

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, SEPTEMBER 16, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 58

**SENATE**

TUESDAY, September 16, 2003

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

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

**PRAYER**

The Chaplain, Reverend TIMOTHY CLARK, of Emmanuel Christian Church, Sandy Lake, offered the following prayer:

Shall we seek the favor and blessing of Almighty God.

Dear Father in heaven, I praise You for the fact that in this day and age when many have turned from Your counsel, these men and these women have taken the courageous stand of acknowledging their dependence upon You by seeking Your blessing. I pray that You would grant them courage to continually seek and ascertain Your will as well as the courage to allow that understanding to direct their work.

I thank You for Your call to public service that is upon each of their lives, for we know that it is You who has establish all the authorities of this world. It is at Your pleasure that they exercise the power of governance. I ask that You give them diligence in their work, protect their hearts and minds from all those who would seek to deceive them, give them wisdom to discern that which is true in every matter of deliberation.

I thank You, Father, for the personal sacrifice made by each of Your servants gathered here. They have borne the burdens of separation from family, long hours of selfless service, as well as the disheartening encumbrance of public cynicism. May You be their source of encouragement this day. May You provide them with the strength to meet every challenge of their lives.

We thank You for our many freedoms, as well as those who have given of themselves to secure them. We thank You for the great Commonwealth of Pennsylvania. May Your blessing rest upon her as well as all the United States of America. For all these things I ask in the name of Your Son and our Savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Clark, who is the guest today of Senator Robbins.

**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 September 15, 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:

**Weekly adjournment.**

**BILLS REPORTED FROM COMMITTEE**

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 59 (Pr. No. 59)**

An Act prohibiting a deceptive business practice in the floral industry; and providing for a private cause of action.

**SB 297 (Pr. No. 312)**

An Act providing for the licensure of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the Office for the Deaf and Hard of Hearing in the Department of Labor and Industry.

**HB 1580 (Pr. No. 2612) (Amended)**

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for employment of health care practitioners.

**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 Robbins.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Greenleaf and Senator Robbins. Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

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

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

**CALENDAR**

**SENATE RESOLUTION No. 133  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 133**, entitled:

A Resolution designating the month of September 2003 as "Long QT Syndrome (LQTS) Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-47**

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

**NAY-0**

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

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider House Resolution No. 348 and certain nominations.

**RECESS**

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

Senator BRIGHTBILL. Madam President, 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 immedi-

ately, to be followed by a Republican caucus. I would say caucus will not be more than about an hour.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a Democratic caucus following the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, followed by Democratic and Republican caucuses, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**RESOLUTION REPORTED FROM COMMITTEE**

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

**HR 348 (Pr. No. 2613) (Amended)**

A Concurrent Resolution urging the President of the United States to maintain the Section 201 steel tariffs for their scheduled three-year duration.

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

**CONSIDERATION OF CALENDAR RESUMED**

**BILL WHICH HOUSE HAS NONCONCURRED IN  
SENATE AMENDMENTS TO HOUSE AMENDMENTS**

**BILL OVER IN ORDER**

**SB 8** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL WHICH HOUSE HAS NONCONCURRED  
IN SENATE AMENDMENTS**

**BILL OVER IN ORDER**

**HB 564** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**THIRD CONSIDERATION CALENDAR**

**NONPREFERRED APPROPRIATION BILLS  
OVER IN ORDER**

**HB 1374, HB 1375, HB 1376, HB 1377, HB 1378, HB 1379, HB 1380, HB 1381, HB 1382, HB 1383, HB 1384, HB 1385, HB 1386, HB 1387, HB 1388, HB 1389, HB 1390, HB 1391, HB 1392, HB 1393, HB 1394, HB 1395, HB 1396, HB 1397, HB 1398, HB 1399, HB 1401, HB 1402, HB 1403, HB**

1404 and HB 1405 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILLS OVER IN ORDER

HB 77 and HB 1018 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

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

#### HOUSE CONCURRENT RESOLUTION No. 348, CALLED UP

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 1, **House Concurrent Resolution No. 348**, entitled:

A Concurrent Resolution urging the President of the United States to maintain the Section 201 steel tariffs for their scheduled three-year duration.

On the question,  
Will the Senate concur in the resolution?

Senator BRIGHTBILL. Madam President, I move the Senate do concur in House Concurrent Resolution No. 348.

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

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

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

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

#### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

May 30, 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, Wendell F. Holland, 219 Curwen Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2008, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Aaron Wilson, Jr., Chester, whose term expired.

EDWARD G. RENDELL  
Governor

#### NOMINATION LAID ON THE TABLE

Senator BRIGHTBILL, Madam President, I request that the nomination just read by the Clerk be laid on the table.

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

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

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

#### MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

August 28, 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 August 4, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etners 17319, York County, Fifteenth Senatorial District, as a member of the Pennsylvania Council on Aging, to serve until October 8, 2003, and until her successor is appointed and qualified, vice Jean Williams, Coraopolis, deceased.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CHEYNEY UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 11, 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 June 11, 2003, for the appointment of The Honorable Ronald G. Waters, 108 South 61st Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Samuel J. Patterson, Bryn Mawr, whose term expired.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF COSMETOLOGY

August 28, 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 July 24, 2003, for the appointment of Eugene L. Day, 5801 Penn Circle North #6, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Janet G.M. Sanko, Harrisburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE INDUSTRIAL BOARD

August 28, 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 August 15, 2003, for the appointment of Duncan M. Penney, A.I.A., 12 North Grandview Avenue, Pittsburgh 15205, Allegheny County, Forty-second Senatorial District, as a member of the Industrial Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Greg Woodring, Pipersville, whose term expired.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

August 20, 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 June 24, 2003, for the appointment of Carl Greene, 1420 Locust Street, Apartment 121, Philadelphia 19102, Philadelphia County, First Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2007, and until his successor is appointed and qualified, vice David E. Tungate, Pittsburgh, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE BERKS COUNTY BOARD OF ASSISTANCE

August 7, 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 July 25, 2003, for the appointment of David C. Balmer, Esquire, (Democrat), 3611 Kutztown Road, Reading 19605, Berks County, Eleventh Senato-

rial District, as a member of the Berks County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Carol Meredith, Leesport, resigned.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

August 18, 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 July 14, 2003, for the appointment of Geraldine Ramm, (Democrat), 416 Woodward Avenue, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE JUNIATA COUNTY BOARD OF ASSISTANCE

August 27, 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 June 23, 2003, for the appointment of Sue Hoover, (Democrat), R.R. 1, Box 1160, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE JUNIATA COUNTY BOARD OF ASSISTANCE

August 27, 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 June 23, 2003, for the appointment of Christine McLaughlin, (Republican), R.D. 3, Box 754, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

August 27, 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 June 23, 2003, for the appointment of Kathy Saylor, (Republican), R.R. 2, Box 2105, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE MIFFLIN COUNTY  
BOARD OF ASSISTANCE

August 27, 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 August 6, 2003, for the appointment of Edward D. Fike, (Republican), 191 Squaw Hollow Road, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, as a member of the Mifflin County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

DISTRICT JUSTICE

August 28, 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 June 26, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Bucks, Magisterial District 07-1-09, to serve until the first Monday of January 2006, vice Charles A. Cappuccio, deceased..

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**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 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:

MEMBER OF THE PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

May 30, 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, Wendell F. Holland, 219 Curwen Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2008, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Aaron Wilson, Jr., Chester, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF THADDEUS STEVENS COLLEGE  
OF TECHNOLOGY

July 14, 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 Jere W. Schuler, 164 Huntingwood Drive, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Glenn E. Orndorff, Lancaster, resigned.

EDWARD G. RENDELL  
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-47

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

## NAY-0

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

Ordered, That the 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  
SENATE RESOLUTIONS ADOPTED**

Senators EARLL, KUKOVICH, CONTI, KITCHEN, COSTA, ARMSTRONG, ORIE, CORMAN, TARTAGLIONE, BRIGHTBILL, MOWERY, ERICKSON, O'PAKE, RAFFERTY, GREENLEAF, SCHWARTZ, LEMMOND, FERLO, C. WILLIAMS, WONDERLING and LaVALLE, by unanimous consent, offered **Senate Resolution No. 142**, entitled:

A Resolution designating the month of November 2003 as "Reflex Sympathetic Dystrophy Syndrome Awareness Month" in Pennsylvania.

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

Senators WOZNIAK, KITCHEN, BOSCOLA, WAGNER, CONTI, COSTA, ERICKSON, ORIE, CORMAN, ARMSTRONG, TARTAGLIONE, WONDERLING, C. WILLIAMS, STACK, FERLO, SCHWARTZ, GREENLEAF, MUSTO, M.J. WHITE, RAFFERTY, O'PAKE, DENT, TOMLINSON, LEMMOND, BRIGHTBILL, EARLL, STOUT, LOGAN and D. WHITE, by unanimous consent, offered **Senate Resolution No. 143**, entitled:

A Resolution extending condolences on the death of Cambria County native Charles Bronson, star of European and Hollywood films, at 81 years of age.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I have a resolution honoring the late film star Charles Bronson, who was born

Charles Buchinsky in Ehrenfeld Borough outside of South Fork, which is outside of Johnstown in Cambria County. He was 1 of 15 children from a small Lithuanian mining town known as Ehrenfeld. He was a coal miner like his father until he was drafted into the Second World War. Upon leaving the service, he worked on a studio lot in Hollywood as a set designer, and the rest, they say, is history. He was most noted for his roles in "The Magnificent Seven," "The Dirty Dozen," and in the "Death Wish" series. His acting career spans four decades. As a matter of fact, at one time he was a contender against another famous star, Clint Eastwood.

We want to memorialize Charles Bronson as one of Pennsylvania's native sons and leave the public with the theme from "The Magnificent Seven" so that it is stuck in your head for the next few hours.

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. Arthur R. Aumiller and to the ClearWater Conservancy by Senator Corman.

Congratulations of the Senate were extended to Westminster Village of Allentown by Senator Dent.

Congratulations of the Senate were extended to the Housing Authority of the City of Erie by Senator Earll.

Congratulations of the Senate were extended to Nels Running and to the Warminster Community Park by Senator Greenleaf.

Congratulations of the Senate were extended to Dave Shaner by Senators Greenleaf and Conti.

Congratulations of the Senate were extended to Edward Washko, Charles F. Hershberger and to Sam Quay, Jr., by Senator Jubelirer.

Congratulations of the Senate were extended to Robert W. Hagar, Sr., and to Angelo Lembo by Senator Kasunic.

Congratulations of the Senate were extended to Rebecca Elizabeth Turner by Senator Kitchen.

Congratulations of the Senate were extended to William C. Wunner by Senator Musto.

Congratulations of the Senate were extended to JC Ehrlich, Co., Inc., of Reading by Senators O'Pake and Brightbill.

Congratulations of the Senate were extended to Margaret Elizabeth Laux and to Wayne Seibel by Senator Orie.

Congratulations of the Senate were extended to Timothy Michael Neeson, Mayberry Pitts and to Elaine Frieberg by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Zucca and to the citizens of East Caln Township by Senator Thompson.

Congratulations of the Senate were extended to Ian Andrew Lauderman by Senator Wenger.

Congratulations of the Senate were extended to James L. Bowser by Senator M.J. White.

Congratulations of the Senate were extended to Eastern University of St. Davids by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. C. Marvin Croisette and to Daniel R. Riegel by Senator Wonderling.

Congratulations of the Senate were extended to Brian A. Gormont and to Lilly-Washington Public Library by Senator Wozniak.

### BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. 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.

The bills were as follows:

**SB 59, SB 297 and HB 1580.**

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

### PETITIONS AND REMONSTRANCES

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

Senator KITCHEN. Madam President, there really is no rational reason now and there is no longer an acceptable excuse for waiting any longer to pass prescription drug relief for our senior citizens. While it would be of great comfort if our Federal government came to the rescue and enacted a nationwide prescription drug remedy, that obviously is not going to happen anytime soon, and, Madam President, I am always asked why.

Madam President, senior citizens have been put on hold for 3 years now, and who is really responsible for holding up this legislation? Because I am prepared to vote. During this time, seniors have been going without the drugs they need, cutting pills in half, and helplessly watching their lifesavings slip away. Public sentiment is clear on this issue: the citizens want action and they want it now.

Several months ago the House of Representatives unanimously approved a bill to expand PACE. House Bill No. 888 would provide PACE or PACENET prescription drug coverage for an additional 100,000 senior citizens. Representatives from all four legislative Caucuses held a so-called bipartisan breakthrough that finally put our senior citizens ahead of political gamesmanship. Yet, a funny thing happened to House Bill No. 888 when it made its way to the Senate. Nothing happened, Madam President, despite the fact that expert after expert advised that there is no reason to postpone action and wait for Congress. This political legislation continues to just gather dust, and even though the Bush administration's own expert on the subject confirmed that no proposal before Congress would in any way penalize States that act now to help their senior citizens, yet we still continue to sit idly by and wait. Why? What are we waiting for? The Harrisburg Patriot-News had this to say, and I quote, "The Senate leadership has held up action waiting to see what Wash-

ington did. But it is clear, in any event, that Pennsylvania will not suffer should Congress get its act together and agree on a program."

Despite this deafening call from our citizens for action, Madam President, we continue to pointlessly wait for Congress. I ask you again, really, Madam President, what are we waiting for?

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, as chair of the Committee on Aging and Youth, I rise to respond to my colleague's remarks. First of all, this bill came over to the Senate and it is in the Committee on Aging and Youth. We have received amendments not only from nurse practitioners and from other interested parties, but from the administration itself. We held a hearing on this, and we also at that time had a satellite video with the head of Medicare from the Federal government. At that point in time, he had indicated to us, in both the bills, what was going to occur with prescription drugs.

In working with Senator Kukovich and the administration, I have set a second hearing where we can discuss the continuity between the State program and the Federal government program, and to assure that there is coordination involved. In addition to that, there were as many issues brought up from the Democrats as well as the Republicans on issues dealing with the PBMs, pharmaceutical benefit managers, who will be in place so that we can be sure that we have ethical laws in place. I want to assure the citizens of Pennsylvania that we are working very diligently on this bill in a bipartisan fashion, and I take great offense to any innuendo that there is delay or any political misfeasance on this type of issue. What I want to say is we have a hearing scheduled, we intend to proceed with that hearing and to continue what we have done, working with the administration, working with Senator Kukovich, to ensure that this bill, House Bill No. 888, is the best bill for Pennsylvanians and is worked in a bipartisan fashion.

Thank you.

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

Senator WAGNER. Madam President, I rise to offer some comments also in regard to House Bill No. 888, which is receiving a lot of attention today, and rightfully so. This morning about 11 o'clock, AARP had a rally in the Rotunda in support of House Bill No. 888, and the main speaker was Governor Rendell. There were at least 100 senior citizens from across Pennsylvania who attended the rally to pretty much put forth the message that this bill should move forward, and it should move forward now. We have just heard two of our colleagues speak, both in support of the legislation, and basically the message that I am getting and I think all of us are getting, I am getting it from my constituents back at home, whether it be from e-mails, telephone calls, or walking in the door, is that they want to see the expansion of the PACE program happen as soon as possible. And I repeat, as soon as possible. I would like to think that there is a willingness here in this Chamber, in a bipartisan way, to get that done, but we need to get it done. We need to come up with some absolute dates for final passage of this legislation, and the details that can

be worked out, I am sure will be worked out, and should be worked out. They are not major, but the benefits to the seniors are many, and for that reason we need to get it done.

As everyone knows, we are talking about increasing the guidelines for a single senior person from \$14,000 a year under the standard PACE program to \$14,500, a significant increase that will keep people who have a cost-of-living adjustment in Social Security or retirement benefits from falling off PACE. The guideline will increase for couples from an annual income of \$17,200 to \$17,700, a \$500-a-year increase.

Under the PACENET program, Madam President, it is significant. The increase is really astronomical. It is as large as it has ever been and is really what I think is so attractive to so many seniors and will help so many seniors in Pennsylvania, because the PACENET program will increase for a single senior citizen from a \$17,000 income guideline to \$22,500, or a \$5,500 income increase. And for a couple it will increase from \$20,200 to \$30,500, for a \$10,300 increase. What all of that will do, Madam President, is bring 100,000 more Pennsylvania seniors into the PACE program; really, an astronomical number of people. And when you consider the fact that there are 500,000 Pennsylvania seniors today who do not have a pharmaceutical prescription drug insurance program, we are talking about covering 20 percent of them by including an additional 100,000 people. I was thinking, what does that mean to our senatorial districts? With 50 senatorial districts, that means, on average, we can impact 2,000 seniors, to have them qualify for PACE, in each of the 50 senatorial districts.

There are very few issues where we can have a striking positive impact like that, simply by passing a piece of legislation, and that is really what House Bill No. 888 is all about, and I, along with many of us here, are urging that it happen sooner rather than later. Traditionally, we have heard the reason why expansion of the PACE program cannot occur is because the Federal government needs to act first. While we have all watched and listened and hoped that the Federal government would do something in terms of implementing a Federal pharmaceutical drug program, let us face it, it has not happened. And quite frankly, Madam President, I am not sure if it will happen by year's end, even though back in the presidential election 3 years ago, that was one of the main topics and one of the absolutes, that no matter who was elected President, there was going to be a Federal pharmaceutical drug program. Well, still to this day, 2 years later, it has not happened. We have waited long enough in Pennsylvania, and we have not gotten much done in terms of Governor Rendell's agenda. As a matter of fact, Madam President, it is almost zero in terms of what has been accomplished.

This piece of legislation is significant. We know there is bipartisan support, we cannot wait any longer, and I think that is the message that we are hearing today, and I do not believe there are any real differences. It is just a matter of taking that bill, working out the minor differences that exist, and putting it on the Senate floor for a final vote so that it can then go back to the House of Representatives and get a final vote on concurrence with what we have done, and make certain that 100,000 Pennsylvanians will qualify for the PACE program.

Madam President, I attended that news conference this morning, and I bumped into a woman by the name of Thelma Jackson

from the Hazelwood section of the city of Pittsburgh. I spoke with a number of seniors, but Thelma touched me when she spoke to me. I asked her if I could use her name, and she said absolutely I could. What Thelma Jackson said to me was, Senator Wagner, I want you to know that I am a person who has to make a decision between food and purchasing drugs, and my only solution is all of you, all of you have to help me because I do not want to continue to make that decision. I need food and I need proper pharmaceutical drugs, and the expansion of the PACE program will give me the ability to make sure that I qualify under that program. Now Thelma Jackson is someone whom we should be listening to, and I do not think she can wait any longer. I do not think the seniors out there, the 100,000 seniors, can wait any longer. It comes down to them purchasing food or not purchasing food, it comes down to them splitting the pills that they are taking, it comes down to them using a lesser pill in place of a pharmaceutical drug, it comes down to, quite frankly, a life-and-death situation that they are involved with every hour of every day. We have a responsibility in this General Assembly to give the people the opportunity to qualify for this program. As I stated earlier, we are not too far off from achieving that goal. We have talked about the expansion of PACE on this Senate Chamber floor for at least 3 years, and I know many of us have advocated all types of expansions of the PACE program. Governor Rendell has proven that it can be done without one additional taxpayer dollar through rebates and other innovative techniques to get more dollars into the PACE program.

Well, Madam President, we have a grand opportunity, and I do not want to see us miss that opportunity, and I do not think our colleagues here want to see us miss that opportunity. But the House of Representatives has passed House Bill No. 888 by a vote of 200 to 0, and it has been sitting in this Chamber for 3 months. I know there has been a hearing and I know there is another one planned. I am not even sure there needs to be one, but I do know one thing absolutely, positively must happen. We need to bring House Bill No. 888 to the floor for a vote. This side of the aisle cannot do that. We are not in the majority, we cannot put that bill on the Calendar for a vote, and the message today is we do want to act in a bipartisan way, we do want to get this done, and the sooner we get it done, the better it is for the seniors in terms of lifesaving drugs here in Pennsylvania.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, I have in my hand a copy of the annual report on the PACE program that just came out today, and I do not want to spoil the ending for those who have not had a chance to read the summary provided by the Secretary of Aging, Nora Dowd, but I can tell you that it has been another record-setting year for the PACE program. Enrollment in PACE has reached a new all-time low. Today there are fewer older Pennsylvanians covered by PACE than at any time in the history of this Commonwealth. At one point, there were 478,000 seniors who carried a PACE card. Today there are barely 188,000 seniors who receive help from PACE to afford their prescription drugs, and you would think that the number of people enrolled in PACE would be growing because the number of senior citizens keeps growing year after year in this Common-



wealth. But the numbers show that even though our population of seniors has grown by 100,000, the PACE program is actually serving 300,000 fewer senior citizens. And even though in this report there are no photos, we can see that there is plenty wrong with this picture. The PACE program once covered one in four older Pennsylvanians. Today, PACE covers fewer than 1 out of every 10 senior citizens. Somehow, we cannot afford to help even 20,000 more senior citizens pay for their drugs, but we can find money to pay for more medical care for 20,000 more inmates who are locked up in our State prisons during that same time. So why is it so easy to spend more tax dollars to provide medical care to prisoners, but it is so hard to spend Lottery funds, which we already have, no tax money needed, to provide affordable prescription drugs for our seniors? Since when did convicted felons become more important than our senior citizens?

It has been months, it has been months since the House passed House Bill No. 888 and sent it to this Chamber to be voted on, months. Now, there have been hearings and there is going to be another hearing, hearing after hearing. The House did not need more hearings, they passed it unanimously 3 months ago. Why does this Chamber have to have more hearings on something we already know we should do today, not tomorrow, not a week from now? Every single day we wait another senior citizen may die, may be in the hospital critically ill because she could not afford her prescription drug coverage. This is what this is about. In this Chamber, every Member who is going to vote this has prescription drug coverage for their family, but we cannot today pass a bill that says we are going to provide prescription drug coverage for our seniors who worked every day of their lives and deserve that type of coverage. And I know the other side of the aisle stood up and said, we are appalled that you over here are saying this. Well, we have studied this issue for years and years and years now. Senate Democrats have pushed prescription drug coverage for years now and we have had hearings. We do not need any more hearings. We need action. The people want action, and I do not understand why this is so complicated. I think what we should do, because we do have the money through Powerball to pay for this, no tax dollars are needed, the Majority side of the aisle should put the people before partisanship and pass prescription drug coverage for seniors who need it now.

Thank you.

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

Senator WONDERLING. Madam President, I think it is time, perhaps, to take a step back, take a breath and offer some perspective to at least what I have been listening to from my colleagues. The good news is that truly this has been a bipartisan effort. That is because whether you are a Democrat or Republican, whether you are from Hazelwood or East Greenfield or DuBois or Clearfield or Johnstown, we all have been listening to our constituents, to our seniors. We know that it is our responsibility to develop not only the appropriate revisions to the PACE program that will work in the short term, but that will also work in the long term.

I believe it is incumbent on us to also reform PACE in a way that does not put our seniors in harm's way. I think it would be reckless for us to not continue this process that the chairman of the Committee on Aging and Youth began, a Republican chair-

man of the Committee on Aging and Youth, with our Democratic Governor just a few months ago. In fact, in the spirit of bipartisanship, the chairman of this committee stood with the Governor, has worked with the administration, over only 2 months, only 2 months on the bill that was brought over from the House. Hearings have been held, hearings are to be scheduled, and for what purpose? Why do we need one more hearing on something? Believe me, I talk to seniors all the time who are frustrated, barely making ends meet. But why do we want to pause and perhaps make sure we get it right, right now? Well, I think there are three reasons.

One, thanks to the bipartisan spirit of this Chamber and working with this administration, we have stabilized the Lottery Fund for the first time in a long time with the institution of Powerball and midday gaming, that we are now for the first time in a long time being able to put resources where they need to go, and that is in expanded eligibility for our seniors in this Commonwealth. So we are working toward that. But as we put more Lottery funds into the hands of Pennsylvanians who need it most, our seniors, I believe it is incumbent on us to make sure that there is no fraud, no abuse, no mischievous actors from the private sector looking to take advantage of the initiative and hard work that has occurred here on a bipartisan basis, to take those additional Lottery revenues, and in some devious and perhaps illegal way practice fraud in a way by which senior Pennsylvanians never derive the benefit from the expanded program.

Now, I do not know if the Federal government is going to act in the short term or the long term, Madam President, but I do know this: The Members of this body have an obligation not only to act and deliberate on what has come before us from the House, but to keep an eye on Washington, because the last position I want to be in in the future is to visit some of the seniors in my district and say, oh, it was a great program, we expanded it, we injected more revenues into the Lottery system, but do you know what? We had to take part of that away because we were not quite in sync with what our friends in the Federal government were doing.

I share with my colleague, Senator Wagner, perhaps a high level of cynicism on the ability of our Federal government to act in an appropriate and timely matter. But I think the chairman of the Committee on Aging and Youth has worked on a bipartisan basis with this administration to set in place, in a very short timeframe, a process to make sure that we do not lose this opportunity, that we do it right, that we do it correctly on behalf of all the seniors of this Commonwealth.

Thank you, Madam President.

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

Senator STACK. Madam President, I intend to go in a different direction, although I join with my colleagues in support of bringing House Bill No. 888 to the floor.

I rise to talk about the issue of medical malpractice. You know, a few months ago our Capitol was inundated with doctors who arrived from all corners of Pennsylvania, and just because it is September and the legislature has returned to Session and busloads of physicians are not pouring through our hallways does not mean that Pennsylvania's medical malpractice crisis is over. Far from it, Madam President. We still have a crisis and we still

need solutions. Yesterday, the Senate Committee on Judiciary held hearings on the problem and potential solutions. During the summer, Governor Rendell presented us with a plan that attacks this issue at many sources. His proposal explores patient safety enhancements, legal reforms, changes in provider reimbursements, and an approach to reducing malpractice insurance rates. I support many aspects of the Governor's proposal, but I believe it is an incomplete proposal unless it incorporates the State-operated insurance entity I have set forth in Senate Bill No. 11. We need to lower medical malpractice insurance rates and we need to lower them now. Senate Bill No. 11 does both.

The advantages are very simple. A State-run insurer can charge rates that are not burdened with the standard private insurer overhead costs such as investor profitability, broker and sales agent commissions, taxes, marketing expenses, and the substantial costs that are always associated with supporting a corporate headquarters and structure. Rates not only would be lower, they would also be computed more fairly. They would be based on a doctor's record, and they would not take into account where or what a doctor practices. My Senate Bill No. 11 would also use the MCARE Fund, but only as an existing infrastructure from which to implement the program. This approach would also minimize startup costs and would therefore contribute to the overall savings passed along in premium rates.

Unlike MCARE, my health care insurance program would be run by a seven-member authority, and it would be separate from any State agency or department. Program funding would be generated through premiums of participating doctors, and 10 percent of the receipts would be collected from a State tax on insurance policies. I am confident that the Health Care Assurance Program will provide medical malpractice insurance premium savings of up to 40 percent, Madam President. A 40-percent reduction in premiums for doctors is pretty darn good, plus we have been using a similar plan already in this State called SWIF which works with workmen's compensation claims, and it has been working well for a number of years. Over the long term, a State insurer will force private companies to reduce their rates so they can remain competitive. As malpractice insurance premiums decrease, the need for a State-run program decreases, and the need for the State-run program will gradually be so diminished that we will not need it at all. A State-operated insurer need not be a permanent fixture in the medical malpractice marketplace, and I have therefore built a 5-year sunset provision into Senate Bill No. 11.

Madam President, the time is long overdue to take action on medical malpractice insurance reform in Pennsylvania. I look forward to continuing to work with my colleagues to obtain a long-term solution, and I especially look forward to working with my colleagues to assure that the health care insurance program is an integral part of our solution.

Thank you, Madam President.

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

Senator PICCOLA. Madam President, I would like to respond very briefly to some of the comments that were made with respect to House Bill No. 888 and the prescription drug debate that has been going on here on the Senate floor this afternoon. I would like to reiterate the comments of the chairman of the Com-

mittee on Aging and Youth, Senator Orie, who has outlined in a very meticulous and articulate way the process that she and her committee are undergoing to assure that a rational, adequate, and proper response to the problem is properly reported from her committee in a way that receives input not only from both sides of the aisle here in the Senate of Pennsylvania, but also information and input from the Governor's Office itself. To suggest, as some would on the other side of the aisle, that this legislation should move today or yesterday, I think is not a particularly responsible approach to legislating. Those of us who have any kind of memory will remember that it was not but a year or two ago that some of the same individuals who are speaking on the floor today urging immediate action on House Bill No. 888 were the same people who introduced something called FAIRx. FAIRx was a plan, a bill that was introduced in the same demand I recall being heard on the floor of the Senate during the year 2001 and 2002, that we immediately bring FAIRx on the floor of the Senate for consideration to provide prescription drug coverage for our senior citizens. We went through the legislative process with respect to that proposal, and that proposal was exposed for what it was, a plan that was not workable, a plan that was not affordable, a plan that simply offered false hope to the senior citizens of Pennsylvania, in spite of the fact that some on the other side of the aisle indicated that perhaps false hope was better than no hope at all.

In addition, Madam President, this is not the only legislative issue that has been taking the time of the Senate of Pennsylvania. As you know, we have a new Governor here in Pennsylvania, and the Governor has come to us with a legislative agenda, and we have been spending an inordinate amount of time dealing with the Governor and his proposals with respect to spending and taxation, and I have to say that has probably been given the highest priority during the first 8 or 9 months of this current Session. Well, today the House of Representatives, by a vote of 199 to 0, defeated Governor Rendell's tax proposal to raise the personal income tax by 33 1/3 percent and to tax businesses and other entities here in the Commonwealth, to raise billions of new dollars for spending on new programs here in the Commonwealth of Pennsylvania. With the resounding bipartisan defeat of the Governor's tax program, I think we will be able to clear the decks on some of the issues that the Governor has brought to the legislature and we will be able to concentrate on things like prescription drugs, which Senator Orie has been working very diligently on in the Committee on Aging and Youth. Clearly, Madam President, we need to address this issue, but we also, as Senator Wonderling indicated, have to remember we need to do it properly, effectively, fairly, and make sure that we have a bill that works and does not fall into flames after we enact it into law.

Madam President, we have already one of the most, if not the most, generous paid prescription plans for senior citizens of any State in the country, and we should be proud of that. In addition to being proud of that, we should work hard to make sure that we enhance that program, and Senator Orie has outlined a very, very responsible plan for making sure that House Bill No. 888 receives the proper attention, the proper input from all of the interested parties, including the Governor's Office, and I have every confidence that she and her committee and both sides of the aisle in that committee will report to us a bill in a timely fashion.

Thank you, Madam President.

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

Senator WAGNER. Madam President, I was not going to speak twice in regard to this issue, and if you recall each and every one of the statements that I made, none were derogatory about anyone in particular, it was simply an urging of moving a piece of legislation that is out of the hands of the chairperson of the Committee on Aging and Youth, Senator Orié. My urging, since I have been a State Senator, has been to upgrade and improve the PACE program in terms of injecting a cost-of-living component into it, and many, many other improvements, but I am forced to respond to the previous speaker, because the previous speaker has indicated that proposals put forth by this side of the aisle in the past have been bad proposals. I clearly want that gentleman to realize that the major components of House Bill No. 888 were pieces of legislation that were offered by Members on this side of the aisle, rebates, reimbursements that give the PACE program significant dollars to do more. Also, the other items that are part of that were offered in a report completed by the Department of Aging under the previous administration, and we can talk about the particulars all day long.

The reason why PACE has not moved forward in the General Assembly in years past has been the argument that the Federal government is going to pass a program, and we are going to wait and see what it is and make sure it is consistent with our program. And quite frankly, Madam President, that was okay for a while. That was okay for a while. But we are into 3 years of a Federal government new administration, and the time is up for waiting for them to act. There are major disagreements in the Congress of the United States in regard to what they are proceeding with. It has always been the intent of this side of the aisle to introduce and to pass good legislation as it relates to PACE, legislation that is helpful to the seniors of the Commonwealth of Pennsylvania. And again I repeat, that what is in this bill has been talked about for years, and I have not stood here and pointed fingers when I spoke previously, nor do I intend to now, Madam President.

But I will tell you what, you can look at the record of this Senate for the past 5 years, and 90 percent of the advocacy for enhancing the PACE program came from this side of the aisle, by Senator Boscola, Senator Mellow, Senator O'Pake, Senator Costa, Senator Kitchen, and I could go on and on and on and on. Now, I do not care if my name is on a piece of legislation, nor do my colleagues, and we know that is not what is happening with the PACE program. We do not need the right of ownership to help the seniors of Pennsylvania. We are willing to let anyone put their name on it and to say they were the champions of the program. What we want to do is help the seniors of this Commonwealth who desperately need pharmaceutical life-sustaining drugs, and that is what this issue is all about.

Now, we are here meeting in this Senate this week, and we have not passed any substantive piece of legislation. Let us put House Bill No. 888 up for a good healthy discussion, and let us do something. Let us really work with the Governor. Let us really work with them in a bipartisan way, because there has not been one piece of legislation passed by this General Assembly in the last 9 months in terms of working with Governor Rendell, and I

am tired of hearing the bipartisan stuff. It is as partisan in this Chamber and in this building as it has ever been. Let us get something done for the people of Pennsylvania, and let us start by enhancing the PACE program. I do not care who the sponsor is, I do not care who takes credit for it, I want to help the seniors whom I have been elected to represent, and I believe every Member of this Chamber wants to also. Is that not why we are here?

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, I was not going to get up and speak a second time either, but you know, in this place sometimes somebody has to have the guts enough to say what is really going on. And what is really going on here, the reason why prescription drug coverage for our seniors is not passing is because the Senate Republicans are not bringing this bill up for a vote. It is that simple. Now, if you do not want to bring the bill up for a vote, what you are going to do, because it is what you have been doing, is make excuse after excuse, delay after delay, hearing after hearing. We have had hearings for 3 years now on PACE. Look at those hearings. Read the testimony. You have had it for 3 years. The reason why you want another hearing is you want to delay the bill to help seniors with their prescription drug coverage. That is calling a spade a spade. And when you talk about this legislation and the process moving forward, calling it either reckless or irresponsible, I say what is reckless and irresponsible is the fact that we are not passing this bill today or tomorrow or next week for senior citizens to have that coverage that they deserve. If the House of Representatives' 200 Members did not think House Bill No. 888 was irresponsible or reckless or flawed, they passed it unanimously, why cannot the Senate do the same? You are just finding excuses to delay this bill. Now, I do not know why because our seniors really do need our help. This should not be a partisan issue, but they have turned it into a partisan issue, the Republican Senators, and that is a shame. This is exactly what the people of this Commonwealth do not want. They want us to act in a bipartisan way, they want us to work together to help people, and that is what we are trying to do today.

And when you talk about legislation being flash-in-the-pan legislation, maybe it should not be passed in a day or two, like I said, this issue has been on the table for 3 months now, ready for a vote. But remember when stadium funding was passed within one day, we had to send millions of dollars to Pittsburgh and Philadelphia, boy it did not take long. It did not take any hearings. That is what the priorities are in this Commonwealth. The people, prescription drug coverage, our seniors should matter, and we should have the decency to at least pass this legislation as quickly as possible.

Thank you, Madam President.

### BILLS INTRODUCED AND REFERRED

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

September 16, 2003

Senators CONTI, ORIE, ERICKSON, C. WILLIAMS, KITCHEN, RAFFERTY, WOZNIAK and BOSCOLA presented to the Chair **SB 901**, entitled:

An Act providing for minimum energy efficiency standards for certain appliances and equipment; and providing for the powers and duties of the Department of Environmental Protection and of the Attorney General.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 16, 2003.

Senators SCHWARTZ, C. WILLIAMS, EARLL, WAGNER, MUSTO, MELLOW, TARTAGLIONE, O'PAKE, LAVALLE, STACK, KASUNIC, COSTA and WOZNIAK presented to the Chair **SB 908**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical liability insurance reports.

Which was committed to the Committee on BANKING AND INSURANCE, September 16, 2003.

Senators WAUGH, WENGER, O'PAKE, MADIGAN, KUKOVICH, KITCHEN, LOGAN, MOWERY, D. WHITE, CORMAN, ERICKSON, DENT, RAFFERTY, M. WHITE, GREENLEAF, MUSTO, LEMMOND, ARMSTRONG, WONDERLING, ROBBINS and WOZNIAK presented to the Chair **SB 912**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for crop insurance premium payments and for a report by the Department of Agriculture; and making a repeal.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, September 16, 2003.

Senator D. WHITE presented to the Chair **SB 913**, entitled:

An Act designating a bridge on State Route 553 in Alverda, Pine Township, Indiana County, Department of Transportation No. 32-0553-0190-0065, as the HM3 Charles Edward ("Doc") Mariskanish Bridge.

Which was committed to the Committee on TRANSPORTATION, September 16, 2003.

### **RESOLUTIONS INTRODUCED AND REFERRED**

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

September 16, 2003

Senators ERICKSON, TARTAGLIONE, EARLL, SCHWARTZ, WOZNIAK, THOMPSON, KUKOVICH, KITCHEN, DENT, RAFFERTY, COSTA, STACK, GREENLEAF, CONTI, FUMO, C. WILLIAMS, ARMSTRONG, FERLO, PILEGGI, WAUGH and WONDERLING presented to the Chair **SR 131**, entitled:

A Resolution commending the Community College of Philadelphia, the Bucks County Community College, the Delaware County Community College, the Montgomery County Community College, the Camden County College and Drexel University for forming the Collegiate Consortium for Workforce and Economic Development.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 16, 2003.

Senators SCHWARTZ, COSTA, MELLOW, WAGNER, STACK, FERLO, MUSTO, KUKOVICH, KASUNIC, WOZNIAK, LOGAN, TARTAGLIONE, O'PAKE and BOSCOLA presented to the Chair **SR 134**, entitled:

A Resolution recognizing a need to study Pennsylvania's power grid in light of the power outage of August 2003, to include a review of the State's transmission and distribution system.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, September 16, 2003.

Senators MUSTO, KITCHEN, TARTAGLIONE, KUKOVICH, M. WHITE, COSTA, THOMPSON, D. WHITE, LOGAN, ORIE, WENGER, ERICKSON, SCHWARTZ, LEMMOND, O'PAKE, BRIGHTBILL, DENT, FERLO, CORMAN, WAGNER, STACK, GREENLEAF, WONDERLING, CONTI, MELLOW, EARLL, TOMLINSON, ROBBINS, SCARNATI, ARMSTRONG and KASUNIC presented to the Chair **SR 138**, entitled:

A Resolution designating the month of October 2003 as "Polish-American Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, September 16, 2003.

### **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 Wednesday, September 17, 2003, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:06 p.m., Eastern Daylight Saving Time.