

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, FEBRUARY 9, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 9

SENATE

MONDAY, February 9, 2004

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

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

PRAYER

The Chaplain, Reverend JAMES E. CARVER, of Ephrata First United Methodist Church, Ephrata, offered the following prayer:

I would just like to mention and draw your attention to the picture of Abraham Lincoln, because 141 years ago Abraham Lincoln spoke these words: We have been recipients of the choicest bounties of heaven. We have grown in numbers, wealth, and power as no other nation has ever known, but we have forgotten God. We have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom in virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel a necessity of redeeming and preserving grace, too proud to pray to the Lord who made us. So I was pleased to see in the back of your Chamber these words: "...none ever trusted in the Lord and were confounded."

Two hundred and fifty-two years ago these words were penned in his own hand by George Washington:

Let us pray.

Almighty and most merciful God, we ask for Your protection both night and day. Let the hearts of all here be so affected with Your glory and majesty that all weighty duties required of these men and women will be a reflection of Your nature and character, particularly Your wisdom and purity.

Bless, O Lord, all the people of this land from the highest to the lowest, particularly those whom You have appointed to rule over us in State affairs. Increase their faith in the sweet promises of good news. Help them to turn from vain words and works. Direct their thoughts to Your higher wisdom. May they labor from a true place of servanthood, not seeking self-esteem, making them ever mindful of the higher law that governs the matters of life. Make them always watchful over their hearts, that neither the terrors of conscience, the loathing of duties, nor the love of sin may cast them into a slumber that would cause them to not have a clear conscience at the end of the day.

Bless, O Lord, the whole human race and let the world be filled with the knowledge of You. Pity the sick, the poor, the

weak, the needy, the widows and fatherless, and all who are mourning or broken in heart, and be merciful to them according to their needs. Grant this body the grace to forgive, and let the bright beams of Your light so shine in their hearts and enlighten their minds in understanding Your precepts that they may be enabled to perform Your will in all things. Amen.

The PRESIDENT. The Chair thanks Reverend Carver for his most meaningful prayer. He is the guest today of Senator Wenger.

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 February 4, 2004.

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 748.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 152**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Ms. Cynthia Carrow as a member of the Citizens Advisory Council of the Department of Environmental Protection.

Mr. Edward L. Vogue as a member of the Citizens Advisory Council of the Department of Environmental Protection.

BILLS REPORTED FROM COMMITTEE

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bills:

SB 261 (Pr. No. 1385) (Amended)

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, reenacting and amending provisions relating to certificates of need.

HB 138 (Pr. No. 3303) (Amended)

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for Department of Health transfer of funds; and further providing for local registrars' fees, for reports to county registration commissions and for issuance of certificates of death.

HB 794 (Pr. No. 3304) (Amended)

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for the issuance of birth certificates to foreign born children who have become United States citizens.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Logan, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Logan, Senator Stout, and Senator Tartaglione. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

February 9, 2004

A PETITION

To place before the Senate the nomination of Mark Schneider as a member of the Pennsylvania Economic Development Financing Authority.

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 Mark Schneider, Pittsburgh, Pennsylvania, as a member of the Pennsylvania Economic Development Financing Authority, 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

February 9, 2004

A PETITION

To place before the Senate the nomination of David W. Jones as a member of the Council of Trustees of Kutztown University.

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 David W. Jones, Washington, Pennsylvania, as a member of the Council of Trustees of Kutztown University, 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 communications will be laid on the table.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, February 9, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, March 8, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of March 8th, it reconvene on Monday, March 15, 2004, 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, March 15, 2004, 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-49

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

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 the purpose of a Republican caucus. We expect to be back here in about an hour, and we expect to have a meeting of the Committee on Appropriations at the end of that hour and then move forward with the Calendar.

The PRESIDENT. Senator Brightbill requests a one-hour Republican caucus. At the end of that, there will be a meeting of the Committee on Appropriations.

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

Senator O'PAKE. Madam President, I ask all Democrats to report to their caucus room immediately.

The PRESIDENT. Senator O'Pake requests all Democrats to report to the Democratic caucus room immediately.

Without objection, the Senate will stand in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 514 and **HB 709** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 1206 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 1423 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 1654 (Pr. No. 3234) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for funding for an education and training program for municipal code officials; establishing the Municipal Code Official Training Account; providing for expenditures from the account; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A0269:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting:

Amending the act of November 10, 1999 (P.L.491, No.45), entitled "An act establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals," further providing for regulations, for revised or successor codes and for administration and enforcement; providing for funding for an education and training program for municipal code officials and certain individuals employed by third-party agencies; establishing the Municipal Code Official Training Account; and providing for expenditures from the account.

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 30; page 3, lines 1 through 20, by striking out all of said lines on said pages and inserting:

Section 1. Sections 301(a)(6), 304(a) and 501(a) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, are amended to read:

Section 301. Adoption by regulations.

(a) Regulations.—

(6) The regulations shall include the provisions of exception 8 to section 1014.6 (relative to stairway treads and risers) of the 1993 BOCA National Building Code, Twelfth Edition, and the provisions of section R-213.1 (relative to stairways) of the CABO One and Two Family Dwelling Code, 1992 Edition, [which provisions shall continue in effect until December 31, 2003,] and such provisions shall be applicable notwithstanding section 303(b), which shall not apply to the provisions of any municipal building code ordinance which equals or exceeds these provisions.

Section 304. Revised or successor codes.

(a) Building code.—

(1) [By] Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of the issuance of a new triennial BOCA National Building Code, or its successor building code, the department shall promulgate regulations adopting the new code as the Uniform Construction Code.

(2) [By] Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of issuance of a new triennial ICC International One and Two Family Dwelling Code, or its successor building code, the department shall promulgate regulations providing that all detached one-family and two-family dwellings and one-family townhouses that are not more than three stories in height and their accessory structures may be designed in accordance with that code or the Uniform Construction Code at the option of the building permit applicant.

Section 501. Administration and enforcement.

(a) Adoption of ordinance.—

(1) In order to administer and enforce the provisions of this act, municipalities shall enact an ordinance concurrently adopting the current Uniform Construction Code as their municipal building code and the current International Fuel Gas Code [for the purposes described in section 302(a)]. Municipalities may adopt the Uniform Construction Code and incorporated codes and the International Fuel Gas Code by reference.

(2) Municipalities shall have 90 days after the [effective date of this act] promulgation of regulations under section 301 or 304 to adopt such an ordinance. Municipalities shall notify the department of the adoption of such an ordinance within 30 days. A municipality may adopt such an ordinance at any time thereafter, upon giving the department 180 days' notice of its intention to adopt such ordinance.

* * *

Section 2. The act is amended by adding a section to read:

Section 703. Education and training program.

(a) Fee.—Municipalities administering and enforcing this act under section 501(a) and third-party agencies providing services under section 501(e) shall assess a fee of \$2 on each construction or building permit issued under the authority of this act. The fee shall be in addition to any other fee imposed for the permit.

(b) Municipal Code Official Training Account.—There is hereby established within the State Treasury a restricted account which shall be known as the Municipal Code Official Training Account.

(c) Deposit.—Moneys collected as authorized under subsection (a) shall be transmitted quarterly to the State Treasury and shall be deposited in the account. Moneys so deposited are hereby appropriated on approval of the Governor to the Department of Community and Economic Development for the purpose of education and training programs provided by the Pennsylvania Construction Codes Academy for municipal code officials and individuals employed by third-party agencies under contract to a municipality.

Section 3. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 1927 and **HB 2027** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

SB 305 (Pr. No. 1380) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses.

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

BILLS ON SECOND CONSIDERATION, AMENDED

SB 769 (Pr. No. 1379) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for immunization against the influenza virus and pneumococcal disease for elderly persons.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment No. A0255:

Amend Sec. 2, page 1, line 17; page 2, lines 1 through 3, by striking out "A facility having an organized medical staff and" in line 17, page 1, all of lines 1 through 3, page 2 and inserting: An institution licensed as a hospital by the Department of Health pursuant to Chapter 8 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

Amend Sec. 3, page 3, line 7, by striking out "hospital record" and inserting: record at the hospital or other facility

Amend Sec. 4, page 3, lines 10 and 11, by striking out "the immunization requirements of"

Amend Sec. 4, page 3, line 16, by inserting after "hospitals": and other facilities providing ongoing medical care

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

Senator MELLOW offered the following amendment No. A0259:

Amend Sec. 3, page 2, line 17, by inserting after "offered": to an eligible person

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

SB 815 (Pr. No. 1361) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for policyholder collateral, for deductible reimbursements and for other policyholder obligations.

On the question,

Will the Senate agree to the bill on second consideration?

Senator D. WHITE offered the following amendment No. A0175:

Amend Sec. 1 (Sec. 523.1), page 9, line 17, by inserting after "obligations": as set forth in an endorsement to a policy or in a program agreement

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

SB 922 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 938 (Pr. No. 1235) -- The Senate proceeded to consideration of the bill, 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.

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

SB 966 (Pr. No. 1291) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 23 in Lancaster County as the Representative Leroy M. Zimmerman Memorial Highway.

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 969 (Pr. No. 1321) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the bridge over the Monongahela River known as the Clairton-Glassport Bridge, Department of Transportation No. 02-2038-0010-0140, which connects the City of Clairton to the Borough of Glassport in Allegheny County, as the Senator Edward P. Zemprelli Bridge.

On the question,
Will the Senate agree to the bill on second consideration?
Senator MELLOW offered the following amendment No. A0260:

Amend Sec. 1, page 1, line 18, by inserting after "bridge": over the Monongahela River

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILL ON SECOND CONSIDERATION

HB 1130 (Pr. No. 3235) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits, for the Child Passenger Restraint Fund, for a hospital information program, for oral hazard warnings and for civil immunity for lenders of child passenger restraint systems.

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

BILL ON SECOND CONSIDERATION, AMENDED

HB 2004 (Pr. No. 2798) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P.L. 1664, No. 348), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

On the question,
Will the Senate agree to the bill on second consideration?
Senator MELLOW offered the following amendment No. A0244:

Amend Sec. 1 (Subdivision 5), page 1, line 21, by inserting a bracket before "Boats" and after "Vessels" and inserting immediately thereafter: Watercraft

Amend Sec. 1 (Subdivision 5), page 2, line 25, by striking out "vessel" and inserting: watercraft

Amend Sec. 1 (Subdivision 5), page 2, line 30, by inserting a bracket before "subsection"

Amend Sec. 1 (Subdivision 5), page 3, line 3, by inserting after "subdivision,":] subdivision

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

BILLS ON SECOND CONSIDERATION

HB 2006 (Pr. No. 3291) -- The Senate proceeded to consideration of the bill, 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.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2332 (Pr. No. 3288) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for submission of a question to the electorate authorizing incurring indebtedness for water and wastewater treatment projects.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee of Rules and Executive Nominations which will begin immediately.

The PRESIDENT. There will be a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately. 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 PENNSYLVANIA HUMAN RELATIONS COMMISSION

January 22, 2004

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, Reverend Earl Garmon, 6656 Apple Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until October 19, 2004, or until his successor is appointed and qualified, vice Reverend Carl E. Denson, Bethel Park, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

January 20, 2004

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 G. Stuempfle, D.P.M., 36 East Church Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara Davis, D.P.M., Palmerton, whose term expired.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM 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 PENNSYLVANIA HUMAN RELATIONS COMMISSION

January 22, 2004

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, Reverend Earl Garmon, 6656 Apple Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until October 19, 2004, or until his succe-

sor is appointed and qualified, vice Reverend Carl E. Denson, Bethel Park, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

January 20, 2004

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 G. Stuempfle, D.P.M., 36 East Church Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara Davis, D.P.M., Palmerton, whose term expired.

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-49

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

CONSIDERATION OF CALENDAR RESUMED

HB 1206 CALLED UP

HB 1206 (Pr. No. 3182) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 1206 (Pr. No. 3182) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L. 1257, No 511), known as The Local Tax Enabling Act, providing for certain applicability.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BRIGHTBILL offered the following amendment No. A0277:

Amend Title, page 1, lines 1 through 23, by striking out all of said lines and inserting:

Providing for applicability of the act of December 9, 2002 (P.L.1364, No.166), entitled "An act amending the act of December 31, 1965 (P.L.1257, No.511), entitled 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employes to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,' further providing for delegation of taxing powers and restrictions and for definitions."

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1654 (Pr. No. 3305) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for regulations, for revised or successor codes and for administration and enforcement; providing for funding for an education and training program for municipal code officials and certain individuals employed by third-party agencies; establishing the Municipal Code Official Training Account; and providing for expenditures from the account.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Wozniak

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

RECONSIDERATION OF HB 1654

BILL ON FINAL PASSAGE

HB 1654 (Pr. No. 3305) -- Senator DENT. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 1654, Printer's No. 3305, just passed finally.

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

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

NAY-2

Dent 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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 1785 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1785, Printer's No. 3018, 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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

BILL AMENDED

HB 1785 (Pr. No. 3018) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities.

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

Senator A. H. WILLIAMS offered the following amendment No. A0275:

Amend Title, page 1, line 5, by removing the period after "AUTHORITIES" and inserting: for special provisions for parking authorities in cities of the first class; and making a related repeal.

Amend Bill, page 3, by inserting between lines 27 and 28: Section 2. Section 5508.1 of Title 53 is amended by adding a subsection to read:

§ 5508.1. Special provisions for authorities in cities of the first class.

(q.1) Delegation of powers and funding.--

(1) Notwithstanding any contrary provision of Title 75 (relating to vehicles) or this chapter, the authority shall enforce and administer a system of on-street parking regulation in a city of the first class on behalf of the city. The system of on-street parking regulation shall function and be administered pursuant to section 5505(d)(21)(relating to purposes and powers) and the city's ordinances as in effect January 1, 2004, as implemented pursuant to an agreement between the authority and the city as in effect on January 1, 2004. In administering the system of on-street parking regulation, the authority shall have the same powers and be subject to the same restrictions as were in effect on January 1, 2004, under the ordinances and agreement. The procedures to be followed in operating the system of on-street parking regulation include the budgetary procedures and the allocation of responsibility between the authority and the city existing on January 1, 2004, under the ordinances and agreement. The authority and the city, by mutual consent, may modify the system of on-street parking regulation to the extent permitted by applicable law. The authority and city are authorized to do all acts and things necessary or convenient to implement the provisions of this subsection.

(2) Any revenues generated pursuant to the system of on-street parking regulation authorized by this subsection shall be collected by the authority on behalf of the city of the first class and disbursed as provided in this paragraph, subject to adjustment under paragraph (3). Such revenues shall not be deemed to constitute revenues or receipts of the authority or, except for agreements with the

city in place on the effective date of this subsection to use on-street parking revenues to pay or secure obligations of the authority and in any other similar situation which may arise in the future to which the city consents, such revenue shall not be subject to any debt or obligation of the authority. Beginning with its fiscal year ending in 2004, upon the conclusion of each of its fiscal years, the authority shall transfer the revenues of the system of on-street parking regulation net of the operating and administrative expenses of the system of on-street parking regulation as follows:

(i) Up to \$25,000,000 in the aggregate after taking into account monthly remittances required pursuant to paragraph (1) to the city in which it is located.

(ii) In the event the net annual revenue of the system of on-street parking regulation exceeds \$25,000,000, the authority shall transfer all of the excess to the general fund of a school district of the first class coterminous with the city.

(3) The amount set forth in paragraph (2)(i) shall be adjusted each fiscal year beginning with the fiscal year ending in 2005 by increasing the \$25,000,000 aggregate amount by an amount equal to \$25,000,000 multiplied by the percentage increase, if any, in the gross revenue generated by the system of on-street parking regulation. No adjustment shall be made if the gross revenue generated by the system of on-street parking regulation did not increase over the prior fiscal year.

(4) The provisions of section 696(h)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall not apply to amounts transferred to a school district of the first class under this subsection. Any portion of the excess net revenue of the system of on-street parking regulation not transferred to a school district of the first class must be transferred to the city of the first class in which the authority is located.

(5) If a dispute arises between the city and the authority concerning the administration of the system of on-street parking regulation as provided for in this subsection or in the event of a breach or threatened breach of the provisions of this subsection, either the city or the authority may, in the Commonwealth Court, by mandamus or other proceeding at law or in equity:

(i) enforce the proper manner of administration of the system of on-street parking regulation as provided for in this subsection;

(ii) compel the other party and the officers, employees and agents thereof to carry out the provisions of this subsection; or

(iii) require the other party to account, as if it were the trustee of an express trust for the other party, for any revenues received that are required to be paid to the other party.

The party intending to initiate an action under this subsection shall give each party against which an action is proposed to be brought notice of the other party's intention to initiate an action under this paragraph and such an action shall not be initiated earlier than ten days after the giving of such notice.

(6) This subsection shall expire March 31, 2014.

Section 3. The provisions of 75 Pa.C.S. § 6109(g), added February , 2004 (P.L. , No.) (In preparing this bill for publication in the Laws of Pennsylvania (2004), the Legislative Reference Bureau is instructed to replace the blanks with the appropriate reference to the enactment of Senate Bill No. 279, Printer's No. 1061 (2003).), are repealed.

Section 4. Notwithstanding section 6 of the act of February , 2004 (P.L. , No.), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate; providing for a special motorcycle registration plate for veterans; further providing for automated red light enforcement systems in first class cities, for enumeration of police powers and for certain surcharges; and prescribing a penalty," (In preparing this bill for publication in the Laws of Pennsylvania (2004), the Legislative Reference Bureau is instructed to replace the blanks with the appropriate reference to the enactment of Senate Bill No. 279, Printer's No. 1061 (2003).), the following provisions of Title 75, as amended or added by that act, shall take effect on the effective date of this section:

- (1) Section 1332(b) and (c).
- (2) Section 3116(l)(2) and (q).

(3) Section 6109(a)(1) and (f).

Amend Sec. 2, page 3, line 28, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) The amendment of 53 Pa.C.S. § 5508(b)(1) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Madam President, I believe this is a proposal of which much of it was discussed on the floor of the Senate last Wednesday, and all of us at that point on this side of the aisle voted against it. I do understand that earlier this afternoon the Governor did sign into law Senate Bill No. 279, which was the bill that we voted against on Wednesday, and we voted against that bill because of the request by the city of Philadelphia and the mayor of the city of Philadelphia. Madam President, realizing that much of the amendment that we are asked to consider today is the same as the amendment that was considered on Wednesday of last week, I ask for a negative vote on Senator Anthony Williams' amendment.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, I want to make sure for the record that last week I was one of the negative votes in that process, and I want to make it very clear today, while it is difficult in terms of the procedure that we have to go forward, and I am supportive of the Governor, I am supportive of the negotiations, and most importantly, I am supportive of the substantive changes that were made, and I want to make sure that members of the Commonwealth and those in Philadelphia are aware of the changes that were made. The issue as it relates to primarily the governance was preserved by this Governor to protect the rights of Philadelphians who have enjoyed them so far in terms of who writes tickets and who does not write tickets. The issues of other items of governance, this Governor put back in place to make sure the director of finance in Philadelphia was a part of that process, as well as protections for contract letting and a variety of other items. But most importantly, Madam President, I want to make sure that people do know that as a result of this legislation going forward, that the revenues which thus far have not affected the Philadelphia public school system are now going to be affected in dramatic terms. Our own superintendent, Paul Vallas, who does not have a partisan bone in his body when it comes to this discussion, was a member of an audience before the Governor today. He was at the press conference when we talked about introducing these changes in terms of the legislation, and he was very supportive of it, and he is very supportive for the very basic reasons that I am supportive of it: \$4 million this year will go to the bottom line in the Philadelphia public school system, and \$15 million to \$20 million will go to the bottom line of the Philadelphia public school system in the next year and subsequent years going forward. Those very large numbers of millions of dollars going to a very underfunded Philadelphia public school system are needed and not only needed but required by the chil-

dren of Philadelphia. That is why I offer the amendment, that is why I am supportive of it, and that is why I have changed my position when it comes to this particular legislation.

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

Senator MELLOW. Madam President, the only thing I would like to say, and I am not going to get involved in the debate because I do not live in Philadelphia and I do not really have a horse in this race, is that when this was sold to us originally 2 years ago, \$45 million was supposed to go into the Philadelphia School District. Obviously, that did not take place.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator A. H. WILIAMS and were as follows, viz:

YEA-30

Armstrong	Greenleaf	Pippy	Wenger
Brightbill	Jubelirer	Punt	White, Donald
Conti	Lemmond	Rafferty	White, Mary Jo
Corman	Madigan	Rhoades	Williams, Anthony H.
Dent	Mowery	Robbins	Williams, Constance
Earll	Orie	Scarnati	Wonderling
Erickson	Piccola	Thompson	
Gordner	Pileggi	Waugh	

NAY-19

Boscola	Kasunic	Mellow	Stout
Costa	Kitchen	Musto	Tartaglione
Ferlo	Kukovich	O'Pake	Wagner
Fumo	LaValle	Schwartz	Wozniak
Hughes	Logan	Stack	

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

The PRESIDENT. The bill will go over as amended.

RECONSIDERATION OF HB 1654

BILL ON FINAL PASSAGE

HB 1654 (Pr. No. 3305) -- Senator BOSCOLA. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 1654, Printer's No. 3305, just passed finally.

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

On the question,
Shall the bill pass finally?

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

YEA-46

Armstrong	Jubelirer	Orie	Tartaglione
Brightbill	Kasunic	Piccola	Thompson
Conti	Kitchen	Pileggi	Wagner

Corman	Kukovich	Pippy	Waugh
Costa	LaValle	Punt	Wenger
Earll	Lemmond	Rafferty	White, Donald
Erickson	Logan	Rhoades	White, Mary Jo
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Gordner	Mowery	Schwartz	Wonderling
Greenleaf	Musto	Stack	
Hughes	O'Pake	Stout	

NAY-3

Boscola	Dent	Wozniak
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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 with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1206 (Pr. No. 3306) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for applicability of the act of December 9, 2002 (P.L.1364, No.166), entitled "An act amending the act of December 31, 1965 (P.L.1257, No.511), entitled 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employes to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,' further providing for delegation of taxing powers and restrictions and for definitions."

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh

Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
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 with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1785 (Pr. No. 3309) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities and for special provisions for parking authorities in cities of the first class; and making a related repeal.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator MELLOW. Madam President, I want to submit a letter for the record, but before I do, I am going to just quote one part of the letter. Madam President, last Wednesday, when the final vote was being taken on Senate Bill No. 279, which basically has been rolled over in part into House Bill No. 1785, I received a call from high-ranking officials here in Harrisburg indicating to me that it was important that I make known on behalf of the administration that if Senate Bill No. 279 passed in its current form, that it would be vetoed by the Governor. Madam President, after the discussion took place and before the final passage, I did that.

Madam President, I now have received a letter from the administration, and it states this from the Governor's Office: "I apologize if my request to you last Monday placed you in a difficult position. Obviously, at the time of my call, the Governor fully intended to veto Senate Bill 279, which he would have done if we had not reached the agreement announced today."

Madam President, it is my understanding that earlier this afternoon the Governor did sign Senate Bill No. 279. He did appar-

ently reach an agreement with someone or some individuals. It was not an agreement that any of us were involved in, but I want the record to indicate, Madam President, that last week, based on the information that was given to me by phone from the administration, that the Governor would not have signed Senate Bill No. 279, which, in fact, he did sign today, and I would like to submit the letter for the record.

The PRESIDENT. Senator Mellow requests a letter be submitted for the record. Without objection, the letter is submitted.

(The following letter was made a part of the record at the request of the gentleman from Lackawanna, Senator MELLOW:)

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

February 9, 2004

The Honorable Robert J. Mellow
Minority Leader
Senate of Pennsylvania
535 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Mellow:

I am writing with respect to SB 279 and HB 1785. One week ago, the Senate passed SB 279, which deals with the operations of the Philadelphia Parking Authority. During the floor debate on this bill, I spoke to you by telephone and informed you that the Governor intended to veto SB 279. I asked you to inform the Senate of the Governor's position on the bill. The Senate subsequently passed SB 279 and sent the bill to the Governor's desk for action.

Over the past week, the Administration has worked to craft a compromise resolution to the issues surrounding the Philadelphia Parking Authority. Eventually, through hard work and under the threat of a veto of SB 279, we arrived at an agreement that protects the City of Philadelphia from both a Home Rule and a financial perspective. That agreement is embodied in an amendment to HB 1785, currently scheduled to run in the Senate today.

As we discussed earlier today, the only way to implement the agreement we have negotiated is for the Governor to sign SB 279 and then to implement the agreement via the amendment to HB 1785. I am informed that there are portions of SB 279 that cannot be reenacted in HB 1785 due to constitutional issues. In effect, however, HB 1785 as amended will strike those sections of SB 279 that were unacceptable to the Governor.

I apologize if my request to you last Monday placed you in a difficult position. Obviously, at the time of my call, the Governor fully intended to veto Senate Bill 279, which he would have done if we had not reached the agreement announced today.

Sincerely,

John H. Estey
Chief of Staff

And the question recurring,
Shall the bill pass finally?

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

YEA-30

Armstrong	Greenleaf	Pippy	Wenger
Brightbill	Jubelirer	Punt	White, Donald

Conti	Lemmond	Rafferty	White, Mary Jo
Corman	Madigan	Rhoades	Williams, Anthony H.
Dent	Mowery	Robbins	Williams, Constance
Earll	Orie	Scarnati	Wonderling
Erickson	Piccola	Thompson	
Gordner	Pileggi	Waugh	

NAY-19

Boscola	Kasunic	Mellow	Stout
Costa	Kitchen	Musto	Tartaglione
Ferlo	Kukovich	O'Pake	Wagner
Fumo	LaValle	Schwartz	Wozniak
Hughes	Logan	Stack	

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 with amendments in which concurrence of the House is requested.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

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

SB 200 (Pr. No. 1387) (Amended) (Rereported)

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

HB 100 (Pr. No. 2186) (Rereported)

An Act providing for the availability of and access to a comprehensive trauma care system; and imposing powers and duties upon the Department of Public Welfare.

HB 349 (Pr. No.1573) (Rereported)

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further defining "city."

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. Charles Wolf and to Andrew David Herr by Senator Armstrong.

Congratulations of the Senate were extended to Matthew Peter Kovak by Senator Dent.

Congratulations of the Senate were extended to Mr. and Mrs. Sharon B. Baker and to Mr. and Mrs. Andrew Dancha, Jr., by Senator Jubelirer.

Congratulations of the Senate were extended to Bertha Jenkins by Senator Kitchen.

Congratulations of the Senate were extended to the Slovene National Benefit Society of Imperial by Senator Kukovich.

Congratulations of the Senate were extended to Samuel T. Romito by Senator Logan.

Congratulations of the Senate were extended to Anthony McGraw, Paul Reymer, Willard Hughes, John Chilleri, James

Waters, Amy Prusinski Marrow, Eugene Prusinski, Jane Exeter Sterling, James Granville and to Andy Arnal by Senator Mellow.

Congratulations of the Senate were extended to Marissa Chmiola by Senator Mowery.

Congratulations of the Senate were extended to Frank Fuller and to James P. Carruthers by Senator Musto.

Congratulations of the Senate were extended to Jon Browne, Derek Deremer, Sean Dolinar, Christopher Williams, Justin Kalnicky, John Culver, Dean Culver, Neil Timothy McElhone, Joseph Fitzpatrick Suprano and to Brian Woods by Senator Pippy.

Congratulations of the Senate were extended to Christine Hanlon Bruce by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Krywusha by Senator Stack.

Congratulations of the Senate were extended to Barbara C. McGeary by Senator Tartaglione.

Congratulations of the Senate were extended to Shannon Rose, John Charles Nagy III and to Alexander L. Dondero by Senator Thompson.

Congratulations of the Senate were extended to Velma Caroline Johns Kane and to Genevieve Brady by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. William B. Jones and to Louis Simons by Senator Wonderling.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Paul S. Limpus, Jr., by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 261, HB 138 and HB 794.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

COMMUNICATION FROM THE GOVERNOR

NOMINATION 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 STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

February 9, 2004

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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert E. Fischer, Greenville, whose term expired.

EDWARD G. RENDELL
Governor

BILL INTRODUCED AND REFERRED

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

February 9, 2004

Senator MOWERY presented to the Chair **SB 9**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly.

Which was committed to the Committee on JUDICIARY, February 9, 2004.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 10, 2004

9:00 A.M.	EDUCATION (Public hearing on the PA System of School Assessment - PSSA)	Room 8E-B East Wing
10:00 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 1235 and 1236; and any other business that may come before the Committee)	Room 461 Main Capitol
11:00 A.M.	JUDICIARY (public hearing on the nomination of Gerald N. Massaro Ph. D. for the Board of Probation and Parole and committee meeting to consider Senate Bills No. 9, 50, 979, 1000; Senate Resolution No. 160; and House Bill No. 1326)	Room 8E-A East Wing
12:00 P.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bills No. 704, 705, 885 and 893)	Room 461 Main Capitol
12:15 P.M.	BANKING AND INSURANCE (to consider the nomination of Thomas A. Michlovic for the PA Securities Commission)	Rules Com. Conf. Room
12:30 P.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 930 and 953; and the nominations of Susan M. McDermott, Esq. and Joseph Coughlin to the Workers' Compensation Appeal Board)	Senate Maj. Caucus Rm.
12:45 P.M.	STATE GOVERNMENT (to consider Senate Bill No. 1013; and House Bill No. 1996)	Rules Com. Conf. Room

Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 1026)	Rules Com. Conf. Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 152; and certain executive nominations)	Rules Com. Conf. Room

MONDAY, FEBRUARY 23, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Budget Secretary)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Senate Maj. Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Senate Maj. Caucus Rm.

TUESDAY, FEBRUARY 24, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor and Industry)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Banking)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Insurance Dept.)	Senate Maj. Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community and Economic Development)	Senate Maj. Caucus Rm.

WEDNESDAY, FEBRUARY 25, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public School Employees Retirement System)	Senate Maj. Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Senate Maj. Caucus Rm.

THURSDAY, FEBRUARY 26, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Senate Maj. Caucus Rm.
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Senate Maj. Caucus Rm.

MONDAY, MARCH 1, 2004

1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare)	Senate Maj. Caucus Rm.
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TUESDAY, MARCH 2, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Senate Maj. Caucus Rm.

WEDNESDAY, MARCH 3, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Game Commission)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - State Police)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue)	Senate Maj. Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Governor's Office/Executive Offices)	Senate Maj. Caucus Rm.

THURSDAY, MARCH 4, 2004

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Fish and Boat Commission)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Senate Maj. Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Employees Retirement System)	Senate Maj. Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Senate Maj. Caucus Rm.

TUESDAY, MARCH 9, 2004

12:30 P.M.	URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1329, 1330 and 1331)	Room 461 Main Capitol
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RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate recess to the call of the President pro tempore. There will be no further votes, but we do expect to be back to sign House Bill No. 1785 in the event that the House of Representatives should pass it.

The motion was agreed to by voice vote.

AFTER RECESS

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

HOUSE MESSAGES**HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1654** and **HB 1785**.

BILLS SIGNED

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

HB 1654 and **HB 1785**.

ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, I move that the Senate do now adjourn until Tuesday, February 10, 2004, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 7:54 p.m., Eastern Standard Time.