

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, MARCH 29, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 20

SENATE

MONDAY, March 29, 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 WALTER WAGNER, of Lutheran Church of the Holy Spirit, Emmaus, offered the following prayer:

Through generating ambition and commitment, and ratifying Your call to service through the citizens of this Commonwealth, You have brought these women and men together to deliberate, debate, and decide for the wholeness of the State. From matters dealing with the environment and fiscal resources, to concerns of death and life, they seek the welfare of all of us. In the mixing bowl of local and party loyalties, personal aspirations and relationships, compromises and negotiations, grant them courage to stand for justice, humor sufficient to cooperate, wisdom to get through the mazes of choices and issues, integrity to be honest, foresight to work for future generations, and always the awareness that they are Your sons and daughters. Amen.

The PRESIDENT. The Chair thanks Reverend Wagner, who is the guest today of Senator Dent.

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 March 24, 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.

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the

Senate by amending said amendments to **HB 1206**, in which 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.

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:

March 24, 2004

HB 2428 -- Committee on Local Government.

HB 2447 -- Committee on Transportation.

March 25, 2004

HB 316 and **2190** -- Committee on Local Government.

HB 2055 and **2081** -- Committee on Veterans Affairs and Emergency Preparedness.

HB 2285 -- Committee on Labor and Industry.

HB 2348 -- Committee on Banking and Insurance.

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:

March 25, 2004

Senators GREENLEAF, KITCHEN, LEMMOND, KUKOVICH, SCHWARTZ, PIPPY, LOGAN, RAFFERTY and WONDERLING presented to the Chair **SB 1061**, entitled:

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for disclosure of fees; and making editorial changes.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 25, 2004.

Senators ORIE, STOUT, FUMO, LOGAN, M. WHITE, PUNT, COSTA, KITCHEN, BOSCOLA, WONDERLING, THOMPSON and GREENLEAF presented to the Chair **SB 1069**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for booth rentals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 25, 2004.

Senator ORIE presented to the Chair **SB 1070**, entitled:
An Act relating to confidentiality of Social Security numbers.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, March 25, 2004.

Senators C. WILLIAMS, O'PAKE, STOUT, KITCHEN, COSTA, BOSCOLA and CORMAN presented to the Chair **SB 1071**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Which was committed to the Committee on FINANCE, March 25, 2004.

Senators FUMO, KITCHEN, LOGAN, COSTA, TARTAGLIONE, MUSTO, STACK, HUGHES, C. WILLIAMS, A. WILLIAMS, SCHWARTZ, CONTI, RAFFERTY and MELLOW presented to the Chair **SB 1072**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of weapon on school property; and providing for firearm-free school zones.

Which was committed to the Committee on JUDICIARY, March 25, 2004.

Senators ORIE, BRIGHTBILL, M. WHITE, KUKOVICH, MADIGAN, LOGAN, STOUT, WENGER, TARTAGLIONE, KITCHEN, WAGNER, RAFFERTY, GREENLEAF, COSTA, CORMAN, SCHWARTZ, FERLO, PIPPY, LEMMOND, RHOADES, WONDERLING and THOMPSON presented to the Chair **SB 1073**, entitled:

An Act redesignating the bridge on State Route 228 which passes over Interstate 79 in Cranberry Township, Butler County, as the 79th Infantry Division Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, March 25, 2004.

Senators STACK, KUKOVICH, EARLL, MUSTO, TARTAGLIONE, LOGAN, COSTA, WOZNAK, FERLO, O'PAKE, M. WHITE, BOSCOLA, KASUNIC and C. WILLIAMS presented to the Chair **SB 1074**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for the return of unearned premium.

Which was committed to the Committee on BANKING AND INSURANCE, March 25, 2004.

Senators STACK, KUKOVICH, MUSTO, TARTAGLIONE, LOGAN, COSTA, FERLO, O'PAKE, BOSCOLA, RAFFERTY, KASUNIC and C. WILLIAMS presented to the Chair **SB 1075**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, imposing limitations on renewal premium rates for long-term care insurance.

Which was committed to the Committee on BANKING AND INSURANCE, March 25, 2004.

Senator PUNT presented to the Chair **SB 1076**, entitled:
An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for removal of vegetation and for installation of warning devices at railroad crossings.

Which was committed to the Committee on TRANSPORTATION, March 25, 2004.

Senators M. WHITE, D. WHITE, EARLL, GORDNER, KUKOVICH, WAGNER, SCHWARTZ, KASUNIC, ERICKSON, BOSCOLA, WENGER, WONDERLING, WAUGH, TARTAGLIONE, RAFFERTY, PILEGGI, ORIE, LEMMOND, WOZNAK, RHOADES, MOWERY, PIPPY, ARMSTRONG and TOMLINSON presented to the Chair **SB 1077**, 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 assignment of transfer students subject to suspension or expulsion.

Which was committed to the Committee on EDUCATION, March 25, 2004.

Senators MOWERY, PICCOLA, WENGER, ARMSTRONG, BRIGHTBILL, CONTI, CORMAN, DENT, EARLL, ERICKSON, GORDNER, LEMMOND, MADIGAN, ORIE, PILEGGI, PIPPY, PUNT, RAFFERTY, ROBBINS, SCARNATI, THOMPSON, TOMLINSON, WAUGH, D. WHITE, M. WHITE, C. WILLIAMS, WONDERLING and WOZNAK presented to the Chair **SB 1078**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

Which was committed to the Committee on JUDICIARY, March 25, 2004.

Senators M. WHITE, KUKOVICH, KITCHEN, PILEGGI, WAUGH, C. WILLIAMS, LOGAN, COSTA, RAFFERTY, FERLO, LEMMOND, PIPPY, KASUNIC, THOMPSON and ROBBINS presented to the Chair **SB 1079**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city.

Which was committed to the Committee on LOCAL GOVERNMENT, March 25, 2004.

Senators LOGAN, WAGNER, COSTA, FERLO and PIPPY presented to the Chair **SB 1080**, 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 hotel room rental.

Which was committed to the Committee on FINANCE, March 25, 2004.

RESOLUTION INTRODUCED AND REFERRED

March 26, 2004

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

March 25, 2004

Senators ORIE, KUKOVICH, TARTAGLIONE, LOGAN, O'PAKE, ERICKSON, CONTI, KITCHEN, SCHWARTZ, WAGNER, STACK, THOMPSON, MOWERY and GREENLEAF presented to the Chair **SR 218**, entitled:

A Resolution memorializing the Senate of the United States Congress to adopt the Snowe Amendment to H.R. 4, the Personal Responsibility and Individual Development for Everyone (PRIDE) Act.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 25, 2004.

GENERAL COMMUNICATIONS**REPORT ON EMPLOYMENT, PRODUCTION
AND TAX CREDITS OF SMALL MALT
BEVERAGE BREWERS**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Revenue
Harrisburg, Pennsylvania
17128-1100

March 22, 2004

Mr. Mark R. Corrigan
Secretary of the Senate
462 Main Capitol
Harrisburg, PA 17120

Dear Mr. Corrigan:

In accordance with provisions of Article 20 of the Tax Reform Code of 1971, the enclosed report represents employment, production, expenditures and tax credits authorized under Section 2010, relative to small malt beverage brewers in Pennsylvania.

Sincerely,

GREGORY C. FAJT
Secretary of Revenue

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

**REPORT OF INDEPENDENT REGULATORY
REVIEW COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Mr. Mark R. Corrigan
Secretary/Parliamentarian
Senate of Pennsylvania
462 Main Capitol
Harrisburg, PA 17120

Dear Mr. Corrigan:

Section 11(b) of the Regulatory Review Act requires the Independent Regulatory Review Commission to file an annual report of our activities with the General Assembly by April 1 of each year. In compliance with that provision, we are delivering twenty-five copies of our 2003 Annual Report to your office. Please deliver five copies of the Annual Report to the Senate Library.

I have written to individual members of the Senate and advised them of the availability of our 2003 Annual Report in your office and on our website at www.irrc.state.pa.us. If you need additional copies, please let me know and I will have them delivered.

Your comments, questions and suggestions are always welcome. Please feel free to call me at 783-5506.

Sincerely,

ROBERT E. NYCE
Executive Director

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

**ANNUAL REPORT OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA
Public Employee Retirement Commission
P. O. Box 1429, Harrisburg, PA 17105-1429

March 25, 2004

The Honorable Mark R. Corrigan, Secretary
Senate of Pennsylvania
Commonwealth of Pennsylvania
462 Main Capitol
Harrisburg, PA 17120

Dear Secretary Corrigan:

As required by the Public Employee Retirement Commission Act, this annual public report is issued to summarize the Commission's findings, recommendations, and activities for the year 2003.

During 2003, the Commission authorized the attachment of twenty-seven actuarial notes to nineteen bills, two documents, one bill as amended, and five amendments at the request of the various committees of the General Assembly. This report contains a synopsis of each of these notes and contains a summary of the Commission's review of the State Employees' Retirement System and the Public School Employees' Retirement System. This report also describes research conducted during 2003 and summarizes the Commission's administrative activities under the Municipal Pension Plan Funding Standard and Recovery Act and Act 293 of 1972.

On behalf of the Public Employee Retirement Commission and its staff, I am pleased to provide you with the twenty-first annual public report of the Commission. The Commission hereby expresses its thanks and appreciation to all individuals, organizations, and agencies whose

assistance and cooperation contributed to the work of the Commission during 2003.

Sincerely,

PAUL D. HALLIWELL
Chairman

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:

Senator John R. Gordner as a member of the Industrial Resource Center Strategic Advisory Board and as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Patrick V. Larkin, Esquire, as a Commonwealth Trustee of Temple University.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDENT. The Chair wishes to announce the Majority Leader has made the following appointment:

Mr. Joseph A. Cottonaro as a member of the Pennsylvania Business Tax Reform Commission.

RESOLUTION REPORTED FROM COMMITTEE

Senator DENT, from the Committee on Urban Affairs and Housing, reported the following resolution:

SR 212 (Pr. No. 1452)

A Resolution directing the Legislative Budget and Finance Committee to undertake a study of the Urban Redevelopment Authority of Pittsburgh and the Pittsburgh Development Fund.

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

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 Stout and Senator Tartaglione.

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

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, March 29, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, April 13, 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, April 12, 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-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.

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Madam President, this afternoon I rise to introduce a number of guests who are here in the gallery, who have been wonderful ambassadors from our State System of Higher Education. These individuals, Madam President, participated in the THIS program, and since 1989 the State System of Higher Education has sponsored a semester-long internship program for outstanding students in all academic majors from each of its 14 universities. The Harrisburg Internship Semester, the THIS program, places these selective students in working relationships with policymakers of executive and legislative branches of Pennsylvania government, as well as independent boards, agencies, and commissions. Madam President, by involving students in the public policy practice, THIS provides an opportunity in an important and enriching academic experience for the students. Students learn the dynamics of State government in new and powerful ways through direct involvement of report and speech writing, research and program design, and evaluation. Each student earns a total of 15 credit hours, 9 credit hours for the internship experience, 3 credits for completing an individualized directed project

involving substantial research and analysis, and 3 credits for participating in this rigorous academic seminar.

Madam President, I would like to take a moment to read the names of each of the students who are here and ask that they stand when I read their names and the university they come from, as well as the office that they have been interning in. They are Gwyneth Acee, a student from Cheyney University, who is working in the office of the Governor's Advisory Commission on African American Affairs, and she is from Washington, D.C.; Adam Bonkaney, from East Stroudsburg University, is interning in the Department of Transportation, and his hometown is Harrisburg; Adrienne Bragg, Mansfield University, is interning in the Department of Education and is from New Albany; Lisa Burakiewicz, Millersville University, has been interning in my office and doing a wonderful job, and she will be attending Temple University, seeking a master's degree in social work, which she will start this summer. Her research project, as I mentioned that they are required to do, will be in the area of State intermediate punishment, and she has covered alternative sentencing for nonviolent drug offenders. She also has been an outstanding individual in terms of working with my staff and also working in the department with a number of other individuals. Laura Davis, from California University, has been working in the Department of Education, and she resides in Bethel Park; Kelly Dunkowski, Slippery Rock University, has been interning at the Department of Health, and she is from Tonawanda, New York; Jonathan Ebersole, from Bloomsburg University, is working in the Historical and Museum Commission, and he is from Milton; Jessica Fike, Shippensburg University, is working in the Office of the Governor's Advisory Commission on Latino affairs, and he is from McClure; Adam Hepfl, Clarion University, is working in the Office of the Speaker of the House of Representatives, and is from Clarion; Craig Hirneisen, Indiana University, a resident of Reading, is working in The Center for Rural Pennsylvania; Jeff Mannion, also at IUP, Indiana University, is working in the Office of the Speaker of the House of Representatives, and is from East Fallowfield; Anna Martin, Bloomsburg University, works in the Office of the Attorney General and is also from Bloomsburg; Lora MacDonald, Lock Haven University, works in the Department of Public Welfare, Office of Children, Youth, and Families, and is from Susquehanna; Adrienne Montony, West Chester University, works in the Governor's Policy Office and hails from York; and last but not least, Madam President, Julie VanDusky, East Stroudsburg University, works in the Department of Community and Economic Development and hails from Scranton.

Madam President, each of these students can be given a round applause for their work.

The PRESIDENT. Would our students please rise so we can give you a round of applause.

(Applause.)

Senator COSTA. Congratulation, students.

GUESTS OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE

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

Senator C. WILLIAMS. Madam President, I am very honored today to introduce to the Senate the Haverford Middle School Seventh Heaven Chorale Group and their director, Seth Gardner. They were entertaining in the East Wing Rotunda around noon, and they are fabulous. They have won competitions throughout Pennsylvania and have been recognized nationally. It is the most exciting school music program, and it shows the importance of music education in our schools. Unfortunately, they cannot serenade us here today, but I hope that they will come back again to perform in the Capitol, and I urge you all to listen to them. Now, I would like it if they would rise so we can all give them a great Senate welcome.

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

(Applause.)

GUEST OF SENATOR JOHN R. PIPPY PRESENTED TO THE SENATE

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

Senator PIPPY. Madam President, I also want to recognize a young lady who had been mentioned earlier by Senator Costa, and she is Laura Davis from Bethel Park. She is a tremendous young woman, and not only is she in the honor society in education, but what I think is worthy of note, she has spent her internship with the Pennsylvania Department of Education and hopes to teach in Pennsylvania, taking those lessons she has learned back to the classroom to help our youth in Pennsylvania. I think that is worth a round of applause, and I want to thank her for all the work she does.

Thank you, Madam President.

The PRESIDENT. Will Laura Davis please rise.

(Applause.)

GUEST OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, I have a very special guest in the gallery today, and it has been my pleasure and honor really to have this intern. Her name is Grace Chehoud, and she works in my Bethlehem office. She has helped out so many of my constituents, and continues to be a very dedicated intern and citizen of the Lehigh Valley and also this Commonwealth of Pennsylvania. She graduated from Whitehall High School and then began her secondary education at Moravian College. She is a double major in political science and Spanish, and her minor is in international relations. She speaks four languages fluently, and her aspirations are to become more involved in international issues after she graduates from Moravian. While attending college, she was inducted into the honor society, made dean's list, won a tuition-free scholarship to the University of Mexico this summer, and is involved in 11 different groups at the university, and after all of that, her classes, activities, interning with me, she also works at the Lehigh County Courthouse for the Protection From Abuse Office and she is a language interpreter for 10 judges. Because of her dedication to her job, she was recently

nominated for Employee of the Year. She has been an incredible asset to my office, she is an incredible asset to the community, and, in fact, today is her birthday, she turns 19 years old today, she is an Aries just like I am. Madam President, let us give a warm welcome to her in the Chamber today.

The PRESIDENT. Would our guest please rise.
(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing Mrs. Regina Ehrhart and her two daughters, Gretchen and Colleen, from Hermitage, Pennsylvania. Regina and her daughters are visiting Harrisburg today to attend a conference of the Epilepsy Foundation of Pennsylvania. This evening Gretchen will be the guest speaker at the foundation's annual dinner.

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

The PRESIDENT. Would the Ehrharts please rise so we can give you a round of applause.
(Applause.)

GUEST OF SENATOR MIKE WAUGH PRESENTED TO THE SENATE

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

Senator WAUGH. Madam President, I would like to add to the list that we heard earlier from Senator Costa and also Senator Pippy, and introduce, along with those distinguished students, another distinguished individual who hails from the home of the Bulldogs at West York High School. Adrienne Montony is visiting today with the other Harrisburg internship semester students. She, as I said, lives in York, and she is a 2001 graduate of West York High School. She is currently a junior at West Chester University, majoring in political science. She is interning with the Governor's Policy Office, and her hobbies include student government and art. Adrienne, if you would stand, we would like to give you a warm welcome. Welcome.

(Applause.)

CALENDAR

SENATE RESOLUTION No. 209, CALLED UP AND ADOPTED

Senator BRIGHTBILL, without objection, called up from page 3 of the Calendar, as a Special Order of Business, **Senate Resolution No. 209**, entitled:

A Resolution congratulating The Pennsylvania State University on the commencement of its sesquicentennial celebration and reaffirming its designation as Pennsylvania's land-grant university.

On the question,
Will the Senate adopt the resolution?

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

Senator CORMAN. Madam President, if you would allow me just a moment to be a little out of order. Normally at this time we do not introduce guests, but this is a special occasion and we do have some guests on the floor who, before I start my remarks, I want the Senate to recognize. You know, the best laid plans of mice and men; today is the day when Penn State decided they wanted to come down to Harrisburg and help celebrate the 150th anniversary of the founding of the college, and as exciting as that day is, the plans that we made, the press conference earlier, and the reception tonight, which are all going very well, I think all of the guests here would much rather be in Hartford, Connecticut, to see the Lady Lions carry the flag for Pennsylvania. Unfortunately, our friends in Philadelphia and Pittsburgh suffered defeats over the weekend in the men's draw, but the Lady Lions are carrying the flag for Pennsylvania and will be participating tonight in Connecticut in the Eastern Division Finals. We wish them well this evening.

GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE

Senator CORMAN. On the floor here with us, Madam President, to help us celebrate the 150th anniversary today, as I mentioned, is President Spanier, President of Penn State University; vice chair of the Penn State Board of Trustees, James Broadhurst; and many members of the board of trustees, and I ask the Senate to give them its warm welcome at this time.

The PRESIDENT. Would you please all rise.
(Applause.)

Senator CORMAN. Madam President, I am one of many Senators here today who are graduates of Penn State University, and if you think of Penn State University from the outside, as a parent you might think of it as a place where you send your tuition dollars, or as an employee, maybe a place where you go to work, as I mentioned, or maybe a place where you spend your Saturday afternoons in the fall at Beaver Stadium, or Friday or Sunday afternoons in the winter at the Jordan Center to watch the Lady Lions play, but that would just scratch the surface of what Penn State is all about.

Since its founding in 1855, Penn State and its people have been leaving their mark on the world. From viewing the first atom to astronauts, from artificial insemination to artificial hearts, Penn Staters have had a profound impact on the world and are leaving a great legacy of contributions. In particular, Penn Staters have contributed heavily to our Commonwealth in making our State a better place to live, work, and play. In fact, Penn State's mission has always been to improve the quality of life for citizens of Pennsylvania through teaching, research, and service.

Allow me to mention a few of the ways that this great research university is impacting the people of Pennsylvania every day. Nearly 14,000 jobs can be attributed to Penn State's \$400 million research program each year, not including thousands more that are created or saved as a result of technologies developed at Penn State and transferred to the private sector. During a typical year, the university engages in research projects with nearly 400 Pennsylvania companies. Penn State receives more research

funding from private industry than any other public university in the nation. More than 200,000 Penn Staters, over half of all living graduates of the university, continue to reside and work here in the Commonwealth of Pennsylvania. Today, one in eight Pennsylvanians with a college degree is a Penn State graduate. The Penn State faculty conducts pioneering investigations in areas of critical importance to Pennsylvania's agribusiness. A few examples are the university's mushroom research program that has helped keep Pennsylvania the number one domestic producer of fresh mushrooms, 360 million pounds annually. The College of Agricultural Science's cocoa, chocolate, and confectionery research group supports the State's \$4 billion chocolate industry. Potato varieties and production techniques developed at Penn State help maintain Pennsylvania's status as the nation's top producer of potato chips, more than 26 million tons a year. The College of Medicine was the first medical school in the nation to establish a Department of Family and Community Medicine, thus helping to reestablish the tradition of the primary care physician or family doctor. Since 1994, more than half of the college's medical graduates have chosen residences in primary care, and in all fields, nearly 1,200 Penn State-trained physicians practice in Pennsylvania.

I mentioned employment earlier. Penn State employs more than 20,000 men and women at 24 campus locations statewide and at outreach offices and centers in all 67 counties. The university pays about \$1.2 billion yearly in wages, salaries, and benefits, which, in turn, have a significant ripple effect throughout the Commonwealth. Cooperative extensions, with offices in each of the Commonwealth's 67 counties, reach 2 million Pennsylvanians each year with free information about topics ranging from nutrition to farming to youth development. As a matter of fact, I think we had a gentleman farmer in the Senate of Pennsylvania who used the agriculture extension most recently. Included are Penn State 4-H activities that promote leadership abilities and healthy lifestyles for 167,000 Pennsylvania youth annually.

America will need an additional one million information technology professionals by the year 2005, Madam President, and to meet this demand and to help ensure Pennsylvania's leadership in the information age, Penn State has established an Information, Science and Technology School, IST. The university has developed strategic partnerships with Pennsylvania-based companies and public agencies to make sure that IST graduates have practical training in teamwork, communications, and critical thinking skills needed by the Commonwealth's employers. Penn State offers unique educational opportunities for inner city youth. Typifying those opportunities is the Penn State Educational Partnership program, PEP, a collaborative effort with urban school districts. PEP encourages secondary school students in urban areas who are at risk of dropping out to stay in school. Through PEP, more than 1,000 Penn State students have worked one-on-one as academic mentors and tutors to improve disadvantaged youths' chances for successful employment in post-secondary education.

Madam President, the message is clear, whether you live in rural Pennsylvania, urban Pennsylvania, or whether you live in Erie, Philadelphia, Scranton, Pittsburgh, whether you are in agriculture or high-tech, Penn State University has a positive

impact on the daily lives of all Pennsylvanians. An investment in Penn State University, Madam President, in my opinion, is an investment in Pennsylvania, and I urge immediate adoption of the resolution.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, Senator Corman is to be commended for bringing this resolution forward. I have a book here that I have quoted from on a number of occasions. It is actually, I believe, a reprint of a book that was written in 1886, it is entitled "A History of Education in Pennsylvania," and it is by a man named James Pyle Wickersham. The book, by the way, I usually reference in terms of discussions in chapters 15 and 16 on the passage of free public education in Pennsylvania in 1833-34, which I believe was probably the most contentious set of votes that were ever cast in the Pennsylvania General Assembly. I have sent out copies of this to some people because I think it is an interesting history. This book, as I said, was written in 1887, and I thought I would quote from it. On page 432, it references "The State College." What it references is that at that time, 150 years ago, it went by "The name first adopted, 'Farmers' High School,' was changed, in 1862, to 'Agricultural College of Pennsylvania,' and this, in 1874, to 'Pennsylvania State College.'" We, of course, now know it proudly as the Pennsylvania State University. I do not know who coached their football team or what their mascot was, but I thought I would read the final paragraph of this little section on Penn State, which I think gives some perspective about how far Penn State has come over the years. This, I mention again, was written in 1887. "The State college has not as yet proven very successful. The number of students from the beginning has scarcely averaged sixty, including those in the Preparatory department, and the class graduating has seldom exceeded half a dozen. At present there seems to be a fair promise of a new life, and confident hopes are felt that the great possibilities of the institution will at length be realized."

So, we can see that Penn State has indeed come a long distance, and I extend my congratulations. I understand from the current president that George W. Atherton, who is mentioned in the book, was in fact considered to be one of the key early presidents who got Penn State off on the right track, and I extend my congratulations to all and wish them well and make us all wonder what Penn State will look like in another 100 years. By the way, I mention that originally, and I found this intriguing as someone in government, Penn State college or the Farmers' High School, or whatever it was, was granted 780,000 acres, and one of the first controversies of Penn State was that somebody in the General Assembly decided that they ought to sell the 780,000 acres for money, and it was sold down to 400,000 acres. The book mentions that there were men who were eager to obtain the land at a low figure. That is certainly a new twist in politics. It had an average price of less than 60 cents an acre. So, I do not know if you can go back, the Indians in Easton have gone back on some of the land they sold, maybe you can go back on this transaction, too.

So I wish you well. Madam President, all the citizens of the Commonwealth of Pennsylvania are ultimately Penn State fans.

Thank you.

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

Senator O'PAKE. Madam President, I thought for a moment that Senator Brightbill was starting to debate the slots legislation when he mentioned the Indians.

Madam President, as those of us who serve in the General Assembly well know, Pennsylvania is blessed by its historical past, by its rich heritage, and by its wealth of world-class institutions of higher learning. Today, although not a Penn State graduate, as some of you may know, I went to another small school in Philadelphia, St. Joseph's University, but it is my honor as the Minority chairman of the Senate Committee on Agriculture and Rural Affairs and as a Senator with a Penn State branch campus in my county, Berks, to join in this commencement of celebration of Penn State's 150 years of success, and I urge my colleagues on this side of the aisle to join in support of this resolution.

While Penn State has come a long way from its first days as the Farmers' High School of Pennsylvania, it has never lost sight of its original mission of promoting the application of agricultural research and science and in helping to make Pennsylvania a world leader in agricultural production. As noted by Penn State's Craig Weidemann, when President Lincoln signed the Morrill Land Grant Act in 1862, and I quote, "The United States could barely feed itself. Today it feeds much of the world, thanks to advances in agriculture pioneered at Penn State." Penn State's Cooperative Extension, an outreach service in Berks County, does an excellent job. In each of our counties, it continues to enable our Commonwealth with the fertile soils with which we have been blessed to produce an abundance of food and fiber for ourselves and for the whole world. From working with State agencies and the agricultural community on the latest in farming techniques, to addressing issues of food safety, very important today, through improved science-based detection and in collaboration with parents, teachers, and volunteers to make our 4-H youth development program an ongoing success, Penn State has repeatedly demonstrated its enormous value to our State's competitive position as an agricultural leader. As Pennsylvania's only land grant institution, Penn State and its thousands of graduates have made an enormous contribution to the well-being of our State and our nation over the past 150 years.

Today, we are all truly "Penn State Proud," and we are honored to have this chance to pay tribute to an outstanding public university in the name of our great State.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Madam President, it is my pleasure to offer my congratulations to Penn State University as it celebrates its 150th anniversary, and I also ask that this Chamber unanimously support this resolution. From our local Eberly Campus in Fayette County to Happy Valley, a Penn State education has meant many things for many people over the years. Graduates have made their mark, literally, in every field across the globe. The school and its invaluable branch campuses have been major contributors to our communities from an educational,

cultural, and economic standpoint. In these modern times when it is crucial that our students prepare themselves to compete world-wide in a multitude of emerging fields, a college education is more important today than it has ever been. You have come a long way from a simple agricultural school in rural Centre County, and we, this legislature, and the citizens of this Commonwealth, need you to continue to succeed. As we celebrate this anniversary, I hope all of us keep in mind the need to do all that we can to help Penn State University achieve and accomplish its goals. We must partner with them to make sure that our young people have the opportunity to chase and to catch their dreams, because Penn State University and its students all share a common goal and the same future.

In closing, let me add my congratulations and best wishes to Penn State University on its 150th anniversary. Also, I would like to congratulate and wish the Lady Lions the best of luck this evening against Connecticut. Roar Lions, roar.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator. I was going to suggest that we all give a round of applause for the Lady Lions tonight. Also, as the President of the Senate and the mother of a graduate of Penn State University, Mina Baker Knoll, who is a partner on Wall Street, I can tell you I just love Penn State, as do all of us in this great Commonwealth. So congratulations.

And the question recurring,

Will the Senate adopt the resolution?

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

The PRESIDENT. The vote was unanimous.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, I ask that the Senate recess for the purpose of a Republican caucus, which will begin immediately in the caucus room. I imagine it would not last for more than an hour to an hour and a half.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 305 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1597 (Pr. No. 2017) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of April 5, 1870 (P.L.47, No.28), entitled "An act for the draining of swampy and wet lands."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 2027 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

REQUEST FOR RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess for meetings of the Committee on Appropriations and the Committee on Rules and Executive Nominations.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

March 29, 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, James N. Papoutsis, (Public Member), 9 Kensington Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Barber Examiners, 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.

EDWARD G. RENDELL
Governor

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

March 29, 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, George S. Osborne, Ph.D., 131 Piqua Circle, Berwyn 19312, Chester County, Twenty-sixth Senatorial District, for reappointment 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.

EDWARD G. RENDELL
Governor

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

March 29, 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, Edward F. Sickel, M.D., 666 St. John's Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment 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.

EDWARD G. RENDELL
Governor

**MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE**

March 29, 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 Juniata County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Carlen D. McClure, Port Royal, 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 STATE
BOARD OF COSMETOLOGY**

March 29, 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 30, 2003, for the appointment of Stephanie Moore, (Public Member), 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Cosmetology, to serve until October 2, 2004, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Kaplan, Wynnewood, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
DRUG, DEVICE AND COSMETIC BOARD**

March 29, 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 22, 2003, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213 Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Arthur Zucker, Richboro, whose term expired.

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

EDWARD G. RENDELL
Governor

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

March 29, 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 March 5, 2004, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, 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.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE
TRANSPORTATION COMMISSION**

March 29, 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 23, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve until March 17, 2005, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Isadore A. Shrager, Philadelphia, deceased.

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

EDWARD G. RENDELL
Governor

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

March 29, 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 January 13, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers, 17319, York County, Fifteenth Senatorial District, as a member of the Beaver County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Allen Andrascik, Beaver Falls, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE**

March 29, 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 January 13, 2004, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg, 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Fayette County Board

of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Reverend DewVaul W. Tracy, Jr., Lake Lynn, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FRANKLIN COUNTY
BOARD OF ASSISTANCE

March 29, 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 29, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Franklin County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Charles W. Frame, III Waynesboro, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

March 29, 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 23, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers, 17319, York County, Fifteenth Senatorial District, as a member of the York County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Virginia Hawkins, York, resigned.

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

EDWARD G. RENDELL
Governor

**CORRECTION TO 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 EXAMINERS
IN SPEECH-LANGUAGE AND HEARING

March 29, 2004

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

Please note the nomination dated March 5, 2004, for the appointment of 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, should be corrected to read:

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 Richard M. Angelo, Bloomsburg, whose term expired.

RECESS

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

AFTER RECESS

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

**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 STATE
BOARD OF COSMETOLOGY

March 29, 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 30, 2003, for the appointment of Stephanie Moore, (Public Member), 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Cosmetology, to serve until October 2, 2004, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Kaplan, Wynnewood, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
DRUG, DEVICE AND COSMETIC BOARD

March 29, 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 22, 2003, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213 Harrisburg 17101, Dauphin County,

Fifteenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Arthur Zucker, Richboro, whose term expired.

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

EDWARD G. RENDELL
Governor

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

March 29, 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 March 5, 2004, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, 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.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

March 29, 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 23, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve until March 17, 2005, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Isadore A. Shrager, Philadelphia, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BEAVER COUNTY
BOARD OF ASSISTANCE

March 29, 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 January 13, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters, 17319, York County, Fifteenth Senatorial

District, as a member of the Beaver County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Allen Andrascik, Beaver Falls, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

March 29, 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 January 13, 2004, for the appointment of Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg, 17101, Dauphin County, Fifteenth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Reverend DewVaul W. Tracy, Jr., Lake Lynn, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FRANKLIN COUNTY
BOARD OF ASSISTANCE

March 29, 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 29, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Franklin County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Charles W. Frame, III Waynesboro, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

March 29, 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 23, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters, 17319, York County, Fifteenth Senatorial District, as a member of the York County Board of Assistance, to serve

until December 31, 2004, and until her successor is appointed and qualified, vice Virginia Hawkins, York, 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.

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

March 10, 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, J. Wyatt Mondesire, 6926 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until his successor is appointed and qualified, vice Joseph J. Borgia, Erie, 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. Shralow, 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

DISTRICT JUSTICE

March 10, 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, Frank Phillip Mills, Sr., P.O. Box 504, North Bend 17760, Clinton County, Thirty-Fifth 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

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

March 10, 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, J. Wyatt Mondesire, 6926 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve for a term of five years or until his successor is appointed and qualified, vice Joseph J. Borgia, Erie, 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. Shralow, 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

DISTRICT JUSTICE

March 10, 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, Frank Phillip Mills, Sr., P.O. Box 504, North Bend 17760, Clinton County, Thirty-Fifth 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

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-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
Earl	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 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

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

SB 216 (Pr. No. 224) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for short title and for definitions; and expanding the scope of the act to include motorboats and motorcycles.

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

BILL OVER IN ORDER

HB 304 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 506 (Pr. No. 1647) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

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

BILLS OVER IN ORDER

SB 1004, SB 1005, HB 1438 and HB 2083 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2330 (Pr. No. 3251) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the duties of the Pennsylvania State Police regarding criminal history background reports for persons participating in harness or horse racing.

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

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

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

SB 679 (Pr. No. 1437) (Rereported)

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, prohibiting possession or transporting of liquefied ammonia gas under certain circumstances; prohibiting possession of certain precursors and chemicals used in the manufacture of controlled substances; and imposing duties and responsibilities relating to clandestine drug laboratories upon the Pennsylvania State Police.

SB 977 (Pr. No. 1496) (Amended) (Rereported)

An Act amending the act of December 3, 1998 (P.L.946, No.125), known as the Forest Lands Beautification Act, further providing for funding for the Forest Lands Beautification Restricted Account.

HB 794 (Pr. No. 3575) (Amended) (Rereported)

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.

HB 1809 (Pr. No. 3576) (Amended) (Rereported)

An Act providing for a commercial manure hauler and broker certification program; and establishing requirements.

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 1206 (Pr. No. 3537) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for definitions; and providing for the applicability of 2002 amendments relating to definitions regarding earned income tax.

SENATE RESOLUTION ADOPTED

Senators SCHWARTZ, CONTI, WOZNIAK, TARTAGLIONE, KUKOVICH, COSTA, M. WHITE, LOGAN, ORIE, FERLO, ARMSTRONG, TOMLINSON, STACK, PIPPY, STOUT, FUMO, ERICKSON and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 222**, entitled:

A Resolution designating April 20, 2004, as "Love-A-Teen Day" in Pennsylvania.

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

PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Madam President, this is the final week of March Madness, and I am not talking about the Pennsylvania legislature. The Final Four have emerged in the Men's NCAA Basketball Championship. Unfortunately, Pennsylvania's last best hope for the Final Four, the St. Joseph's University Hawks, fell one basket short Saturday night in the Meadowlands in what has been called the best game in the tournament thus far. St. Joseph's University, with an enrollment of 3,800 students, fewer than Reading High School, the smallest school in the Sweet 16, played an exciting, hard-fought game right down to the wire, losing in the last 7 seconds to Oklahoma State University, the team which eliminated Pittsburgh University in the game before. St. Joseph's University compiled a 30 and 2 win-loss record, achieving the cover of Sports Illustrated magazine, a number one ranking in the nationwide polls in early March, and the number one seed in Eastern Regionals. Those who watched the game on national TV Saturday night know that the Hawks put everything

out on the floor, but fell inches short. Led by the inimitable real Philadelphia guy, Coach of the Year, Phil Martelli, and everybody's all-American and winner of the Naismith Award, Jameer Nelson, and his amazing backcourt teammate, Delonte West, the St. Joseph's Hawks captured the minds and hearts of all of Philadelphia and basketball fans everywhere. They were truly the success story of the year in college basketball, and what is best of all, Madam President, is that all of the student athletes were class acts off the court as well as on, reflecting credit on themselves, their families, and the school. Those of us alumni who followed this team, and basketball fans throughout the region, enjoyed an exciting, spectacular, and magical season and will cherish the memories for a very long, long time.

We salute the St. Joseph's Hawks for a job well done and remind the nation that the Hawk will never die. I invite all of my colleagues to cosponsor a congratulatory citation which Senator Hughes, Senator Anthony Williams, and I have introduced and which is in the Secretary's office.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I also would like to, in conjunction with my colleague, Senator Michael St. Joe's O'Pake, or Hawk O'Pake, or whatever you want to call him, I want to congratulate St. Joseph's University and their basketball team and the whole university. If there was ever a David and Goliath story in college basketball, it would be that of St. Joseph's. It is a very small school located in my senatorial district, but has done almost the impossible, and when you look back on the history of the university, this is not the first time that they have been down that path, and we want to salute St. Joe's.

We also want to salute our sister university team from the western end of the State, the Pitt Panthers, for their heroic run at a national championship. They fell a little bit short, but they were gallant in their effort and gallant in making this significant attempt. It is great to see what I think is sports at its finest. There is probably for me, personally, no better time of the year in athletic competition than college basketball and March Madness, and we are proud, we are very proud, Madam President, that two of Pennsylvania's best teams could participate and show Pennsylvania well and make Pennsylvanians proud, and we congratulate Pitt, Senator Costa is sitting right in front of me, we congratulate the Pitt Panthers, and we especially congratulate the Hawks of St. Joseph's University. The Hawk will never die.

Thank you, Madam President.

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 David J. Bohner, Jean Johnson, Joanne S. Messenlehner and to Barbara Sandbrook by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Leon Linsenbach, Sr., Chris Keister, Daniel Lucas Marion, Kevin Patrick Ward and to the State College Area High School Girls' Swimming 400-Yard Freestyle Relay Team by Senator Corman.

Congratulations of the Senate were extended to the Barbershop Talk Human Family Day Foundation, Inc., by Senator Hughes.

Congratulations of the Senate were extended to Jeffrey Renshaw and to Jared Royer by Senator Mowery.

Congratulations of the Senate were extended to Neil Murphy by Senator Musto.

Congratulations of the Senate were extended to John Gendt by Senator Pippy.

Congratulations of the Senate were extended to Mike Graham by Senator Robbins.

Congratulations of the Senate were extended to Matthew Kelly by Senator Tomlinson.

Congratulations of the Senate were extended to the Pennsylvania State Grange by Senator Waugh.

Congratulations of the Senate were extended to Nicholas Graham by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. John Campbell by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Keck, Mr. and Mrs. Orlando A. Camarco, Grace Corona, Pat Quinlan, Mildred McGruder and to Brian Chorney by Senator Wonderling.

Congratulations of the Senate were extended to the Emmaus High School Girls' Varsity Swimming and Diving Team by Senators Wonderling and Dent.

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 Philip Leon Price, Sr., by Senator Hughes.

Condolences of the Senate were extended to the family of the late Robert Grice by Senator Pippy.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 30, 2004

10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 1013, 1039 and 1047; House Bills No. 1926 and 1993; and to receive a briefing on the status of the SURE System by Pedro A. Cortes, Secretary of the Commonwealth)	Rules Com. Conf. Room
11:00 A.M.	LABOR AND INDUSTRY (to consider the nominations of Alfonso Frioni, Jr. and Robert Krebs to the Workers' Compensation Appeal Board; and House Bill No. 652)	Rules Com. Conf. Room
11:00 A.M.	EDUCATION (to consider House Bill No. 2128 and any other business that may come before the Committee)	Room 461 Main Capitol

11:30 A.M.	JUDICIARY (to consider Senate Bills No. 978, 985 and 1032; Senate Resolution No. 220; and House Bills No. 434 and 832)	Room 8E-B East Wing
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Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 276 and 871; and House Bills No. 1634 and 1996)	Rules Com. Conf. Room
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 157; and certain executive nominations)	Rules Com. Conf. Room
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TUESDAY, APRIL 13, 2004

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on electric reliability)	Room 8E-B East Wing
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1:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1329, 1330 and 1331)	Room 461 Main Capitol
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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 30, 2004, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:40 p.m., Eastern Standard Time.