

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, APRIL 28, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 27

**SENATE**

MONDAY, April 28, 2003

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Bishop IVY HOPKINS, of Grace Temple Church of the Living God, Harrisburg, offered the following prayer:

Great and Eternal God, whose glory is in all the world, we commend our nation to Thy merciful care, that being guided by Thy providence we may dwell secure in Thy peace. Grant to the Senators and the Governor of this Commonwealth, and all in authority, wisdom and strength to know and to do Thy will. Fill them with truth and righteousness, and make them ever mindful of their calling to serve people in Thy fear. Father, I ask that Thou would bless and bring success to all their undertakings through Jesus Christ, our Lord. Amen.

The PRESIDENT. The Chair thanks Bishop Hopkins, who is the guest today of Senator Piccola.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR JEFFREY E. PICCOLA  
PRESENTED TO THE SENATE**

The PRESIDENT. Bishop Hopkins is here with her husband, Deacon Curtis, Sr., and her granddaughter, Kayla Andrews.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 23, 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.

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the

Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

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

April 24, 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, Steven B. Barth, R.R. 1, Box 527, Lewisburg 17837, Union County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg 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.

EDWARD G. RENDELL  
Governor

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

April 24, 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, LaRoy G. Davis, 1203 Roberts Avenue, Feasterville 19053, Bucks County, Sixth Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg 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.

EDWARD G. RENDELL  
Governor

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

April 24, 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, Carol Ann Campbell, 236 North 59th Street, Philadelphia 19139, Philadelphia County, Seventh Senatorial

District, for appointment 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 her successor is appointed and qualified, vice Ronald A. White, Esquire, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

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

April 24, 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 Clifford Allen, 123 Maple Drive, Edinboro 16412, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE WORKERS' COMPENSATION  
APPEAL BOARD**

April 25, 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, Joseph Coughlin, 619 Third Avenue, Croydon 19021, Bucks County, Sixth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE WORKERS' COMPENSATION  
APPEAL BOARD**

April 25, 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, Robert Krebs, 3235 Comanche Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE WORKERS' COMPENSATION  
APPEAL BOARD**

April 25, 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, John C. McFadden, 140 Woodhill Lane, Media 19062, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE**

April 24, 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 17, 2003, for the appointment of Robert Bravard, (Democrat), 901 Cleveland Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Joseph A. Ordway, Lock Haven, resigned.

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

EDWARD G. RENDELL  
Governor

**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:

April 24, 2003

Senators LAVALLE, KUKOVICH, TARTAGLIONE, MUSTO, WAGNER, LOGAN, WOZNIAC, COSTA, KITCHEN, MELLOW, BOSCOLA, O'PAKE, SCHWARTZ, KASUNIC and STACK presented to the Chair **SB 593**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for determination of rates.

Which was committed to the Committee on BANKING AND INSURANCE, April 24, 2003.

Senators HUGHES, FERLO, LOGAN and STOUT presented to the Chair **SB 608**, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for right to freedom from discrimination in employment, housing and public accommodation, for unlawful discriminatory practices, for prohibition of certain real estate practices, for powers and duties of the commission, for educational program and for procedure; providing for evidence of complainant's sexual conduct in sexual harassment cases; and further providing for construction and exclusiveness of remedy.

Which was committed to the Committee on LABOR AND INDUSTRY, April 24, 2003.

Senators HUGHES, FERLO, LOGAN and STOUT presented to the Chair **SB 609**, entitled:

An Act amending the act of July 17, 1961 (P.L.776, No.341), known as the Pennsylvania Fair Educational Opportunities Act, further providing for findings and declaration of policy, for definitions, for unfair educational practices, for powers and duties of the Pennsylvania Human Relations Commission, for right of action and for construction of act.

Which was committed to the Committee on EDUCATION, April 24, 2003.

Senators TARTAGLIONE, COSTA, LOGAN, WAGNER, RAFFERTY, C. WILLIAMS and BOSCOLA presented to the Chair **SB 611**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for interference with custody of children.

Which was committed to the Committee on JUDICIARY, April 24, 2003.

Senators RHOADES, SCHWARTZ, TOMLINSON, JUBELIRER, C. WILLIAMS, EARLL, LAVALLE, THOMPSON, COSTA, KUKOVICH, ERICKSON, TARTAGLIONE, M. WHITE, O'PAKE, LEMMOND, WONDERLING, ORIE, A. WILLIAMS and BOSCOLA presented to the Chair **SB 622**, 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 community colleges; establishing the Pennsylvania Board of Community Colleges; and providing for its powers and duties.

Which was committed to the Committee on EDUCATION, April 24, 2003.

Senators DENT, EARLL, COSTA, LEMMOND, ERICKSON, TARTAGLIONE, BOSCOLA, WONDERLING, WOZNIAK, RHOADES and C. WILLIAMS presented to the Chair **SB 623**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the definition of "family or household members."

Which was committed to the Committee on JUDICIARY, April 24, 2003.

Senators WAGNER, LOGAN, COSTA, LAVALLE and STOUT presented to the Chair **SB 624**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for fees to be charged and collected by the recorder of deeds.

Which was committed to the Committee on LOCAL GOVERNMENT, April 24, 2003.

Senators WAGNER, KITCHEN, MUSTO, TARTAGLIONE, KUKOVICH, LOGAN, M. WHITE, O'PAKE, COSTA, EARLL, MELLOW, BOSCOLA, RHOADES, ERICKSON, WAUGH, RAFFERTY, C. WILLIAMS, ORIE, GREENLEAF, WOZNIAK, STACK, SCHWARTZ, LAVALLE, STOUT, A. WILLIAMS, ARMSTRONG, FERLO and KASUNIC presented to the Chair **SB 625**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for cancellation of life insurance.

Which was committed to the Committee on BANKING AND INSURANCE, April 24, 2003.

Senators LOGAN, TARTAGLIONE, MUSTO, COSTA, KITCHEN, STACK, MELLOW and FERLO presented to the Chair **SB 626**, entitled:

An Act requiring certain staffing levels at health care facilities providing renal dialysis services; and providing for powers and duties of the Department of Health.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 24, 2003.

Senators LOGAN, KUKOVICH, LAVALLE, TARTAGLIONE, MUSTO, COSTA, A. WILLIAMS, ERICKSON, RHOADES and KASUNIC presented to the Chair **SB 627**, entitled:

An Act amending the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, providing for rate increase notice and public comment.

Which was committed to the Committee on BANKING AND INSURANCE, April 24, 2003.

Senators LOGAN, LAVALLE, COSTA, TARTAGLIONE, BOSCOLA, STACK and RAFFERTY presented to the Chair **SB 628**, entitled:

An Act prohibiting transaction fees for the use of an automated teller machine card or debit card for the purchase of goods or services; and providing penalties.

Which was committed to the Committee on BANKING AND INSURANCE, April 24, 2003.

Senators COSTA, MELLOW, WAGNER, O'PAKE, LOGAN, TARTAGLIONE, MUSTO, STOUT, KITCHEN, WOZNIAK and C. WILLIAMS presented to the Chair **SB 667**, entitled:

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

Which was committed to the Committee on JUDICIARY, April 24, 2003.

Senators COSTA, MELLOW, LOGAN, WAGNER, KUKOVICH, O'PAKE, KITCHEN, BOSCOLA, SCHWARTZ, STOUT, WAUGH, PILEGGI, WOZNIAK, C. WILLIAMS and KASUNIC presented to the Chair **SB 668**, entitled:

An Act establishing a uniform crime reporting program; requiring all county and municipal law enforcement agencies to report certain information occurring within the respective jurisdictions; and authorizing the Pennsylvania State Police to collect and gather information on crime and make annual reports.

Which was committed to the Committee on JUDICIARY, April 24, 2003.

Senators COSTA, MELLOW, LOGAN, SCHWARTZ, KUKOVICH, HELFRICK, MUSTO, TARTAGLIONE, HUGHES, KITCHEN, STOUT, ORIE, WOZNIAK, C. WILLIAMS, STACK and WONDERLING presented to the Chair **SB 669**, entitled:

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

Which was committed to the Committee on JUDICIARY, April 24, 2003.

Senators WONDERLING, PICCOLA, WENGER, CORMAN, DENT, COSTA, ORIE, M. WHITE, MOWERY, RHOADES, TARTAGLIONE, ERICKSON, ARMSTRONG, SCARNATI, C. WILLIAMS, BOSCOLA, WAUGH and GREENLEAF presented to the Chair **SB 670**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "small business," for credit for research and development expenses, for carryover, carryback, refund and assignment of credit, for time limitations, for limitation on credits and for termination.

Which was committed to the Committee on FINANCE, April 24, 2003.

Senators WONDERLING, MOWERY, JUBELIRER, M. WHITE, ERICKSON, BOSCOLA, PICCOLA, WOZNIAK, TARTAGLIONE, RHOADES, C. WILLIAMS, RAFFERTY, EARLL, STACK, SCHWARTZ, HELFRICK, SCARNATI, CONTI, A. WILLIAMS, KUKOVICH, PUNT, THOMPSON, TOMLINSON, KITCHEN, LEMMOND, PILEGGI, O'PAKE, MELLOW, DENT, COSTA and HUGHES presented to the Chair **SB 671**, entitled:

An Act imposing restrictions relating to premium rates for health benefit plans; providing for renewability and availability of coverage; establishing standards to assure fair marketing; and providing for the powers and duties of the Insurance Commissioner.

Which was committed to the Committee on BANKING AND INSURANCE, April 24, 2003.

Senators RHOADES, JUBELIRER, BRIGHTBILL, EARLL, TOMLINSON, PILEGGI, ORIE, M. WHITE, WAUGH, KUKOVICH, PICCOLA, ROBBINS and WONDERLING presented to the Chair **SB 680**, 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.

Which was committed to the Committee on EDUCATION, April 24, 2003.

April 25, 2003

Senators STOUT and KASUNIC presented to the Chair **SB 672**, entitled:

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

Which was committed to the Committee on JUDICIARY, April 25, 2003.

Senators SCARNATI, D. WHITE, ERICKSON, ROBBINS, WENGER, M. WHITE, CORMAN, WONDERLING, RAFFERTY, ARMSTRONG, MOWERY and C. WILLIAMS presented to the Chair **SB 674**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for rules of procedure.

Which was committed to the Committee on LABOR AND INDUSTRY, April 25, 2003.

Senators WAGNER, KITCHEN, TARTAGLIONE, LOGAN, COSTA, LAVALLE, STOUT, O'PAKE, MUSTO, FUMO, WOZNIAK, ORIE, BOSCOLA and C. WILLIAMS presented to the Chair **SB 675**, entitled:

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the senior Citizens Rebate and Assistance Act, further defining "income."

Which was committed to the Committee on AGING AND YOUTH, April 25, 2003.

Senators WAGNER, KITCHEN, LOGAN, COSTA, MUSTO, WOZNIAK, ORIE and RAFFERTY presented to the Chair **SB 676**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, April 25, 2003.

Senators TOMLINSON, M. WHITE, RHOADES, MOWERY, CORMAN, ERICKSON, WOZNIAK, ARMSTRONG and WONDERLING presented to the Chair **SB 677**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; and providing for consumer protection and information.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 25, 2003.

Senators TOMLINSON, MADIGAN, WOZNIAK, WONDERLING and KASUNIC presented to the Chair **SB 678**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for malt or brewed beverage taxation; and making an appropriation.

Which was committed to the Committee on FINANCE, April 25, 2003.

Senators BOSCOLA and WAUGH presented to the Chair **SB 682**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for primaries.

Which was committed to the Committee on STATE GOVERNMENT, April 25, 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:

#### April 24, 2003

Senators WAUGH, LOGAN, COSTA, TARTAGLIONE, HELFRICK, ERICKSON, BRIGHTBILL, BOSCOLA, STOUT, RAFFERTY, PUNT, CONTI, KUKOVICH, TOMLINSON, ORIE, ARMSTRONG, EARLL, O'PAKE, DENT, SCHWARTZ, WAGNER, MUSTO, D. WHITE, WOZNIAK, RHOADES, WONDERLING, THOMPSON, ROBBINS and KASUNIC presented to the Chair **SR 60**, entitled:

A Concurrent Resolution establishing a special bipartisan legislative commission to develop legislation to provide direct and indirect assistance for the purpose of improving the delivery of emergency services in this Commonwealth.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 24, 2003.

Senators STACK, WAGNER, KUKOVICH, EARLL, CONTI, O'PAKE, STOUT, TARTAGLIONE, COSTA, MOWERY, LEMMOND, GREENLEAF, RAFFERTY, LOGAN, BRIGHTBILL, THOMPSON, WENGER, DENT, ERICKSON, SCHWARTZ, MUSTO, WOZNIAK, C. WILLIAMS, PILEGGI, WAUGH and RHOADES presented to the Chair **SR 62**, entitled:

A Concurrent Resolution memorializing Congress to honor Commodore John Barry as the first flag officer of the United States Navy.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 24, 2003.

Senators PICCOLA, HELFRICK, CORMAN, COSTA, THOMPSON, WAUGH, JUBELIRER, ERICKSON, CONTI, DENT, WENGER, BOSCOLA, BRIGHTBILL, ORIE, O'PAKE, GREENLEAF, TOMLINSON, LOGAN, KITCHEN, A. WILLIAMS, ARMSTRONG, D. WHITE, SCARNATI, ROBBINS and WONDERLING presented to the Chair **SR 66**, entitled:

A Resolution designating the week of May 4 through 10, 2003, as "Pennsylvania Home Education Week."

Which was committed to the Committee on EDUCATION, April 24, 2003.

Senators ARMSTRONG, HELFRICK, GREENLEAF, DENT, WENGER, MADIGAN, MOWERY, M. WHITE and PICCOLA presented to the Chair **SR 69**, entitled:

A Resolution declaring a moratorium on legislation expanding gambling in this Commonwealth.

Which was committed to the Committee on FINANCE, April 24, 2003.

Senators WOZNIAK, D. WHITE, KASUNIC, JUBELIRER, CORMAN, LEMMOND, KUKOVICH, EARLL, STOUT, LOGAN, PUNT, CONTI, MELLOW, WAGNER, COSTA, SCARNATI, ORIE, DENT, ERICKSON, SCHWARTZ, LAVALLE, TARTAGLIONE, O'PAKE, M. WHITE, C. WILLIAMS, ARMSTRONG, PICCOLA, WENGER, HUGHES, A. WILLIAMS, HELFRICK, FUMO, GREENLEAF, MADIGAN, THOMPSON, TOMLINSON, RHOADES, FERLO, BRIGHTBILL, ROBBINS, STACK, PILEGGI, MUSTO, KITCHEN, WAUGH, WONDERLING, BOSCOLA, RAFFERTY and MOWERY presented to the Chair **SR 77**, entitled:

A Resolution memorializing the President and Congress of the United States to enact legislation to require the United States Army to retroactively award the Combat Medical Badge to all Vietnam personnel serving in the 91 military occupational specialty (MOS) who were assigned to helicopter ambulances.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, April 24, 2003.

#### April 25, 2003

Senators TARTAGLIONE, KUKOVICH, KITCHEN, THOMPSON, EARLL, DENT, HELFRICK, FUMO, STACK, WAGNER, BRIGHTBILL, MOWERY, LOGAN, ARMSTRONG, SCHWARTZ, LAVALLE, ROBBINS, STOUT, O'PAKE, MUSTO, MELLOW, KASUNIC, ERICKSON, WAUGH, CONTI, CORMAN, WONDERLING, WOZNIAK, RHOADES, C. WILLIAMS, TOMLINSON and RAFFERTY presented to the Chair **SR 63**, entitled:

A Resolution honoring Pennsylvania's Senior citizens by declaring the month of May 2003 as "Older Americans Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 25, 2003.

Senators WENGER, WAUGH, KITCHEN, MADIGAN, RAFFERTY, ROBBINS, WOZNIAK, ARMSTRONG, COSTA, PILEGGI, BOSCOLA, WAGNER, THOMPSON, M. WHITE, DENT, LOGAN, O'PAKE, STACK, BRIGHTBILL, TARTAGLIONE, MUSTO, ERICKSON, MOWERY, CORMAN, LEMMOND and MELLOW presented to the Chair **SR 78**, entitled:

A Resolution recognizing the month of May 2003 as "Beef Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 25, 2003.

## GENERAL COMMUNICATION

### CONTRACT DISAPPROVALS BY THE ATTORNEY GENERAL

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

SENATE OF PENNSYLVANIA  
462 Main Capitol  
Harrisburg, PA 17120-3053

#### MEMORANDUM

TO: PRESIDENT AND MEMBERS OF THE SENATE

FROM: MARK R. CORRIGAN  
Secretary of the Senate

DATE: 28 April 2003

RE: Contract Disapprovals by the Attorney General

The Commonwealth Attorneys Act, 71 P.S. § 732-101 *et. seq.* provides, *inter alia*, at section 204(f), "...if the Attorney General determines that a... contract is in improper form, not statutorily authorized or unconstitutional, he shall notify in writing... the General Assembly through the offices of the Secretary of the Senate..."

Attached hereto, please find two contract disapprovals by the Attorney General. These communications will cross the desk of the Senate today.

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
April 25, 2003

Subject: Contract 2003-470  
Independent Fiduciary Services

To: Michael A. Budin  
Chief Counsel  
State Employees' Retirement Systems

From: ROBERT A. MULLE  
Chief Deputy Attorney General  
Review & Advice Section

We have given careful review to proposed Contract # 2003-470, by which the State Employees Retirement System (SERS) would retain Fiduciary Services Inc., to perform a "fiduciary audit" of SERS.

As you know, the Department of the Auditor General has announced its plan to conduct a "special performance audit" of SERS, and has filed an action in Commonwealth Court (at No. 44 M.D. 2003) challenging, *inter alia*, the legality of SERS's expenditure of appropriated funds to conduct the audit that is the subject of the proposed contract. SERS's Preliminary Objections to the Auditor General's Amended Petition for Review are pending before the Court.

Our review of the proposed contract, the Auditor General's Amended Petition for Review, SERS's Preliminary Objections, and the applicable law has led us to conclude that there exists a substantial issue regarding the legality of the audit that SERS proposes to conduct pursuant to the proposed contract, that such issue is joined in the action pending before the Court, and that the Court's judgment in that action will resolve the issue. SERS has not challenged the Court's jurisdiction to hear and decide the dispute.

Were it authorized by the Commonwealth Attorneys Act, we would choose to stay our review of the proposed contract pending the Court's decision. We are required, however, by Section 204(f) of the Act, 71 P.S. §732-204(f), to approve the proposed contract unless we determine that the contract is in improper form, not statutorily authorized, or unconstitutional.

Our determination is that the proposed contract is barred by Section 402 of the Fiscal Code, 72 P.S. §402, which prohibits an independent administrative board from expending any funds appropriated to it by the General Assembly for an audit of its affairs unless the Department of the Auditor General shall fail or refuse to conduct such audit. We appreciate that SERS, in the matter pending in Commonwealth Court, has challenged the applicability of that provision to its proposed fiduciary audit, but we are obliged to observe its terms unless and until a court rules it inapplicable. SERS is free, of course, to resubmit the contract following the Commonwealth Court's decision.

As required by Section 204(f) of the Commonwealth Attorneys Act, we are providing copies of this memorandum to the Office of General Counsel and the General Assembly.

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
April 25, 2003

Subject: Contract 2003-470  
Independent Fiduciary Services

To: Gerald Gornish  
Chief Counsel  
Public School Employees' Retirement System

From: ROBERT A. MULLE  
Chief Deputy Attorney General  
Review & Advice Section

We have given careful review to proposed Contract # 2003-470, by which the Public School Employees' Retirement System (PSERS) would retain Fiduciary Services Inc., to perform a "fiduciary audit" of PSERS.

As you know, the Department of the Auditor General has announced its plan to conduct a "special performance audit" of PSERS, and has filed an action in Commonwealth Court (at No. 44 M.D. 2003) challenging, *inter alia*, the legality of PSERS's expenditure of appropriated funds to conduct the audit that is the subject of the proposed contract. PSERS's Preliminary Objections to the Auditor General's Amended Petition for Review are pending before the Court.

Our review of the proposed contract, the Auditor General's Amended Petition for Review, PSERS's Preliminary Objections, and the applicable law has led us to conclude that there exists a substantial issue regarding the legality of the audit that PSERS proposes to conduct pursuant to the proposed contract, that such issue is joined in the action pending before the Court, and that the Court's judgment in that action will resolve the issue. PSERS has not challenged the Court's jurisdiction to hear and decide the dispute.

Were it authorized by the Commonwealth Attorneys Act, we would choose to stay our review of the proposed contract pending the Court's decision. We are required, however, by Section 204(f) of the Act, 71 P.S. §732-204(f), to approve the proposed contract unless we determine that the contract is in improper form, not statutorily authorized, or unconstitutional.

Our determination is that the proposed contract is barred by Section 402 of the Fiscal Code, 72 P.S. §402, which prohibits an independent administrative board from expending any funds appropriated to it by the General Assembly for an audit of its affairs unless the Department of the Auditor General shall fail or refuse to conduct such audit. We appreciate that PSERS, in the matter pending in Commonwealth Court, has challenged the applicability of that provision to its proposed fiduciary audit, but we are obliged to observe its terms unless and until a court rules it inapplicable. PSERS is free, of course, to resubmit the contract following the Commonwealth Court's decision.

As required by Section 204(f) of the Commonwealth Attorneys Act, we are providing copies of this memorandum to the Office of General Counsel and the General Assembly.

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

**LEAVES OF ABSENCE**

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

Senator BRIGHTBILL asked and obtained a leave of absence for Senator PIPPY, for the week, for personal reasons.

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY ADJOURNMENT**

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

In the Senate, April 28, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, May 5, 2003, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, May 5, 2003, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-47**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR SHIRLEY M.**

**KITCHEN PRESENTED TO THE SENATE**

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

Senator KITCHEN. Madam President, today I have students from Temple University Pharmaceutical School who are here with their professor, Loretta Brickman, and they are learning to lobby when they become pharmacists so that they can better serve us. I ask for a warm welcome.

Thank you.

The PRESIDENT. Would the guests of Senator Kitchen please rise.

(Applause.)

**GUESTS OF SENATOR JAMES**

**FERLO PRESENTED TO THE SENATE**

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

Senator FERLO. Madam President, I am very honored today to have a great delegation of folks from across the Commonwealth, not only from the city of Pittsburgh and Allegheny County, but they are joined by students, teachers, and parents from the Parent Teacher Organization.

On the steps of the Capitol, you may have heard the great music flowing from some of the student musicians. They are part of an effort, Good Schools Pennsylvania, and I do have a distinguished delegation. I cannot name all of the residents who came from Pittsburgh, but I am very pleased that Celeste Taylor is here. She is the field director of Good Schools Pennsylvania. We are also pleased to have The Honorable Skip McCrea, a Pittsburgh school board member, as well as an activist with the Pittsburgh Fire Bureau. We have folks from the Hill House organization, ACORN organization, and Bill Anderson and others from the Allegheny County Young Democrats. It is one large group of folks. As many of our colleagues here in the Senate are quite aware, they are here to fight, advocate, and advance the cause of education justice for the Commonwealth. We have a great opportunity, and they are here to remind all of us to hold our feet to the fire and take all of the necessary steps to ensure quality public education, and we have a great window of opportunity now with Governor Rendell's plan that has been put forward. So without further ado, I want to welcome our friends and colleagues from the Pittsburgh area, and I ask them to stand.

Thanks so much.

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

(Applause.)

**GUESTS OF SENATOR ROBERT D.**

**ROBBINS PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, today I have the pleasure of introducing guests from the former Soviet Union. They are Anastasa Provilava from Belarus, Tamara Medvedeva and Olga Zhukova from Russia, Karina Chilingaryan from Armenia, and Pavel Repnikov from Kazakhstan.

The students are participants in the Future Leaders Exchange program, FLEX. They were chosen from over 32,000 applicants, and are among 1,600 United States government scholarship

winners from the former Soviet Union. The students arrived in the United States last August and are presently attending various high schools in my district until the close of the school year. The FLEX program is administered by the United States Department of State.

The students are accompanied here today by Liz Morris, Pennsylvania Regional Coordinator for Council Exchanges, and Peter Vanderwater, Director of Scholarship Students for Council Exchanges, Boston.

Madam President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

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

(Applause.)

#### **GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE**

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

Senator COSTA. Madam President, in the gallery today we have several students from the Western Pennsylvania School for the Deaf, one of Pennsylvania's four charter schools for deaf and blind children. Madam President, the group that is here today is Sign Shine. It is a sign language performing group composed of students from the Western Pennsylvania School for the Deaf. This group has performed the National Anthem before the Pittsburgh Steelers, the Pittsburgh Pirates, as well as at the University of Pittsburgh athletic events. The group also travels to various schools throughout Pittsburgh where they promote deaf awareness. Performing skits and signing to music in the East Wing earlier today were the following students: Oyamo Caracci, Jessica Demme, Jessica Fields, Danielle Graybill, Ashley Haire, Jason Kline, Sara Kline, Kristin Macgill, Patty McCahren, Erin Myers, Zack Porter and Brett Shaffer, under the direction of Janine McTighe, Cortney Dunsavage, and Renea Diamond.

Madam President, I ask my colleagues to join me in extending our arms and providing a wave to the students from the school for the deaf.

(Applause and wave.)

Thank you very much, Madam President.

#### **GUESTS OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE BY SENATOR MICHAEL A. O'PAKE**

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

Senator O'PAKE. Madam President, on behalf of Senator Mellow, I would like to welcome to the floor of the Senate Dr. Kathleen Munley and a group of her students from Marywood University in Scranton, Pennsylvania. I would appreciate it if the Chair would extend its usual warm welcome to this outstanding group of young people from northeastern Pennsylvania.

The PRESIDENT. Would Dr. Munley and your students please rise so we can give you a warm welcome.

(Applause.)

#### **GUESTS OF SENATOR MICHAEL J. STACK PRESENTED TO THE SENATE**

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

Senator STACK. Madam President, I would like to introduce Shawn Enggasser, a student from my district who is visiting the Capitol today as a guest Page. Shawn is the son of Harry and Kathy Enggasser, and he is a senior at the Charter High School for Architecture and Design. He holds a full-time job while attending high school, and he is looking forward to an apprenticeship with the Sheet Metal Workers when he graduates this spring, and he is helping us out on the floor. Shawn, would you please stand.

Thank you very much.

(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, I have the special honor of introducing some guests in the gallery today who are from the Institute for Community Leadership and Education. They are Bernadette Fisher, Christine Rothdeutsch, Andrea Danner, and Karen Samuels. I think what is interesting about our conversation today was they asked me, Senator, why cannot Democrats and Republicans just do what is right for education and get along and not worry about their political careers? I thought that was a wonderful question. Please extend them a warm welcome.

The PRESIDENT. Please rise.

(Applause.)

#### **RECESS**

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for purposes of a meeting of the Committee on Appropriations, which will begin immediately in the Rules room to the rear of the Senate, to be followed by a Republican caucus in the Majority Caucus Room. We expect to be back in an hour, an hour and 15 minutes.

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

Senator O'PAKE. Madam President, after the meeting of the Committee on Appropriations, I ask all Democrats to come to the second floor caucus room.

The PRESIDENT. Senator Brightbill and Senator O'Pake have requested caucuses after the meeting of the Committee on Appropriations. Without objection, the Senate stands in recess.

#### **AFTER RECESS**

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



**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**NONPREFERRED APPROPRIATION BILLS  
OVER IN ORDER**

**SB 636, SB 637, 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 PICCOLA.

**BILL OVER IN ORDER**

**SB 257** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 304 (Pr. No. 319)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for classification and order or payment of claims against the estate of a decedent.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-27**

|            |           |          |                |
|------------|-----------|----------|----------------|
| Armstrong  | Greenleaf | Piccola  | Thompson       |
| Brightbill | Helfrick  | Pileggi  | Tomlinson      |
| Conti      | Jubelirer | Punt     | Waugh          |
| Corman     | Lemmond   | Rafferty | White, Donald  |
| Dent       | Madigan   | Rhoades  | White, Mary Jo |
| Earll      | Mowery    | Robbins  | Wonderling     |
| Erickson   | Orie      | Scarnati |                |

**NAY-20**

|         |          |          |                      |
|---------|----------|----------|----------------------|
| Boscola | Kasunic  | Mellow   | Stout                |
| Costa   | Kitchen  | Musto    | Wagner               |
| Ferlo   | Kukovich | O'Pake   | Williams, Anthony H. |
| Fumo    | LaValle  | Schwartz | Williams, Constance  |
| Hughes  | Logan    | Stack    | Wozniak              |

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.

**BILL OVER IN ORDER**

**SB 340** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF THE LIEUTENANT GOVERNOR  
PRESENTED TO THE SENATE**

The PRESIDENT. I would like to take a minute to recognize Capitol Days for the Girl Scouts of Pennsylvania. There are 13 Girl Scout Councils represented here today in the gallery. Would the Girl Scouts please stand.

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED  
THIRD CONSIDERATION CALENDAR RESUMED**

**BILL AMENDED**

**SB 379 (Pr. No. 391)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WAUGH offered the following amendment No. A0407:

Amend Sec. 1 (Sec. 3107), page 1, line 13, by inserting after "in":  
or on

Amend Sec. 1 (Sec. 3107), page 1, line 14, by striking out "or returning from"

On the question,

Will the Senate agree to the amendment?

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

Senator WAUGH. Madam President, this amendment is agreed to. It is an amendment that would change the proposal that I offered earlier this Session regarding the usage of yellow flashing or revolving lights on vehicles in funeral processions.

The original proposal that I offered provided that funeral processions could use yellow revolving or flashing lights either going to the funeral grave site or returning from the grave site.

Frankly, I am not sure, after having considered it a bit further and talking with a few folks interested in this bill, why there would be a need for it on returning from a grave site. So we have removed that provision. This bill would now say the use of lights is permitted going from the funeral parlor or church, or wherever the funeral ceremony is held, to the place of interment.

Secondly, the original bill only allowed for the display of yellow lights on vehicles at one location on the vehicle. What we are now saying is that the lights could either be displayed on the vehicle, such as a stick-on light, or in the vehicle, such as a light that might be mounted on the dash, and so forth. So those are the two amendments we have decided upon and again agreed upon, and I ask the Members for their consideration.

Thank you, Madam President.

And the question recurring,  
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 PICCOLA.

## SECOND CONSIDERATION CALENDAR

### BILLS OVER IN ORDER

**SB 45** and **SB 68** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

### BILLS REREFERRED

**SB 133 (Pr. No. 256)** -- 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 penalties for driving under the influence of alcohol or controlled substances; and making repeals.

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

**SB 137 (Pr. No. 586)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**SB 217 (Pr. No. 724)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing generally; providing for confinement with drug treatment; and establishing the Drug Treatment for Offenders Program.

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

### BILLS OVER IN ORDER

**HB 266** and **HB 277** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

### BILL REREFERRED

**SB 276 (Pr. No. 596)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for associations, for procedures in the Department of State, for electronic notices and communications, for issuance of shares of business corporations, for fundamental transactions involving business corporations, for limited liability companies and for nonprofit corporations and unincorporated nonprofit associations; making revisions, corrections and additions; repealing certain acts and parts of acts; and making editorial corrections.

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

### BILLS OVER IN ORDER

**SB 371** and **SB 386** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

### BILLS REREFERRED

**SB 498 (Pr. No. 721)** -- 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, establishing parent involvement programs in certain school districts.

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

**SB 503 (Pr. No. 722)** -- 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 technical assistance provided by the Department of Education; further providing for powers and duties of the intermediate unit board of directors; and providing for academic improvement programs.

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

**SB 596 (Pr. No. 658)** -- 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, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

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

**SB 673 (Pr. No. 732)** -- 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.

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

**RECESS**

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

Senator PICCOLA. Madam President, I request an immediate recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room.

The PRESIDENT. Without objection, the Senate will stand in recess.

**AFTER RECESS**

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

**REPORT FROM COMMITTEE 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 CHILDREN'S  
TRUST FUND BOARD**

March 24, 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, Bonnie Lewis, 105 Pershing Circle, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve until September 27, 2003, and until her successor is appointed and qualified, vice Gloria A. Blandina, Wyoming, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER**

April 1, 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, Rebecca A. Terchanik, 414 Susquehanna Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Genevieve K. Schaefer, Johnstown, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE**

April 1, 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, Dennis Pannacci, (Democrat), 600 Filbert Street, Curwensville 16833, Clearfield County, Forty-first Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Francis L. Cherry, DuBois, resigned.

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.

**COMMUNICATION FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE**

April 24, 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 17, 2003, for the appointment of Robert Bravard, (Democrat), 901 Cleveland Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Joseph A. Ordway, Lock Haven, 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.

## 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.

The Clerk read the nominations as follows:

#### MEMBER OF THE CHILDREN'S TRUST FUND BOARD

March 24, 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, Bonnie Lewis, 105 Pershing Circle, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve until September 27, 2003, and until her successor is appointed and qualified, vice Gloria A. Blandina, Wyoming, resigned.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

April 1, 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, Rebecca A. Terchanik, 414 Susquehanna Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Genevieve K. Schaefer, Johnstown, resigned.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE CLEARFIELD COUNTY BOARD OF ASSISTANCE

April 1, 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, Dennis Pannacci, (Democrat), 600 Filbert Street, Curwensville 16833, Clearfield County, Forty-first Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Francis L. Cherry, DuBois, 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 ROBBINS and were as follows, viz:

#### YEA-47

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

#### 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.

### UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

#### SB 157 (Pr. No. 594) (Rereported)

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.

#### SB 279 (Pr. No. 289) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special motorcycle registration plate for veterans.

**SB 356 (Pr. No. 427) (Rereported)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for general regulations relating to dissemination of criminal history record information.

**SB 508 (Pr. No. 772) (Amended) (Rereported)**

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for redemption of vacant property.

### RESOLUTIONS REPORTED FROM COMMITTEE

Senator Piccola, from the Committee on Rules and Executive Nominations, reported the following resolutions:

**SR 63 (Pr. No. 763)**

A Resolution honoring Pennsylvania's Senior citizens by declaring the month of May 2003 as "Older Americans Month" in Pennsylvania.

**SR 78 (Pr. No. 764)**

A Resolution recognizing the month of May 2003 as "Beef Month" in Pennsylvania.

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

### SENATE RESOLUTIONS ADOPTED

Senators C. WILLIAMS, MELLOW, HUGHES, ARMSTRONG, BOSCOLA, BRIGHTBILL, COSTA, DENT, EARLL, ERICKSON, GREENLEAF, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, MOWERY, MUSTO, O'PAKE, ORIE, RAFFERTY, RHOADES, ROBBINS, SCHWARTZ, STOUT, TARTAGLIONE, THOMPSON, WAGNER, A. WILLIAMS, WONDERLING and STACK, by unanimous consent, offered **Senate Resolution No. 82**, entitled:

A Resolution designating the month of May 2003 as "Asthma Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, I am happy to offer this resolution to make us all aware of the impact that asthma has on so many lives. It has really reached an almost epidemic proportion in the United States, affecting over 15 million people. It is the leading cause of childhood hospitalizations, long-term illnesses, and school absenteeism.

Each year more than 2 million people are rushed to the emergency room because of asthma, and 5,000 people die from the disease. I just hope that everyone is supportive of people who have asthma, recognizes the symptoms of asthma, and I hope this

resolution helps make the public aware of the impact that asthma has on our citizens and on our families.

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.

Senators M. WHITE, KUKOVICH, TARTAGLIONE, EARLL, STOUT, MADIGAN, MOWERY, CONTI, MUSTO, HELFRICK, COSTA, THOMPSON, DENT, LEMMOND, FERLO, WENGER, ERICKSON, ORIE, WAGNER, BRIGHTBILL, CORMAN, RAFFERTY, MELLOW, O'PAKE, GREENLEAF, SCHWARTZ, TOMLINSON, PILEGGI, ARMSTRONG, D. WHITE, BOSCOLA, SCARNATI, RHOADES, C. WILLIAMS and WONDERLING, by unanimous consent, offered **Senate Resolution No. 83**, entitled:

A Resolution designating May 2003 as "Watershed Awareness Month" in Pennsylvania.

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

Senators CONTI, LOGAN, THOMPSON, CORMAN, C. WILLIAMS, COSTA, D. WHITE, DENT, EARLL, ERICKSON, FERLO, KITCHEN, KUKOVICH, M. WHITE, MUSTO, ORIE, RAFFERTY, RHOADES, ROBBINS, SCHWARTZ, STOUT, TARTAGLIONE, WAGNER, WAUGH, WOZNIAK and KASUNIC, by unanimous consent, offered **Senate Resolution No. 84**, entitled:

A Resolution designating the week of April 27 through May 3, 2003, as "Pennsylvania Wine Week."

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, as just read into the record, this would declare April 27 through May 3 as "Pennsylvania Wine Week." Our Commonwealth has a rich tradition of wine making, going back to the 1600s, and we are home to over 75 wineries and vineyards, and I believe we rank about eighth in production nationally. The Liquor Control Board and the Department of Agriculture are to be commended for promoting this within our Commonwealth, and it is especially appropriate that we do this this week because we are celebrating the second annual Philadelphia Wine Festival on May 1 and the first annual Pittsburgh Wine Festival on May 2 and 3, so I respectfully seek my colleagues' support for this resolution.

Thank you very much, 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.

Senators PICCOLA, MOWERY, EARLL, WAGNER, TARTAGLIONE, HUGHES, CORMAN, KUKOVICH, ROBBINS, ARMSTRONG, KITCHEN, MELLOW, RAFFERTY, LOGAN, BOSCOLA, CONTI, JUBELIRER, THOMPSON, A. WILLIAMS, COSTA, M. WHITE, TOMLINSON, WENGER, LEMMOND, ERICKSON, SCHWARTZ, ORIE, O'PAKE, C. WILLIAMS, SCARNATI, GREENLEAF, WOZNIAK, WONDERLING, MUSTO, PILEGGI, MADIGAN, D. WHITE, FERLO, DENT, WAUGH and RHOADES, by unanimous consent, offered **Senate Resolution No. 85**, entitled:

A Resolution designating the week of May 6 through 12, 2003, as "Nurses Week" in Pennsylvania.

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

### DISCHARGE PETITION

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

April 28, 2003

#### A PETITION

To place before the Senate the nomination of A. William Schenck, III, as the Secretary of Banking.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of A. William Schenck, III, as the Secretary of Banking, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins  
David J. Brightbill  
Jeffrey E. Piccola  
Mary Jo White  
Noah D. Wenger

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

### 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. Allan Moore and to Mr. and Mrs. Martin Royce by Senator Armstrong.

Congratulations of the Senate were extended to Matthew P. Taggart, Jacob Mathew Serfass and to Jaclyn Pentecharsky by Senator Boscola.

Congratulations of the Senate were extended to Kaitlin Godshall Adams, Matthew Lee Haldeman, James Thomas Edwards, Kelly Nichole Conway, Jessica Granson, Stephen William Lewellis, Jennifer Marie Faustner, Lauren Neveling, Nicole Kershner, Sarah Elizabeth Erikson, Megan Joy Bennicoff, Marciela Mana DeGrace, Michelle Veresink, Lara May

Williams, Kaitlyn Holva, Carly Urban, John Joseph Boscia, Abbie Marie Bednar, Joseph John Ronca II, Aaron Joseph Golas, Gregory David Wolfe, Jason Santiago, Joshua Todd Arndt, Richard E. Santee, Nicole Marie Hahn, Alexis Michele Zanas, Devon R. Goodrich and to Amit Padaki by Senators Boscola and Dent.

Congratulations of the Senate were extended to A. Joseph Jennelle and to Richard A. Reif by Senator Conti.

Congratulations of the Senate were extended to Corey Dowdle and to James P. Rigney IV by Senator Fumo.

Congratulations of the Senate were extended to Kenneth P. Lloyd, Joseph X. Flannery, Sister Jean Coughlin, Amanda Moeller, Honorable Chester T. Harhut, Richard Kenny, Christopher L. DiMattio, Nick DePietro, Dr. Elizabeth C. Borel, Jason Lohnes and to the Brick United Methodist Church of Duryea by Senator Mellow.

Congratulations of the Senate were extended to David W. Hunter by Senator Mowery.

Congratulations of the Senate were extended to Lauren Elaine Holly, Nathan Kilbert and to Brian Phillips by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Randy Gruver by Senator Rhoades.

Congratulations of the Senate were extended to Joanne Weaver-Stroh, Robert P. Allmond, Jr., Deborah Sapin-Feldstein, Robert W. White, Samuel W. Rines, Jr., and to Reverend Robert M. Hoag by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Cecil Eugene Daugherty and to Nathan Cyphert by Senator M.J. White.

Congratulations of the Senate were extended to Brittany Nedwreski, Ashley Seliga, Christopher James Overdorff and to Christine Long by Senator Wozniak.

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

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

April 28, 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, Suzanne A. Vessella, 317 Golf Avenue, Ellwood City 16117, Lawrence County, Forty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock 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 Howard E. Meyers, Greensburg, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BEAVER COUNTY  
BOARD OF ASSISTANCE**

April 28, 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, Jill Marsilio Colonna, (Democrat), 113 Meadow Drive, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Beaver County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BEAVER COUNTY  
BOARD OF ASSISTANCE**

April 28, 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, Darla LaValle, (Democrat), 423 Deer Lane, Rochester 15074, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Beaver County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**CORRECTIONS TO NOMINATIONS  
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE WORKERS' COMPENSATION  
APPEAL BOARD**

April 28, 2003

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

Please note the nomination dated April 9, 2003, for the appointment of Thomas Riber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Joseph P. Santone, Erie, whose term expired, should be corrected to read:

Thomas E. Reiber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Joseph P. Santone, Erie, whose term expired.

**MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE**

April 28, 2003

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

Please note the nomination dated April 17, 2003, for the appointment of William Eiseman, (Republican), 269 Susquehanna Avenue, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Dorothy A. Walker, Lock Haven, deceased, should be corrected to read:

William R. Eisemann, (Republican), 269 Susquehanna Avenue, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Dorothy A. Walker, Lock Haven, deceased.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 29, 2003

|               |   |                          |
|---------------|---|--------------------------|
| 10:00 A.M.    | EDUCATION (to consider Senate Bills No. 281, 680; Senate Resolution No. 66 and any other business that may come before the committee) | Room 461<br>Main Capitol |
| 12:00 Noon    | COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bill No. 79)  | Room 461<br>Main Capitol |
| Off the Floor | RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 79 and 80; and certain executive nominations)                     | Rules Cmte.<br>Conf. Rm. |

WEDNESDAY, APRIL 30, 2003

|            |  |                          |
|------------|--|--------------------------|
| 9:00 A.M.  | FINANCE (public hearing on gaming/slots)   | Room 8E-B<br>East Wing   |
| 9:30 A.M.  | TRANSPORTATION (to consider Senate Bill No. 259)   | Room 461<br>Main Capitol |
| 10:00 A.M. | VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Resolutions No. 60 and 77; and the nomination of Col. Jerry G. Beck, Jr., to Brigadier General of the PA National Guard) | Rules Cmte.<br>Conf. Rm. |
| 10:45 A.M. | LOCAL GOVERNMENT (to consider Senate Bill No. 181; and any other business that may come before the committee)  | Room 461<br>Main Capitol |
| 1:00 P.M.  | EDUCATION (public hearing on issues related to the Early Childhood Initiatives that Governor Rendell has proposed)   | Room 8E-B<br>East Wing   |

TUESDAY, MAY 6, 2003

9:30 A.M.      COMMUNITY AND ECONOMIC      Room 8E-B  
DEVELOPMENT (to consider Senate      East Wing  
Bills No. 230 and 553; and Senate  
Resolution No. 49)

MONDAY, MAY 12, 2003

10:30 A.M.      JUDICIARY (public hearing on      Room 8E-B  
Senate Bill No. 170)      East Wing

**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 Tuesday, April 29, 2003, at 1 o'clock p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:26 p.m., Eastern Daylight Saving Time.