

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, MAY 10, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 28

**SENATE**

MONDAY, May 10, 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 DAVID BISER, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Dear God, our Father in heaven, we join our hearts together once again to lead the State of Pennsylvania. These are tenuous days in America and around the world. There are wars and rumors of wars, leaders assassinated in foreign lands, and families destroyed by flood waters in our own State. All of life as we know it seems to be hanging by a single thread, and every day brings us new pictures of just how bad things can be.

So, today we call upon You to lead and guide our hearts and our minds as we make decisions that affect millions of Pennsylvanians and Americans everywhere. Grant Your wisdom to these men and women Senators of our State. Grant them knowledge to see them through these difficult days, and make wise decisions for all of us. Give us grace for one another, peace in our discussions, and assurance that we are always under Your divine care. This we pray in Your name. Amen.

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

**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 May 5, 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 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:

May 5, 2004

- HB 2042 -- Committee on Game and Fisheries.
- HB 2218, 2405 and 2406 -- Committee on Transportation.
- HB 2240 and 2472 -- Committee on Finance.
- HB 2429, 2430 and 2438 -- Committee on Judiciary.

May 7, 2004

- HB 2273 and 2433 -- Committee on State Government.
- HB 2326 -- Committee on Game and Fisheries.
- HB 2437 -- Committee on Local Government.

**HOUSE RESOLUTION FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

May 5, 2004

- HR 593 -- Committee on Rules and Executive Nominations.

**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:

May 7, 2004

Senators RAFFERTY, TOMLINSON, COSTA, MADIGAN and STACK presented to the Chair SB 1110, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the regulation of prescription drug dispensing.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 7, 2004.

Senator M. WHITE presented to the Chair **SB 1112**, entitled:  
An Act establishing the Board of Directors of the Rouse Estate; and making repeals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 7, 2004.

Senators MADIGAN, WENGER, MOWERY, GORDNER, STOUT, MUSTO, COSTA, ORIE, LOGAN, LEMMOND, CONTI, PILEGGI, M. WHITE, WAUGH, RAFFERTY, WONDERLING, BOSCOLA, KASUNIC, ROBBINS, PIPPY and THOMPSON presented to the Chair **SB 1113**, entitled:

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for definitions; providing for passage of title to milk; further providing for security bonds, for bonds, for the security fund and for new licenses; providing for review of security; and further providing for trusteeship, for prohibitions and violations and for penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1123**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1124**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1125**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1126**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1127**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1128**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1129**, entitled:

An Act providing for the capital budget for the fiscal year 2004-2005.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

Senator THOMPSON presented to the Chair **SB 1130**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

Which was committed to the Committee on APPROPRIATIONS, May 7, 2004.

## GENERAL COMMUNICATION

### STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUEST No. 1 OF 2004

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

#### STATE SYSTEM OF HIGHER EDUCATION

*Office of the Chancellor*  
Dixon University Center  
2986 North Second Street  
Harrisburg, PA 17110

April 19, 2004

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

Dear Mr. Corrigan:

Section 20-2018-A of the Pennsylvania State System of Higher Education's enabling legislation (Act 188 of 1982) states, in part:

Whenever the System deems that it is necessary or desirable to sell, transfer or dispose of real property acquired by and titled to it, it shall request authorization from the General Assembly to sell, transfer, or dispose of said real property; and from time to time, as necessary, the System shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate requests to sell, transfer or dispose of real property acquired by and titled to the System for consideration by the General Assembly.

On April 8, 2004, the Board of Governors of the State System approved a request from East Stroudsburg University of Pennsylvania, subject to approval by the General Assembly, to extinguish an easement as requested by Aventis Pasteur (AP), owner of the property on which the easement exists. The purpose of this letter is to request authorization from the General Assembly to extinguish the easement.

East Stroudsburg University owns property adjacent to the AP property. When that property was acquired, the University was conveyed an easement for access across the AP property. However, the University prefers to use other available access points and had never utilized this right-of-way.

As required by Act 188, this office requests that the required resolution to remove the easement be drafted and placed on the calendar for consideration by the General Assembly at the next opportunity. Your assistance in this matter will be greatly appreciated.

Questions concerning the property may be addressed to Mr. Steven R. Dupes, Assistant Vice Chancellor for Facilities, at (717) 720-4418.

Sincerely,

JUDY G. HAMPLE  
Chancellor

The PRESIDENT. This will appear on the Calendar as State System of Higher Education Property Request No. 1 of 2004.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Tomlinson.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Tomlinson. Without objection, the leave will be granted.

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

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

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY ADJOURNMENT**

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

In the Senate, May 10, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, May 17, 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, May 17, 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 ALLEN G.**

**KUKOVICH ON BEHALF OF SENATOR J.**

**BARRY STOUT PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I stand today on behalf of Senator Stout, and it is an honor for me to be able to introduce some very special guests to the Senate of Pennsylvania on his behalf.

On a Saturday almost 2 months ago, March 20, the Monessen Senior High School Girls' Basketball Team from Westmoreland County, Senator Stout's senatorial district, won the PIAA State Class A Girls' Basketball Championship with a 70-48 victory in the championship game after an unbelievable run through the tournament in the playoffs. On the eve of their victory, the team returned home to an unbelievable welcome in their community. As a matter of fact, an unplanned parade through the downtown area occurred. Sirens blaring, they rolled through town behind a caravan of fire trucks and police cars, EMS vehicles, cheering crowds were holding signs, and Senator Piccola would be happy to know they were tossing Hershey Kisses. The mayor honored them with a proclamation making that day Monessen Lady Greyhound Day.

Madam President, on behalf of Senator Stout, I would like to welcome the Monessen Lady Greyhounds and coaching staff to our beautiful Chamber and ask that the Senate of Pennsylvania extend its usual warm welcome.

Thank you.

The PRESIDENT. Would you please rise.

(Applause.)

### GUESTS OF SENATOR JOHN R. PIPPY PRESENTED TO THE SENATE

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

Senator PIPPY. Madam President, it is truly an honor to be here today with a group of young men from Moon High School who are now the 2003-04 PIAA Class AAA State Basketball Champions. These young student athletes, and I put "student" first on purpose, really set a high bar for themselves and were committed to doing well, and they were a perfect example of teamwork. Each of them in their own right added something to the team, and each of them in their own right proved that by working together you can truly make a difference.

They are joined by some wonderful people, their head coach Jeff Ackermann, who was chosen as the Associated Press PIAA Class AAA Basketball Coach of the Year; their assistant coaches Robert Williams and James Battles, Daryl Current could not be present with us today; their team captains Duane Compo and A. Q. Shipley; athletic director William Moore, who has been the athletic director in the Moon Area School District for 38 years and will be retiring this year; their athletic trainer who could not be here, Jerry MacFarland; and Michael Hauser, principal. I recognize all these individuals because, as any team will tell you, it takes a lot of support, a lot of community support. Moon Township is very proud of these young men for what they have accomplished and really the standards they have set - teamwork, perseverance, leadership, and character, so I ask all those individuals in our gallery to please rise.

The PRESIDENT. Would you please rise.

(Applause.)

### SENATE RESOLUTION ADOPTED

Senators PUNT, COSTA, RHOADES, KASUNIC, ROBBINS, PILEGGI, MADIGAN, MELLOW, FUMO, THOMPSON, KITCHEN, MUSTO, LOGAN, M. WHITE, O'PAKE, ERICKSON, ARMSTRONG, WAGNER, FERLO, MOWERY, DENT, STACK, SCARNATI, GREENLEAF, WOZNIAK, ORIE, CORMAN, PIPPY, WENGER, BRIGHTBILL, WONDERLING, LEMMOND, CONTI, KUKOVICH, EARLL, RAFFERTY, C. WILLIAMS and WAUGH, by unanimous consent, offered **Senate Resolution No. 266**, entitled:

A Resolution recognizing the week of May 8 through 16, 2004, as "National Tourism Week" in Pennsylvania and May 11, 2004, as "Tourism Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Punt.

Senator PUNT. Madam President, just a few words. This week, May 8 through 16, is designated as National Tourism Week. The travel and tourism industry is the second leading industry in Pennsylvania, contributing toward our overall economic base. Visitors in Pennsylvania spend about \$34 billion annually, accounting for over 579,000 jobs for Pennsylvanians. Those jobs have a payroll of \$12.3 billion, and combined with Federal, State, and local taxes, those dollars exceed \$5.6 billion.

Pennsylvania is the fifth most traveled State in the entire United States. We have been working hard over the years to develop our travel and tourism programs, and the current administration is likewise working very hard to promote tourism in Pennsylvania, and we ask for the entire Senate's support as we designate this week as National Tourism Week.

And the question recurring,

Will the Senate adopt the resolution?

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

### 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 to begin immediately. I expect that we will be back here about 4:15. First, we will have a meeting of the Committee on Appropriations, which will begin immediately to the rear of the Chamber in the Rules room. We will have the meeting of the Committee on Appropriations and then we will caucus.

The PRESIDENT. Senator Brightbill requests a recess for a meeting of the Committee on Appropriations and then a caucus, with the expectation to return at 4:15.

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

Senator O'PAKE. Madam President, after the meeting of the Committee on Appropriations, I ask all Democrats to report to our caucus room.

The PRESIDENT. Senator O'Pake requests that after the meeting of the Committee on Appropriations, all Democrats report to caucus.

Without objection, the Senate stands in recess.

### AFTER RECESS

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL LAID ON THE TABLE

**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.

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

#### BILLS OVER IN ORDER

**HB 550 and SB 871** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I rise to ask the Senate for an affirmative vote on Senate Bill No. 985, which would amend the Domestic Relations law to abolish common law marriage in the Commonwealth of Pennsylvania after January 1 of 2005. This is a concept that has outlived its usefulness, and it is difficult to imagine a subject that has been the victim of more misinformation. Most people believe that if you live together and hold yourself out as husband and wife for 7 years, that constitutes a common law marriage. That is not and has never been the law. In fact, what is required is a statement of present intention to be married, no time period whatsoever. Typically, when those statements are made, there are no witnesses, and courts are being called upon to get into the parties' minds well after the fact, usually when one is deceased or their interests are adverse, to decide whether, in fact, the parties ever intended to be married.

In the *Staudenmayer* case in 1998, the Supreme Court of Pennsylvania discussed our common law marriage law, and Justice Newman said, "Because claims for the existence of a marriage in the absence of a certified ceremonial marriage present a 'fruitful source of perjury and fraud,' Pennsylvania courts have long viewed such claims with hostility. Common law marriages are tolerated, but not encouraged. While we do not today abolish common law marriages in Pennsylvania, we reaffirm that claims for this type of marriage are disfavored." Justice Nigro, in that same case, would have gone further and abolished them forthwith, but that did not happen.

Again in 2003, Judge Leadbetter, writing for the Commonwealth Court, has begged the legislature to act in this regard. Judge Leadbetter's quote is particularly interesting. She says that "...the tendency of litigants...to view common law marriage as... a legal raincoat they can put on and take off as changing circumstances dictate." She speaks of persons who claim to be common law married when seeking benefits, but file returns indicating that they are single when it is to their tax advantage to do so. She states that "We must conclude that this court can no longer place its imprimatur on a rule which seems to be a breeding ground for such conduct and its attendant disrespect for the law itself."

In addition to that, there are many cases where, because of the heavy burden of proof, innocent parties are misled about their status. The Commonwealth Court took the unusual step of saying that after that case they would no longer recognize common law marriages in Pennsylvania. The problem is that case was not heard by the Pennsylvania Supreme Court, and there is a question today as to whether an intermediate Appellate Court can, in fact, abolish common law marriage.

To remove that question, I am asking the Senate today to enact legislation doing what the court has been begging us to do for many years, and that is doing away with this archaic concept.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-49

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

#### NAY-1

Ferlo

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

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

#### BILLS OVER IN ORDER

**SB 1039 and SB 1056** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**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 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 1809** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER AND RECOMMITTED

**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.

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

Pursuant to Senate Rule X, the bill was recommitted to the Committee on Law and Justice.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

**SB 276 (Pr. No. 1504)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for associations; further providing for preliminary general provisions; further providing, in corporations, for general provisions, for corporate functions, for managers and owners, for fundamental changes, for registered corporations, for insurance corporations, for foreign business corporations, for domestic nonprofit corporations generally and for foreign nonprofit corporations; further providing, in partnerships and limited liability companies, for general provisions, for registered limited liability partnerships, for general partnerships, for limited partnerships and for limited liability companies; further providing for unincorporated associations generally; further providing for business trusts; making editorial changes; further providing for reenactments of nonprofit corporation laws; providing for transfer of funds; and repealing provisions relating to railroad condemnation procedures, to nonprofit corporations and to Young Men's Christian Associations.

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

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEE**

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

**SB 668 (Pr. No. 1607) (Amended) (Rereported)**

An Act establishing a uniform crime reporting program; requiring all county and municipal law enforcement agencies to report certain information occurring within the respective jurisdictions; imposing duties on the Pennsylvania Commission on Crime and Delinquency; and authorizing the Pennsylvania State Police to collect and gather information on crime and make annual reports.

**SB 735 (Pr. No. 882) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for fees for constables.

**SB 930 (Pr. No. 1210) (Rereported)**

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

**SB 1123 (Pr. No. 1597)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

**SB 1124 (Pr. No. 1598)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

**SB 1125 (Pr. No. 1599)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

**SB 1126 (Pr. No. 1600)**

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

**SB 1127 (Pr. No. 1601)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

**SB 1128 (Pr. No. 1602)**

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

**SB 1129 (Pr. No. 1603)**

An Act providing for the capital budget for the fiscal year 2004-2005.

**SB 1130 (Pr. No. 1604)**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

**HB 2083 (Pr. No. 2773) (Rereported)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child custody jurisdiction and enforcement.

**HB 2447 (Pr. No. 3459) (Rereported)**

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding a road, Logan Township, Blair County, to the State highway system.

**SENATE RESOLUTIONS ADOPTED**

Senators RAFFERTY and STACK, by unanimous consent, offered **Senate Resolution No. 267**, entitled:

A Resolution recognizing the week of May 9 through 15, 2004, as "National Police Week" and May 10, 2004, as "National Police Officers' Memorial Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator RAFFERTY. Madam President, with my friend and colleague, Senator Stack, I offer the resolution that was read before the Senate. Earlier today, I had the opportunity to witness the State FOP memorial. It was held at the rear of the Capitol. The Lieutenant Governor spoke, along with Attorney General John Ashcroft, Governor Rendell, the Speaker of the House, and the President pro tempore of the Senate, Senator Jubelirer. It was a very moving occasion, a very special occasion, and it reminds us that the numbers in the thin blue line were reduced this year by three, with the deaths of police officers in the Commonwealth of Pennsylvania. One in particular, Officer Long, was a member of a police force in Montgomery County, though not in my district, certainly one in the district where I live, and it hit very close to home, and it reminds us all, in a tragedy such as this, the importance of the job of a police officer and the special person required to be a police officer, and that police officer, that trooper, that agent, that law enforcement official, when he or she leaves his or her home every day and they say goodbye to their family, that is one job where they are not sure that they are ever going to return home.

It is on somber occasions like the one that we had today that we are reminded of the sacrifice that these men and women place on the line, their lives, day-in and day-out, to protect our health, safety, and welfare as residents of the Commonwealth, and I ask my colleagues to join with myself and Senator Stack in congratulating and commending those police officers who serve us today and those in retirement for their years and hours of dedication, service, and commitment to their communities in making this Commonwealth a better place to live. I commend them, and I am proud to sponsor, along with Senator Stack, this resolution honoring the police officers, the troopers, the agents, and the law enforcement officials for National Police Officers' Week, and with heartfelt thanks to honor the memory of those who have fallen in the line of duty.

Thank you, Madam President.

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

Senator STACK. Madam President, I, too, am pleased to be able to stand here along with my colleague and friend, Senator Rafferty, and offer this resolution for both National Police Week and National Police Memorial Day. Madam President, each and every day our communities send their police officers out to protect our families, our properties, our neighborhoods, and our businesses. They perform their duties often at risk to their own personal safety and to their lives, and too many of these brave men and women simply do not return home to their families because they have made the ultimate sacrifice on our behalf.

Over the years, 600 police officers have given their lives in Pennsylvania. Nationally, that figure exceeds 14,000. Every day 189 police officers are assaulted and 2 are shot in United States.

Every 57 hours, a police officer dies. Our police officers are integral members of our communities, and when one of them falls, it affects us all. My district in northeast Philadelphia, in Bridesburg, is a place where many of our police officers have chosen to live. It is an honor to be their neighbor. Likewise, it is an honor to have a stretch of Route 1 in Philadelphia named for the late Officer Daniel Faulkner, a Philadelphia police officer who gave his life in the line of duty. In order to honor the sacrifices of the brave men and women who protect us every day, I ask, once again along with my colleague, Senator Rafferty, for unanimous approval of this resolution, and we continue to support our brave men and women in the ranks of police officers and their families who along with them sacrifice every day.

Thank you, Madam 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 O'PAKE, KUKOVICH, MUSTO, WENGER, WOZNIAK, ORIE, BOSCOLA, WAGNER, KITCHEN, EARLL, CONTI, ARMSTRONG, COSTA, TARTAGLIONE, ERICKSON, FERLO, GREENLEAF, FUMO, LEMMOND, D. WHITE, THOMPSON, RAFFERTY, KASUNIC and STACK, by unanimous consent, offered **Senate Resolution No. 268**, entitled:

A Resolution designating Tuesday, May 11, 2004, as "Pennsylvania Fraternal Congress Day."

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

Senators SCHWARTZ, HUGHES, MELLOW, FERLO, KUKOVICH, MOWERY, ERICKSON, STOUT, ORIE, COSTA, O'PAKE, LOGAN, FUMO, WAGNER, KITCHEN, TARTAGLIONE, KASUNIC, CONTI, ARMSTRONG, STACK and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 269**, entitled:

A Resolution recognizing the week of May 10 through 16, 2004, as "Cover the Uninsured Week" in Pennsylvania and encouraging Pennsylvanians to do all they can to understand the implications and ramifications of this issue.

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

Senators WENGER, KUKOVICH, MELLOW, KITCHEN, CONTI, MADIGAN, EARLL, STOUT, GORDNER, COSTA, LOGAN, BRIGHTBILL, ARMSTRONG, THOMPSON, STACK, C. WILLIAMS, KASUNIC, PUNT, MOWERY, MUSTO, WAUGH, BOSCOLA, CORMAN, ERICKSON, GREENLEAF, O'PAKE, LaVALLE, TOMLINSON, RAFFERTY, PIPPY, ORIE, SCHWARTZ, WAGNER, WONDERLING, LEMMOND, DENT and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 270**, entitled:

A Resolution declaring that May 9 through 15, 2004, be observed as "National Nursing Home Week" in Pennsylvania.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Brenna L. Schroll by Senator Armstrong.

Congratulations of the Senate were extended to Deborah Bullick by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Clair P. Ferster, Lisa McCreary, Kristen Hershberger and to Sam Weller by Senator Corman.

Congratulations of the Senate were extended to C. C. Mellor Memorial Library and to the Carnegie Library of Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to Matthew Ryan Hedderick by Senator Earll.

Congratulations of the Senate were extended to Sister Dr. Pamela A. Smith, Nicholas J. Roll, David J. Morris and to David M. Siesko by Senator Gordner.

Congratulations of the Senate were extended to Chuck Greenberg by Senator Jubelirer.

Congratulations of the Senate were extended to the South Brownsville United Methodist Church by Senator Kasunic.

Congratulations of the Senate were extended to Vincent K. Scott by Senator Kukovich.

Congratulations of the Senate were extended to the Reverend Joseph Matz by Senator Mellow.

Congratulations of the Senate were extended to Lyric Consort by Senator Mellow and others.

Congratulations of the Senate were extended to Rose Rohlmeier, Brandy Winters, Alexander Nielsen, Christina Hayes, Jackie Krewson, William Shoenberger and to DeAnn Gurganious by Senator Mowery.

Congratulations of the Senate were extended to the Atlas Insurance Group and Atlas Realty, Inc., of Wilkes-Barre, by Senator Musto.

Congratulations of the Senate were extended to Courtney E. Rubright, Ann L. Greth and to Rohm and Haas Powder Coatings Research and Development Center of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Tasha Brandon and to the People Mover by Senator Piccola.

Congratulations of the Senate were extended to Thomas Fox by Senator Pippy.

Congratulations of the Senate were extended to Richard Bowers by Senator Punt.

Congratulations of the Senate were extended to Margaret Coppedge-Banks by Senator Rafferty.

Congratulations of the Senate were extended to the living and deceased members of the Pennsylvania State Lodge, Fraternal Order of Police, by Senators Rafferty and Stack.

Congratulations of the Senate were extended to John Henry and Marjorie Jean Hummel and to Margaret Joyce Whitbeck by Senator Robbins.

Congratulations of the Senate were extended to the Bristol Jewish Center by Senator Tomlinson.



Congratulations of the Senate were extended to Barry J. Buskey by Senator Wagner.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 1123, SB 1124, SB 1125, SB 1126, SB 1127, SB 1128, SB 1129 and SB 1130.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### 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 PLANNING BOARD

May 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, Ronald Bailey, 1754 Wilderness Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Graysha K. Harris, Tunkhannock, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE PLANNING BOARD

May 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, Jane Billings, 342 North Princeton Avenue, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Marlene W. Reese, Port Matilda, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE PLANNING BOARD

May 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, Ellen Ferretti, 100 James Street, Shavertown 18709, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Clyde W. Waite, Esquire, Newtown, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE PLANNING BOARD

May 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, Alexander J. Graziani, 514 Harrison Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice John W. Ponds, Pittsburgh, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE PLANNING BOARD

May 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, William B. Hawk, 4017 Eastbrook Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Wilfredo Seda, Reading, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE PLANNING BOARD

May 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, Alan Jennings, 2130 Gordon Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Ernest M. Varhola, Munhall, whose term expired.

EDWARD G. RENDELL  
Governor

## MEMBER OF THE STATE PLANNING BOARD

May 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, Dennis Puko, 635 Mercer Avenue, Farrell 16121, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

## MEMBER OF THE STATE PLANNING BOARD

May 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, Judith Schwank, 169 Stitzer Road, Fleetwood 19522, Berks County, Eleventh Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Michael N. Kaiser, Allentown, whose term expired.

EDWARD G. RENDELL  
Governor

## MEMBER OF THE STATE PLANNING BOARD

May 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, John A. Westrum, 6025 Joshua Road, Ft. Washington 19034, Montgomery County, Seventh Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Julius B. Uehlein, Camp Hill, whose term expired.

EDWARD G. RENDELL  
Governor

## MEMBER OF THE STATE PLANNING BOARD

May 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, The Honorable Donato B. Zucco, Ph.D., 209 Watson Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Joseph J. Joyce, Avoca, whose term expired.

EDWARD G. RENDELL  
Governor

RECALL COMMUNICATION  
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 PLANNING BOARD

May 10, 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 16, 2004, for the appointment of Nora Peterson, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

## ANNOUNCEMENTS BY THE SECRETARY

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

## SENATE OF PENNSYLVANIA

## COMMITTEE MEETINGS

TUESDAY, MAY 11, 2004

9:45 A.M.	FINANCE (public hearing on the status of PA Business Tax and the consideration of The Honorable Joseph E. Gurzenda to the State Tax Equalization Board)	Senate Maj. Caucus Rm.
10:00 A.M.	BANKING AND INSURANCE (informational meeting on Senate Bill No. 495)	Room 461 Main Capitol
10:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 1059)	Rules Com. Conf. Room
11:30 A.M.	LAW AND JUSTICE (public hearing to consider the nomination of Patrick J. Stapleton, III, Esq., to the PA Liquor Control Board; and any other business that may come before the Committee)	Room 8E-B East Wing
12:30 P.M.	GAME AND FISHERIES (to consider House Bills No. 565, 659, 1972 and 2042)	Room 461 Main Capitol

WEDNESDAY, MAY 12, 2004

9:30 A.M.	EDUCATION (public hearing on community colleges coordinating board legislation, Senate Bill No. 622 and House Bill No. 744)	Room 8E-B East Wing
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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

10:30 A.M. ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 856, 1040, 1041 and 1042) Room 461 Main Capitol

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

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

Senator BRIGHTBILL. Madam President, I move that the do now Senate adjourn until Tuesday, May 11, 2004, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:58 p.m., Eastern Daylight Saving Time.