

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, OCTOBER 27, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 70

**SENATE**

MONDAY, October 27, 2003

The Senate met at 2 p.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend Dr. BAYARD TAYLOR, of Calvary Baptist Church, Chester, offered the following prayer:

Bow with me for a word of prayer.

Gracious God, our Heavenly Father, who revealed in Your word that rule and authority in government are in keeping with Your divine order, therefore, we acknowledge that You granted this nation the democracy by which our destinies may be fashioned. We thank You that You have blessed our land to survive the infectious climax of confusion and uncertainty, helplessness and irresponsibility, by preserving among us enlightened and concerned citizens who cherish their heritage and who have purpose in their hearts to extend it. We thank You, Father, for like-minded leaders whom You have raised up by Your divine providence to guide our Republic.

So, this day we pray that You would grant those whom we have entrusted authority of the government to be responsible and wise and courageous and strong, that they may project hope in these dark and uncertain times in which we live. It is my prayer, Almighty God, that You would guide the people of this great State called Pennsylvania, to expect of this Senate and to support this Senate in all wise legislation. Grant to each Senator a duty of administration, that we may all prosper under equal law.

We ask that You would defend our liberties and grant to this body a sense of responsibility, achieve unity of purpose among them, and grant to each the victory of faith and the ideals to which we are committed as a nation. Father, strengthen each Senator with honor and grant to each Your peace. Provide to this Senate, O God, strength and spiritual sustenance for performing the right, the task which our common lives yet confront us. This is our prayer. In Your name, we ask. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Taylor, who is the guest today of Senator Pileggi.

**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 October 22, 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.

**COMMUNICATION FROM THE GOVERNOR**

**APPROVAL OF SENATE BILL**

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 846.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 23, 2003

HB 176 and 1021 -- Committee on Finance.

HB 304 -- Committee on Consumer Protection and Professional Licensure.

HB 1279 -- Committee on Law and Justice.

HB 2027 -- Committee on Urban Affairs and Housing.

**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:

October 23, 2003

Senators WONDERLING, MOWERY, KUKOVICH, ERICKSON, ORIE, LOGAN, COSTA, KITCHEN, O'PAKE, RAFFERTY, WENGER, STOUT, EARLL, GREENLEAF, MELLOW, CORMAN, KASUNIC, STACK, BOSCOLA, RHOADES, M. WHITE, LEMMOND, TARTAGLIONE,

LAVALLE, THOMPSON and FERLO presented to the Chair SB 934, entitled:

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 23, 2003.

Senators BRIGHTBILL, JUBELIRER, PICCOLA, WENGER, MOWERY, RHOADES, CORMAN, O'PAKE, THOMPSON, M. WHITE, WAUGH, ROBBINS, KUKOVICH, LEMMOND, WONDERLING, RAFFERTY, SCARNATI, ERICKSON, PUNT, PILEGGI and WOZNIAK presented to the Chair SB 935, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, requiring the Commonwealth to withhold local taxes on wages.

Which was committed to the Committee on FINANCE, October 23, 2003.

Senators WAGNER, KITCHEN, FERLO, COSTA, MUSTO, STOUT, PUNT, C. WILLIAMS, MELLOW, RAFFERTY and STACK presented to the Chair SB 937, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary in years in which the President of the United States is nominated.

Which was committed to the Committee on STATE GOVERNMENT, October 23, 2003.

Senators CONTI, RAFFERTY, THOMPSON, C. WILLIAMS, TARTAGLIONE, WAUGH, O'PAKE, COSTA, KITCHEN, STACK and BOSCOLA presented to the Chair SB 938, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury while not properly licensed.

Which was committed to the Committee on TRANSPORTATION, October 23, 2003.

Senators ORIE, O'PAKE, BOSCOLA, WAUGH, MOWERY, WOZNIAK, RAFFERTY and KASUNIC presented to the Chair SB 939, entitled:

An Act establishing a uniform crime reporting system; requiring all county and municipal law enforcement agencies to report the nature and volume of crime occurring within the respective jurisdictions; and authorizing the Pennsylvania State Police to collect and gather information on crime, make annual reports and promulgate rules and regulations.

Which was committed to the Committee on LAW AND JUSTICE, October 23, 2003.

Senators ORIE, WAGNER, LOGAN, BRIGHTBILL, KITCHEN, EARLL, CORMAN, D. WHITE, CONTI and RAFFERTY presented to the Chair SB 940, entitled:

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for

financing, for bankruptcy and for sovereign immunity; and making an appropriation.

Which was committed to the Committee on FINANCE, October 23, 2003.

Senators ORIE, LEMMOND, WOZNIAK, MADIGAN, ROBBINS, KASUNIC, LOGAN and SCHWARTZ presented to the Chair SB 941, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for firearms not to be carried without a license and for firearms licenses.

Which was committed to the Committee on JUDICIARY, October 23, 2003.

Senators A. WILLIAMS, KITCHEN, LOGAN, HUGHES, O'PAKE, KASUNIC, STACK, SCHWARTZ, LAVALLE, TARTAGLIONE, MELLOW, MUSTO, COSTA, RAFFERTY, KUKOVICH and WOZNIAK presented to the Chair SB 942, entitled:

An Act providing for the use of credit information in personal lines insurance underwriting, for limitations on the use of credit information, for dispute resolution and error correction, for notification and reunderwriting requirements, for adverse action notification and for violations.

Which was committed to the Committee on BANKING AND INSURANCE, October 23, 2003.

Senators RHOADES, MADIGAN, MOWERY, PILEGGI, GREENLEAF, BRIGHTBILL, THOMPSON, WONDERLING, ERICKSON, RAFFERTY, SCARNATI, ORIE, LEMMOND and WAUGH presented to the Chair SB 943, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Task Force on Early Childhood Education and providing for its powers and duties.

Which was committed to the Committee on EDUCATION, October 23, 2003.

#### October 27, 2003

Senators WENGER, BRIGHTBILL, MADIGAN, ERICKSON, EARLL, GREENLEAF, RHOADES, ORIE, WAUGH, LEMMOND, ROBBINS, M. WHITE, THOMPSON, RAFFERTY, WONDERLING, CORMAN and ARMSTRONG presented to the Chair SB 947, 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 continuation funding.

Which was committed to the Committee on EDUCATION, October 27, 2003.

#### **RESOLUTION INTRODUCED AND REFERRED**

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

October 23, 2003

Senators WONDERLING, D. WHITE, SCHWARTZ, HUGHES, WAGNER, BRIGHTBILL, MOWERY, M. WHITE, TARTAGLIONE, KUKOVICH, EARLL, BOSCOLA, C. WILLIAMS, ORIE, CONTI, KITCHEN, ROBBINS, LOGAN, FERLO, SCARNATI, TOMLINSON, CORMAN, ERICKSON, COSTA, MUSTO, WAUGH, ARMSTRONG, O'PAKE, MELLOW, WOZNIAK, RHOADES, STACK, RAFFERTY and THOMPSON presented to the Chair SR 161, entitled:

A Resolution memorializing the President and Congress of the United States to not reduce veterans' health care benefits in the national budget.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 23, 2003.

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

The SECRETARY. Consent has been given for the Committee on Labor and Industry to meet during today's Session to consider the nomination of Joseph T. Rafferty to the Workers' Compensation Appeals Board.

### **BILLS REPORTED FROM COMMITTEES**

Senator EARLL, from the Committee on Finance, reported the following bills:

#### **SB 106 (Pr. No. 144)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" to include certain Pennsylvania Game Commission employees.

#### **SB 200 (Pr. No. 200)**

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

#### **SB 763 (Pr. No. 1243) (Amended)**

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 income tax returns and liability.

#### **SB 820 (Pr. No. 986)**

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 sales and use tax definitions, for sales and use tax exclusions, for personal income tax definitions and for classes of personal income; providing for a credit against personal income tax; further providing for realty transfer tax definitions, for realty transfer tax exclusions and for penalties for failing to fulfill a historic covenant; providing for tax credits for historic commercial sites; and conferring powers and duties on the Department of Community and Economic Development, the Pennsylvania Historical and Museum Commission and the Department of Revenue.

#### **SB 924 (Pr. No. 1244) (Amended)**

An Act requiring certifications by tobacco product manufacturers; providing for a directory of cigarettes approved for stamping and sale; conferring powers and imposing duties on the Attorney General and the Department of Revenue; and imposing penalties.

#### **HB 85 (Pr. No. 104)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the class of service for bail commissioners.

#### **HB 197 (Pr. No. 226)**

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the appointment of a single collector of taxes; and making a repeal.

#### **HB 521 (Pr. No. 2870) (Amended)**

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying portions of the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act; further providing for keystone opportunity expansion subzones and for keystone opportunity improvement zones; providing for keystone innovation zones; and making repeals.

#### **HB 1854 (Pr. No. 2415)**

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

### **LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Ferlo and Senator Tartaglione.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Ferlo and Senator Tartaglione. Without objection, those leaves will be granted.

### **LEAVES OF ABSENCE**

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

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

### **PERMISSION TO ADDRESS**

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

Senator BRIGHTBILL. Madam President, I would like to observe that it is nice to see Senator Wozniak back on the floor. He looks like a million bucks.

(Applause.)

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

Senator WOZNIAK. Madam President, it is an absolute pleasure to be back. I had a very invasive and very challenging operation for a condition known as obstructive sleep apnea, and it laid me up for about 3 weeks. I had a tracheotomy and they did quite a bit of work and reconstruction on my throat and sinuses.

If there is anyone out there who suffers from this condition, please call my office, because I can give you some direction to cure yourself, almost a 99-percent cure. Anyone who suffers from the condition of sleep apnea knows exactly what I am talking about. In the long run, it can cause heart disease, heart attack, stroke, sugar diabetes, and a whole myriad of other diseases, along with the fact that your wife is going to move out of the bedroom because of your snoring. But I do urge anybody who has a sleep condition to get tested and find out what opportunities or what alternative types of therapy you can receive, because there is help out there and your quality of life will go up dramatically if you are taken care of.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Wozniak.

(Applause.)

**SENATE CONCURRENT RESOLUTION**

**RECESS ADJOURNMENT**

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

In the Senate, October 27, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, November 17, 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, November 17, 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	Jubelirer	Orie	Thompson
Boscola	Kasunic	Piccola	Tomlinson
Brightbill	Kitchen	Pileggi	Wagner
Conti	Kukovich	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Rhoades	White, Donald
Dent	Logan	Robbins	White, Mary Jo
Earl	Madigan	Scarnati	Williams, Anthony H.
Erickson	Mellow	Schwartz	Williams, Constance
Ferlo	Mowery	Stack	Wonderling
Fumo	Musto	Stout	Wozniak
Greenleaf	O'Pake	Tartaglione	

**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 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 Marchelle Yatsko and Casey Nottingham, who are serving as guest Pages in the Senate. Both Marchelle and Casey are eighth graders attending St. Michael School in Greenville, Mercer County.

Marchelle is captain of the girls' basketball team. Additionally, Casey is a member of the girls' basketball team and also a member of the school soccer team. They are accompanied here today by their teacher, Mrs. Nancy Kremm; Marchelle's mother, Mrs. Sheila Yatsko; and two classmates who will be serving as guest Pages tomorrow, Tabitha Davis and Jordana Beh, all of whom are seated in the Senate gallery.

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

The PRESIDENT. Would the guests of Senator Robbins please stand. Thank you.

(Applause.)

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATIONS  
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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

October 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 24, 2003, for the appointment of John A. Dawkins, III, 8807 Carlisle Road, Wyndmoor 19038, Montgomery County, Seventh Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice David E. Barendsfield, Ellwood City, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

October 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 24, 2003, for the appointment of Abbe Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2005, and until her successor is appointed and qualified, vice Kenneth L. Tepper, Philadelphia, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

October 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 24, 2003, for the appointment of Tom Knox, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2006, and until his successor is appointed and qualified, vice John P. Kameen, Forest City, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

October 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 24, 2003, for the appointment of Frank Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Thirty-second Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Richard Block, 517 South Sixth Street, Unit C, Philadelphia 19147, Philadelphia County, First

Senatorial District, 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 William R. Davis, Greensburg, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senatorial District, 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 Alfonso Frioni, Jr., Esquire, Mount Lebanon, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Joseph Coughlin, 619 Third Avenue, Croydon 19021, Bucks County, Sixth Senatorial District, 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 Susan M. McDermott, Esquire, Philadelphia, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Harold V. Fergus, Jr., 102 LeMoyné Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Robert Krebs, 3235 Comanehe [sic] Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, 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 Herbert W. Hoffman, Esquire, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of John C. McFadden, 140 Woodhill Lane, Media 19062, Delaware County, Twenty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Henry Lee Moore, 265 Montana Street, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, 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, Daniel R. Fleck, Thornburg, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Thomas Reiber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of The Honorable Harry Schwartz, 461 Pinewood Road, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert T. McIntyre, Scranton, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Delores Wilson, 1901 JFK Boulevard, Apartment 1519, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of James Young, 2038 Susquehanna Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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 Gail L. O'Neal, Middletown, whose term expired.

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

EDWARD G. RENDELL  
Governor

**DISCHARGE PETITION**

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

October 27, 2003

A PETITION

To place before the Senate the nomination of Joseph Rafferty as a member of the Workers' Compensation Appeal Board.

TO: The Presiding 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 Joseph Rafferty, Doylestown, Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer  
David J. Brightbill  
Jeffrey E. Piccola  
Noah W. Wenger  
Robert D. Robbins

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

**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 immediately, followed by a meeting of the Committee on Labor and Industry commencing immediately thereafter. I believe there is also an off-the-floor meeting this afternoon of the Committee on Education, and then we will caucus. I think that will do it.

The PRESIDENT. Senator Brightbill requests a meeting of the Committee on Rules and Executive Nominations, a meeting of the Committee on Labor and Industry, an off-the-floor meeting of the Committee on Education, and then a Republican caucus.

Senator Mellow requests the same meetings, followed by a Democratic caucus.

For those purposes, 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**

**BILL REVERTED TO PRIOR PRINTER'S No.,  
ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 106 (Pr. No. 1991) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for licensing.

On the question,

Will the Senate agree to the bill on third consideration?

**MOTION TO REVERT TO PRIOR PRINTER'S No.**

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

Senator CORMAN. Madam President, I move that we revert to prior Printer's No. 126 on House Bill No. 106.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT. The Senate now has before it House Bill No. 106, Printer's No. 126.

On the question,  
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-47

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

## 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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL OVER IN ORDER

**SB 145** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL LAID ON THE TABLE

**SB 677 (Pr. No. 769)** -- The Senate proceeded to consideration of the bill, 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.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

## SB 677 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 677, Printer's No. 769, be taken from the table and placed on the Calendar.

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

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

## BILLS OVER IN ORDER

**SB 689, SB 690, SB 877, SB 892, HB 1018, HB 1222 and HB 1580** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**HB 88 and HB 709** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**HB 1000 (Pr. No. 2823)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for licensing requirements and penalties.

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

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

Senator ROBBINS, 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  
INDUSTRIAL DEVELOPMENT AUTHORITY**

October 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 24, 2003, for the appointment of John A. Dawkins, III, 8807 Carlisle Road, Wyndmoor 19038, Montgomery County, Seventh Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice David E. Barenfeld, Ellwood City, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

October 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 24, 2003, for the appointment of Abbe Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2005, and until her successor is appointed and qualified, vice Kenneth L. Tepper, Philadelphia, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

October 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 24, 2003, for the appointment of Tom Knox, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2006, and until his successor is appointed and qualified, vice John P. Kameen, Forest City, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

October 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 24, 2003, for the appointment of Frank Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Thirty-second Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Richard Block, 517 South

Sixth Street, Unit C, Philadelphia 19147, Philadelphia County, First Senatorial District, 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 William R. Davis, Greensburg, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senatorial District, 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 Alfonso Frioni, Jr., Esquire, Mount Lebanon, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Joseph Coughlin, 619 Third Avenue, Croydon 19021, Bucks County, Sixth Senatorial District, 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 Susan M. McDermott, Esquire, Philadelphia, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Harold V. Fergus, Jr., 102 LeMoyné Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Robert Krebs, 3235 Comanehe [sic] Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, 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 Herbert W. Hoffman, Esquire, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of John C. McFadden, 140 Woodhill Lane, Media 19062, Delaware County, Twenty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Henry Lee Moore, 265 Montana Street, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, 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, Daniel R. Fleck, Thornburg, 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 WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Thomas Reiber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of The Honorable Harry Schwartz, 461 Pinewood Road, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 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 24, 2003, for the appointment of Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert T. McIntyre, Scranton, 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 WORKERS'  
COMPENSATION APPEAL BOARD**

October 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 24, 2003, for the appointment of Delores Wilson, 1901 JFK Boulevard, Apartment 1519, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

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

October 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 24, 2003, for the appointment of James Young, 2038 Susquehanna Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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 Gail L. O'Neal, Middletown, whose term expired.

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 ROBBINS. 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.

**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 DELAWARE VALLEY  
REGIONAL PLANNING COMMISSION**

June 26, 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, Richard W. Hayden, Esquire, 401 Green Lane, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve at the pleasure of the Governor, vice Caroline A. Novak, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF LINCOLN UNIVERSITY**

September 2, 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 L. Archie, Jr., 400 West Hortter Street, Unit 6603, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2007, and until his successor is appointed and qualified, vice Craig Lincoln Tucker, West Chester, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE**

July 17, 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, James Ultman, (Democrat), 770 Teaberry Lane, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Rhonda E. Walker, State College, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE JEFFERSON COUNTY  
BOARD OF ASSISTANCE**

August 26, 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, Marilyn McGinnis, (Republican), 109 Aspen Road, Punxsutawney 15767, Jefferson County, Twenty-fifth Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Connie Sunderland, Brookville, 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.

**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 THE 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 DELAWARE VALLEY REGIONAL PLANNING COMMISSION**

June 26, 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, Richard W. Hayden, Esquire, 401 Green Lane, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve at the pleasure of the Governor, vice Caroline A. Novak, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF LINCOLN UNIVERSITY**

September 2, 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 L. Archie, Jr., 400 West Hortter Street, Unit 6603, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2007, and until his successor is appointed and qualified, vice Craig Lincoln Tucker, West Chester, whose term expired.

EDWARD G. RENDELL  
Governor

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

June 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, Joseph Rafferty, 14420 Townsend Road, Philadelphia 19154, Philadelphia County, Fifth 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 William J. Atkinson, Langhorne, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CENTRE COUNTY BOARD OF ASSISTANCE**

July 17, 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, James Ultman, (Democrat), 770 Teaberry Lane, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Rhonda E. Walker, State College, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE JEFFERSON COUNTY BOARD OF ASSISTANCE**

August 26, 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, Marilyn McGinnis, (Republican), 109 Aspen Road, Punxsutawney 15767, Jefferson County, Twenty-fifth Senatorial District, for appointment as a member of the Jefferson County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Connie Sunderland, Brookville, 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	Jubelirer	Orie	Thompson
Boscola	Kasunic	Piccola	Tomlinson
Brightbill	Kitchen	Pileggi	Wagner
Conti	Kukovich	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Rhoades	White, Donald
Dent	Logan	Robbins	White, Mary Jo
Earl	Madigan	Scarnati	Williams, Anthony H.
Erickson	Mellow	Schwartz	Williams, Constance
Ferlo	Mowery	Stack	Wonderling
Fumo	Musto	Stout	Wozniak
Greenleaf	O'Pake	Tartaglione	

**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 SENATE RESOLUTIONS ADOPTED**

Senators WAGNER, KITCHEN, TARTAGLIONE, CONTI, KUKOVICH, ORIE, LOGAN, STOUT, COSTA, WENGER, MUSTO, EARLL, O'PAKE, PILEGGI, LEMMOND, ERICKSON, BOSCOLA, BRIGHTBILL, DENT, SCHWARTZ, THOMPSON, RAFFERTY, ROBBINS, M. WHITE, ARMSTRONG, CORMAN, STACK, GREENLEAF, C. WILLIAMS and FERLO, by unanimous consent, offered Senate Resolution No. 172, entitled:

A Resolution designating the month of November 2003 as "Adoption Awareness Month" in Pennsylvania.

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

Senators WAGNER, LaVALLE, ARMSTRONG, KITCHEN, THOMPSON, TARTAGLIONE, CONTI, KUKOVICH, LOGAN, STOUT, COSTA, WENGER, MUSTO, ORIE, O'PAKE, LEMMOND, ERICKSON, BOSCOLA, BRIGHTBILL, C. WILLIAMS, GREENLEAF, STACK, CORMAN, DENT, SCHWARTZ, RAFFERTY, ROBBINS, WAUGH, M. WHITE, TOMLINSON, SCARNATI and FERLO, by unanimous consent, offered Senate Resolution No. 173, entitled:

A Resolution commemorating November 10, 2003, as the 228th birthday of the United States Marine Corps.

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 Family Health Council, Inc., and the Teen Peer Education Program of Erie by Senator Earll.

Congratulations of the Senate were extended to the Aerospace Club of Geibel Catholic High School of Connellsville by Senator Kasunic.

Congratulations of the Senate were extended to Gertrude A. Bronson and to Lawrence Greenstein by Senator Lemmond.

Congratulations of the Senate were extended to the Penn State Wilkes-Barre Café Commons by Senators Lemmond and Musto.

Congratulations of the Senate were extended to the Duquesne Business Advisory Corporation by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Trego, Mary Clark, Victor Arden Gazella, Jr., and to the Nativity of Our Lord Church of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Duane G. Duncan by Senator Mowery.

Congratulations of the Senate were extended to Denise Cesare, Patrick Kane, Wilkes-Barre Data Operations Center of the Social Security Administration, Mericle Commercial Real Estate Services of Wilkes-Barre, McDonald's of Wilkes-Barre, Volunteers of America of Wilkes-Barre and to Geisinger Wyoming Valley's Heart Hospital by Senator Musto.

Congratulations of the Senate were extended to Charlotte M. Roberts and to Rosemarie B. Miller by Senator O'Pake.

Congratulations of the Senate were extended to the Honorable Kelley T. D. Streib by Senator Orie.

Congratulations of the Senate were extended to Troy Harman by Senator Punt.

Congratulations of the Senate were extended to First National Bank of Chester County and to the Crime Victims' Center of Chester County, Inc., by Senator Thompson.

Congratulations of the Senate were extended to Robert Franklin Eisenhart, Sr., by Senator Waugh.

Congratulations of the Senate were extended to the First African Baptist Church of Darby Township by Senator A.H. Williams.

Congratulations of the Senate were extended to Joseph M. Manko by Senator C. Williams.

Congratulations of the Senate were extended to Jason T. Godusky, Owen W. Farmer, III and to Tarra Lynn Buza by Senator Wonderling.

Congratulations of the Senate were extended to Michele Farabaugh, Jody Danko and to Justin Perreault by Senator Wozniak.

### **BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to.

The bills were as follows:

**SB 106, SB 200, SB 763, SB 820, SB 924, HB 85, HB 197, HB 521 and HB 1854.**

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 gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, like most of my colleagues, I believe that convicted lawbreakers who have paid their debt to society deserve to have a chance for rehabilitation in employment. However, when it comes to the safety of Pennsylvania's children, I think it is better to be safe than sorry. Earlier this year, I was shocked to learn that violent, sexually violent and convicted drug dealers could work near children only

5 years after their conviction. This loophole in the law came to light when the Philadelphia School District discovered that one of its teachers had served time in Federal and State prisons on charges of bank fraud, financial aid fraud, and theft. Fortunately, that man had no history of violence, and no children came to harm as a result of his hiring. The Philadelphia School District fired that teacher not because of his criminal record, but because he failed to disclose it.

Pennsylvania law allows convicted felons, not just white-collar offenders like the teacher in Philadelphia, but violent and sexual offenders, to be hired in schools 5 years after their conviction. We cannot continue to gamble with the safety of Pennsylvania's children. Legislation I have introduced would permanently bar anyone convicted of a violent felony from working in any public or private school in any position.

Madam President, the time to confront this potentially dangerous situation is now, before tragedy can strike. I recently learned of a case in California where a janitor was charged with a brutal fatal stabbing just 10 days after he was hired. That janitor had prior convictions for four serious, violent felonies, including voluntary manslaughter. We cannot take those kinds of risks, especially where children are concerned.

I ask the support of my colleagues on both sides of the aisle for my legislation, Senate Bill No. 886, which was introduced with both Democratic and Republican cosponsors. I look forward to a continued bipartisan effort to move this legislation forward and to protect the safety of Pennsylvania's schoolchildren.

Thank you, Madam President.

## 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 PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

October 27, 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 A. Dawkins, III, 8807 Carlisle Road, Wyndmoor 19038, Montgomery County, Seventh Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice David E. Barenfeld, Ellwood City, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

October 27, 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, Abbe Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2005, and until her successor is appointed and qualified, vice Kenneth L. Tepper, Philadelphia, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

October 27, 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, Tom Knox, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2006, and until his successor is appointed and qualified, vice John P. Kameen, Forest City, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

October 27, 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, Frank Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

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

October 27, 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, Richard Block, 517 South Sixth Street, Unit C, Philadelphia 19147, Philadelphia County, 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 William R. Davis, Greensburg, whose term expired.

EDWARD G. RENDELL  
Governor

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

October 27, 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, Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, 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, vice, Alfonso Frioni, Jr., Esquire, Mount Lebanon, whose term expired.

EDWARD G. RENDELL  
Governor

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

October 27, 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, vice Susan M. McDermott, Esquire, Philadelphia, whose term expired.

EDWARD G. RENDELL  
Governor

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

October 27, 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, Harold V. Fergus, Jr., 102 LeMoyn Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment 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.

EDWARD G. RENDELL  
Governor

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

October 27, 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, vice Herbert W. Hoffman, Esquire, Harrisburg, whose term expired.

EDWARD G. RENDELL  
Governor

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

October 27, 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 19063, 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

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

October 27, 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, Henry Lee Moore, 265 Montana Street, Irwin 15642, Westmoreland County, Thirty-ninth 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, Daniel R. Fleck, Thornburg, whose term expired.

EDWARD G. RENDELL  
Governor

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

October 27, 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, 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.

EDWARD G. RENDELL  
Governor

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

October 27, 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 Harry Schwartz, 461 Pinewood Road, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for reappointment 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 27, 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, Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert T. McIntyre, Scranton, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 27, 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, Delores Wilson, 1901 JFK Boulevard, Apartment 1519, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

October 27, 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, James Young, 2038 Susquehanna Street, Harrisburg 17102, Dauphin County, Fifteenth 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 Gail L. O'Neal, Middletown, whose term expired.

EDWARD G. RENDELL  
Governor

**BILLS SIGNED**

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

**HB 538 and HB 1549.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 28, 2003

10:00 A.M.	LAW AND JUSTICE (to consider House Bill No. 1279; and any other business that may come before the Committee) <b>P O S T P O N E D</b>	Room 8E-B East Wing
11:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nomination of the Hon. William R. Lloyd as Small Business Advocate)	Room 8E-A East Wing
12:30 P.M.	JUDICIARY (public hearing and committee meeting to consider the nominations of Michael L. Green, Wyncote, and Jeffrey Imboden, Lebanon, to the PA Board of Probation and Parole; and House Bill No. 46)	Room 8E-B East Wing
Off the Floor	APPROPRIATIONS (to consider House Bills No. 44, 485, 888, 1133, 1426 and 1589)	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 80; and certain executive nominations)	Rules Com. Conf. Rm.

THURSDAY, OCTOBER 30, 2003

10:30 A.M.	LAW AND JUSTICE (public hearing on Senate Bill No. 290; and any other business that may come before the Committee) <b>CANCELLED</b>	Council Cranberry Twp., 2525 Rochester Rd. Cranberry Township
------------	---	--

THURSDAY, NOVEMBER 13, 2003

10:00 A.M.	LABOR AND INDUSTRY (public hearing on the loss of manufacturing jobs in PA)	DuBois
------------	---	--------

**ADJOURNMENT**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Tuesday, October 28, 2003, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:25 p.m., Eastern Standard Time.