

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JUNE 8, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 34

**SENATE**

TUESDAY, June 8, 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 RICHARD RUFF, of St. Paul's Evangelical Lutheran Church, Carlisle, offered the following prayer:

Let us pray.

Our God, full of grace and glory, in Your bountiful goodness You have blessed us with a beautiful and productive land. As the warmth and greatness of summer dawns upon us, we remember in thanksgiving the generosity of the endowed gifts we have received from Your strong and caring hands.

Today, as the hustle and bustle of our fast moving lives are in motion all around us, we pause in quiet time to ask for Your presence, Your wisdom, and Your guidance as the Senate begins its afternoon Session.

Help us keep focused on the needs, the hopes, and the dreams of all the people of our Commonwealth, so that their visions for happiness, prosperity, and joy-filled lives may be achieved.

Also, as our nation continues to mourn the death of former President Ronald Reagan, give comfort and peace to the Reagan family and to all their friends, and build within the people of this nation the strongest of resolves to hold dearly the freedom that belongs to us, and to protect them for the generations to come.

Bless us now, O God, bless this Session, bless our lives, our travel, and our work. To Your name be honor and glory, forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Ruff, who is the guest today of Senator Mowery.

**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 June 7, 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 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.**

**GENERAL COMMUNICATIONS**

**REPORT ON 2003 HEALTH CARE  
PROVIDER RETENTION PROGRAM**

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

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

May 17, 2004

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

Re: Health Care Provider Retention Program

Dear Mr. Corrigan:

Pursuant to Section 1306-A of Act 44 of 2003, 62 P.S. §1306-A, the Pennsylvania Insurance Department submits this report regarding the status of the 2003 Health Care Provider Retention Program ("Abatement Program").

This report provides the information requested on the level of participation in the Abatement Program by health care providers. In reviewing this, we caution that this report was not intended to calculate or track the number of practicing health care providers in this Commonwealth. Further, in preparing this report, we were mindful that Act 44 prohibits the distribution and release of individual specific information concerning an application to the Abatement Program and further provides for criminal sanctions in the event individual specific information is released.

Please feel free to contact me if you have any questions.

Sincerely,

M. DIANE KOKEN  
Insurance Commissioner

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

### 2001 AND 2002 ANNUAL LOW-LEVEL RADIOACTIVE WASTE PROGRAM REPORT

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

COMMONWEALTH OF PENNSYLVANIA  
Rachel Carson State Office Building  
P. O. Box 2063  
Harrisburg, PA 17105-2063

June 2, 2004

Mr. Mark R. Corrigan  
Secretary of the Senate  
Senate Box 203053  
Harrisburg, PA 17120-3053

Dear Mr. Corrigan:

Enclosed is the Department of Environmental Protection's Annual Low-Level Radioactive Waste Program Report to the Pennsylvania General Assembly. This report covers calendar years 2001 and 2002.

The report provides a summary of the current activities of the Appalachian States Low-Level Waste Compact (compact), a list of all low-level radioactive waste (LLRW) generators in the compact, and the amounts of LLRW disposed by volume. It also contains a discussion of LLRW generation trends, including waste minimization and financial statistics, relating to all aspects of the compact.

The Pennsylvania Low-Level Waste Radioactive Waste Disposal Act (Act 1988-12) requires that this report be prepared each year. The attached report combines calendar years 2001 and 2002 because the Department was unable to obtain complete and accurate data from the U.S. Department of Energy's Manifest Information Management System (MIMS). MIMS is a national database that contains the actual volume and radioactivity of LLRW disposed of at the three existing LLRW disposal facilities in the country. Custody of MIMS changed contractor hands twice during 2001 and 2002 and, as a result, the database was not fully updated and contained errors.

Please contact Joseph Leighton, Director of Legislative Affairs, by e-mail at [jleighton@state.pa.us](mailto:jleighton@state.pa.us) or telephone at 717-783-8303 with any questions or comments you may have on this report.

Sincerely,

KATHLEEN A. MCGINTY  
Secretary

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

### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

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

Mr. Gregg R. Melinson, Esquire, as a member of the Board of the Commonwealth Financing Authority.

### BILLS REPORTED FROM COMMITTEES

Senator D. WHITE, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bill:

### HB 2081 (Pr. No. 3424)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for early termination of housing rental agreement; and providing penalties.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bills:

### SB 492 (Pr. No. 1653) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

### HB 1911 (Pr. No. 4012) (Amended)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, authorizing certified registered nurse practitioners and physician assistants to verify a person's claim to have a disability which temporarily or permanently precludes the person from any form of employment or work-related activity; and providing for establishment of RESET and eligibility.

### ANNOUNCEMENT BY THE MAJORITY LEADER

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we are going to alter our traditional policy of having an initial roll call, and the reason for that is there is an important meeting of the Committee on Finance going on right now, so those Members will be at the hearing and will not be able to be on the floor. However, we are asking the other Members of the Senate who would normally come down for the initial roll call to come down now. We do have special guests on the floor, and if they could come to the floor, I think that they would find it worthwhile.

### LEGISLATIVE LEAVES

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

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

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

### SPECIAL ORDER OF BUSINESS 2004 PENNSYLVANIA JUNIOR MISS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator PILEGGI.

Senator PILEGGI. Madam President, it is my pleasure this afternoon to introduce my guest who is seated in the gallery,

Lindsey Nye, Pennsylvania's Junior Miss for 2004, who is visiting the Capitol today. She is a senior at Avon Grove High School, where she is a National Merit Scholar and has a 3.97 grade point average, and serves as a student member of the Board of Directors for the Avon Grove School District. She is also the captain of the school volleyball team. She has received the prestigious Rouse Scholarship to attend Franklin & Marshall College in Lancaster this fall, and she will be representing Pennsylvania in America's Junior Miss Pageant in Mobile, Alabama, later this month.

Madam President, Lindsey is accompanied today by her mother, Cheryl Nye; her stepfather, David Lopez; the superintendent of the Avon Grove School District, Dr. Augustus J. Massaro; and the president of the Avon Grove School District Board of Directors, Lynn Klingensmith.

Madam President, I ask that we extend our normal warm welcome to Pennsylvania's Junior Miss for 2004, Miss Lindsey Nye.

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

(Applause.)

#### **GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE**

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing Lucas Martsof and Tim Wachter, who are serving as summer interns in my Greenville and Harrisburg offices.

Lucas is a political science major, beginning his senior year at Indiana University of Pennsylvania. Additionally, he is a police officer for the borough of Jamestown, Pennsylvania.

Tim is a law student, beginning his second year at Penn State Dickinson School of Law.

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

The PRESIDENT. Would Lucas and Tim please rise so we can give you a nice round of applause.

(Applause.)

#### **GUESTS OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Madam President, I am pleased to welcome to the Senate this afternoon a young lady who is shadowing me today, Erica Koup. She is the daughter of Ruth and Ray Koup, and she attends Central Dauphin High School and will be a junior this coming fall. She participates in the Model United Nations, French club, choir, Central Dauphin swim team, and Central Dauphin track and field team. And in addition to all of that, her interests include government and politics, and she is even considering running for Republican State Committee in 2006. Erica is currently active with the Bush/Cheney organization where she is a team leader, and she works as a lifeguard during the summer at the Mountain View Swim Club in Lower Paxton Township.

I would be pleased if the Senate would welcome Erica this afternoon.

The PRESIDENT. Would Erica please rise so we can give you a nice round of applause.

(Applause.)

#### **GUESTS OF SENATOR JOE CONTI AND SENATOR ROBERT M. TOMLINSON PRESENTED TO THE SENATE**

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

Senator CONTI. Madam President, I rise as, I guess, the founder of the Smarty Jones caucus, and then I will turn it over to the president and chairman of the Smarty Jones caucus in just a moment for some remarks.

We have a resolution today acknowledging the outstanding accomplishments of Smarty Jones and what he has done and what he accomplished in this racing season. It was an unbelievable experience. Now, there was an awful lot of debate about whether this was a Bensalem horse, a Philadelphia horse, or a Pennsylvania horse. I happen to have my own opinion on that, which is that it was all three, but it certainly was a wonderful thing for the State of Pennsylvania, and was a great thing for the entire nation and for horseracing in general, the wonderful season that Smarty Jones had, and unfortunately we just came up a length short in the final race, but I think we are going to have some more exciting times this year yet to come, and hopefully, end up on Labor Day at Philadelphia Park again for another great race. I was feeling very good about the race because as someone who lives in southeastern Pennsylvania and is a Philadelphia fan, I thought we had a real advantage when the race was not being run in Tampa Bay, because traditionally, we have had tough times with Florida teams and with that city, but it was not meant to be, but it was a great run, something we should all be very proud of.

I have a resolution and I am going to ask unanimous consent to offer it in just a moment, but Madam President, if the Chair would now turn it over to the president of the Smarty Jones caucus, I would be honored to turn it over to him.

Thank you.

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

Senator TOMLINSON. Madam President, I join my colleague, Senator Conti, the original horse thief of the Senate, for once again trying to steal my horse, Smarty Jones. Let us set the record straight, Smarty Jones is from Bensalem. Now, the owners and the jockey might live in Senator Conti's district, but the trainer and his family and the horse, and most of the people who work for the trainer, are from Bensalem. But, I happened to be out of town that weekend, I had a family wedding, I had to be in Florida, and not only is Smarty Jones not just Bensalem's horse or Philadelphia area's horse, or Pennsylvania's horse, he has become America's horse. The owner of Philadelphia Park, Bob Green, described him that way. I was 1,200 miles away at a wedding, and everybody was claiming Smarty Jones, everybody at the wedding was cheering for Smarty Jones, and everywhere across this country everybody was cheering for Smarty Jones, so

we should all be very, very proud of that horse. He ran a fantastic race, and it is just an incredible accomplishment.

Today I brought some guests with me. I brought the trainer of Smarty Jones, John Servis, and his wife, Sherry, and I will introduce them to you in a minute and let John address this Senate. But, it is an incredible accomplishment when you think this horse is actually just an adolescent, a teenager, a ninth grader, and when you think about how this horse had to mature and the racing he has done, what he has been through and how he has handled himself, it is truly a testament to the quality of this horse. He is not just a good horse, he is an absolutely great horse, and last Saturday he ran against some very, very good horses. In fact, he ran against some great horses, and those great horses he beat by 8 and 11 lengths. The true challengers, Smarty Jones ran them into the ground, and even though I think there was a little bit of conspiracy there, a little bit of teamwork to take Smarty Jones and try to bring him out too fast and run him into the ground, he still put those horses pretty far back into the pack. So, we are truly proud of him.

John Servis is a friend of mine, and I think one of the things I would just like to mention to the Senate is I first met John through his coaching of the Little League in Bucks County. He was a defensive coordinator coach of the Bucks County Bears and the proud father of two wonderful sons, and he and Sherry are wonderful parents and great neighbors. I used to meet John at the Bucks County Bears' banquets and talk to him about football and things like that. Of course, then John and I got closer with my issue for helping the racetracks. I will not mention any names around here, but as my issue for expanding gaming came up a little bit, John, of course, was very, very interested in that because John would like to stay in Bensalem and we would like to keep him there. He is very active in his church, and his children go to St. Ephrem's and Archbishop Ryan. They are good neighbors. In fact, John was running a race in Philadelphia Park about a year ago, I believe it was the Catillia Race for the Phillies, and John won one race, had to run back to coach a game for the Bucks County Bears, and then came back and coached his horse in another race and won another race in Philadelphia Park. The advantage is that John only lives about 5 minutes from the track and is the son of a jockey and has lived a life where you had to go from track to track, but John would clearly like to stay in Bensalem. I want to keep him in Bensalem, and I guess probably one of the biggest motivations is that John said if I do not get my expansion of gaming through, he is going to end up running for the Senate, and we do not want to see that happen here. But with John's popularity and the TV time that man has had across the State of Pennsylvania, this guy could run for Governor now. But, I do not want to see him run for my Senate seat.

But before I introduce John, I would like to introduce the Mayor of Bensalem, Joe DiGirolamo, who is here with John.

(Applause.)

Joe has been a great supporter of mine and works very well with the people from Philadelphia Park, and Bob Green, the owner of Philadelphia Park. Bob, would you stand up.

(Applause.)

You know, when Atlantic City came into existence, Bob was not the owner of Philadelphia Park, but they lost 50 percent of the revenues. Then again, when Delaware put slot machines at

their racetracks, they lost another 25 percent of the revenues. But Bob Green came in and I am very grateful that he invested a lot of money in Philadelphia Park, and if he had not done that and saved the park and worked to make it a good business enterprise, we would not have a Smarty Jones, we would not be here being proud of a Pennsylvania horse. So, the person who probably took the biggest gamble in the State of Pennsylvania was Bob Green, who put a lot of money and invested a lot of time in Philadelphia Park, so I would like to thank Bob Green for having confidence in our little racetrack there with Philadelphia Park.

But, with that I would like to introduce to you the true brains of the Smarty Jones team, Sherry, of course, who works along with her husband, John. Sherry, would you stand up, please.

(Applause.)

You know, when you think about the way John Servis has managed this horse, it is really incredible. John did not take him through the Florida or New York routes as they normally do for the preparation, he took him to Arkansas, and by taking him to Arkansas, he ended up winning the Rebel Race and then he won the Arkansas Derby, which qualified him, if he won the Kentucky Derby, and everyone knows this, to be eligible for a \$5 million bonus. And we all know that he went on to win the Kentucky Derby, and of course, he won a \$5 million bonus. He won the Kentucky Derby very convincingly in front of about 140,000 fans, and that is a championship in itself. So, he won the Arkansas Derby, which is a championship, he won the Kentucky Derby, which is a championship for 3-year-olds, and then he came off, right after that, 2 weeks later, and won the Preakness very, very convincingly, which is another championship race. Of course, then he goes on to the Belmont for another championship, and it shows you how difficult it is to win the Triple Crown. He has already won these championships, now to win the Triple Crown he has to race 1 1/2 miles. These are three big races within 5 weeks, and these horses usually run once a month in a big race like that. So, this is an incredible feat that this horse just ran, and of course, he won the Kentucky Derby and the Preakness, and we thought he ran an excellent race in the Belmont. So, John has truly been the architect, brains, and person who has put this team together and brought this racehorse along and has done a wonderful job. But besides being now one of the best known trainers, he has worked for years and years at Philadelphia Park unknown to the public, and now, of course, he is a celebrity, but John has done a wonderful job bringing that horse along. He is a wonderful neighbor, a committed person to our community, and now I would like to introduce to you a good friend of mine, the guy who put the Smarty Jones team together, John Servis.

(Applause.)

Mr. SERVIS. First, let me say what an honor it is to be here today. Real quick, I would just like to tell you a little bit about myself. I moved to Bensalem in 1980, fell in love with the area, decided that was where I wanted to raise my family. One of the unique things about being at Philadelphia Park as a horse trainer is that we race year round, and that takes away the traveling which most horse trainers have, pulling their kids in and out of schools and moving to different States for better racing.

With that being said, along comes Smarty Jones. One thing that disturbs me is how people, the press, have gotten down on

him because he got beat. That is horseracing, horses are going to lose. His outstanding accomplishments throughout the year speak for themselves. What you need to know is that people cannot get down on him for his Belmont race. Once you win the Kentucky Derby, once you win the Preakness, you go into the Belmont with a bull's-eye on your back. That is the only series in horseracing, the Triple Crown. So, now you have jockeys saying, how are we going to beat Smarty Jones? Not, how are we going to win this race, what is the strategy to use to win this race? It is, what is the strategy to use to beat Smarty Jones?

Subsequently, he broke good, he found himself in a good position down the backside, he ended up getting pressured on the inside and the outside. They went through the first half-mile in 48:2, which is identical to the first half-mile of Secretariat. However, the second half-mile, because of the pressure he was getting on both sides--they pushed him along pretty well--the second half-mile was in 46:1, which is actually 2 seconds faster than Secretariat. Again, to make you realize what a great race he ran, the mile and a quarter, which would have put him right about at the head of the stretch, he finished 4 seconds faster than he ran the Kentucky Derby. And, you know, the pressure that they put on him early took its toll. Unfortunately, the last 70 yards he just did not have anything left to fight off Birdstone. Not that he did not want to. I know my horse, and he wanted to. There was just nothing left.

So, you know, when you see the defeat, do not take it like, oh my gosh, this horse got beat, I cannot believe it. It was a great defeat, if there is such a thing. I mean, he ran an absolutely exceptional race, and you are going to be seeing a lot of him from now through the rest of the year. Hopefully, people will not give up on him and they will be just as excited about him throughout the year as they were going in. It is a pleasure to have him at Philadelphia Park, it has been great for the community, it has been great for my family, and he is Pennsylvania-bred, and he will always be Pennsylvania-bred.

Thank you very much.  
(Applause.)

### SENATE RESOLUTION ADOPTED

Senators CONTI, TOMLINSON, THOMPSON, STOUT, WONDERLING, KITCHEN, KUKOVICH, BOSCOLA, C. WILLIAMS, FERLO, CORMAN, EARLL, WENGER, WAGNER, MUSTO, SCHWARTZ, MELLOW, TARTAGLIONE, ERICKSON, FUMO, GREENLEAF, STACK D. WHITE, DENT, HUGHES, M. WHITE and WAUGH, by unanimous consent, offered **Senate Resolution No. 280**, entitled:

A Resolution honoring Smarty Jones and his contributions to Pennsylvania's horse racing industry.

On the question,  
Will the Senate adopt the resolution?

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

Senator TOMLINSON. Madam President, just again, I thank everybody for receiving my friends from Bensalem and Philadelphia Park. I think if there is anything else we can take out of this, there was some speculation that if he had won the Belmont and

the Triple Crown, he might have been worth so much money that the owner might have been tempted not to run him again. But I think now that he ran that race and was defeated at Belmont, it is my hope we can get him back to Philadelphia Park to run in the Pennsylvania Derby, which is a great race and would be good for Pennsylvania, and I think it would bring a lot of national attention to our little racetrack down there in Bensalem.

So, thank you very much to my colleagues in the Senate for receiving my friends from Bensalem and Bucks County.

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

The PRESIDENT pro tempore. Madam President, I was not going to make remarks, but I think maybe some would be appropriate.

Madam President, this was more than just a horse race, this was an experience for America, and I mean that, and I do not think I am overstating it. I want to thank all of you for being here. And to Senator Conti, Senator Tomlinson, and even Senator Thompson in Chester County, everybody wants a piece of this horse, but the fact is, everybody in America wanted a piece of this horse, it was not just those three.

For a few short weeks, you gave us an opportunity to forget our troubles. You gave us an opportunity to maybe not read about the atrocities or the terrible things that are happening in Iraq. You gave us an opportunity not to see some of the painful things that happen in America that the media is always reporting. You gave us an opportunity to let the media report on a positive thing. You gave us an opportunity to dream a little bit and remember that there are so many wonderful things that this country provides. This horse was more than just a horse running in a race. As all of us had the opportunity to watch and read about Seabiscuit, we had the opportunity to see it come alive, and it came alive in our State in southeastern Pennsylvania. It was exciting for us as Pennsylvanians and for all America to adopt this horse as their horse, as America's horse.

So, I just want to say thank you. Thank you for letting us dream a little bit. That horse did not let anybody down. That horse is a winner, and you all gave us the opportunity to experience something that none of us have ever had the chance to before. So, I just want to say for the record, it was a great ride and we all had a great time. Thank you for letting us dream a little and see some of those dreams come true.

Thank you.  
(Applause.)

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

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

### RESOLUTION INTRODUCED AND REFERRED

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

June 8, 2004

Senators THOMPSON, EARLL, RAFFERTY, STOUT, CONTI, WAGNER, CORMAN, KITCHEN, TARTAGLIONE,

LEMMOND, BRIGHTBILL, SCARNATI, WONDERLING, LOGAN, D. WHITE, PIPPY, MOWERY, ERICKSON, M. WHITE, COSTA, BOSCOLA, KUKOVICH, PUNT, GREENLEAF, ARMSTRONG, O'PAKE, DENT, FERLO, WOZNIAK, WAUGH and STACK presented to the Chair SR 277, entitled:

A Resolution designating June 12, 2004, as "Automotive Service Professionals Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 8, 2004.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room during today's Session to consider Senate Resolution No. 277 and certain nominations.

### RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate, first for the purpose of a meeting of the Committee on Appropriations, which will be held immediately in the Rules room. That will be followed by a caucus, which will begin in about 15 minutes.

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

Senator O'PAKE. Madam President, after the meeting of the Committee on Rules and Executive Nominations, I ask the Democrats to report to our caucus room for a brief caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

### AFTER RECESS

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

### CALENDAR

#### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 2579

**HB 2579 (Pr. No. 3871)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2004, to June 30, 2005, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency

Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2004, to June 30, 2005; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2004, to June 30, 2005, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurring in by the House to House Bill No. 2579, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

### LEGISLATIVE LEAVE

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

Senator O'PAKE. Madam President, before the roll call, I request a temporary Capitol leave for Senator Stack.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Stack. Without objection, the leave will be granted.

And the question recurring,

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## THIRD CONSIDERATION CALENDAR

## BILL OVER IN ORDER

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

## BILL AMENDED

**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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A2032:

Amend Preamble, page 2, line 1, by inserting after "care": services  
Amend Preamble, page 2, line 3, by striking out "and it is expected" and inserting: which is projected

Amend Preamble, page 2, line 6, by striking out "care directly" and inserting: direct services

Amend Preamble, page 2, line 10, by striking out "dramatically"

Amend Preamble, page 2, line 11, by striking out "An increasing number of" and inserting: Some

Amend Preamble, page 2, line 12, by inserting after "care": services

Amend Preamble, page 2, line 13, by inserting after "write": orders for the delivery of

Amend Preamble, page 2, lines 14 through 22, by striking out all of said lines and inserting: services within Pennsylvania.

Amend Preamble, page 2, line 23, by striking out "(8)" and inserting: (7)

Amend Sec. 2 (Sec. 36.2), page 3, lines 17 through 30; page 4, line 1, by striking out all of said lines on said pages and inserting:

Section 36.2. Home health care services ordered by physicians.

(a) General rule.—A home health care agency may deliver home health care services to a patient who resides in this Commonwealth based upon an order from a physician from another state who meets all of the following requirements:

(1) Holds a license in good standing conferred by the medical board or other medical licensing authority in another state, as shown by a photocopy or facsimile of the physician's valid license submitted to the home health care agency, and available upon request by the board or the department.

(2) Prescribes home health care services pursuant to an in person physical examination of the patient performed within the jurisdictional boundaries of the state in which the physician is licensed.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

## BILL LAID ON THE TABLE

**HB 550 (Pr. No. 3771)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for standing and parking prohibitions.

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

## HB 550 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 550, Printer's No. 3771, be taken from the table and placed on the Calendar.

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

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

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 565 (Pr. No. 3985)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

## YEA-49

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	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

## NAY-1

Williams, Constance

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

HB 659, SB 668, SB 871, SB 930, SB 1039 and SB 1052 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

SB 1056 (Pr. No. 1468) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for periods requiring lighted lamps.

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

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1972 (Pr. No. 2571) -- The Senate proceeded to consideration of the bill, entitled:

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.

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
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

BILLS OVER IN ORDER

HB 2055 and HB 2330 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 735 and SB 921 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION, AMENDED

SB 1024 (Pr. No. 1592) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on second consideration?

Senator BRIGHTBILL offered the following amendment No. A2075:

Amend Sec. 1 (Sec. 220), page 3, lines 9 through 23, by striking out all of said lines and inserting:

(vii) Information regarding the number of schools and school districts in which more than sixteen percent (16%) of the students to whom the PSSA test was administered were classified as students with a disability as of the day on which the PSSA test was administered.

(viii) Information regarding the number of schools and school districts identified under subparagraph (vii) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was classified as a student with a disability as of the day on which the PSSA test was administered.

Amend Sec. 1 (Sec. 220), page 4, line 29, by striking out "A STUDENT" and inserting: students

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

BILLS ON SECOND CONSIDERATION

SB 1100 (Pr. No. 1573) -- The Senate proceeded to consideration of the bill, entitled:



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

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 1107 (Pr. No. 1579)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and for program of continuing professional education.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

**SB 1108 (Pr. No. 1593)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### BILLS OVER IN ORDER

**SB 1113 and HB 2042** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON SECOND CONSIDERATION

**HB 2273 (Pr. No. 3496)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for examination requisite for appointment and promotion.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

#### **SPECIAL ORDER OF BUSINESS GUEST OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE**

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

Senator MELLOW. Madam President, I have the honor this summer of having an intern working in my office, Molly O'Leary from Scranton, who will be a senior this coming year at Temple University. She has a double major in marketing and human services, with a minor in political science. She is a very attractive 21-year-old, and I am only happy that with her minor in political

science, it will be at least 4 more years before she can consider running for the Senate from Lackawanna County. I would like it if the Senate would extend a cordial welcome and good wishes to Molly O'Leary seated here in the front.

The PRESIDENT. Would Molly please rise so we can give you a warm welcome.

(Applause.)

#### **LEGISLATIVE LEAVE CANCELLED**

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

#### **SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO THE SENATE**

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

Senator BRIGHTBILL. Madam President, in the gallery today I have two summer interns. One is Fallon Binner, who resides in Lebanon with her grandparents, Hazel Swisher and Ken Loraw. Her grandmother is a district justice, and I have known her a long time. Fallon will be a senior at Millersville University in the fall with a major in speech communications and a dual minor in government and print journalism. At Millersville, she participates in the student Senate, is vice president of the university's activity board, serves on the student services' board of directors, and is a mentor for the Millersville Mentoring Alliance Program.

The other intern who is our guest today in the gallery is Tom Long. He was born and reared in Lebanon County, the son of Tom and Patti Long. Tom was my partner up until about 2 or 3 years ago in the practice of law, and has been a very good friend. Tommy Long, his son, is a graduate of Cedar Crest High School in 2002, and will be a junior at Susquehanna University in the fall with a major in economics. He enjoys traveling, writing, skiing, and playing ice hockey.

Please give these two fine young people our traditional warm welcome.

The PRESIDENT. Would the Senator's interns please rise so we may give you a round of applause.

(Applause.)

#### **RECESS**

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

Senator BRIGHTBILL. Madam President, I ask for a short recess for the purpose of a meeting of the Committee on Rules and Executive Nominations, and we will be back on the floor with a resolution which memorializes the life of the late President Ronald Reagan.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate will stand in recess.

#### **AFTER RECESS**

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

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

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

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

June 7, 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 B.J. Clark, (District 4), 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Rozell A. Stidd, Huntingdon, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

June 7, 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 11, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Timothy Fulkerson, New Castle, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF PARDONS**

May 25, 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 May 19, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Pardons, to serve until November 30, 2007, vice Gerard N. Massaro, Ph.D., Cranberry Township, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
BOARD OF PROBATION AND PAROLE**

June 4, 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 June 1, 2004, for the appointment of Benjamin A. Martinez, 30 Oxford Drive, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

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

EDWARD G. RENDELL  
Governor

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

June 7, 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 15, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice David Widmer, Rochester, whose term expired.

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

EDWARD G. RENDELL  
Governor

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

June 7, 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 Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months

beyond that period, vice Carol St. George, D.O., York, whose term expired.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS**

June 7, 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 12, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lou Bizzarro, Erie, whose term expired.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD**

May 18, 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 May 17, 2004, for the appointment of Thomas Reiber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Joseph P. Santone, Erie, whose term expired.

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

EDWARD G. RENDELL  
Governor

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

June 4, 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 Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Berks County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Linda M. Matthews, Birdsboro, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE DELAWARE COUNTY  
BOARD OF ASSISTANCE**

May 21, 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 May 18, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Delaware County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Regina Killian, Drexel Hill, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE YORK COUNTY  
BOARD OF ASSISTANCE**

June 7, 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 Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the York County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice David Hawk, M.D., York, resigned.

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

EDWARD G. RENDELL  
Governor

***NOMINATIONS RETURNED TO THE GOVERNOR***

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

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

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

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

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

MEMBER OF THE CHILDREN'S  
TRUST FUND 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, Linda J. Rich, 124 Waverly Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, vice Elan L. Welter Lewis, Fenelton, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC

April 14, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel A. Barvinchack, D.C., 11142 Williamsport Pike, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CONSTABLES'  
EDUCATION AND TRAINING BOARD

April 1, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sandra A. Miller, 535 River Road, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve until November 13, 2005, and until her successor is appointed and qualified, vice The Honorable Cloyd Brenneman, Sharpville, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

February 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, Mark Schneider, 7522 Graymore

Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve until October 11, 2004, [sic] and his successor is appointed and qualified, vice Teri J. MacBride, Lewisburg, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

February 17, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Herb Vederman, 601 College Avenue, Haverford, 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve until March 19, 2006, and until his successor is appointed and qualified, vice Pedro A. Ramos, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

May 14, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Collins, Jr., 2467 Birch Street, Easton, 18042, Northampton County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated, separated or failure to maintain good academic standards, vice Brandon Danz, Millersville, graduated.

EDWARD G. RENDELL  
Governor

BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD

May 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, Colonel James M. Lillis, 1701 Alsace Road, Reading 19604, Berks County, Eleventh Senatorial District, for appointment as Brigadier General, LINE, with assignment as Vice Director of Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance (C4ISR), Joint Forces Command, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Michael Newland, retired.

EDWARD G. RENDELL  
Governor

BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD

May 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, Colonel Stephen M. Sischo, 24 Farber Drive, Chalfont 18914, Bucks County, Tenth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Commander, 193rd Special Operations Wing, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Steven Speer, retired.

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

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

March 29, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George S. Osborne, Ph.D., 131 Piqua Circle, Berwyn 19312, Chester County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

MEMBER OF THE CHILDREN'S  
TRUST FUND 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, Linda J. Rich, 124 Waverly Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, vice Elan L. Welter Lewis, Fenelton, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC

April 14, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel A. Barvinchack, D.C., 11142 Williamsport Pike, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CONSTABLES'  
EDUCATION AND TRAINING BOARD

April 1, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sandra A. Miller, 535 River Road, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve until November 13, 2005, and until her successor is appointed and qualified, vice The Honorable Cloyd Brenneman, Sharpsville, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

February 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, Mark Schneider, 7522 Graymore Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve until October 11, 2004, [sic] and his successor is appointed and qualified, vice Teri J. MacBride, Lewisburg, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

February 17, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Herb Vederman, 601 College Avenue, Haverford, 19041, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve until March 19, 2006, and until his successor is appointed and qualified, vice Pedro A. Ramos, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

May 14, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Collins, Jr., 2467 Birch Street, Easton, 18042, Northampton County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated, separated or failure to maintain good academic standards, vice Brandon Danz, Millersville, graduated.

EDWARD G. RENDELL  
Governor

BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD

May 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, Colonel James M. Lillis, 1701 Alsace Road, Reading 19604, Berks County, Eleventh Senatorial District, for appointment as Brigadier General, LINE, with assignment as Vice Director of Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance (C4ISR), Joint Forces Command, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Michael Newland, retired.

EDWARD G. RENDELL  
Governor

BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD

May 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, Colonel Stephen M. Sischo, 24 Farber Drive, Chalfont 18914, Bucks County, Tenth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Commander, 193rd Special Operations Wing, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Steven Speer, retired.

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

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

March 29, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George S. Osborne, Ph.D., 131 Piqua Circle, Berwyn 19312, Chester County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

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.

**BILLS REPORTED FROM COMMITTEES**

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 669 (Pr. No. 1661) (Amended)**

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court and administrative proceeding interpreters; and repealing related provisions.

**SB 702 (Pr. No. 1660) (Amended)**

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further defining "personal injury crime"; further providing for Victims' Services Advisory Committee membership and for powers and duties of committee; and making an appropriation.

**SB 1099 (Pr. No. 1663) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas of certain judicial districts.

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

**SB 217 (Pr. No. 1656) (Amended) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for intermediate punishment guidelines; providing for State intermediate punishment guidelines; further providing for Sentencing generally, for partial confinement, for total confinement, for intermediate punishment and for modification of intermediate punishment; providing for revocation of



State intermediate punishment; further providing for county intermediate punishment; providing for State intermediate punishment; codifying provisions relating to reporting functions of the Department of Corrections; making a repeal related to the codification; and making editorial changes.

**HB 1634 (Pr. No. 4016) (Amended) (Rereported)**

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, The State Stores Fund current revenue projects, public highway projects, Motor License Fund projects, Manufacturer's Fund projects and State forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making related repeals.

**HB 2128 (Pr. No. 3290) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for regulation of expelled students; establishing the Emergency Basic Education Subsidy Fund; and providing for basic education subsidy continuation funding.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 277 (Pr. No. 1655)**

A Resolution designating June 12, 2004, as "Automotive Service Professionals Day" in Pennsylvania.

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

**UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators JUBELIRER, ARMSTRONG, BRIGHTBILL, CONTI, CORMAN, DENT, EARLL, ERICKSON, GORDNER, GREENLEAF, LEMMOND, MADIGAN, MOWERY, ORIE, PICCOLA, PILEGGI, PIPPY, PUNT, RAFFERTY, RHOADES, ROBBINS, SCARNATI, THOMPSON, TOMLINSON, WAUGH, WENGER, D. WHITE, M. WHITE, WONDERLING and WAGNER, by unanimous consent, offered **Senate Resolution No. 281**, entitled:

A Resolution extending condolences on the passing of President Ronald Wilson Reagan, 40th President of the United States.

On the question,  
Will the Senate adopt the resolution?

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

The PRESIDENT pro tempore. Madam President, it was a sad irony that the word of Ronald Reagan's passing came shortly after many stations had carried footage of his poignant tribute to the D-Day veterans 20 years earlier. A lifelong master of timing, he would not have wanted to shift any of the spotlight from the valor and sacrifices of those who were part of the Normandy Invasion. Ronald Reagan was the first President since Dwight Eisenhower to serve two full terms. His election was the first act in what came to be called the Reagan Revolution, and in many ways, it was truly that. When he sought the presidency, many commentators had penned obituaries for the Republican Party. Reagan's overwhelming victory and his popular reelection revitalized the Republican Party and brought balance to the political spectrum by broadening the involvement of conservatives, much as John F. Kennedy had done for Democrats and liberals a generation before. He made a mark with his words, with his agenda, and with his accomplishments.

Personable, amiable, and a storyteller nonpareil, there was a clarity of purpose and a firmness of resolve behind his agenda, whether he was in the international arena challenging the evils of communism, or in a domestic arena attacking what he viewed as big government grown too large and too intrusive. The persistent pressure that he applied in the battle against communism helped bring the cold war to a sudden end. He brought down the Berlin Wall and the Iron Curtain and lifted the constant threat of nuclear holocaust that arose from decades of superpower rivalry in the arms race. He changed the mood of the nation with his unrelenting optimism and the depth of his conviction. He could touch the heart and soul of Americans, whether in describing a vision for families and communities, or in comforting us, as in the memorable Challenger speech in which he borrowed from a poem to describe seven remarkable individuals who had slipped the surly bonds of earth to touch the face of God.

Madam President, because of the Reagan presidency, our work here is more consequential, our decisions more numerous, and our responsibilities far more extensive. He elevated the significance of the States, reaching back to the roots of the republic and reversing what had been a long period of Federal expansion of power at the expense of the States. He shattered one of the prominent glass ceilings in American public life when he nominated Sandra Day O'Connor to the United States Supreme Court. But you see, it was more than symbolically bringing down a barrier, for the importance of her selection has become more apparent each passing year as she is the deciding vote in so many landmark decisions.

Former Governor and Attorney General Dick Thornburgh the other evening described how Reagan's insistence on stepping up the fight against drug use and the international drug trade made a real difference, although the commentators never much looked past the "Just Say No" campaign theme. Reagan frequently commented on how technology advanced during his lifetime, and of course, his political views shifted substantially. But when it came to values, he was true to the virtues of American traditions.

Ronald Reagan taught us important things through his example. His adoration and devotion for his wife, Nancy, which she returned in full measure, imparted a lesson about love and partnership. His recovery from an assassination attempt taught us a lesson about resiliency. His performance in office helped give new respect for the abilities of older Americans, and his 10 years of twilight, gripped by the deepening darkness of Alzheimer's, put the spotlight on the disease and its impact on lives and families as perhaps nothing else could ever do. Reagan's capacity to lead was hugely underestimated. Biographers have been unable to capture the how's, the why's of his success. Yet, even his critics are acknowledging the profound changes in our nation and our world that occurred during the Reagan presidency.

We cannot begin to fairly cover in our tributes all that Ronald Reagan meant to our nation. We cannot begin to approach the way he could strike just the right chord with the right words for the right moment, but we can use one of his trademark queries when he would ask an audience if they were better off today than before, to sum up a life well-lived, and oh, yes, a presidency so well-served.

Madam President, America in many, many ways is a better place because of the leadership, the incredible inspiration, and the vision which Ronald Reagan shared with us. His passing was a sad moment, but his life ensured it is still morning in America.

Thank you, Madam President.

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

Senator PICCOLA. Madam President, I rise in support of the resolution. In terms of history, it is very, very early, in fact too early to make any prediction with any real good sense of accuracy about how the Reagan presidency will be treated by historians. I, personally, however, do not mind going out on a limb and giving my personal prediction in that I believe that President Reagan will be judged by history as one of our great presidents, and there are a lot of reasons for making that prediction, and Senator Jubelirer very articulately outlined so many of them. I think you could look to the fact that the President in the 1980s made the point that it is the people of America, not the government of America, that makes America great. Or you could point to the fact that he, in a very optimistic way, brought America in the early 1980s out of its perceived malaise, which had put this country in a general funk about itself and its place in the world and in history. Or you could look to the foreign policy of the President who stood up to the Communist bloc at that time and, among many other things, said and challenged the Soviet Union in Berlin when he told Mr. Gorbachev to take down that wall, and ultimately, very shortly thereafter, that wall came down.

But, to make an accurate prediction in June of 2004 about how the President will be treated by history in the future, I think it is perhaps important to look at what is being written about him today. I took both of this week's major news magazines, Time and Newsweek, and I took a column, one from what I consider to be a traditional opponent, a liberal columnist, and one from a rather friendly columnist, a conservative columnist, George Will, and I sort of disregarded the George Will column, but I looked at Joe Klein, whose column appears in Time Magazine today, and quite frankly, it was not a very complimentary column in its

totality, but buried near the end of the column, Mr. Klein writes as follows, and I would like to quote: "...I didn't understand how truly monumental, and morally important, Reagan's anticommunist vision was until I visited the Soviet Union in 1987. My first night there, I was escorted to the Bolshoi Ballet by two minders from the U.S.-Canada Institute....The young woman on my left rewarded me with a smile—a rare public act in that terrifying regime—and a whispered encouragement: reform was coming. *Glasnost* and *perestroika*, she assured me, were real. The minder on my left, a chunky young man, then nudged me with his elbow. 'Ronald Reagan. Evil empire,' he whispered with dramatic intensity, and shot a glance down to his lap where he had hidden two enthusiastic thumbs up." Even Joe Klein, who did not agree with the President on very many occasions, acknowledges the importance of the Reagan legacy to bringing down the Soviet empire, the evil empire, in bringing down that wall. Millions today, Madam President, have thumbs up for President Reagan.

We wish him Godspeed, we wish God's blessing upon the Reagan family, and we thank God for his presidency and for his life in this country.

Thank you, Madam President.

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

Senator CORMAN. Madam President, I will not be long. It is hard to build on the eloquence of the previous speakers, but as someone from a different generation who grew up in the 1970s, my formative years were spent with Watergate, the Vietnam War, with the terrible economic pressures of the late 1970s, high gas prices and high inflation, and then the Iranian hostage crisis. In those days, it was really tough to throw your chest out at times and be proud to be an American, because we were ridiculed in a lot of different areas, and quite frankly, we did not necessarily feel all that proud. And it was not until President Reagan was elected in 1980 on the theme of how great we were that it began to change, and if for nothing else, I think he will always be remembered for that sense of optimism that has been recounted time after time through television shows. I do not know if everyone understands the impression it had on young people in those days, we always were told we lived in the greatest country in the world, but it did not seem like it in the 1970s for some reason, and when the 1980s came along and President Reagan took office, he reinstilled that feeling of pride in America. I do not have the data to back it up, but I bet there were a lot more American flags sold in the 8 years between 1980 and 1988, than between 1972 and 1980. That was the kind of feeling he gave us.

And his style of government, which was talked about a little bit here, but the amazing part about Ronald Reagan was that he could disagree with you and be opposed to you vehemently without being disagreeable, and with the Soviet Union, there is no better example. He set out an agenda that the Communist bloc was wrong, and he made a bold statement. Everyone thought President Reagan was going to get us into a war. World War III was coming if Ronald Reagan was elected. He set out the firm agenda of issues like calling them the evil empire, because that is what they truly were, and there were very big moments like the Berlin Wall, as Senator Piccola mentioned, where he said, tear down this wall, Mr. Gorbachev. And he had the courage not to

make false agreements as he was pressured to do in Iceland when he was meeting with Gorbachev. It is very easy to make a deal just to make a deal, but how many times have we seen our Middle East combatants come to Washington, D.C., and make a deal and it is not worth the paper it is written on. But when the deal could be made, he had the relationships with people to make the deal and not be stuck on ideological differences and say he could never ever trust the Soviet Union. But it was Ronald Reagan who shook Mikhail Gorbachev's hand and made the first arms race decline of the nuclear weapons in this world, and that was the amazing part about Ronald Reagan. It was not that he was afraid to stand up for what he believed in and tell it like it was, but he kept the relationship so when an agreement could be made he had the ability to make it, and I think that was a gift that not many of us in public service have or would like to have to his depth. I think we all could learn that we can disagree on issues, important issues as nuclear weapons or the Communist bloc, or smaller issues that we deal with here at the State level, but we can do it in a way that does not mean that at 6 o'clock we cannot sit down and have a nice talk about our family lives and get along at the same time, because then when that moment does happen, when we agree on something, we do not have a personality difference that prevents us from doing it. I think that was Ronald Reagan's greatest gift. He gave us the gift to feel pride in our country again, which is something as a 16-year-old, when he was elected, was desperately needed, I thought.

I wish I could go down to Washington in the next couple of days. Unfortunately, I cannot. One of the greatest treasures that I have in my office is a note from Nancy Reagan. Senator Jubelirer asked me a couple of years ago to introduce a resolution honoring President Reagan's 90th birthday. I did that, and I sent a copy to his wife, the First Lady, and she sent me a nice note back in return. I have that note framed in my office and it is something that will go with me everywhere I go, because he and Franklin Delano Roosevelt were the true giants of the 20th century, and we would not be where we are today without those two great men. It is indeed, in a way, a blessing that he has passed because of the terrible disease he had, and I know what his family must have gone through for the last 10 years, and this is one 16-year-old he left quite an impression on.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Madam President, I, too, rise in support of this resolution. I was a Chester County commissioner back in the 1980s when President Reagan was in office and had the opportunity of greeting him twice when he came to Chester County. I was amazed at his stamina for a person who was well over 70 years old. I remember the first time he came to visit a farm in southern Chester County. He talked with his host at the bottom of a fairly steep incline, he finished talking with his host, and then walked up the hill with his entourage, a good eighth of a mile to the top of the hill, pinned on a microphone and started talking right away while everybody else was catching their breath. The man had stamina that belied his age of well over 72 years old at that point. When you shook hands with him, you knew that the pictures of him clearing brush and riding horses were not mere photo ops. He was a man who had strong physical

strength. The thing that probably impressed me most was when you shook his hand, he looked at you eye-to-eye, and that is something that you do not find in a lot of people in public office. A lot of times they are shaking hands with you and wondering who is right behind you whom they are going to meet next. I think that is what helped make Ronald Reagan a true communicator. He looked at you eye-to-eye, and talked to you person-to-person, and that is what people trusted in him. He had integrity, and that helped make him a great communicator. Yes, he had physical strength, but more importantly, he had vision, integrity, and a moral strength that never wavered. He said what he thought, he meant what he said, and he followed through. What you saw was what you got. There was no doubletalk, there was no political correctness. Tear down that wall, that was about as direct as you could get from any public official, and you knew what he meant. Our country and the world is better for it today as a result.

Our thoughts and prayers go with the Reagan family, and our deep appreciation to the Reagan family for sharing Ronald Reagan with us during that period of time.

Thank you very much.

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

Senator ROBBINS. Madam President, I would like to share, I think, the feelings of another group of Americans. During the 1970s, the late 1960s, as the American public, particularly the elite politicians in this country, blamed the United States military for the actions and comments and things that were going on with political policy around the world, and that took its toll. I think as you look at the United States military, and most people do not remember this or they have not learned it because of the misinformation out there, the majority of people who served in Vietnam were volunteers. The ones who went to combat were volunteers, the majority of them, and they were the people who were dedicated to this great country, willing to serve and pay any price. The 1970s, as Senator Corman pointed out, were very difficult times and we went into a period of malaise. If President Reagan has done anything for this great country, he restored the faith, the morale, and the dignity of the military service of this great country, and he did it very simply. He provided the money to modernize, to bring up to date, to give them the pay raises that they greatly needed.

I read a newspaper article today that referred to President Reagan as that movie star who avoided the war by making movies, and that goes back to the elites that we have in this country always trying to drag people down, but the truth is, Reagan had been in the Reserves as a cavalry officer for many years before World War II broke out. His greatest love in the world, besides America, was his horses and riding. The truth is, the reason he did not go to combat was because of very bad eyesight. So the military, as we all know, ordered him to do his duty where they thought he could do the best, and he did that. When he related to the American military in the 1980s, what they saw was a man whom they could believe, a man who was one of them, a man who truly cared. He restored the dignity, the opportunity, the enthusiasm, and his belief, very simply, was what a great, great country, and I think he used the term, the bright shining city in the sky. President Reagan restored to them

that he was one of them, that they were serving a greater purpose than themselves, and that they were serving a great country that never enslaved people but only in fact provided people freedom throughout the world, and he provided them with a belief in human dignity and the individual.

President Reagan restored the military for today that is keeping this great country safe. Very simply, he knew freedom was through strength, and if you do not have strength in the military, you do not have freedom in this world. He redeveloped that attitude and mentality in the United States military to where we today have the greatest military in the world fighting that next evil force, that next "ism," terrorism, but we are doing it because President Reagan restored that morale, that dignity, and people are willing to die for their country and for other individuals because they knew President Reagan believed in them.

I say to him, as he always ended his speeches, God bless America, and I say, Ronald, God bless you.

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

#### ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. On behalf of all of our women Senators, I want to also add a thank you to all of you for your most profound and meaningful statements about President Ronald Reagan.

Before I take a vote, I have been asked to announce that this resolution will remain open for cosponsors. Please contact the Secretary of the Senate to add your name.

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 Mr. and Mrs. Robert Mellinger, Mr. and Mrs. Robert Sullivan, Benjamin M. Winnerling and to Joshua David Hassara by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Sterling Richard Carpenter and to Kenneth Burkholder by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Robert P. Fohl by Senators Conti and Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Ake, Mr. and Mrs. Jerald Sacks, Samuel H. Buckley and to the Chestnut Ridge Lions Club by Senator Jubelirer.

Congratulations of the Senate were extended to Helen L. King by Senator Kitchen.

Congratulations of the Senate were extended to Margaree Pertle, Mark P. Widoff, Richard W. Bloomingdale and to Lisa Frederick by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Andy Kaskus and to Richard S. Masters by Senator Lemmond.

Congratulations of the Senate were extended to Bushkill Falls by Senators Lemmond, Mellow, and Boscola.

Congratulations of the Senate were extended to Robert Anthony Maringo by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin C. Miller, Jr., by Senator Mowery.

Congratulations of the Senate were extended to Mary Charney by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Reverend Dr. John C. Morgan, Berks County Chapter of the National Shut-In Visitation Society and to the Society of the Missionaries of the Sacred Heart by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel Warren Scharadin, Sr., Robert D. Angelucci, Laura A. Turns, Breaux J. Linn, Vickie Harle, Donna J. Paule and to Dennis S. Matio by Senator Piccola.

Congratulations of the Senate were extended to Todd A. Lewis, Christopher Pollock and to Joshua Waychoff by Senator Pippy.

Congratulations of the Senate were extended to the Mitchell Family by Senator Robbins.

Congratulations of the Senate were extended to Miles Buttrill by Senator Scarnati.

Congratulations of the Senate were extended to Dr. Dolores Coleman-Kirby, Charles Wilson, Theodore Horne, Hervolene Mitchell, Cynthia Hampton and to Stuart Beinhacker by Senator Schwartz.

Congratulations of the Senate were extended to David M. and Jennifer L. Street by Senator Stack.

Congratulations of the Senate were extended to Oliver D. Kingsley, Jr., and to the Honorable Elinor Z. Taylor by Senator Thompson and others.

Congratulations of the Senate were extended to Judy C. Shaffer by Senator Wenger.

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

#### 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.

The bills were as follows:

**SB 492, SB 669, SB 702, SB 1099, HB 1911 and HB 2081.**

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

#### PETITIONS AND REMONSTRANCES

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

Senator WONDERLING. Madam President, it is interesting, I had intended today to talk about Senate Bill No. 1156, which I introduced earlier today, but I just want to offer a note relative to the passing of President Reagan.

Literally, the first time I cast a vote for President of the United States, it was a "yea" vote for President Reagan. In many respects, now that I have grown, matured, and served in this body as a public servant and a Member of the Senate, Senate Bill No. 1156, in many respects, embodies the spirit of Ronald Reagan.

Specifically, Senate Bill No. 1156 seeks to repeal the gross receipts tax that was passed during last year's budget process, a point in time last year when the economic circumstances of this Commonwealth were far less rosy than they are today. By all accounts, revenues in the General Fund are up by several hundred million dollars over this time last year. So, Senate Bill No. 1156 seeks to perhaps decrease the size of government, perhaps eliminate the tax burden on Pennsylvanians and an important technology industry in this Commonwealth. Specifically, Madam President, Senate Bill No. 1156 would repeal the gross receipts tax that was imposed on the cell phone industry and well over 5 million cell phone users in this Commonwealth. A tax of 5 percent, when added to the 6 percent sales tax, is a whopping 11 percent tax that has been imposed on 5 million cell phone users, and counting, in this Commonwealth. That tax has been imposed on an industry that is on the vanguard of technological innovation, whether it be voice-over IP, telemedicine, or the whole myriad of technologies that are coming from the cellular industry, a growing industry. Unfortunately, Madam President, what we did last year was not only impose this double tax, but did something that other States have never sought to do, and that is to impose a gross receipts tax in addition to a sales tax on an industry without making modifications to their corporate stock and franchise tax or their CNI or other business taxes.

In introducing this legislation, Madam President, I want to acknowledge the leadership of Representative Kelly Lewis from the House who introduced similar legislation, and I am hopeful, Madam President, that as we begin this process to look at the overall budget picture, there would be at least a willingness on behalf of this body to look at this double tax that has been placed on Pennsylvanians and an important industry to our Commonwealth.

Thank you, Madam President.

### BILL SIGNED

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

**HB 2083.**

### ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 9, 2004

10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 2090)	Room 8E-B East Wing
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10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1102)	Rules Com. Conf. Room
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10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1329, 1330 and 1331)	Room 8E-A East Wing
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TUESDAY, JUNE 15, 2004

9:30 A.M.	EDUCATION (public hearing on Senate Bill No. 1090)	Room 8E-A East Wing
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11:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on Growing Greener Bond Act and Quality of Life Initiative)	Senate Maj. Caucus Rm.
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### ADJOURNMENT

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

Senator PICCOLA. Madam President, I move that the Senate do now adjourn until Wednesday, June 9, 2004, at 10:30 a.m., eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:23 p.m., Eastern Daylight Saving Time.