

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, MAY 3, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 25

**SENATE**

MONDAY, May 3, 2004

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

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

**PRAYER**

The Chaplain, Reverend PAUL A. LAUCHLE, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Father, the One who created this day in each of our lives, rain Your precious spirit upon this Senate Chamber, its Members, and staff. Fall in fresh ways upon us. Inspire each one to work more faithfully for the good of this Commonwealth, for justice and dignity of life everywhere within our boundaries. Raise our vision above the barriers and walls that separate us, color, culture, creed, and even politics. Give us wisdom as we deal with one another. Help us to recognize and respect rather than judge different ways, opinions, and ideas. Help us to serve, to not only talk about but walk in this world where there are needs and issues that need our attention, but help us to not walk alone. Give us Your presence and Your power in peace so to open our hearts in love. Awake in us the desire to see Your way of serving You in this time, and to be faithful, humble, and obedient in our response.

Let us not be found wanting. Let us live with no regrets. So, this day we lift before You the leaders of this nation, President Bush, Vice President Cheney, the members of Congress, the Justices of the Supreme Court. We intercede for our Governor, Edward Rendell; our Lieutenant Governor, Catherine Baker Knoll; the Members of the House of Representatives; our Supreme Court Justices; and especially I pray today for the Members of this Senate body. Truly, lead each one so that they may acknowledge Your wisdom. Help them to seek Your word, seek after Your will, and see it clearly.

May You, God, bless the United States of America, especially in our time of war, and with our struggle with the existence of evil in this world. Please protect our service women and men. Bless the Commonwealth of Pennsylvania and these Senators as we lift this prayer in the name of the One who created us and redeemed us and now empowers us for all the tasks and responsibilities before us this day. May we remain one nation under God. Amen.

The PRESIDENT. The Chair thanks Reverend Lauchle, who is the guest today of Senator Pippy and Senator Piccola.

**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 ask for legislative leaves for Senator Madigan, Senator Thompson, and Senator Tomlinson.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Madigan, Senator Tomlinson, and Senator Thompson.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Costa, Senator Stout, Senator Tartaglione, and Senator Connie Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Costa, Senator Stout, Senator Tartaglione, and Senator Connie Williams.

Without objection, the 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 April 14, 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 NOAH W. WENGER  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Madam President, I have two introductions this afternoon. First, I would like to introduce Bryce Auker, a fine young man from my senatorial district in Ephrata, Lancaster County. He is a junior at Ephrata High School and is a history major. He works at the local hardware store, and he is active in his church youth group. His hobbies include reading and tennis, and his plans for the future are college, perhaps majoring in history. He is a fine young man who has come to observe the workings of the Senate and has followed me around to some of the activities that have taken place today, and I would appreciate a warm welcome for him.

The PRESIDENT. Would the guest of Senator Wenger please rise so we can give you a round of applause.

(Applause.)

Senator WENGER. Madam President, I have an additional pleasure, and that is to make note of the fact that May is beef month in Pennsylvania. We have the following guests in the Senate gallery today in commemoration of May as beef month, and they are Bernard Nissley, president of the Pennsylvania Beef Council; Paul Slayton, executive director; Morgan Firestine, Pennsylvania Beef Ambassador; and Bob Suhosky, president of Beef Quality Assurance. I would appreciate a warm welcome for them as well.

The PRESIDENT. Would our guests please rise so we may give you a round of applause.

(Applause.)

**GUESTS OF SENATOR JOSEPH B.  
SCARNATI PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Madam President, I had the pleasure today to have members of the DuBois Chamber of Commerce and the executive director visit my office. It is a rural leadership program and about a dozen members of the chamber came to discuss issues and concerns of the rural area, and I am very proud to introduce at this time Nancy Micks and the members of the DuBois Chamber of Commerce.

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

(Applause.)

**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 CHIROPRACTIC**

April 14, 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, Samuel A. Barvinchack, D.C., 11142 Williamsport Pike, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Chiropractic, 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 CHIROPRACTIC**

April 14, 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, Jonathan W. McCullough, Jr., D.C., 282 Holland Road, Holland 18966, Bucks County, Sixth Senatorial District, for reappointment as a member of the State Board of Chiropractic, 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

**JUDGE, PHILADELPHIA MUNICIPAL COURT**

April 14, 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, Nazario Jimenez, Jr., Esquire, 100 E. Roosevelt Boulevard, Philadelphia 19120, Philadelphia County, Second Senatorial District, for appointment as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2006, vice The Honorable Seamus P. McCaffery, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PHARMACY**

April 14, 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, Elizabeth A. Kroutch, (Public Member), 326 Lamppost Lane, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until March 19, 2008, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel M. Sanguedolce, Hughestown, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY**

April 14, 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, Charles E. Meacci, 323 Station Street, McDonald 15057, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

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

April 28, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until September 29, 2006, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michele Wallace, Mount Wolf, resigned.

EDWARD G. RENDELL  
Governor

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

April 30, 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 Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Keldeen Stambaugh, Harrisburg, whose term expired.

EDWARD G. RENDELL  
Governor

**DISTRICT JUSTICE**

April 30, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as District Justice, in and for the County of Washington, Magisterial District 27-1-02, to serve until the first Monday of January 2006, vice Ronald Amati, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE ADAMS COUNTY  
BOARD OF ASSISTANCE**

April 30, 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 Adams County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Carole Wolf-Siliezar, Hanover, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BRADFORD COUNTY  
BOARD OF ASSISTANCE**

April 30, 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 Bradford County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice John Brenchley, Canton, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CARBON COUNTY  
BOARD OF ASSISTANCE**

April 30, 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 a member of the Carbon County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice William Shirar, Lehighton, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

April 30, 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 a member of the Centre County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Paul Houck, State College, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE MERCER COUNTY  
BOARD OF ASSISTANCE

April 30, 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 Mercer County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Janet McDougall, Grove City, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE MERCER COUNTY  
BOARD OF ASSISTANCE

April 30, 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 a member of the Mercer County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice David Immonen, Greenville, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE MERCER COUNTY  
BOARD OF ASSISTANCE

April 30, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Walter Matthews, Sharon, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

April 30, 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 McKean County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Marcia Shuman, Rixford, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

April 30, 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 McKean County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Shirley Reed, Eldred, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

April 30, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice W. Earl Dieffenderfer, Lewisburg, 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:

**JUDGE, PHILADELPHIA MUNICIPAL COURT**

April 14, 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 April 2, 2004, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia, 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2006, vice The Honorable Seamus P. McCaffery, resigned.

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

EDWARD G. RENDELL  
Governor

**DISTRICT JUSTICE**

April 16, 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 April 8, 2004, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Luzerne, Magisterial District 11-2-02, to serve until the first Monday of January 2006, vice John J. Hopkins, deceased.

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

EDWARD G. RENDELL  
Governor

**CORRECTION TO NOMINATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE FARM  
PRODUCTS SHOW COMMISSION**

April 16, 2004

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

Please note the nomination dated April 2, 2004, for the appointment of Carl T. Shaffer, P.O. Box 2, West Third Street, Mifflinville 18631, Columbia, County, Twenty-seventh Senatorial District, for appointment as a member of the State Farm Products Show Commission,

to serve for a term of four years and until his successor has been appointed and qualified, vice Beverly K. Gruber, whose term expired, should be corrected to read:

Carl T. Shaffer, P.O. Box 2, West Third Street, Mifflinville 18631, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor has been appointed and qualified, vice Harry H. Bachman, Annville, whose term expired.

**MEMBER OF THE STATE FARM  
PRODUCTS SHOW COMMISSION**

April 16, 2004

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

Please note the nomination dated April 2, 2004, for the appointment of Elizabeth M. Shorb, 1140 Woodland Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until her successor has been appointed and qualified, vice Harry H. Bachman, Annville, whose term expired, should be corrected to read:

Elizabeth M. Shorb, 1140 Woodland Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until her successor has been appointed and qualified, vice Beverly K. Gruber, New Tripoli, whose term expired.

**MEMBER OF THE STATE  
CIVIL SERVICE COMMISSION**

April 20, 2004

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

Please note the nomination dated April 13, 2004, for the appointment of Marwan Kreidie, 502 South Hancock Court, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2010, or until his successor is appointed and qualified, vice Barbara L. Krause, Esquire, Pittsburgh, whose term expired, should be corrected to read:

Marwan Kreidie, 922 North Orianna Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2010, or until his successor is appointed and qualified, vice Barbara L. Krause, Esquire, Pittsburgh, whose term expired.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 876**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS TO  
SENATE RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **Senate Concurrent Resolution No. 98**.

**BILLS INTRODUCED AND REFERRED**

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

April 26, 2004

Senators WAGNER, TARTAGLIONE, KITCHEN, KUKOVICH, STOUT, COSTA, ORIE, LOGAN, MUSTO, KASUNIC, MOWERY, FUMO, RHOADES, M. WHITE, O'PAKE, C. WILLIAMS, PIPPY, BOSCOLA and STACK presented to the Chair **SB 1093**, entitled:

An Act making appropriations to the Department of Agriculture for the State Food Purchase Program and the Farmers Market Nutrition Program for the fiscal year beginning July 1, 2004.

Which was committed to the Committee on APPROPRIATIONS, April 26, 2004.

Senators WOZNIAK, STOUT, MUSTO, COSTA, TARTAGLIONE, RAFFERTY, PICCOLA, KUKOVICH, O'PAKE, LAVALLE, PILEGGI, PUNT, BOSCOLA and STACK presented to the Chair **SB 1094**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for additional penalties for right-of-way violations causing injury or death.

Which was committed to the Committee on TRANSPORTATION, April 26, 2004.

Senators MELLOW, MUSTO, STOUT, MADIGAN and LEMMOND presented to the Chair **SB 1095**, entitled:

An Act designating Exit 182 on Interstate 81 in Lackawanna County as the Chuck Mattei Interchange.

Which was committed to the Committee on TRANSPORTATION, April 26, 2004.

Senators ARMSTRONG, WAGNER, ORIE, MUSTO, LEMMOND and THOMPSON presented to the Chair **SB 1096**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for nonforfeiture law for individual deferred annuities.

Which was committed to the Committee on BANKING AND INSURANCE, April 26, 2004.

Senator LEMMOND presented to the Chair **SB 1097**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway.

Which was committed to the Committee on TRANSPORTATION, April 26, 2004.

Senators FUMO, TARTAGLIONE, WAGNER, KITCHEN, LOGAN, COSTA, KUKOVICH, STOUT, STACK, ORIE, LAVALLE, MELLOW, MUSTO, GREENLEAF, LEMMOND,

BOSCOLA, PIPPY, HUGHES, KASUNIC, SCHWARTZ, M. WHITE and RAFFERTY presented to the Chair **SB 1098**, entitled:

An Act prohibiting the sale or issuance of certain gift certificates with expiration dates and the imposition of transaction, service or convenience fees; providing the Attorney General certain powers and duties; and making a repeal.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 26, 2004.

Senator JUBELIRER presented to the Chair **SB 1099**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the court of common pleas of the 24th Judicial District.

Which was committed to the Committee on JUDICIARY, April 26, 2004.

April 29, 2004

Senators WENGER, LEMMOND, RAFFERTY and ARMSTRONG presented to the Chair **SB 1100**, entitled:

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

Which was committed to the Committee on FINANCE, April 29, 2004.

Senator LOGAN presented to the Chair **SB 1101**, entitled:

An Act amending the act of February 12, 2004 (P.L.73, No.11), known as the Intergovernmental Cooperation Authority Act for Cities of the Second Class, further providing for the composition of the authority's board.

Which was committed to the Committee on FINANCE, April 29, 2004.

Senators MOWERY, ARMSTRONG, BOSCOLA, COSTA, KITCHEN, LEMMOND, MUSTO, O'PAKE, PILEGGI, PIPPY, RHOADES, ROBBINS, D. WHITE and WONDERLING presented to the Chair **SB 1103**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for imposition of the personal income tax; and providing for a deduction for organ donation expenses.

Which was committed to the Committee on FINANCE, April 29, 2004.

Senators RHOADES, JUBELIRER, MADIGAN, M. WHITE, EARLL, GORDNER, D. WHITE, PIPPY, RAFFERTY, LEMMOND, TARTAGLIONE, KUKOVICH, STOUT, LOGAN, MOWERY, COSTA, O'PAKE, BOSCOLA, MELLOW, KASUNIC, LAVALLE, WAUGH and WOZNIAK presented to the Chair **SB 1104**, entitled:

An Act providing for a shared-ride program for persons with disabilities; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, April 29, 2004.

Senators FUMO, HUGHES, KITCHEN, SCHWARTZ, TARTAGLIONE, COSTA, STACK, WOZNIAK, A. WILLIAMS and C. WILLIAMS presented to the Chair **SB 1105**, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power and authority.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, April 29, 2004.

Senators FUMO, HUGHES, KITCHEN, SCHWARTZ, TARTAGLIONE, COSTA, STACK, WOZNIAK, A. WILLIAMS and C. WILLIAMS presented to the Chair **SB 1106**, entitled:

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 29, 2004.

Senators RHOADES, PICCOLA, PILEGGI, MOWERY, RAFFERTY, M. WHITE, WAUGH, BOSCOLA, GORDNER, PIPPY and KASUNIC presented to the Chair **SB 1107**, 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 continuing professional development and for program of continuing professional education.

Which was committed to the Committee on EDUCATION, April 29, 2004.

Senators RHOADES, PICCOLA, PILEGGI, MOWERY, RAFFERTY, WAUGH, BOSCOLA, GORDNER and KASUNIC presented to the Chair **SB 1108**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for technical assistance and information provided by department.

Which was committed to the Committee on EDUCATION, April 29, 2004.

Senators RHOADES, PILEGGI, MOWERY, RAFFERTY, WAUGH, BOSCOLA, GORDNER and KASUNIC presented to the Chair **SB 1109**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing intermediate units to establish educational advisors for certain school districts.

Which was committed to the Committee on EDUCATION, April 29, 2004.

### RESOLUTIONS INTRODUCED AND REFERRED

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

April 26, 2004

Senators ORIE, TARTAGLIONE, KITCHEN, M. WHITE, LOGAN, CONTI, KUKOVICH, O'PAKE, D. WHITE, SCHWARTZ, COSTA, FERLO, BRIGHTBILL, WAGNER, TOMLINSON, EARLL, GREENLEAF, PIPPY, KASUNIC, RHOADES, RAFFERTY, CORMAN and STACK presented to the Chair **SR 239**, entitled:

A Resolution designating April 20, 2004, as "Equal Pay Day" in Pennsylvania.

Which was committed to the Committee on LABOR AND INDUSTRY, April 26, 2004.

Senators SCARNATI, D. WHITE, O'PAKE, LEMMOND, COSTA, ARMSTRONG, FERLO, RAFFERTY, LOGAN, ERICKSON, STOUT, GREENLEAF, CORMAN, STACK, WOZNIAK, KITCHEN, CONTI, KUKOVICH, WAGNER, ROBBINS, WONDERLING and PIPPY presented to the Chair **SR 252**, entitled:

A Resolution urging the Congress of the United States to pass S. 1028 and its companion bill H.R. 1734 that amend the Public Health Service Act to establish an Office of Men's Health.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 26, 2004.

Senators WENGER, WAUGH, PILEGGI, D. WHITE, GORDNER, MADIGAN, FERLO, RAFFERTY, THOMPSON, MUSTO, ROBBINS, PUNT, STOUT, MOWERY, LOGAN, C. WILLIAMS, ARMSTRONG, TARTAGLIONE, EARLL, ERICKSON, STACK, WOZNIAK, BRIGHTBILL and RHOADES presented to the Chair **SR 253**, entitled:

A Resolution designating the month of May 2004 as "Beef Month" in Pennsylvania.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 26, 2004.

April 29, 2004

Senators DENT, EARLL, ARMSTRONG, SCHWARTZ, JUBELIRER, PUNT, ORIE, PIPPY, RAFFERTY, WAUGH, C. WILLIAMS and THOMPSON presented to the Chair **SR 238**, entitled:

A Resolution prohibiting use of Senate funds to pay for radio or television broadcast time.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 29, 2004.

### GENERAL COMMUNICATION

#### 2003 CHILD ABUSE ANNUAL REPORT

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Public Welfare  
P. O. Box 2675  
Harrisburg, Pennsylvania 17105-2675

April 14, 2004

The Honorable Russell Faber  
Senate of Pennsylvania  
Senate Box 203052  
Harrisburg, PA 17120

Dear Chief Clerk Faber:

I am pleased to provide you with the 2003 Child Abuse Annual Report. As you know, the Child Protective Services Law requires that the Department of Public Welfare (Department) report annually to the Governor and the General Assembly on the problem of child abuse in the Commonwealth. The data contained in this report is based on completed investigations during the 2003 calendar year.

ChildLine, the Department's hotline to report suspected abuse, saw a three percent decrease in the overall number of suspected child abuse reports and an 11 percent decrease of substantiated cases. ChildLine figures indicate that nine out of every 1,000 children in Pennsylvania were reported as victims of suspected abuse last year. These statistics reflect the seriousness of the problem facing the Commonwealth.

The report also demonstrates the importance of mandated reporters. These individuals made 74 percent of all substantiated reports to ChildLine. In addition, through its child-abuse history clearance process ChildLine identified 1,326 people as perpetrators of child abuse in the central registry.

To break the cycle of abuse, the Department will continue to support new initiatives and legislation that will help protect children in the Commonwealth. Efforts will continue to educate the public, encourage reporting, and reach out to families in crisis.

Child abuse is a problem that plagues Pennsylvania children of all ages and families of all backgrounds. Our commitment is to ensure that the Commonwealth's children grow up in safe, loving, and nurturing environments.

Should you require additional copies of this report, please call our Office of Children, Youth, and Families at 717-783-1964.

Sincerely,

ESTELLE B. RICHMAN  
Secretary

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

### APPOINTMENTS BY THE MAJORITY LEADER

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

Senator Orie as a member of the Governor's Task Force on Working Families.

Senator Rafferty as a member of the Governor's Task Force on Working Families.

### BILL SIGNED

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

**SB 876.**

### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately. I expect that we will be back in about an hour.

The PRESIDENT. Senator Brightbill has requested a Republican caucus to begin immediately and expects to return in approximately an hour.

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

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

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

Without objection, the Senate is in recess.

### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 794 (Pr. No. 3773)** -- 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.

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

On the question,  
Shall the bill pass finally?

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

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

#### BILL AMENDED

**HB 832 (Pr. No. 3598)** -- 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 tattooing; and prohibiting certain body piercing.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A1525:

Amend Title, page 1, line 2, by striking out "and"

Amend Title, page 1, line 3, by removing the period after "piercing" and inserting: ; and defining the offense of greyhound racing.

Amend Bill, page 2, by inserting between lines 10 and 11:

Section 2. Title 18 is amended by adding a section to read:

§ 7516. Greyhound racing.

A person who holds, conducts or operates a greyhound race for public exhibition in this Commonwealth for monetary remuneration commits a misdemeanor of the first degree.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL OVER IN ORDER

**SB 871** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILL AMENDED AND LAID ON THE TABLE

**SB 1005 (Pr. No. 1363)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments and for oath of office.

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A1626:

Amend Sec. 1, page 1, lines 6 through 18; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting:

Section 1. Section 3151 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Sec. 1 (Sec. 3151), page 2, lines 13 through 15, by striking out "or unable to" in line 13, all of line 14 and "statutory authority to do so" in line 15

Amend Sec. 1 (Sec. 3151), page 2, line 15, by inserting after "office.": If a judge or any person elected judge, as defined in section 102 (relating to definitions), takes the oath of office from any person who is not permitted by law to administer the oath of office, the Judicial Conduct Board shall initiate an investigation pursuant to section 18 of Article V of the Constitution of Pennsylvania.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1005, as amended, be laid on the table.

The motion was agreed to by voice vote.

The PRESIDENT pro tempore. Senate Bill No. 1005, as amended, will be laid on the table.

#### BILLS OVER IN ORDER

**SB 1039, HB 1809 and HB 2330** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Madigan, and his legislative leave is hereby cancelled.

#### CONSIDERATION OF CALENDAR RESUMED

##### SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, REREFERRED

**HB 60 (Pr. No. 3745)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," defining "municipal corporation"; further providing for property acquired in fee simple and for local taxing option; 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.

#### BILL OVER IN ORDER

**SB 276** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILL ON SECOND CONSIDERATION

**HB 304 (Pr. No. 350)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, defining "home health care agency"; and providing for home health care services ordered by physicians from another state.

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

BILL OVER IN ORDER

**HB 550** -- Without objection, the bill was passed over in its  
order at the request of Senator BRIGHTBILL.

BILL REREFERRED

**SB 978 (Pr. No. 1502)** -- The Senate proceeded to  
consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of  
the Pennsylvania Consolidated Statutes, adding the Uniform Trust Act;  
making conforming amendments; and making a repeal.

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

BILL ON SECOND CONSIDERATION

**SB 985 (Pr. No. 1512)** -- The Senate proceeded to  
consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the  
Pennsylvania Consolidated Statutes, abolishing common-law marriage.

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

BILL LAID ON THE TABLE

**SB 1004 (Pr. No. 1362)** -- 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 indecent  
assault.

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

BILL REREFERRED

**SB 1032 (Pr. No. 1421)** -- The Senate proceeded to  
consideration of the bill, entitled:

An Act amending Title 54 (Names) of the Pennsylvania  
Consolidated Statutes, consolidating provisions on judicial procedure  
for name changes; and making a repeal related to judicial procedure for  
name changes.

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

BILL ON SECOND CONSIDERATION

**SB 1038 (Pr. No. 1448)** -- The Senate proceeded to  
consideration of the bill, entitled:

An Act designating a bridge on State Route 11 crossing the  
Susquehanna River between Great Bend Township and Hallstead  
Borough, Susquehanna County, Pennsylvania, as the Community  
Memorial Bridge.

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

BILL OVER IN ORDER

**SB 1056** -- Without objection, the bill was passed over in its  
order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

**SB 1073 (Pr. No. 1485)** -- The Senate proceeded to  
consideration of the bill, 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.

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

**SB 1092 (Pr. No. 1557)** -- The Senate proceeded to  
consideration of the bill, entitled:

An Act designating the proposed Route 222 bypass in Lehigh  
County from the point immediately South of I-78 in Lower Macungie  
Township, Lehigh County through portions of Upper Macungie  
Township, Lehigh County to the south interchange of Route 100 in  
Lower Macungie Township, Lehigh County as the Fred Jaindl  
Memorial Highway.

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

**HB 1438 (Pr. No. 1784)** -- The Senate proceeded to  
consideration of the bill, entitled:

An Act amending the act of June 15, 1982 (P.L.502, No.140),  
known as the Occupational Therapy Practice Act, further providing for  
practice and referral.

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

BILLS OVER IN ORDER

**HB 2190** and **HB 2428** -- Without objection, the bills were  
passed over in their order at the request of Senator  
BRIGHTBILL.

### SENATE RESOLUTIONS ADOPTED

Senators CONTI, PILEGGI, TOMLINSON, ERICKSON, KUKOVICH, TARTAGLIONE, KITCHEN, FERLO, WAGNER, STOUT, THOMPSON, EARLL, BOSCOLA, MELLOW, COSTA, KASUNIC, O'PAKE, RHOADES, WAUGH, CORMAN, LOGAN, D. WHITE, DENT, SCHWARTZ, ARMSTRONG, LEMMOND, RAFFERTY, STACK and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 256**, entitled:

A Resolution recognizing May 1, 2004, as "Smarty Jones Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator CONTI. Mr. President, I rise today to recognize a very special past Saturday, and recognize May 1 as Smarty Jones Day. I view this as a very special moment in Pennsylvania sports history. In my lifetime, beginning with the Eagles' championship game in the 1960s, which I was at, and watching the Steelers win their Super Bowls, and the Phillies win some championships and lose some championships, and watching the 76ers and the Pirates of the 1970s and the Flyers and the Penguins, not to mention Penn State and the University of Pittsburgh, we have had a glorious past 50 years of sports history here in Pennsylvania. However, I think last Saturday on May 1 will rank at the top of any list in the history of Pennsylvania sports when Smarty Jones won the Kentucky Derby in a thrilling 2:04.06 to beat a horse named Lion Heart. A lot of this story I think scriptwriters and screenwriters in Hollywood would have actually rejected because of the nature of the horse, Smarty Jones, and its background. The last Pennsylvania-bred horse to win was Lill E. Tee in 1992. So Smarty is not the first but the second Pennsylvania-bred horse in Pennsylvania, but we did not know about that back then because the horse was bred in Pennsylvania and taken to Kentucky to run, and it really was not evident until after the long shot Lill E. Tee won that she was Pennsylvania-bred.

I wandered down to Philadelphia Park on Saturday to watch the race, and I want to tell you, it was a thrilling day at the racetrack, crowds that have been unseen, other than at Pennsylvania Derby Day on Labor Day, and I suspect it will be even better on Preakness Saturday coming up on May 15. So, it was a very special time.

The reason I am offering the resolution, of course, is that the Chapman family are my constituents. They live in Solebury, Pennsylvania. The horse was bred in Chester County on Someday Farm, and I will not go into the story. You can all read about the interesting story of Smarty Jones, because it has both tragedy and the thrill of victory involved in the story. As I said, the race itself was wonderfully Pennsylvanian. I do not know if you saw the race, but the horse broke from the 15th gate and had a couple hundred yards where he ran free, but about a quarter mile into the race, five horses bunched him. That is a time when a horse can give up because he is being pushed, but Smarty just spread his wings and pushed them aside and said, today is my

day. On the backstretch, he passed a horse named Lion Heart for what was a thrilling victory and a very memorable moment for everybody. The horse breeders of Pennsylvania should be recognized for this tremendous achievement, and I really think it is a rather significant day in our history.

I think Smarty Jones perhaps can offer us a game plan, if you will. The Chapman family, if you heard on Saturday, kept recognizing the city of Philadelphia, where they are so proud to be from, but also Pennsylvania, that kind of pride. I think that Smarty Jones has a very good chance of continuing down in Baltimore in 2 weeks on May 15 and hopefully in New York at the Belmont Stakes. Would it not be wonderful if we could win the Triple Crown with a Pennsylvania-bred? I know there is a rule that you have to win three State championships to be invited on the Senate floor. I am hoping maybe that we can amend that, and if the horse wins the Triple Crown, we could bring Smarty on to the Senate floor for a few remarks. So, we will talk about that, should it occur.

But, as I said, perhaps we can follow the model of Smarty Jones. He has a game plan, he is 7 for 7, the first horse since Seattle Slew in 1977 to win the Derby undefeated. Maybe we should try to have our own game plan to get the gaming issue out of the way by the Preakness and the budget by the Belmont. So, I lay that out as something we could all consider and think about.

So, I respectfully ask for the support of my colleagues on this recognition. Please vote in the affirmative on this resolution. In closing, may I respectfully ask that nobody vote "n-n-neigh."

The PRESIDENT pro tempore. Senator, I will put the question before the body, but it seems to me you may have created a future opponent.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senators D. WHITE, ROBBINS, TOMLINSON, WAGNER, PUNT, KASUNIC, DENT, KITCHEN, LEMMOND, STACK, PIPPY, KUKOVICH, SCARNATI, BRIGHTBILL, PICCOLA, BOSCOLA, ORIE, STOUT, EARLL, WENGER, LOGAN, ERICKSON, MELLOW, CONTI, MOWERY, ARMSTRONG, C. WILLIAMS, CORMAN, WOZNIAC, TARTAGLIONE, MUSTO, PILEGGI, COSTA, RHOADES, M. WHITE, GREENLEAF, O'PAKE, THOMPSON, GORDNER, WAUGH, LaVALLE, SCHWARTZ, RAFFERTY, FERLO and WONDERLING, by unanimous consent, offered **Senate Resolution No. 257**, entitled:

A Resolution recognizing the week of May 8 through 16, 2004, as "Armed Forces Week" in Pennsylvania and encouraging the observance of May 15, 2004, as "Armed Forces Day" throughout this Commonwealth.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Donald White.

Senator D. WHITE. Mr. President, it is with great pride that I stand here today and ask my distinguished colleagues to support this resolution marking next week as Armed Forces Week in Pennsylvania. For 55 years, a grateful nation has set aside the third Saturday in May as a time to remember the service and sacrifices made by our men and women serving in America's military. Our national strength and our personal freedoms we hold so dear are preserved each day by our military, and it is only fitting that we recall and honor that dedication to duty.

Today, thousands of Pennsylvanians are serving overseas, some in garrison duty and others in much more dangerous environments. Some are active-duty members, while others are members of the National Guard who have left their civilian lives behind to answer the nation's call. Yet, there is a common bond that links them together as a mighty force. It would be easy to call that bond patriotism, and it is, but it is much more than that. It takes a special person to be a soldier, a sailor, an airman, a Marine, or a member of the Coast Guard. What kind of person can sleep in a tent night after night and lace up a set of boots well before the sun rises? How many people could face the threats and uncertainties that our service members do on a daily basis? And we must never forget the toll military service takes on the loved ones who are left behind. Yes, it would be easy to say those men and women are patriots, but we also proudly call them Americans, and thank God for them.

So, Mr. President, I ask my colleagues to honor that sacrifice and service by supporting this resolution and urging all Pennsylvanians to take time out during Armed Forces Week to remember our friends and neighbors who are serving somewhere today.

Thank you.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senators DENT, GREENLEAF, CONTI, WONDERLING, BRIGHTBILL, PILEGGI, ERICKSON, WAGNER, KUKOVICH, KITCHEN, MOWERY, M. WHITE, STOUT, O'PAKE, EARLL, WENGER, SCHWARTZ, THOMPSON, LaVALLE, FUMO, ORIE, LEMMOND, RAFFERTY, LOGAN, CORMAN, TARTAGLIONE, ARMSTRONG, ROBBINS, PIPPY, WAUGH, TOMLINSON, PICCOLA, KASUNIC, WOZNIAK, GORDNER, STACK, D. WHITE and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 258**, entitled:

A Resolution designating the month of May 2004 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Mr. President, I am offering this resolution proclaiming the month of May 2004 as Amyotrophic Lateral

Sclerosis Awareness Month in Pennsylvania. For those of you who do not know what that disease is, it is ALS, or more commonly known as Lou Gehrig's disease, a progressive disorder that strikes at the motor nerve cells and the central nervous system, causing them to cease functioning. It is a devastating disease. Many of us have been touched personally by this disease, and I ask my colleagues to immediately adopt this resolution.

Thank you, Mr. President.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senators CORMAN, ARMSTRONG, KUKOVICH, BRIGHTBILL, FERLO, EARLL, BOSCOLA, ERICKSON, MUSTO, GREENLEAF, SCHWARTZ, CONTI, STOUT, MOWERY, LOGAN, THOMPSON, WAGNER, WONDERLING, COSTA, LEMMOND, DENT, SCARNATI, RAFFERTY, STACK and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 259**, entitled:

A Resolution designating the week of May 3 through 9, 2004, as "Consumer Electronics Recycling Week" in Pennsylvania.

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

Senators STACK, WAGNER, KUKOVICH, MUSTO, ERICKSON, STOUT, PICCOLA, KITCHEN, TARTAGLIONE, COSTA, ORIE, LOGAN, O'PAKE, SCHWARTZ, GREENLEAF, ARMSTRONG, LEMMOND, THOMPSON, RAFFERTY and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 260**, entitled:

A Resolution proclaiming April 26, 2004, as "Israel Independence Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, I rise to seek unanimous approval of this resolution that recognizes April 26, 2004, as Israel Independence Day in Pennsylvania. This year marks the 56th anniversary of Israel's status as an independent nation. Israel and the United States have enjoyed a strong relationship built on political, social, and economic ties with citizens in both nations, and we must continue to nurture these ties by backing efforts to support peace in Israel and by encouraging Pennsylvania businesses to explore opportunities for expanding trade with Israel and its neighbors.

I was fortunate to have the opportunity to visit Israel for the second time a few months ago, and the experience enabled me to view firsthand the cultural and spiritual richness of our long-term ally. The people of Israel are proud, courageous, fiercely independent. It is no coincidence that both Americans and Israelis have endured many tough sacrifices for the rights and

privileges that we enjoy today. Unfortunately, nearly six decades after earning their independence, Israelis still live in constant fear of terrorist attacks and reprisals. In the last 3 years, Israel has been victimized by more than 60 suicide bombing attacks. Israel is the only democracy in the Middle East, yet Israel has been under siege. We cannot allow our friends and allies to live this way. We must dedicate ourselves to help foster peaceful solutions to the many differences between Israel and its neighbors. Israel's government and citizens have demonstrated they want terrorism to end and peace to begin. Peace treaties with Egypt and Jordan, the Oslo Agreement of 1993, and the Camp David Summit in the summer of 2000, all reflect Israel's historical desire for peace.

Mr. President, let us support these efforts and resolve to call upon President Bush and Congress to actively engage America in the peace process.

Thank you, Mr. President.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senators ORIE, KITCHEN, FERLO, WAGNER, KUKOVICH, TARTAGLIONE, BOSCOLA, CORMAN, ERICKSON, STOUT, COSTA, KASUNIC, O'PAKE, LOGAN, SCHWARTZ, GREENLEAF, ARMSTRONG, LEMMOND, THOMPSON, STACK, C. WILLIAMS and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 261**, entitled:

A Resolution recognizing May 4, 2004, as "Childhood Depression Awareness Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, according to the data, depression affects 1 in every 33 children and 1 in 8 adolescents, but few of these individuals receive the appropriate care because symptoms are different from depression signs in adults. As a result, depression in children and adolescents is often overlooked or misunderstood, and the young person is not treated appropriately. Failure to treat childhood depression can lead to social isolation, difficulties at home and in school, and an increased risk of suicide. Warning signs for a child versus an adolescent also includes hopelessness, irritability, lower grades, talks of suicide, hurting pets, and changes in eating and sleeping habits.

This resolution draws attention to the warning signs to make parents and others aware that a child may be depressed as well, and it increases our awareness so that we can identify 1 in every 33 of these children and get them the appropriate intervention.

Thank you, Mr. President.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senators PICCOLA, MOWERY, EARLL, WAGNER, TARTAGLIONE, HUGHES, CORMAN, KUKOVICH, ROBBINS, ARMSTRONG, KITCHEN, MELLOW, RAFFERTY, LOGAN, BOSCOLA, CONTI, JUBELIRER, THOMPSON, A. WILLIAMS, COSTA, M. WHITE, TOMLINSON, WENGER, LEMMOND, ERICKSON, SCHWARTZ, ORIE, O'PAKE, C. WILLIAMS, SCARNATI, GREENLEAF, WOZNIAK, WONDERLING, MUSTO, PILEGGI, MADIGAN, D. WHITE, FERLO, DENT, WAUGH, RHOADES, KASUNIC, STOUT, GORDNER, BRIGHTBILL, PIPPY, FUMO, LaVALLE, STACK and PUNT, by unanimous consent, offered **Senate Resolution No. 262**, entitled:

A Resolution designating the week of May 6 through 12, 2004, as "Nurses Week" in Pennsylvania.

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

Senators RHOADES, M. WHITE, BRIGHTBILL, D. WHITE, PILEGGI, KUKOVICH, STOUT, WENGER, WOZNIAK, KITCHEN, MADIGAN, LOGAN, ORIE, BOSCOLA, ARMSTRONG, WAGNER, LaVALLE, TARTAGLIONE, CORMAN, GORDNER, DENT, ERICKSON, FERLO, O'PAKE, TOMLINSON, LEMMOND, C. WILLIAMS, PIPPY, RAFFERTY, WONDERLING, KASUNIC and WAUGH, by unanimous consent, offered **Senate Resolution No. 263**, entitled:

A Resolution designating May 2004 as "Watershed Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator RHOADES. Mr. President, I think we all know that the Commonwealth's rivers, streams, lakes, wetlands, and groundwater resources are interconnected to form a rich mosaic of watersheds. It is one of our Commonwealth's greatest resources, and these treasured water resources provide our citizens with clean drinking water and recreational and business opportunities. It is difficult, or shall we say sometimes unfathomable, to realize that there are 83,000 miles of rivers and streams for all of us here to enjoy in our Commonwealth. That includes 8 distinct river basins and 104 watersheds. All of this being said, there are more than 400 active watershed groups in this Commonwealth, and new watershed groups are forming continuously. I think what we are looking for through this resolution is to have the Commonwealth recognize and celebrate the efforts of these hardworking volunteers within the watershed groups who improve their communities today and for future generations and resolve that the theme of this resolution and this activity be healthy watersheds, healthy communities, and that will be the purpose which will guide our many community volunteer organizations, educators, and other groups who

conduct watershed education and awareness activities throughout this month. That being said, Mr. President, I ask for an affirmative vote.

And the question recurring,  
Will the Senate adopt the resolution?

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

### DISCHARGE PETITIONS

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

May 3, 2004

#### A PETITION

To place before the Senate the nomination of Susan I. Schulman, Esquire, as Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Susan I. Schulman, Esquire, Philadelphia, Pennsylvania, as Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

May 3, 2004

#### A PETITION

To place before the Senate the nomination of Albert M. Tantala as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Albert M. Tantala, Newtown, Pennsylvania, as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

May 3, 2004

#### A PETITION

To place before the Senate the nomination of Kathy A. Morrow, Esq., as Judge, Court of Common Pleas, Perry/Juniata Counties.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Kathy A. Morrow, Esq., as Judge, Court of Common Pleas, Perry/Juniata Counties, before the entire Senate body for a vote, the nomination not having been voted upon within fifteen (15) legislative days:

Raphael J. Musto  
Robert J. Mellow  
Michael A. O'Pake  
Jack Wagner  
Richard A. Kasunic  
J. Barry Stout  
Vincent J. Fumo

The PRESIDENT pro tempore. The communications will be laid on the table.

### RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations which will be held immediately. We expect to be back on the floor in 5 minutes.

The PRESIDENT pro tempore. Senator Brightbill requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room to the rear of the Senate Chamber. For that purpose, without objection, the Senate stands in recess.

### AFTER RECESS

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

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE 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 DENTISTRY

April 1, 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, Allan M. Horwitz, Esquire, (Public Member), 222 East Lincoln Highway, Coatesville 19320, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Dentistry, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF DENTISTRY

April 1, 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, John Reitz, D.D.S., 15 Hessian Boulevard, Reading 19607, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Dentistry, 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.

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, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 1, 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, Karl R. Girton, P.O. Box 200, Millville 17846, Columbia County, Twenty-seventh Senatorial District,

for reappointment as a member of the State Board of Education, to serve until October 1, 2009, or until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 1, 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, Mollie O'Connell Phillips, 148 South Maple Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2009, or until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF MEDICINE

April 1, 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, Charles Hummer, Jr., M.D., 20 Guernsey Road, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Medicine, 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 MEDICINE

April 1, 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, Annette McDaniel-Turner, M.D., 6601 Wissahickon Avenue, Philadelphia, 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Board of Medicine, 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 Daniel B. Kimbal, M.D., Reading, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF NURSING

April 1, 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 Hunter Shields, R.N., 107 Coventry Court, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her 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 STATE BOARD  
OF VETERINARY MEDICINE

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, James A. Orsini, DVM, P.O. Box 299, Unionville 19375, Chester County, Ninth Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

*NOMINATIONS LAID ON THE TABLE*

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

The PRESIDENT pro tempore. 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. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

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 DENTISTRY

April 1, 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, Allan M. Horwitz, Esquire, (Public Member), 222 East Lincoln Highway, Coatesville 19320, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Dentistry, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF DENTISTRY

April 1, 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, John Reitz, D.D.S., 15 Hessian Boulevard, Reading 19607, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Dentistry, 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.

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, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 1, 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, Karl R. Girton, P.O. Box 200, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2009, or until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 1, 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, Mollie O'Connell Phillips, 148 South Maple Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2009, or until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF MEDICINE

April 1, 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, Charles Hummer, Jr., M.D., 20 Guernsey Road, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Medicine, 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 MEDICINE

April 1, 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, Annette McDaniel-Turner, M.D., 6601 Wissahickon Avenue, Philadelphia, 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Board of Medicine, 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 Daniel B. Kimbal, M.D., Reading, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF NURSING

April 1, 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 Hunter Shields, R.N., 107 Coventry Court, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her 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 STATE BOARD  
OF VETERINARY MEDICINE

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, James A. Orsini, DVM, P.O. Box 299, Unionville 19375, Chester County, Ninth Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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
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 Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.  
The motion was agreed to by voice vote.

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore 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:

**JUDGE, PHILADELPHIA MUNICIPAL COURT**

May 3, 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 April 14, 2004, for the appointment of Nazario Jimenez, Jr., Esquire, 100 E. Roosevelt Boulevard, Philadelphia 19120, Philadelphia County, Second Senatorial District, for appointment as Judge of the

Philadelphia Municipal Court, to serve until the first Monday of January 2006, vice The Honorable Seamus P. McCaffery, resigned.

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

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATIONS  
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

**JUDGE, COURT OF COMMON PLEAS,  
PERRY/JUNIATA COUNTIES**

May 3, 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 20, 2004, for the appointment of Kathy A. Morrow, Esquire, 409 Mountain Road, Millerstown 17062, Perry County, Thirty-Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Perry/Juniata Counties, to serve until the first Monday of January 2006, vice The Honorable Keith B. Quigley, resigned.

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

EDWARD G. RENDELL  
Governor

**JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY**

May 3, 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 Susan I. Schulman, Esquire, 3337 Queen Lane, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Abram F. Reynolds, 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 REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

May 3, 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 5, 2004, for the appointment of Albert M. Tantala, 2044 Silverwood Drive, Newtown 18940, Bucks County, Tenth 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 Robert C. Grubic, Harrisburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following communications, and called from the table certain communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

May 3, 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 Susan I. Schulman, Esquire, 3337 Queen Lane, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Abram F. Reynolds, resigned.

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

EDWARD G. RENDELL  
Governor

JUDGE, PHILADELPHIA MUNICIPAL COURT

April 14, 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 April 2, 2004, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia, 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Philadelphia Municipal Court, to serve until the first Monday of January 2006, vice The Honorable Seamus P. McCaffery, 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 REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

May 3, 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 5, 2004, for the appointment of Albert M. Tantala, 2044 Silverwood Drive, Newtown 18940, Bucks County, Tenth 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 Robert C. Grubic, Harrisburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

DISTRICT JUSTICE

April 16, 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 April 8, 2004, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Luzerne, Magisterial District 11-2-02, to serve until the first Monday of January 2006, vice John J. Hopkins, deceased.

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. Mr. 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 pro tempore. The nominations will be returned to the Governor.

**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 the Freemansburg-Bethlehem Township Athletic Association Little League by Senator Boscola.

Congratulations of the Senate were extended to Bill Kurtz by Senator Brightbill.

Congratulations of the Senate were extended to Elizabeth Reese by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Daniel Worhach, Sr., by Senator Gordner.

Congratulations of the Senate were extended to the Right Reverend Dr. Millicent Hall Hunter by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Deyarmin, Robert F. Houseman and to the Spruce Creek Rod and Gun Club by Senator Jubelirer.

Congratulations of the Senate were extended to Dr. Wallace F. Stettler, Anthony B. Panaway and to Eugene E. Duffy by Senator Lemmond.

Congratulations of the Senate were extended to the Reverend Monsignor Constantine V. Siconolfi by Senator Mellow.

Congratulations of the Senate were extended to Carolyn L. Kunkel by Senator Mowery.

Congratulations of the Senate were extended to Zachary Tompkins, Wyoming/West Wyoming Little League and to the Hazleton High School Varsity Cheerleading Squad by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Henry G. Hill by Senator O'Pake.

Congratulations of the Senate were extended to Fred Koegler by Senator Orié.

Congratulations of the Senate were extended to Delco Hi-Q by Senators Pileggi and Erickson.

Congratulations of the Senate were extended to David Benelli, Allison Marie Beech, Joy Haring, Allison Edgren, Rebecca Lyn Gillam, Mary Nicole Nicolaidés, Sam Goldberg, Emily Sattler, Melissa Yates, Caitlin Martin, Rebecca E. Willen, Stephanie Thompson, Alyssa Marie Peterson, Kristen Michelle Peterson, Angela Rorabaugh, Megan Karpinski, Dara Gulotta and to Paula Chrin by Senator Rafferty.

Congratulations of the Senate were extended to Rich Battison and William Bungar and to Henry Ellsworth Nicklin by Senator Robbins.

Congratulations of the Senate were extended to William W. Schopf by Senator Thompson.

Congratulations of the Senate were extended to Mary Beth McDonnell by Senator Tomlinson.

Congratulations of the Senate were extended to Jesse John Rucker by Senator Waugh.

Congratulations of the Senate were extended to Alexander J. Stadel, Matthew T. Sullenberger, Paul E. Weible, Timothy Scales, Patrick Tyler Roye and to Derek Bowman by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Wass by Senator D. White.

Congratulations of the Senate were extended to Reverend Damone B. Jones, Sr., and to the Right Reverend Dr. Stanley H. Scott by Senator A.H. Williams.

Congratulations of the Senate were extended to Esna Carver and to James Edward Boesch by Senator Wonderling.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Sherwood R. Baker by Senator Musto.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### TUESDAY, MAY 4, 2004

10:00 A.M.	FINANCE (public hearing on PA Business Tax Structure)	Room 8E-A East Wing
11:30 A.M.	EDUCATION (to consider Senate Bills No. 1024, 1107, 1108 and 1109; House Bill No. 1113; and any other business that may come before the Committee)	Room 461 Main Capitol
12:30 P.M.	JUDICIARY (to consider the nomination of Kathy A. Morrow, Esq., for Judge, Court of Common Pleas, Perry/Juniata Counties)	Room 8E-B East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolution No. 238; and certain executive nominations)	Rules Com. Conf. Room

#### WEDNESDAY, MAY 5, 2004

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on Penn State School of Information Sciences and Technology)	Room 8E-A East Wing
9:30 A.M.	EDUCATION (public hearing on Approved Private Schools)	Room 8E-B East Wing
10:00 A.M.	TRANSPORTATION (to consider the nomination of former Senator J. William Lincoln to fill the vacancy on the PA Turnpike Commission)	Room 461 Main Capitol
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 1059)	Rules Com. Conf. Room

#### TUESDAY, MAY 11, 2004

10:00 A.M.	BANKING AND INSURANCE (informational meeting on Senate Bill No. 495)	Room 461 Main Capitol
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#### WEDNESDAY, MAY 12, 2004

9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bill No. 981; Senate Resolution No. 236; and House Bill No. 2055)	Room 461 Main Capitol
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#### MONDAY, MAY 17, 2004

11:00 A.M.	JUDICIARY (public hearing to receive testimony on Senate Bill No. 669, court interpreters)	Room 8E-B East Wing
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TUESDAY, MAY 18, 2004

9:30 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS and COMMUNICATIONS AND TECHNOLOGY (informational meeting by the PA Public Television Network on public television's digital capabilities and how they can benefit PA's homeland security and emergency management efforts) Room 8E-B East Wing

MONDAY, MAY 24, 2004

11:00 A.M. JUDICIARY (public hearing to receive testimony on Senate Bill No. 722, nurses' overtime) Room 8E-B. Conf. Room

**ADJOURNMENT**

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

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Tuesday, May 4, 2004, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:43 p.m., Eastern Daylight Saving Time.