

SR 14 (Pr. No. 88)

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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

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

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

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

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

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

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

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

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

Thank you.

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

On the question,
Shall the bill pass finally?

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

YEA-46

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

NAY-1

Fumo

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

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

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

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

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

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

CONGRATULATORY RESOLUTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

PETITIONS AND REMONSTRANCES

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

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

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

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

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

Thank you.

RECONSIDERATION OF SB 55

BILL ON FINAL PASSAGE

SB 55 (Pr. No. 49) -- The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow. Senator MELLOW. Madam President, I move that the vote by which Senate Bill No. 55 passed finally be reconsidered.

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

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

And the question recurring,
Shall the bill pass finally?

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

YEA-47

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

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

NAY-0

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

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 4, 2003

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

SENATE RESOLUTION ADOPTED

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

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

On the question,
Will the Senate adopt the resolution?

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

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

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

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

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

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

Thank you.

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

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

ADJOURNMENT

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

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