. WILLIAMS, ROBBINS, ERICKSON, DENT, ORIE, WENGER, MUSTO, WOZNIAK, LOGAN, STOUT, BOSCOLA, KITCHEN, WAUGH, M. WHITE, MELLOW, THOMPSON, RAFFERTY, PUNT, RHOADES, SCHWARTZ, CONTI and FERLO, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution designating May 7, 2003, as "Vietnam Veterans Recognition Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, I rise to offer a resolution designating today, May 7, 2003, as Vietnam Veterans Recognition Day in Pennsylvania. The Vietnam War, as we all know, was the longest conflict in American history. More than 300,000 American service members were wounded, 75,000 were severely disabled, and more than 58,000 lost their lives. Of those killed, 3,142 were Pennsylvanians. Our Vietnam veterans, Madam President, served our nation under the most difficult of circumstances at a time when this country was divided in its support for the Vietnam War.

Let this resolution serve as a reminder that we have not forgotten them and the many contributions that they have made upon their return home from the war. Today Vietnam veterans truly deserve this special recognition.

Thank you, Madam President.

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

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

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 Mr. and Mrs. Kenneth Gochner, Mr. and Mrs. Carl Depue, Matthew D. Barr and to Jonathan Michael Herr by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Anton D. Cziraky by Senator Boscola.

Congratulations of the Senate were extended to Aaron David Dodsworth by Senator Conti.

Congratulations of the Senate were extended to Warren Robert Horrocks by Senators Conti and Greenleaf.

Congratulations of the Senate were extended to Melissa Keenhold by Senator Dent.

Congratulations of the Senate were extended to John D. Keefe by Senators Dent and Boscola.

Congratulations of the Senate were extended to Alvin H. Butz, Inc., of Allentown, by Senators Dent, Wonderling, and Boscola.

Congratulations of the Senate were extended to Theodore D. Kohuth by Senator Dent and others.

Congratulations of the Senate were extended to Erby L. Conley and to Presbyterian Homes of Erie by Senator Earll.

Congratulations of the Senate were extended to Kenneth W. Bright, Laura K. T. Schriver and to Dorothy Evelyn West Byerly Toennies by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Wolfe, Mr. and Mrs. George Gray, Michael P. Dougherty, John A. Dougherty, Mark S. Fellin and to Irene Koppenhaver by Senator Helfrick.

Congratulations of the Senate were extended to Falaka Fattah and to Communities In Schools of Philadelphia, Inc., by Senator Hughes.

Congratulations of the Senate were extended to Mary Lou Gilliland and to Leah Davis by Senator Jubelirer.

Congratulations of the Senate were extended to Colin T. Lennon, Carroll Logsdon, Erin Wigley, Anthony Cicco, Dr. William A. Pope, Dorothy Andreas, Louis Chauvet, Andrew Starr, David Michael Gabig, Michael Baker Corporation of Moon Township and to Williamson & Jefferson, Inc., by Senator Jubelirer on behalf of Senator Pippy.

Congratulations of the Senate were extended to Barry Looper, Jarred M. Detweiler and to Donald P. Fischer by Senator Kasunic.

Congratulations of the Senate were extended to Mercy Jeanette Hospital by Senator Kukovich.

Congratulations of the Senate were extended to Dorothy K. Tronzo and to the Board of Commissioners of Beaver County by Senator LaValle.

Congratulations of the Senate were extended to Peer Educators of Family Health Council of Pittsburgh by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. John Klim and to Florence J. Hatch by Senator Madigan.

Congratulations of the Senate were extended to Richard S. Bishop, Ralph Policicho and to Neal Santoski by Senator Mellow.

Congratulations of the Senate were extended to Cheer Tyme, Inc., Junior All-Star Cheerleading Squad, Cheer Tyme, Inc., Co-Ed All-Star Cheerleading Squad, Cheer Tyme, Inc., Small Senior All-Star Cheerleading Squad, Cheer Tyme, Inc., Small Junior All-Star Cheerleading Squad, Cheer Tyme, Inc., Cheerleading Squad, Cumberland Valley High School Junior Varsity Cheerleading Squad of Mechanicsburg, Cumberland Valley Pee Wee Eagle Cheerleading Squad of Mechanicsburg and to Cumberland Valley Junior High School Midget Eagle Cheerleading Squad of Mechanicsburg by Senator Mowery.

Congratulations of the Senate were extended to Reverend Richard J. Polmounter, Patricia Ann Sudol and to Mary Jane Krushinski by Senator Musto.

Congratulations of the Senate were extended to Saint Anthony of Padua Roman Catholic Church of Exeter by Senators Musto, Lemmond, and Mellow.

Congratulations of the Senate were extended to Wayne Seibel, Christina Ho, Jennifer Mills and to Jeffrey Boren by Senator Orié.

Congratulations of the Senate were extended to Ricky F. Teats, Jennie Berrell and to Anthony Marks by Senator Piccola.

Congratulations of the Senate were extended to Viola Mae Jones, Pennsylvania Institute of Technology of Media and to the Concordville Fire and Protective Association by Senator Pileggi.

Congratulations of the Senate were extended to Honorable Horace A. Davenport, Brian M. Brady and to Barbara Longstreth by Senator Rafferty.

Congratulations of the Senate were extended to Dale R. Schlenker by Senator Rhoades.

Congratulations of the Senate were extended to Gary James Cimperman and to Gary H. Clark by Senator Robbins.

Congratulations of the Senate were extended to Judi Zelina, Beth Lenaway, James D. Guelfi and to Kane Community Hospital by Senator Scarnati.

Congratulations of the Senate were extended to Betsy Richman, Hershel Richman and to Elliot Shelkrot by Senator Schwartz.

Congratulations of the Senate were extended to the Honorable Nelson A. Diaz by Senator Stack.

Congratulations of the Senate were extended to Reverend Richard E. Visser, Reverend Carol Edwards Visser and to Emma E. Markley by Senator Stout.

Congratulations of the Senate were extended to the Bucks County Children & Youth Social Services Agency of Doylestown by Senator Tomlinson.

Congratulations of the Senate were extended to Family Health Council and the Teen Peer Education Program of Allegheny County by Senator Wagner.

Congratulations of the Senate were extended to Lindsey Cramer, Nathan Lynn Kraft and to Adam Seitz by Senator Waugh.

Congratulations of the Senate were extended to Mark Johnson Schimmel, Andrew Lindeman and to Andrew J. Metzinger by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. William John Ellsmore, Mr. and Mrs. Joseph Macurak, Mr. and Mrs. Francis Schnur, Craig D. Bukosky and to Christopher J. Fisher by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Spinneweber, Mr. and Mrs. Charles Mohney and to Jacob Albert Fye by Senator M.J. White.

Congratulations of the Senate were extended to Carolyn Clough, Antonia Ottaviano, Ro Carson, Lyceum Senior Center of Conshohocken, Senior Center of Havertown, Havertown Center for Older Adults, Senior Center of Montgomery County, Upper Merion Senior Service Center, Lower Merion Senior Center, Norristown Society of Friends and to the Wayne Senior Center by Senator C. Williams.

Congratulations of the Senate were extended to Paul Scheetz by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. I. Roland Hughes, Mr. and Mrs. Edward J. Cernic and to Mr. and Mrs. Robert Froehlich by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late David Malamud by Senator Stack.

PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Madam President, I know everyone in the Senate is familiar with Megan's Law. I was a Member of the House of Representatives in 1995 when that bill was signed into law. Since that time, the legislature has struggled to keep Megan's Law on the books when the Supreme Court invalidated some of its provisions. Today, we can all be proud that Pennsylvania's Megan's Law is constitutional and is doing what it is intended to do, protect innocent people, especially children, from being victimized by known sex offenders. However, Megan's Law still needs to be improved, because Megan's Law here in Pennsylvania does not apply in juvenile cases. Today I am introducing legislation that would close Megan's loophole and bring juvenile sex offenders under Megan's Law.

Madam President, recently, the press reported on a case involving a 17-year-old juvenile. He admitted to charges of rape, involuntary deviate sexual intercourse, and aggravated indecent assault of a young girl in his home. The girl was 7 years old at the time. This juvenile refused therapy and fantasized about raping his own counselors. In fact, according to court papers, the juvenile listed a total of 44 individuals that he would rape if given the opportunity. The sentencing judge was appalled, as we all should be. In fact, the judge believed so strongly that this juvenile posed a threat to others that he issued a 12-page ruling. That ruling detailed this young man's refusal of treatment and lack of remorse for his rapes. But because Megan's Law does not apply to juvenile sex offenders, the judge's report was nothing more than a warning to the public. Basically, all the judge could do was say, watch out, watch out because a potential rapist would soon be free when he reached his 21st birthday. So unless we close Megan's loophole, that same convicted rapist could soon be living in your neighborhood or your grandchild's neighborhood, and neither you nor anyone else would even know until it was too late. My legislation would close Megan's loophole.

I want to also thank Senator Greenleaf for joining me in sponsoring this bill. Senator Greenleaf has a bill of his own, and it seeks to address the issue but in a different manner. And as a Member of the Senate Committee on Judiciary, I personally know how committed both Senator Greenleaf and my Democratic chairman, Senator Costa, are to addressing this serious situation. My legislation truly goes to the heart of the mission of Pennsylvania's juvenile justice system. According to the Juvenile Court Judges Commission, the first priority of our juvenile justice system is community protection. The citizens of Pennsylvania have a right to safe and secure communities. Unless we close Megan's loophole, some of our most vulnerable citizens will never be safe and secure from known sexual predators.

Thank you, Madam President.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 680 (Pr. No. 827) -- 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, further providing for annual budget of school districts.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the presence of the Senate signed the following bills:

SB 532 and SB 582.

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Monday, May 12, 2003, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 1:27 p.m., Eastern Daylight Saving Time.