

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY MARCH 8, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 11

**SENATE**

MONDAY, March 8, 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 J.R. DAMIANI, of Family Worship Center, Lansdale, offered the following prayer:

Let us pray.

Our Heavenly Father, we stand here in this place where laws are considered, laws are made. We stand here surrounded by Your word today on all of the walls. I pray, God, for wisdom. I pray, God, that the men and women of this Senate will be like the men of Azekah in II Chronicles. Your word declares that You trusted them because they had the wisdom to know what their people should do for their future.

We thank You, God, that we can call on Your name and call on You for wisdom, for You said that if we lack wisdom, we should ask of the Lord, who gives liberally. I thank You, God, that You can give us wisdom in the deliberations that we make.

We thank You, Father, for leaders today who change lives and direct issues that change the movement of our society, and I pray today in a special way, God, that whatever happens in this Senate today will be according to Your plan and Your purpose, in a very pivotal time in society today when the name of Jesus is a household word in our nation, and I pray, God, that it will bring a moral change that is so needed today in our society.

Thank You again for the privilege of calling on Your name today and the honor of standing in this place. I pray for each Member of the Senate, that You will guide and direct them today. We thank You for that, and we ask it in the name of the Father, Son, and Holy Ghost. Amen.

The PRESIDENT. The Chair thanks Reverend Damiani, who is the guest today of Senator Wonderling.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled.)

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I request legislative leaves for Senator Punt and Senator Tomlinson, and a temporary Capitol leave for Senator Piccola.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Punt and Senator Tomlinson, and a temporary Capitol leave for Senator Piccola. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I request legislative leaves for Senator Schwartz, Senator Tartaglione, and Senator Stout.

The PRESIDENT. Senator Wozniak requests legislative leaves for Senator Schwartz, Senator Tartaglione, and Senator Stout. Without objection, those leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 10, 2004.

The Clerk proceeded to read the Journal of the preceding Session.

Senator BRIGHTBILL. Madam President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT C.  
WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, I rise to recognize the guests of Reverend J.R. Damiani, who is serving today as our guest Chaplain. He resides in my legislative district in Lansdale, actually Upper Salford Township, and he is here with his family in the gallery. First, his wife, Beverly, his daughter Christina, his grandson Nelson, his sons Jonathan and David, and daughter-in-law, Nichole Damiani. I ask that we offer our usual warm welcome from the Senate.

The PRESIDENT. Would the guests of Senator Wonderling please rise so the Senate may give you its usual warm welcome. (Applause.)

**SPECIAL ORDER OF BUSINESS  
MEMORIAL TRIBUTE TO THE FORMER  
SENATOR FRANK J. O'CONNELL**

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, as the Senator who followed Senator Frank O'Connell in the Senate, I am truly honored to offer the following resolution and ask for its immediate adoption and that it be held open for further signatures following the reading, and I ask the Clerk to read the resolution at this point.

The PRESIDENT. Senator Lemmond offers the following resolution and asks unanimous consent for its immediate consideration. The Chair hears no objection.

**SENATE RESOLUTION No. 208 ADOPTED**

Senator LEMMOND, by unanimous consent, offered **Senate Resolution No. 208**, which the Clerk read as follows:

A Resolution expressing condolences on the passing of the Honorable Frank J. O'Connell, formerly a Member of the Senate of Pennsylvania.

WHEREAS, Senator Frank J. O'Connell of Luzerne County died on January 31, 2004; and

WHEREAS, Frank J. O'Connell began his public service career with 12 years of service as a member of the Council of the Borough of Kingston; and

WHEREAS, In 1966, Frank J. O'Connell was elected to the first of six terms in the House of Representatives, where he represented communities in Luzerne County; and

WHEREAS, During his tenure in the House of Representatives, he was elected as Chairman of the Republican Caucus, as well as the ranking Republican on the Appropriations Committee of the House of Representatives; and

WHEREAS, In 1978, Frank J. O'Connell was elected to the Senate of Pennsylvania to represent the 20th Senatorial District, then consisting of all or parts of the counties of Bradford, Luzerne, Monroe, Pike, Susquehanna, Wayne and Wyoming; and

WHEREAS, During his tenure in the Senate, Senator O'Connell served as Chairman of the Committee on State Government, as well as a number of various Senate committees where he authored and co-authored legislation on a variety of issues such as local government, volunteer fire services, agriculture, transportation, small business, law enforcement and health care; and

WHEREAS, Senator O'Connell was a diligent advocate for the people of northeastern Pennsylvania and was an aggressive advocate for the interests of his constituents; and

WHEREAS, Widely known as the "Big O," Senator O'Connell was known for his great sense of humor, his fiery and passionate advocacy and his well-honed sense of independence; and

WHEREAS, Senator O'Connell left the Senate in 1985 and began a new career as a representative of various causes and clients, while being free to spend more time with his family and friends; and

WHEREAS, Senator O'Connell, who was preceded in death by his wife Mary, is survived by his children, Molly, Sharon and Frank, and their children and grandchildren; and therefore be it

RESOLVED, That the Senate of Pennsylvania expresses its deep sorrow at the death of this passionate gentleman; and be it further

RESOLVED, That the Senate express its deep gratitude for the services rendered, lessons imparted and friendships shared; and be it further

RESOLVED, That the Senate extend its condolences to the family of its former colleague, the Honorable Frank J. O'Connell, and directs that copies of this resolution be presented to his children.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, no matter how much larger than life a person is when they serve, after they have been away for a while, recollection can truly start to fade away. Thus, it is important that we keep those memories alive and pass them along as part of the broader record and the story of this Senate.

Today we recall the indelible life and service of one of our colorful colleagues, Frank J. O'Connell. It has been more than 20 years since he last answered a roll call, but for those of us who served with him, he was indeed quite memorable, or in the word of a current popular advertisement, "priceless."

Frank O'Connell did not have a particularly lengthy tenure in the State Senate, but the manner in which he served, the way he engaged in issues and debates, with Irish charm and humor and steadfastness, was unforgettable. He was so unabashedly proud of his Irish heritage that he signed his letters in green ink. Back in the days before the nickname "celebrity" was all the fashion, when you mentioned the "Big O," in sports it meant Oscar Robertson; in politics, everyone knew you meant Frank O'Connell. You see, he had the sort of outside character and personality that made him representative of not just his district but an entire region. There was a unique way he said "Poconos," with respect and affection for the great northeast. He was a master of the rough-and-tumble politics in that part of the Commonwealth. He knew when to laugh, when to growl, when to battle, and when to make peace. He had an overriding commitment to service - in the military, in the community, in the world of politics that defined his generation.

Let me tell you, he never shied away from controversy and never complained about his name appearing in newspaper articles and editorials. "I do not care what they say about me, just as long as they spell my name right," was a trademark phrase. He served as chairman of the Committee on State Government, something his successor, Senator Lemmond, does so well now, when that was a landing point for a run of highly contentious

issues, including reapportionment in 1981, which I remember too well. Frank was very forceful in his point of view, but he also knew how to hammer out compromises when it was time for action. He was very helpful in jump starting the legislation to write the modern Sunshine Law, and I worked with him on that most important piece of legislation. He was a central player in the highly-charged congressional redistricting effort, one that proved to be so much fun it almost shortened my political career considerably in 1982. If things ever threatened to get dull, one of his committee counterparts was the ever loquacious Jim Kelley, now a senior judge on the Commonwealth Court, who always had a constitutional point of order or two or three, just to get things stirring, and that amused him to no end.

Frank commanded respect, he commanded attention, and when the administration acted in his area without consulting or alerting, he would register his irritation by observing that he was sick of being treated like a mushroom, kept in the dark and fed a lot of crap. And then, of course, he threatened to knock their socks off. He probably never had much use for polls to find out what people were thinking, because he was involved in organizations all over the community. It is doubtful anyone had more of an open-door policy when it came to meeting with constituents than did our late beloved colleague, Frank O'Connell. He just loved people. He just loved people, and he loved the give and take of politics. So this was a nearly perfect place for him, if only Governors did not so sorely test him. He contributed a great deal in style and so much in substance.

Madam President, and wonderful members of Frank's family, he will be greatly missed and well remembered. Frank, you knocked our socks off. Rest in peace.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, I have heard that phrase so many times, knock your socks off, but I have never heard it without all the adjectives that went before it, and they were mighty and they were red and they were purple and they were just the way he was. Frank O'Connell, the "Big O," was a superb legislator for all of us in northeastern Pennsylvania. He was passionate, compassionate, he loved politics, and one of his redeeming social qualities, which he self-proclaimed, was he hated lawyers. Most of the time he really laid off on judges, calling for the demise of Brominski and Hourigan, who were president judges in succession in Luzerne County, far before their eventual demises. There were some lawyers to whom he made some minor exceptions, but we never talked law when I was with him.

He was the ultimate family man. Mary was his star. Frank, Molly, and Sharon, his children, were his debating partners at dinner or wherever he could find them, drive with them, whatever it took. He was to all of us the consummate politician. He was the Tip O'Neill of Pennsylvania politics, whom we enjoyed for his oratorical skill and his knowledge of what was happening here and at home. He had a disposition which was absolutely all his own. He had two lists of people, ones he liked and the others just did not get on it. And when he got to the end of that list, I am not sure that was not the time that he thought maybe, hey, okay, Harrisburg was fun, we will go on to the next thing.

All of us, anyone whoever came in contact with the "Big O" knew where he stood. There were no questions. And no one today, other than one or two in this body, makes a point more positively, more robustly, with so much power, so much emotion, and I say that the "Big O," without question, without equal, had the pointiest finger that has ever been pointed in this Senate.

At home in Kingston, he forged Home Rule, he taught us in the Senate how to chair a committee, he made a difference. All of us would love to be known for having made a difference. At home he spearheaded the Cross Valley Expressway, and if it does not sound big to you, it connects I-81 with the rest of Pennsylvania to the north. My own kids still feel it was Frank O'Connell who got them schoolbuses so that they would not have to cross major highways to get to school in Dallas. He was effective. He was results oriented in a day when that was the hallmark of who we were in the Senate. Chairman Clarence Bell annually and persistently warned us of the evils of turkey season. The "Big O" dreamed of turkey season. There was none better, other than perhaps Mr. MacNett, at mastering the intricacies of year-end legislative dynamics and moving forward what he always swore were solely his constituent-oriented bills. Electricity was in the air when Frank walked into a room, onto a golf course. People energized him, loved him, whatever. He was a presence. He was Wyoming Valley's Irishman of the Year. He signed everything, as Senator Jubelirer said, in green ink, and in our office we have retired, in his honor, all of our green markers.

We learned from him, we respected him, we are glad to honor him today, and I thank all of you for doing this for a great gentleman who once walked among us.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, in 1966, I recall very well when Frank O'Connell ran for the State House. It was his first venture in State politics, and during that time and campaign, he campaigned on the fact that he would be a full-time legislator. When he was elected, he sold his business and devoted full time to being a good, good legislator, and I learned from Frank that a legislator serves his people 24 hours a day, 7 days a week.

I had the opportunity to enter the House of Representatives in 1971, and of course, Frank was already in the House and our districts adjoined each other. We did an awful lot of work together back in our home districts, and it was always a pleasure to be at a meeting with Frank O'Connell because you knew exactly where he stood and he would not stand for any nonsense, as he put it. He accomplished much for his district, and especially Luzerne County as a whole. I recall how relentless Frank was during the fight for the Cross Valley Expressway in Luzerne County, and naturally, he was successful, and he was successful at many, many projects in our area of Luzerne County and the State as a whole.

We should also pay tribute to Frank for the work that he did for miners and their widows. Oh, how he loved them and worked so hard on their behalf with his service and legislation. Working with Frank in the House and in the Senate, I admired him much as an individual and as a legislator, and especially when Frank worked on legislation, always with a mindset of improving the quality of life for his constituents. And oh, how he loved his family, his wonderful family. Frank would always talk about them with such pride. The legacy that he leaves is Frank O'Connell, a great family man, a good legislator, and a great friend. Rest in peace, Frank. God be with you.

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

Senator BRIGHTBILL. Madam President, I came here in 1983 and Frank left in 1985, so I cannot say that I knew him well. The one thing that I recall very clearly is a lesson that he taught me one day in caucus, and I have given that example many times, many places, to many groups about how the Pennsylvania Senate works. It had to do with consensus. Frank was running a bill that had something to do with voter registration. I do not remember the details of the bill, but it came up in caucus and it

was marked to run and it did not generate very much controversy or discussion at that point in time because everybody was ready to vote for it. I was brand new, and there were two other new Senators at that point in our Caucus, one was Senator Wenger and the other was Senator Guy Kratzer from the Allentown area. Senator Kratzer raised his hand and said to the Caucus that he was having some difficulty because his voter registration clerk was opposed to this bill. Of course, I looked around the room and no one else was having a problem and I was new there and I thought that it was 49 to 1, let us move on. Frank O'Connell raised his hand and said, I do not believe that person really understands what this bill is about, may I call her? And Guy said, yes. He said, let us go over the bill, I will call her. He had the votes, he would have passed the bill that day, Senator Kratzer would have put up his "aye" vote.

Apparently as a result of that conversation, we were back the next day, the bill came up, Senator Kratzer was fine, and put up an "aye" vote. In the interim, Frank O'Connell called the clerk of the voter registration office and explained what the bill did. I do not know if they faxed a copy down or how they did it, but he got Guy's vote and the bill passed 50 to 0. It was a lesson that made a real impression on me. I mean, at that point I have spent many, many hours in Caucus, had many events, and it made a real impression on me as a brand new Member about how important this place is in terms of consensus building and how we can work together.

My second clear recollection, I actually had a number of recollections, my problem is that a number of them are not recollections that I can relate on the floor of the Senate in a public setting, but he was a great guy and he was a lot of fun and he was fun in caucus. But the other recollection is the caucus that we had in 1983 when we raised the taxes to balance the budget in the beginning of Governor Thornburgh's second year. Of course, once again, I am sitting there and I am a new guy. The Democrats were not going to give us any votes, we needed 26, and we had 27 in the Caucus, and I think the leadership decision was nobody gets off because, clearly, if one got off, everybody wanted to get off, and let me tell you, that was a tough day for Frank. Frank did not want to put that vote up, and there must have been some things that happened in the Thornburgh administration, Charlie is laughing, that he was not exactly tickled with, and we sat there and I remember at one point Frank was bright red, as red as the Clerk's coat, and he was pounding his fist, and poor Senator Jubelirer, our leader, was up there and took the brunt of it. But at the end of the day, we walked up here to the floor and put up 27 "aye" votes and we did what we had to do to keep the Commonwealth moving forward.

He was a great man, and one of the things that we tend to forget when we work here, because we know each other well and we know each other as individuals, is, indeed, just to get here is a very special privilege, and Frank was very much a special person in a group of special people, and we missed him. We did get a great substitute, Senator Lemmond, and he has been delightful to work with and an equally strong proponent for his district. But, Frank, we did miss him, and it was always fun when he lobbied and came back. You know, it was always fun to have him come back and talk about old times and be the strong advocate that he was. He had a great life, and to his children, you should be proud of your Pop, he was a great man.

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

Senator RHOADES. Madam President, it is hard for me to believe that my buddy has been gone since 1985. It does not seem that long. What was funny, though, when we began this ceremony the lights began to go out, and I started to laugh and I

thought, you bugger, you are at it again, because that would be something that he would do. He could do that, be kidding you, and by the same token he could turn around and get serious and get right down to work in the process. I miss him very, very much because he was a very, very special man to me. You know, you have some favorite people, some friends during your life, and you really cannot measure them all, but he is one man that I measure, and I will put it this way, aside from my family, he is one of the men in my life that I truly admired.

When I got here in 1980, that was when we took over the Majority for the first time in many, many years, and I will tell you what, he took me under his wing, and I will say this, he taught me how to fly. He taught me how to fly so well that when we walked through the hall, Senator Jubelirer and Henry Hager would shake their heads and say, oh, God, here comes trouble, and normally we were because we were that tight and we did some different things and it was extremely difficult. Some of the Members do not know how difficult it was at that time to get some things passed, especially with only 26 votes, but like I said, I do not think I could have learned better from anyone.

I remember when we started we had Conrail abandoning all the tracks. The man who called the northeast delegation together was Senator O'Connell, and then he ended up making me chairman. I do not know how he did that, but I said, look, I am just new here. He said, you will be all right, you will be all right, you will be the chairman. I said I did not know enough, and he said, you will be all right, I will take care of you, and he took care of me. He ordered a bus, we went down to Washington, we met with the congressional delegation, he knew how to do all of those things, he did not have to think about it, did not have to ruffle. He could ruffle feathers, and I will not say he did not, but, by the same token, he had the touch. He had a real good touch. I remember one time in caucus I was getting attacked on an intended pro-life vote. He said, leave him alone, I know what his Bishop is like. I was down on the steps and I saw when his Bishop came out down in Allentown. Leave him alone. And everybody let me alone. I remember a budget vote when I sat in the back here, it was 25 to 24. Every one of our leadership came back to get me to vote for the budget, and I said, you are shutting my hospital down, my unemployment office, my health office, you are doing all these things, I only came here in January and I will be going home in June. Senator O'Connell came back and said, you guys have to help this guy out. Henry Hager would not come down. He said, every time there is a key vote, Jim, you always pull that. I said, that is the only time you talk to me. I learned that from Frank, too. You know, you learned when to squeeze them, when not to squeeze.

You know, all this talk we are having about slots right now, he was the predecessor. He was way ahead of slots, because somewhere in all the dealings that he did in terms of amendments and the way he put them in, remember when we had blackjack games and card games in bars? He put that amendment in and we all voted for it. We did, and we did not know it was there, and we were on break and could not get back for about 2 or 3 weeks. We were scurrying to get back here, and he was laughing his head off. He enjoyed that one. Like I said, he was a master at what he did.

But, I think the other thing I would like to say, too, is I do not think I have ever seen anyone who has, during his time and after his time, been able to work both sides of the aisle in both Chambers, and he did that exquisitely, but it was because he was respected by the people he worked with because when he gave his word, his word was good. He may have extracted his pound of flesh, but you knew what he was doing and why he was doing it. He was tough, and that is what I respected about him, because he

was not afraid to take anybody on. He was tough as nails, but he had a heart as big as the rest of his body, and when he committed to something, you knew he was committed all the way. When he left, like I said, I felt like I lost a buddy, and I probably lost someone I could get in trouble with, but, by the same token, too, I loved when he would come to visit. It was a chance to sit down with him, just to talk, and also to get his perspective on what was going on and what was happening. That is why I always looked forward to when he was coming back from Florida, once or twice during the summer we got together and had dinner, and it was just always great to see him. I looked forward to it. Seeing him in the hall, it was, hey, Senator, how are you? Then we would go to the office and sit and talk for a while.

To his family, I know Molly probably best of all, we served on the State Board together. She is probably as fiery as her mom and dad. Her mom was quiet, but I think her mom also knew how to give orders, and with all due respect to Frank, when mom talked, I think he also was able to adjust to the height of where it was coming from, but that was because of the great love that he had. The other thing, too, is I think I will have to have this printed and put up on the wall. Frank always used to say, if you cannot defend both sides of the issue, you do not deserve to be here. You know, it was a funny way of saying you should, too, but what he was basically telling you was that you should know the pro and you should know the con, because when you make up your mind somewhere along the line, you should know why and you should know how.

So, I will miss him, but from that standpoint, I guess the blessing I would leave is, may the road rise to meet you, may the wind be always at your back, may the sun shine warm upon your face, the rain fall soft upon your fields, and until we meet again, may God hold you in the palm of his hand. Love you, Frank.

The PRESIDENT. All those in favor of the resolution will please rise for a moment of silence in memory of former Senator Frank J. O'Connell.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Senator FRANK J. O'CONNELL.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

### **SPECIAL ORDER OF BUSINESS FORMER SENATOR O'CONNELL'S FAMILY PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, it occurs to all of us at this late point in the proceedings that we have not mentioned that Senator O'Connell's sister joined us this afternoon with her husband, and that we have been joined by Molly, Frank, and Sharon, the three children, the debating partners, who have been just stalwart supporters of Frank and all that he has stood for in the Wyoming Valley and far beyond. We are delighted that you are here to hear the good words from all of us. Thank you so much for coming, and our best to everyone else in the family. There are, I believe, 121 relatives scattered around. The O'Connell's are, if nothing else, very prolific.

The PRESIDENT. Thank you for taking the time to come. (Applause.)

## **COMMUNICATIONS FROM THE GOVERNOR**

### **APPROVAL OF SENATE BILLS**

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

**SB 152 and SB 778.**

### **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 STATE BOARD OF OPTOMETRY**

February 11, 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, Janet Schwartz, O.D., 227 West Lancaster Avenue, Devon 19333, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Quentin R. Orlando, O.D., Erie, whose term expired.

EDWARD G. RENDELL  
Governor

#### **MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

February 11, 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 Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John M. Brinjac, Wormleysburg, whose term expired.

EDWARD G. RENDELL  
Governor

#### **MEMBER OF STATE REAL ESTATE COMMISSION**

February 11, 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, Joseph J. Tarantino, 1030 Yellow Springs Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
CONVENTION CENTER AUTHORITY

February 12, 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, Robert D. Cima, 112 Avon Road, Haverford, 19041, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, new position.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
CONVENTION CENTER AUTHORITY

February 12, 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, Arthur Makadon, Esquire, 1806 Delancey Street, Philadelphia, 19103, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Convention Center Authority, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, new position.

EDWARD G. RENDELL  
Governor

SHERIFF, COLUMBIA COUNTY

February 12, 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, Timothy T. Chamberlain, 113 Hosler Road, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for appointment as Sheriff, in and for the County of Columbia, to serve until the first Monday of January 2006, vice Harry Roadarmel, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE  
BOARD OF EDUCATION

February 13, 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, Karen Farmer-White, 487 Woodland Road, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2009, or until her successor is appointed and qualified, vice George H. Seidel, Jr., New Cumberland, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
IN SPEECH-LANGUAGE AND HEARING

February 13, 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, Stephanie Moore, (Public Member), 40 Red Barberr Drive, Etters, 17319, York County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice F. Irene Graybill, Duncannon, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

February 17, 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, Herb Vederman, 601 College Avenue, Haverford, 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve until March 19, 2006, and until his successor is appointed and qualified, vice Pedro A. Ramos, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE MERCER COUNTY  
BOARD OF ASSISTANCE

February 18, 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 Mercer County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Michael Reichart, Sharpsville deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BEDFORD COUNTY  
BOARD OF ASSISTANCE

February 19, 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 Bedford County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Larry Garlock, Everett, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

February 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, Stephanie Moore, 40 Red Barberr Drive, Eppers, 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve until October 11, 2004, and until her successor is appointed and qualified, vice Teri J. MacBride, Lewisburg, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PODIATRY

February 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve until November 14, 2005, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jonathan B. Tocks, M.D., Mechanicsburg, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

February 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, Stephanie Moore, (Public Member), 40 Red Barberr Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Psychology, to serve until November 26, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Kendra A. Pfautz, Mechanicsburg, declined appointment.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS

March 5, 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, Stephanie Moore, 40 Red Barberr Drive, Eppers 17319, York County, Fifteenth Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice J. Michael Wilkins, New Castle, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS

March 5, 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, Rhoda R. Sharlow, M.A., 824 Dover Road, Wynnewood 19096, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until July 31, 2005, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Grace Bohr, Scranton, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
IN SPEECH-LANGUAGE AND HEARING

March 5, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District,

for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward F. Sickel, Camp Hill, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS  
IN SPEECH-LANGUAGE AND HEARING**

March 5, 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, Margaret Quinn Mariotti, 1631 N. Washington Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice George Osborne, Berwyn, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE**

March 5, 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Nancy Ross, Uniondale, resigned.

EDWARD G. RENDELL  
Governor

**DISTRICT JUSTICE**

March 5, 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as District Justice, in and for the County of Clinton, Magisterial District 25-3-03, to serve until the first Monday of January 2006, vice Kevin R. Dwyer, resigned.

EDWARD G. RENDELL  
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 MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

March 1, 2004

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 December 12, 2003, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until June 12, 2005, and until his successor is appointed and qualified, vice Robert S. Markle, Williamsport, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF THE  
WESTERN YOUTH DEVELOPMENT CENTERS**

March 1, 2004

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 December 1, 2003, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg, 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Thomas Fee, New Castle, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF THE  
WESTERN YOUTH DEVELOPMENT CENTERS**

March 1, 2004

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 December 1, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2003 [*sic*], and until her successor is appointed and qualified, vice Joseph Fragle, Sharon, resigned.

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

EDWARD G. RENDELL  
Governor



MEMBER OF THE BERKS COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Berks County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Carol Meredith, Leesport, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 1, 2003, for the appointment of Nicole Carter, 301, Chestnut Street, Apartment 1213, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Butler County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Joseph Macurak, Chicora, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17219, York County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS

March 5, 2004

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 February 2, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until July 31, 2005, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Grace Bohr, Scranton, resigned.

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

EDWARD G. RENDELL  
Governor

CORRECTIONS TO NOMINATIONS  
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 EDUCATION

February 17, 2004

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

Please note the nomination dated February 13, 2004, for the appointment of Karen Farmer-White, 487 Woodland Road, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2009, or until her successor is appointed and qualified, vice George H. Seidel, Jr., New Cumberland, whose term expired, should be corrected to read:

Karen Farmer White, 406 Landon Gate, Pittsburgh 15238, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2009, or until her successor is appointed and qualified, vice George H. Seidel, Jr., New Cumberland, whose term expired.

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

February 27, 2004

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

Please note the nomination dated February 11, 2004, for the appointment of Janet Schwartz, O.D., 227 West Lancaster Avenue, Devon 19333, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Quentin R. Orlando, O.D., Erie, whose term expired, should be corrected to read:

Janet Schwartz, O.D., 1204 Weymouth Road, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Quentin R. Orlando, O.D., Erie, whose term expired.

## 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:

February 11, 2004

- HB 310, 1937 and 1971 -- Committee on Transportation.
- HB 428 and 700 -- Committee on State Government.
- HB 842 and 2239 -- Committee on Local Government.
- HB 1438 -- Committee on Consumer Protection and Professional Licensure.
- HB 1512 and 2254 -- Committee on Judiciary.
- HB 2128 -- Committee on Education.

## 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:

February 11, 2004

Senators FERLO, ORIE and LOGAN presented to the Chair **SB 1014**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing limitations on rates of specific taxes.

Which was committed to the Committee on FINANCE, February 11, 2004.

Senator FERLO presented to the Chair **SB 1015**, entitled:

An Act authorizing assessment and collection of an employee municipal services tax in second class cities.

Which was committed to the Committee on FINANCE, February 11, 2004.

Senator FERLO presented to the Chair **SB 1016**, entitled:

An Act authorizing assessment and collection of an employee municipal services tax.

Which was committed to the Committee on FINANCE, February 11, 2004.

Senator FERLO presented to the Chair **SB 1017**, entitled:

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, providing for decisions of the board of arbitration.

Which was committed to the Committee on LABOR AND INDUSTRY, February 11, 2004.

Senator FERLO presented to the Chair **SB 1018**, entitled:

An Act amending the act of August 24, 1961 (P.L.1135, No.508), referred to as the First Class A School District Earned Income Tax Act, further providing for tax levy, purposes and imposition.

Which was committed to the Committee on FINANCE, February 11, 2004.

Senator FERLO presented to the Chair **SB 1019**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, authorizing an employee per capita tax in cities of the second class.

Which was committed to the Committee on FINANCE, February 11, 2004.

Senators ERICKSON, PILEGGI, KUKOVICH, HUGHES, COSTA, RAFFERTY, GORDNER, WONDERLING, WAUGH, CONTI, FERLO, WAGNER, ORIE, TARTAGLIONE, KITCHEN, DENT, CORMAN, MOWERY, C. WILLIAMS, MADIGAN, LAVALLE, LEMMOND, RHOADES, BOSCOLA, PIPPY and LOGAN presented to the Chair **SB 1020**, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for eligibility for benefits for members of certain ambulance services or rescue squads.

Which was committed to the Committee on LABOR AND INDUSTRY, February 11, 2004.

Senators WONDERLING, ERICKSON, FERLO and RAFFERTY presented to the Chair **SB 1021**, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, adding a definition of "community paper of mass dissemination"; and further providing for legal advertising.

Which was committed to the Committee on JUDICIARY, February 11, 2004.

Senators ORIE, WAGNER, LOGAN, COSTA, EARLL, LAVALLE, MOWERY, FERLO, LEMMOND, ERICKSON, RHOADES, BOSCOLA, RAFFERTY and M. WHITE presented to the Chair **SB 1022**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for tax relief.

Which was committed to the Committee on FINANCE, February 11, 2004.

Senators M. WHITE, ORIE, D. WHITE and ROBBINS presented to the Chair **SB 1023**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for separate specifications and contracts for certain items.

Which was committed to the Committee on LOCAL GOVERNMENT, February 11, 2004.

Senators BRIGHTBILL, ERICKSON, RHOADES, GORDNER, EARLL, CONTI, O'PAKE, D. WHITE, MOWERY, LEMMOND, ARMSTRONG, TOMLINSON, M. WHITE, ORIE, PILEGGI, FERLO, PIPPY, CORMAN and RAFFERTY presented to the Chair **SB 1024**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for State Report Card.

Which was committed to the Committee on EDUCATION, February 11, 2004.

February 17, 2004

Senator PICCOLA presented to the Chair **SB 1025**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, providing for an exemption for the elderly.

Which was committed to the Committee on FINANCE, February 17, 2004.

Senators C. WILLIAMS, TARTAGLIONE, FERLO, EARLL, STOUT, COSTA, MELLOW, ERICKSON, CORMAN, O'PAKE, STACK, RAFFERTY, HUGHES, KITCHEN, A. WILLIAMS, SCHWARTZ and WOZNIAK presented to the Chair **SB 1027**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information to consumer reporting agency.

Which was committed to the Committee on JUDICIARY, February 17, 2004.

## 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:

February 11, 2004

Senators ORIE, KITCHEN and COSTA presented to the Chair **SR 200**, entitled:

A Resolution urging the Department of Transportation to review discrepancies in the classification of certain vehicles for registration purposes and to report its findings to the General Assembly.

Which was committed to the Committee on TRANSPORTATION, February 11, 2004.

## GENERAL COMMUNICATIONS

### AUDITOR GENERAL'S CERTIFICATE

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

COMMONWEALTH OF PENNSYLVANIA  
Office of the Auditor General  
Harrisburg, PA 17120-0018

February 24, 2004

The Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII, Section 7(a)(4) of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act No. 1999-1, as amended), I am providing you with the accompanying certification in connection with the general obligation bond sale of February 19, 2004.

A duplicate original of the Auditor General's Certificate is enclosed.

Sincerely,

ROBERT P. CASEY, JR.  
Auditor General

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### AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a) (4)

of the

CONSTITUTION OF PENNSYLVANIA

and

Section 304 of the Capital Facilities Debt Enabling Act

To the Governor and The General Assembly:

I, Robert P. Casey, Jr., Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII, Section 7(a) (4) and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999) certify as follows:

The amount of the outstanding net debt  
as of February 26, 2004 . . . . . \$ 5,860,094,600

The difference between the limitation  
upon all net debt outstanding as provided  
in Article VIII, Section 7(a) (4) of the  
Constitution of Pennsylvania and the  
amount of outstanding net debt as of  
February 26, 2004 . . . . . \$36,639,962,985

IN TESTIMONY WHEREOF, I have hereto set my hand and  
affixed the seal of the Auditor General, this 24th day of February 2004.

ROBERT P. CASEY, JR.  
Auditor General  
Commonwealth of Pennsylvania

### REPORT ON FLOOD INSURANCE CONSUMER EDUCATION PLAN

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

COMMONWEALTH OF PENNSYLVANIA  
Insurance Department  
1326 Strawberry Square  
Harrisburg, PA 17120

March 1, 2004

Mark Corrigan  
Secretary, Senate of Pennsylvania  
462 Main Capitol  
Harrisburg, PA 17120

Dear Mr. Corrigan:

The enclosed Report on the Insurance Department's Flood Insurance Consumer Education Plan is being submitted to the General Assembly pursuant to Act 10 of Special Session Number 2 of 1996.

The Act requires that the Commissioner, no later than March 1 of each year, detail the progress being made by the Department to encourage Pennsylvania residents to purchase and maintain flood insurance. The Commissioner is also required to present recommendations for further promotion of flood insurance, which are contained in the Report.

The Department is committed to continue its efforts to increase the purchase of flood insurance policies and to continue to pursue consumer education efforts in compliance with Act 10. If you have any questions about the Report or the Department's flood insurance consumer education plans, please feel free to contact Ronald Gallagher, Deputy Insurance Commissioner, Office of Consumer and Producer Services at (717) 787-6174.

Thank you for your courtesy in distributing this Report on our behalf.

Sincerely,

M. DIANE KOKEN  
Insurance Commissioner

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

### APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Mr. James C. Roddey as a member of the Governing Board of the Intergovernmental Cooperation Authority for Cities of the Second Class.

Mr. C. Lee Roy Vatter as a member of the Conservation and Natural Resources Advisory Council.

### APPOINTMENTS BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Mr. David O'Loughlin as a member of the Governing Board of the Intergovernmental Cooperation Authority for Cities of the Second Class.

Mr. Howard Neukrug as a member of the Statewide Water Resources Committee.

### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for recess of the Senate for the purpose of a Republican caucus, which will begin immediately.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for the purpose of a Republican caucus.

The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, I request that all Members of the Democratic Caucus report to the Minority Caucus Room immediately upon recess.

The PRESIDENT. Without objection, the Senate is in recess.

### AFTER RECESS

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 200** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILLS OVER IN ORDER

**HB 1130, HB 1423 and HB 2027** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### SECOND CONSIDERATION CALENDAR

#### BILL ON SECOND CONSIDERATION

**SB 9 (Pr. No. 1386)** -- The Senate proceeded to consideration of the bill, 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.

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

**BILL REREFERRED**

**HB 138 (Pr. No. 3303)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**BILLS OVER IN ORDER**

**HB 349, SB 704 and SB 705** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Piccola has returned, and his temporary Capitol leave is cancelled.

**CONSIDERATION OF CALENDAR RESUMED**

**SECOND CONSIDERATION CALENDAR RESUMED**

**BILL REREFERRED**

**HB 794 (Pr. No. 3304)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**BILLS OVER IN ORDER**

**SB 893 and SB 922** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILLS REREFERRED**

**SB 930 (Pr. No. 1210)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending the payment of the salary, medical and hospital expenses to sheriffs and deputy sheriffs under certain circumstances.

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

**SB 953 (Pr. No. 1259)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to certain employees of the Bureau of Forestry in the Department of Conservation and Natural Resources, waterways conservation officers of the Pennsylvania Fish and Boat Commission, wildlife conservation officers of the Pennsylvania Game Commission; and making an editorial change.

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

**BILLS OVER IN ORDER**

**SB 979, HB 1235 and HB 1236** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**HB 1996 (Pr. No. 2948)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for guaranteed energy savings and contracts.

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

**RECESS**

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

Senator BRIGHTBILL. Madam President, I request a recess for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will occur immediately in the Rules room and last for about 5 minutes.

The PRESIDENT. Senator Brightbill requests a 5-minute recess for a meeting of the Committee on Rules and Executive Nominations. Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEAVE OF ABSENCE**

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

**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 CANCER  
CONTROL, PREVENTION AND RESEARCH  
ADVISORY BOARD**

January 26, 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, Patricia Halpin-Murphy, 1019 Ingram Court, Ambler 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board to serve for a term of four years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

December 18, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bonnie Lewis, 105 Pershing Circle, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE  
BOARD OF COSMETOLOGY**

January 26, 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, Kimberly C. Nesmith, 734 South 17th Street, Suite 301 South, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY**

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, Helen M. Billak, 800 Larchmont Road, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until her successor is appointed and qualified, vice Kenneth E. Davis, Gladwyne, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS**

January 26, 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, Barry S. Ramper, II, 3001 Rose Hill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

February 11, 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, Janet Schwartz, O.D., 227 West Lancaster Avenue, Devon 19333, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Quentin R. Orlando, O.D., Erie, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF STATE REAL  
ESTATE COMMISSION**

February 11, 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, Joseph J. Tarantino, 1030 Yellow Springs Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

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.

**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 MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

March 1, 2004

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 December 12, 2003, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until June 12, 2005, and until his successor is appointed and qualified, vice Robert S. Markle, Williamsport, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS**

March 5, 2004

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 February 2, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until July 31, 2005, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Grace Bohr, Scranton, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF THE  
WESTERN YOUTH DEVELOPMENT CENTERS**

March 1, 2004

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 December 1, 2003, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg, 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Thomas Fee, New Castle, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF THE  
WESTERN YOUTH DEVELOPMENT CENTERS**

March 1, 2004

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 December 1, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2003 [sic], and until her successor is appointed and qualified, vice Joseph Fragle, Sharon, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BERKS COUNTY  
BOARD OF ASSISTANCE**

March 1, 2004

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 December 15, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Berks County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Carol Meredith, Leesport, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 1, 2003, for the appointment of Nicole Carter, 301, Chestnut Street, Apartment 1213, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Butler County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Joseph Macurak, Chicora, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17219, York County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

March 1, 2004

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 December 15, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL  
Governor

**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.

**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 CANCER  
CONTROL, PREVENTION AND RESEARCH  
ADVISORY BOARD

January 26, 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, Patricia Halpin-Murphy, 1019 Ingram Court, Ambler 19002, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board to serve for a term of four years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor



MEMBER OF THE CHILDREN'S TRUST FUND BOARD

December 18, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bonnie Lewis, 105 Pershing Circle, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

January 26, 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, Kimberly C. Nesmith, 734 South 17th Street, Suite 301 South, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING AUTHORITY

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, Helen M. Billak, 800 Larchmont Road, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until her successor is appointed and qualified, vice Kenneth E. Davis, Gladwyne, resigned.

EDWARD G. RENDELL Governor

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

January 26, 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, Barry S. Ramper, II, 3001 Rose Hill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Examiners of

Nursing Home Administrators, 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.

EDWARD G. RENDELL Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

February 11, 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, Janet Schwartz, O.D., 227 West Lancaster Avenue, Devon 19333, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Quentin R. Orlando, O.D., Erie, whose term expired.

EDWARD G. RENDELL Governor

MEMBER OF STATE REAL ESTATE COMMISSION

February 11, 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, Joseph J. Tarantino, 1030 Yellow Springs Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

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

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Ferlo, Fumo, Gordner, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Punt, Rafferty, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

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  
 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. Georg Evans, Mr. and Mrs. Herbert Zankl, Mr. and Mrs. Lee Schweich and to Mr. and Mrs. John Kochel by Senator Armstrong.

Congratulations of the Senate were extended to Claudia Rutherford by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Howard C. Patterson by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Donald R. Kerstetter, Mr. and Mrs. Thomas R. Beechey, Dr. James W. Redka, Jean R. Staiman and to Eugene P. Ciccarelli by Senator Madigan.

Congratulations of the Senate were extended to the Meadville Lions Club by Senator Robbins.

**CONDOLENCE RESOLUTIONS**

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

Condolences of the Senate were extended to the family of the late Cornelius O. Baker by Senator Hughes.

Condolences of the Senate were extended to the family of the late Rosa Verbena Hall Logan by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Honorable Clyde Piquet by Senator LaValle.

Condolences of the Senate were extended to the family of the late John Arthur Hill and to the family of the late Edith Silvioni by Senator Orié.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 9, 2004

|           |  |                        |
|-----------|--|------------------------|
| 9:00 A.M. | EDUCATION (public hearing on the PA System of School Assessment (PSSA) Exam) | Room 8E-A<br>East Wing |
|-----------|--|------------------------|

|            |   |                          |
|------------|---|--------------------------|
| 12:30 P.M. | BANKING AND INSURANCE (to consider Senate Bill No. 266)<br><b>CANCELLED</b> | Rules Com.<br>Conf. Room |
|------------|---|--------------------------|

|            |  |                          |
|------------|--|--------------------------|
| 12:30 P.M. | URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1329, 1330 and 1331) <b>CANCELLED</b> | Room 461<br>Main Capitol |
|------------|--|--------------------------|

|               |   |                          |
|---------------|---|--------------------------|
| Off the Floor | ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate No. 977 and House Bills No. 60 and 1597) | Rules Con.<br>Conf. Room |
|---------------|---|--------------------------|

WEDNESDAY, MARCH 10, 2004

|           |  |                        |
|-----------|--|------------------------|
| 9:30 A.M. | CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nomination of Basil Merenda as Commissioner, Bureau of Professional and Occupational Affairs) | Room 8E-B<br>East Wing |
|-----------|--|------------------------|

|            |  |                        |
|------------|--|------------------------|
| 10:00 A.M. | AGING AND YOUTH (to consider House Bill No. 518) | Room 8E-A<br>East Wing |
|------------|--|------------------------|

|            |   |                          |
|------------|---|--------------------------|
| 10:00 A.M. | EDUCATION (to consider Senate Bills No. 911, 931 and 1028; and any other business that may come before the Committee) | Room 461<br>Main Capitol |
|------------|---|--------------------------|

TUESDAY, MARCH 16, 2004

|            |   |                          |
|------------|---|--------------------------|
| 10:30 A.M. | URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1329, 1330 and 1331) | Room 461<br>Main Capitol |
|------------|---|--------------------------|

**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, March 9, 2004, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:15 p.m., Eastern Standard Time.