

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, MAY 11, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 29

**SENATE**

TUESDAY, May 11, 2004

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend FRANCIS J. TAMBURRO, of St. Mary's Church, Berwick, offered the following prayer:

This is a prayer that I have used before. I think it is a favorite of mine. It was composed by Archbishop John Carroll of Baltimore and used at the inauguration of George Washington in 1789.

Let us pray.

Almighty and eternal God, you have revealed Your glory to all nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed. Assist with Your spirit of counsel and fortitude the President of these United States, that his administration may be conducted in righteousness and be eminently useful to Your people over whom he presides. May he encourage due respect for virtue and religion. May he execute the laws with justice and mercy. May he seek to restrain crime, vice, and immorality.

Let the light of Your divine wisdom direct the deliberations of Congress and shine forth in all the proceedings and laws framed for our ruling government. May they seek to preserve peace, promote national happiness, and continue to bring us the blessings of liberty and equality.

We pray for Governor Rendell, the Governor of this Commonwealth, for all the Members of the legislature, for the Members of this senatorial body, for judges, elected civil officials, and all others who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability.

We, likewise, commend to Your unbounding mercy all citizens of the United States, that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world cannot give, and after enjoying the blessings of this life, be admitted to those which are eternal. We pray to You who are Lord and God forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Tamburro, who is the guest today of Senator Gordner.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

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

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

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Stout and Senator Tartaglione. 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 May 10, 2004.

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

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

On the question,  
Will the Senate agree to the motion?

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT J. MELLOW  
ON BEHALF OF SENATOR VINCENT J. FUMO  
PRESENTED TO THE SENATE**

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

Senator MELLOW. Madam President, Senator Fumo is attending a meeting that has detained him from being on the Senate floor at this particular moment, so on behalf of Senator Fumo, I would like to introduce Mrs. Martha Levy and the eighth grade class from St. Peter's School in Philadelphia and ask the Senate to give them its usual warm welcome and a round of applause.

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

(Applause.)

**GUESTS OF SENATOR CHARLES W.  
DENT PRESENTED TO THE SENATE**

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

Senator DENT. Madam President, it is my privilege and pleasure today to introduce some friends of mine from Lehigh Career and Technical School in Lehigh County. They are students Todd Trinkle and Kayla Moore, and advisors Gary Fedorcha and Joe Kasztejna, and I would like the Senate to give my visitors its customary warm welcome.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL A.  
O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Madam President, today is Pennsylvania Fraternal Congress Day, and visiting the Capitol are representatives from our fraternal benefit societies. There are 62 fraternal benefit societies licensed to do business in Pennsylvania, representing more than 867,000 Pennsylvanians.

We are fortunate to have as our guests today in the gallery the president of the Pennsylvania Fraternal Congress. She is also the national president and CEO of the Loyal Christian Benefit Association. Her name is Jacqueline Sobania Robison, and she is accompanied by the national secretary-treasurer of the Loyal Christian Benefit Association, Eileen Lydon. They are here, they have done an excellent job leading this fraternal association, and I would ask the Chair to welcome them to the Senate of Pennsylvania.

The PRESIDENT. Would the guests of Senator O'Pake please rise so we can give you a round of applause.

(Applause.)

Senator O'PAKE. Madam President, also in the gallery we are visited today by fourth grade classes of St. Ignatius Loyola grade school in Berks County. The students are here with their teachers, Nancy Schwartz and Sharon Keeley, and I ask the Chair to

extend its warm welcome to the students and teachers from St. Ignatius Loyola.

(Applause.)

**GUESTS OF SENATOR JACK  
WAGNER PRESENTED TO THE SENATE**

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

Senator WAGNER. Madam President, I rise to introduce some very special guests from my senatorial district who are also a part of the Chair's hometown, so I know this is very special to you, also.

I rise to give my congratulations to the Sto-Rox Senior High School Vikings Basketball Team in celebration of winning the 2004 PIAA State Class AA Championship by defeating Trinity High School 62 to 53 last month. I believe Trinity is in Senator Mowery's district. The overall record of Sto-Rox was 27-3 for the season. Members of the team who are here today visiting in the House of Representatives and the Senate include the following: Adam DiMichele, Davon Huger, Mike Harper, Chuck Banks, Nick Pappaterra, John Geiger, Brendan Gallagher, Carlos Carrabbia, Louie Parrilla, Matt Dahle, John Harvey, Tyrone Cole, Pat Boylan, Aaron Adams, and Anthony DiMichele. The Sto-Rox head coach is Bill Minear, and assistant coaches are Ryan Hughes and Jason Minear. The athletic trainer is Michel Abbott, and the cheerleading sponsor is Tracy Herron. The athletic director for Sto-Rox is Ray DiMichele, and as you can tell, there are a number of DiMicheles and it is a family affair. Madam President, the superintendent is Anthony Skender and the principal is Thomas Graham, and they are the proud leaders of Sto-Rox High School.

Madam President, it is with great honor and distinction that I present the Sto-Rox Senior High School Basketball Team, the 2004 PIAA State Class AA champions, with greetings from the Senate of Pennsylvania, and ask that the Senate greet them with its usual warm welcome.

The PRESIDENT. Would our guests please rise.

(Applause.)

**GUESTS OF SENATOR MARY JO  
WHITE PRESENTED TO THE SENATE**

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

Senator M.J. WHITE. Madam President, I had the opportunity to visit briefly today with Mr. Lester Zook, a teacher at Northeast Mennonite School in Erie County. Mr. Zook teaches in a one-room schoolhouse, and he has with him today three lovely young people, Lyndon Martin, Faith Haines, and Katrina Sensenig. These three young people are the ninth grade class from Northeast Mennonite School, and I ask the Senate to welcome them to the Senate today.

The PRESIDENT. Would our guests of Senator Mary Jo White please rise so we can give you a round of applause.

(Applause.)

**GUESTS OF SENATOR JAMES J.  
RHOADES PRESENTED TO THE SENATE**

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

Senator RHOADES. Madam President, I have with me, and I hope they are in the balcony, the elementary school from Albany Township in Berks County. They are fourth and fifth graders, and I appreciate the Chair taking a picture with them. They had a chance to be on the floor, and I would appreciate it if the Senate would extend its usual warm welcome to the elementary students from Albany Township.

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

(Applause.)

**GUESTS OF SENATOR CONSTANCE  
H. WILLIAMS PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Madam President, I would like to introduce some very close friends of mine from the Main Line NAACP. Today we have with us Diana Robertson, President of the NAACP Main Line Branch, and Barbara Butler, who is the education chair of this branch. The Main Line NAACP has done a stupendous job of voter education and citizenship along the Main Line, and I am delighted that they are here today, and I ask that they rise and we all give them a hearty welcome.

(Applause.)

**SENATE RESOLUTION ADOPTED**

Senators C. WILLIAMS, SCHWARTZ, RHOADES, MELLOW, O'PAKE, KITCHEN, BOSCOLA, KUKOVICH, DENT, STOUT, CONTI, EARLL, WAGNER, ERICKSON, LEMMOND, LOGAN, RAFFERTY, TARTAGLIONE, ARMSTRONG, CORMAN, PIPPY, LaVALLE, KASUNIC, WOZNIAK and STACK, by unanimous consent, offered **Senate Resolution No. 271**, entitled:

A Resolution commemorating May 17, 2004, as the 50th anniversary of the historic *Brown v. Board of Education* decision.

On the question,  
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, I quote, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." I think all of us recognize that as part of Section 1, Amendment XIV, of the United States Constitution.

In the late 1880s, following the Supreme Court case of *Homestead v. the State of Louisiana*, a Supreme Court Justice interpreted that section to mean that separate facilities for African-Americans and whites were constitutional, as long as they were equal. The separate but equal doctrine was born. It took more than 50 years, and it took the courage of a small third grader and her father, with the backing of the NAACP and brave people all across our country, to challenge this doctrine of separate but equal and to show that it had no place in public education. In the early 1950s, racial segregation in public schools was the norm across America, and although districts were supposed to be separate but equal, most schools for African-Americans were far inferior to their white counterparts.

In Topeka, Kansas, an African-American third grader named Linda Brown had to walk one mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only seven blocks away. Linda's father, Oliver Brown, tried to enroll her in the white school, but the school principal refused. Mr. Brown then approached Topeka's branch of the National Association for the Advancement of Colored People, NAACP, and asked for help. What happened next changed the civil rights movement and the way we look at the 14th Amendment. On May 17, 1954, the Supreme Court decided that educational facilities could not separate children by race. The case of *Brown v. Board of Education* was the impetus to integrate schools, begin school busing, and move toward more emphasis on the 14th Amendment's equal protection of the laws for all citizens.

As a nation, we will celebrate 50 years of progress since this decision was handed down. We can look back on that momentous day in 1954 and credit Oliver Brown for his role in advancing the civil rights movement, because as a parent he wanted his young child safe and to obtain the best education she could. Yet, we know that this is only part of the story. The issue of civil rights in the *Brown* case succeeded because of the courage and sacrifice of many people who were determined to make every American aware of this injustice. We can thank not only the Brown family, but also the parents who risked their jobs and even their lives for this cause, and we can especially thank the students who were the real pioneers of integrating America's schools.

Even as we commemorate the anniversary of *Brown v. Board of Education*, it is critical that we remain vigilant to ending the violence and race discrimination that continues today. We cannot allow it to continue, and we must ask instead that every American live up to the ideals that are written in our Constitution - equality, justice, and liberty.

I ask that you join me in commemorating May 17, 2004, here in Pennsylvania, as the 50th Anniversary of the historic *Brown v. Board of Education*, and that you join with me in accepting the challenge to end all discrimination.

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.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ALLYSON Y.  
SCHWARTZ PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Madam President, I rise to introduce Jerome and Gwen Aberman who are visiting from Jenkintown and are touring central Pennsylvania and decided to come see the Capitol. They heard it was beautiful, and of course we all think it is, and they got to see a great day with a lot of activity, groups lobbying and voicing their opinions in the Rotunda. The library folks were here, community college people, people speaking about public education, and tourism advocates. They got to see quite a bit of activity as well as our being in Session and seeing the beautiful Capitol.

So, I ask you to welcome them. They are from where I live now in Jenkintown. They are neighbors of mine, so would the Senate please welcome Jerome and Gwen Aberman.

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

(Applause.)

**GUESTS OF THE PRESIDENT  
PRESENTED TO THE SENATE**

The PRESIDENT. Now, I would like to introduce some very important guests from the State Civil Service Commission. The chair is Katherine Holtzinger-Conner, Ron Rowe is the executive director of the State Civil Service Commission, Randall Breon is the deputy for operations, and Tom Balestreiri is the western regional director. Also with them is another guest of mine, Dave Hennigan, who is the editor of the Lancaster newspapers. Would you all please rise so we can give you a warm welcome.

(Applause.)

**GUESTS OF SENATOR ROBERT M.  
TOMLINSON PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, I am indeed honored to introduce this very special guest of mine this afternoon, Michele Leahy, from Trevoise in the Lower Southampton part of my district. I know that today everybody talks about Smarty Jones and the inspiration that horse has had in my community, but I am here to introduce someone who I think is even more inspirational and has accomplished more in her life against some very, very difficult odds. She was born with spina bifida, and then at the age of 11 she contracted myasthenia gravis, which is a form of muscular dystrophy. Then to complicate matters, she was hit by a truck which dislodged the metal bar in her spine, and she had to go through other procedures and operations and still overcame them.

Just to give you an example of some of her accomplishments in her life, she has overcome numerous physical challenges and has been active with the disabled and nondisabled communities throughout her life. She graduated with a Bachelor of Arts degree from Pennsylvania State University, and is a freelance writer for

the Pennsylvania Assistance Technology Finance Program's quarterly newsletter, and for a monthly column named "Shelly in the City," obviously, from her name, Michele. She writes a special feature article for the Disabled Dealer magazine. She is also a contributing writer for the quarterly newsletter for the Spina Bifida Association of America, and to the feminist magazine "Off Our Backs." This lady also works to promote new and unique equipment through the sale of Disabled Dealer magazines and campaigns for independence through the sale of accessible and adaptive equipment by being a certified mobility consultant.

As a member of the Spina Bifida Association of the Delaware Valley, the Spina Bifida Association of America, the Somerton Lions Club, and the American Association for People with Disabilities, she conceived the slogan, "Say Yes to Access," which was adopted by the Philadelphia Mayoral Commission for People with Disabilities in 1991. Additionally, she was the first and youngest female to be part of the Philadelphia Rowing Program for the Disabled, PRPD, in 1981. This lady was the 1987 recipient of the Leo Riley, Jr. Award for spirit and determination presented by the PRPD, and was the winner of the Middle States Regatta where she won an Olympic Medal presented by Jack Kelly, Jr.

As you can see, she has overcome many, many disabilities and is leading an absolutely phenomenal life of accomplishments. She is accompanied today by her parents, Pat and Mark Leahy, and also a very special guest, another member of my community, Lee Gutherman, who was Miss Wheelchair Pennsylvania 2002, and if I could just indulge the Senate Chamber for just a few more minutes, I would like to invite Miss Leahy to the microphone we provided and let her address the Senate of Pennsylvania, please.

(Applause.)

Ms. LEAHY. What a wonderful introduction. It is spring and I know when I think of spring, I think of baseball. Now, I do not know much about baseball, only two things: that it is played on a diamond, and as a girl, I love diamonds, and that it is home to one of the greatest professional Hall of Famers, Yogi Berra, who is famous for coining phrases, one which I live by, "When you come to a fork in the road, take it." We, as people with disabilities, are used to taking many forks out of the road. You need to know that a person with a disability has a unique perspective of the world, and that perspective should be embraced and celebrated. Embrace diversity. Embrace disability.

One of the ways to do that is to support MiCASSA, a program that follows the money that follows the person with the disability to get them on the road to success. Our society is built on the structure of interdependence. In today's world, interdependence can easily be seen from the people with disabilities' perspective through the programs that government provides.

As Miss Wheelchair 2004, it is my duty to speak about the positive attributes that people with disabilities possess. Being born with spina bifida, contracting myasthenia gravis, and being hit by a tow truck at age 23, I have become an expert at taking that fork out of the road and living the mantra, "Say Yes to Access." For example, for me, learning how to drive was a triumph, but for many it is just another necessity. Now, I know that this is not a realistic goal for all people with disabilities, but getting from point A to point B is. Getting from point A to point B can

be simply going from your bed to a wheelchair, to the grocery store, to a family gathering, to church, and think about it, to work. Giving people with disabilities incentives to work would actually help them become more productive, interactive, and voting citizens. What do the incentives mean to the two million Pennsylvanians with disabilities? Not penalizing the health benefits or services you provide when they get a job, providing them with good transportation options, giving them tools which could also include assistive technology that gets them on the road to success and helps them take that fork out of the road. I implore you, talk to a person with a disability. Pass the One Step law. Remember, one step is a mountain to a wheelchair user. Open the door, create access.

(Applause.)

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, just briefly, as you can see, she is truly an outstanding young lady, and all of us in Bucks County are very proud of her and all of us in Pennsylvania should be very proud of her. I just wanted to note that she got a Saturn about 2 years ago and already has 50,000 miles on that one little car. Nothing keeps this gal down. Today we met several championship athletic teams, and we all like to root for a champion. In my eyes, after seeing what this young woman has overcome, she is truly a champion.

Thank you very much for welcoming her to the Senate.

(Applause.)

### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I request a recess, first for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately. After that meeting, we will come back on the floor and run the Calendar, which should take about 10 minutes. After that, there will be a Republican caucus.

Senator MELLOW. Madam President, there will be no Democratic caucus.

The PRESIDENT. The Senate will be in recess for a meeting of the Committee on Rules and Executive Nominations to begin immediately, and then return to run the Calendar. That will be followed by a Republican caucus. Without objection, the Senate stands in recess.

### AFTER RECESS

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

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

### Weekly adjournment.

### BILLS REPORTED FROM COMMITTEES

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

#### SB 92 (Pr. No. 1614) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for six months limitations and for deficiency judgments; codifying judicial provisions of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951; further providing for hearings and for summons and service; further defining "primary jurisdiction"; and making repeals.

Senator PILEGGI, from the Committee on Game and Fisheries, reported the following bills:

#### HB 565 (Pr. No. 667)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the safety zone for hunters using bows and arrows or crossbows.

#### HB 659 (Pr. No. 3594)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for lawful cooperation or assistance by unlicensed persons.

#### HB 1972 (Pr. No. 2571)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the offense of resisting or interfering with an officer; and prescribing penalties.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

#### SB 1059 (Pr. No. 1473)

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

### DISCHARGE PETITIONS

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

May 11, 2004

#### A PETITION

To place before the Senate the nomination of Abbe Fletman as a member of the Pennsylvania Industrial Development Authority.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Abbe Fletman as a member of the Pennsylvania Industrial Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

May 11, 2004

#### A PETITION

To place before the Senate the nomination of Tom Knox as a member of the Pennsylvania Industrial Development Authority.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Tom Knox as a member of the Pennsylvania Industrial Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

May 11, 2004

#### A PETITION

To place before the Senate the nomination of Delores Wilson as a member of the Workers' Compensation Appeal Board.

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 Delores Wilson as a member of the Workers' Compensation Appeal Board, before the entire Senate body for a vote, the nomination not having been voted upon within 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. The communications will be laid upon the table.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**SB 276, HB 550, SB 871, SB 1039, SB 1056 and HB 1809** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### SECOND CONSIDERATION CALENDAR

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

**SB 668** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

##### PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

**SB 1123 (Pr. No. 1597)** -- The Senate proceeded to consideration of the bill, 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.

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

**SB 1124 (Pr. No. 1598)** -- The Senate proceeded to consideration of the bill, 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.

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

**SB 1125 (Pr. No. 1599)** -- The Senate proceeded to consideration of the bill, 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.

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

##### PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1126 (Pr. No. 1600)** -- The Senate proceeded to consideration of the bill, 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.

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

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

PREFERRED APPROPRIATION BILLS  
ON SECOND CONSIDERATION

**SB 1127 (Pr. No. 1601)** -- The Senate proceeded to consideration of the bill, 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.

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

**SB 1128 (Pr. No. 1602)** -- The Senate proceeded to consideration of the bill, 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.

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

**SB 1130 (Pr. No. 1604)** -- The Senate proceeded to consideration of the bill, 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.

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

BILLS OVER IN ORDER

**SB 735 and SB 930** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**SB 1129 (Pr. No. 1603)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

BILL OVER IN ORDER

**HB 2083** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

**HB 2447 (Pr. No. 3459)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS

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

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

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

MEMBER OF THE INDIANA COUNTY  
BOARD OF ASSISTANCE

May 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 26, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Indiana County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Iris Holtz, Indiana, resigned.

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

Senator ROBBINS. Madam President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE PENNSYLVANIA  
LIQUOR CONTROL BOARD

March 16, 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, Patrick J. Stapleton, III, Esquire, 200 North Seventh Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2008, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

SHERIFF, COLUMBIA COUNTY

February 12, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Timothy T. Chamberlain, 113 Hosler Road, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for appointment as Sheriff, in and for the County of Columbia, to serve until the first Monday of January 2006, vice Harry Roadarmel, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

March 23, 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 Joseph E. Gurzenda, 85 North Kennedy Drive, McAdoo 18237, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2007, or until his successor is appointed and qualified, vice Edward F. Fosnaught, Ellwood, whose term expired.

EDWARD G. RENDELL  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

SHERIFF, COLUMBIA COUNTY

February 12, 2004

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



In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Timothy T. Chamberlain, 113 Hosler Road, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for appointment as Sheriff, in and for the County of Columbia, to serve until the first Monday of January 2006, vice Harry Roadarmel, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

March 23, 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 Joseph E. Gurzenda, 85 North Kennedy Drive, McAdoo 18237, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2007, or until his successor is appointed and qualified, vice Edward F. Fosnaught, Ellwood, whose term expired.

EDWARD G. RENDELL  
Governor

On the question,  
Will the Senate advise and consent to the nominations?

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

YEA-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. Madam President, I move that the Executive Session do now rise.  
The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED**

Senators PIPPY, D. WHITE, CONTI, MELLOW, ROBBINS, DENT, PICCOLA, WAUGH, WAGNER, EARLL, WENGER,

O'PAKE, RHOADES, PILEGGI, RAFFERTY, FUMO, THOMPSON, BOSCOLA, ARMSTRONG, MUSTO, ERICKSON, SCARNATI, TARTAGLIONE, SCHWARTZ, MADIGAN, CORMAN, TOMLINSON, COSTA, LEMMOND, KUKOVICH, KITCHEN, WONDERLING, MOWERY, GORDNER, KASUNIC, PUNT, GREENLEAF, LOGAN, STOUT and STACK, by unanimous consent, offered **Senate Resolution No. 272**, entitled:

A Resolution honoring the members of the United States military serving overseas in support of Operations Enduring Freedom and Iraqi Freedom.

On the question,  
Will the Senate adopt the resolution?

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

Senator PIPPY. Madam President, I rise today to offer this resolution honoring our men and women of our Armed Forces. As my colleagues are aware, this is Armed Forces Week, a time when we recognize the dedication and sacrifices made by those serving in our Army, Navy, Air Force, Marine Corps, and Coast Guard. The military service is a noble calling, and our men and women in uniform have taken a solemn oath to defend and protect our Constitution and our country. For them the words "duty, honor, and country" have a deep and special meaning, and the soldiers, sailors, air men and women, Marines, and Coast Guard members uphold the greatest tradition of our nation. In particular, here in Pennsylvania our sons and daughters have answered that call of duty with honor and distinction time and time again, and that proud and storied legacy of service by Pennsylvanians continues today with thousands of our fellow citizens working to bring peace and protect freedom in the troubled spots of our world.

With this resolution, Madam President, the Senate can thank our military men and women, and we can also send the best wishes of a grateful Commonwealth. We can express our unwavering support and sincere appreciation to all members of our Armed Services for their bravery and patriotism, and I would add that we can offer and acknowledge a thank you to their families, the businesses that employ them, the communities for their support and sacrifice as well, as we all work together to promote freedom and security around the world.

Madam President, I ask my colleagues for their unanimous support, and thank you for the opportunity.

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, CONTI, ROBBINS, TOMLINSON, WAGNER, KASUNIC, WONDERLING, TARTAGLIONE, KUKOVICH, CORMAN, MOWERY, PICCOLA, STOUT, FERLO, BRIGHTBILL, EARLL, WENGER, ORIE, ERICKSON, STACK, COSTA, LOGAN, MUSTO, GREENLEAF, KITCHEN, PUNT, O'PAKE, DENT, WAUGH, PILEGGI, MADIGAN, SCARNATI, ARMSTRONG,

LEMMOND, RHOADES, PIPPY, THOMPSON and FUMO, by unanimous consent, offered **Senate Resolution No. 273**, entitled:

A Resolution recognizing the contributions of American Gold Star Mothers, Inc.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, I rise today to offer this resolution honoring the American Gold Star Mothers, Incorporated. As I am sure most of the Members are aware, the Gold Star Mothers was established in 1928 as a way to unite the mothers of American service men and women who died in combat. Even as the conflict in Iraq and the continued action in Afghanistan remind us of the service of our men and women in uniform, it is also important that we remember and honor the mothers who have made the ultimate sacrifice. When our men and women deploy overseas into hostile environments, they know they carry the thoughts and prayers of their family and friends here in the States. That care and concern provides our soldiers with a foundation of strength as they face the dangers involved with military duty, but we must never forget the deployment of our military overseas is also very tough on the families they leave behind. For those families, there is nothing more unnerving than the unexpected ringing of a doorbell or a telephone call at an unusual late night hour, and for some, that call does come. Therefore, we have a solemn duty as a nation to remember those families and the price they have paid in the name of freedom.

Madam President, I am honored to present this resolution as a humble but heartfelt tribute to the men and women who have died for our country and for the women who have lost their sons in battle and display those gold stars.

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 CONTI, D. WHITE, PIPPY, KASUNIC, KUKOVICH, PICCOLA, WONDERLING, CORMAN, BRIGHTBILL, FERLO, ROBBINS, EARLL, MOWERY, MELLOW, WENGER, ORIE, TOMLINSON, WAGNER, MUSTO, TARTAGLIONE, M. WHITE, ERICKSON, LOGAN, PUNT, O'PAKE, DENT, FUMO, WAUGH, GREENLEAF, PILEGGI, MADIGAN, SCARNATI, ARMSTRONG, LEMMOND, RHOADES, STACK THOMPSON, RAFFERTY, WOZNIAC and COSTA, by unanimous consent, offered **Senate Resolution No. 274**, entitled:

A Resolution recognizing the contributions of the Blue Star Mothers of America, Inc.

On the question,  
Will the Senate adopt the resolution?

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

Senator CONTI. Madam President, today in honor of Armed Forces Week, and in collaboration with my fellow Senators who offered resolutions here today honoring our active military and Gold Star Mothers, I offer a resolution that recognizes and celebrates the history and contributions of the Blue Star Mothers of America. The Blue Star Mothers of America, Incorporated, was founded as a patriotic service organization on February 2, 1942, to unite mothers who had sons or daughters in the U.S. military. The tradition of raising a Blue Star Flag in the home of a military family during wartime originated in World War I. The number of Blue Stars on the flag represents the number of family members who were serving this country in the military. Blue Star Mothers are involved in providing support for active duty personnel and their families, promoting patriotism, and assisting various veteran organizations, including the Gold Star Mothers.

Madam President, as our current conflict takes on an even more difficult tone, our service men and women will need more support from those of us here at home. Therefore, the role of the Blue Star Mothers has an even more important significance. We are most grateful to the Blue Star Mothers for their dedication, their sacrifices, and hard work, and I, too, very humbly ask for unanimous consent of this resolution.

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.

### 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 Barry J. Frank by Senator Greenleaf.

Congratulations of the Senate were extended to Gern Ingram by Senator Jubelirer.

Congratulations of the Senate were extended to James Cavalier and to Pat Cavalier by Senator Pippy.

Congratulations of the Senate were extended to Ryan Scott Miles and to Edith Blanding by Senator Rafferty.

Congratulations of the Senate were extended to Patrick Eiding by Senator Tartaglione.

Congratulations of the Senate were extended to Dr. Marian D. Damewood, Kim Andrzejczyk, Elizabeth F. Carson, Christine C. Neri and to Alan M. Cornbower by Senator Waugh.

Congratulations of the Senate were extended to Marcella A. O'Leary by Senator D. White.

Congratulations of the Senate were extended to Wil Philips and to Matthew W. Krouse by Senator C. Williams.

Congratulations of the Senate were extended to Paul Tripp by Senator Wonderling.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late James R. Miller by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Robert J. Pattillo by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Jerry P. Schreiber by Senator Orié.

#### **BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 1059, HB 565, HB 659 and HB 1972.**

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

#### **BILLS SIGNED**

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

**HB 1438, HB 1926, HB 1993, HB 2190 and HB 2428.**

#### **ADJOURNMENT**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Wednesday, May 12, 2004, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 3:05 p.m., Eastern Daylight Saving Time.