

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 28, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 42

SENATE

MONDAY, June 28, 2004

The Senate met at 3:15 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend ROBERT SIEBER, of First Baptist Church of Mifflintown, Mifflin, offered the following prayer:

Let us pray.

Almighty God, Creator of every good and perfect gift, we come to You this afternoon hour giving praise to You for the many blessings that You bestow upon each one of us. Heavenly Father, You have blessed us in this nation and Commonwealth so greatly, blessings that include the many freedoms that are guaranteed by our United States Constitution. So, Father, this afternoon as we are approaching the coming 4th of July birthday celebration of this great United States, may each citizen pause and reflect upon the freedoms that the Founding Fathers have built into our Constitution, freedoms that grant us the right of choosing our own elected officials.

O Father, too often we fail to say thank you for this freedom of self-rule, and when we forget, Father, we ask for Your forgiveness.

Heavenly Father, in these afternoon hours, we ask for Your divine guidance for this august body as they proceed with the many decisions that need to be made, decisions which include this State's budget. May each of these elected officials consider each portion of all bills which will be presented in light of what is truth and right, not forgetting the oath of office that they pledged themselves to uphold. May they ever seek wisdom and direction from You, Father, as they cast their votes in the governing of this great Commonwealth.

Heavenly Father, again we praise You for Your watch, care, and protection of all citizens, asking that Your continued mercy would be granted to each one of us, and that peace and tranquility would be upon us. Guide each of us for the rest of this day. This we ask in Your matchless name. Amen.

The PRESIDENT. The Chair thanks Reverend Sieber, who is the guest today of Senator Corman.

PLEDGE OF ALLEGIANCE

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

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 and Senator Tartaglione, and a temporary Capitol leave for Senator Wagner.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Schwartz and Senator Tartaglione, and a temporary Capitol leave for Senator Wagner. Without objection, they will be granted.

LEAVE OF ABSENCE

Senator BRIGHTBILL asked and obtained a leave of absence for Senator WAUGH, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 23, 2004.

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

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

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

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journal is approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 989 and SB 1047.

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

June 25, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, (Public Member), 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until October 2, 2004, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Nancy Kaplan, Wynnewood, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

June 25, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Arthur Zucker, Richboro, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BEAVER COUNTY BOARD OF ASSISTANCE

June 25, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters, 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Beaver County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Allen Andrascik, Beaver Falls, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

June 25, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Reverend DewVaul W. Tracy, Jr., Lake Lynn, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE FRANKLIN COUNTY BOARD OF ASSISTANCE

June 25, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Franklin County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Charles W. Frame III, Waynesboro, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE YORK COUNTY BOARD OF ASSISTANCE

June 25, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Virginia Hawkins, York, resigned.

EDWARD G. RENDELL
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 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 March 29, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Carlen D. McClure, Port Royal, resigned.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 769**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 1130**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 23, 2004

HB 121 and 606 -- Committee on Environmental Resources & Energy.

HB 798, 1159, 2305, 2336, 2358, 2443 and 2471 -- Committee on Finance.

HB 1859 -- Committee on State Government.

HB 2185 and 2385 -- Committee on Judiciary.

HB 2357 -- Committee on Transportation.

HB 2384 -- Committee on Consumer Protection & Professional Licensure.

HB 2474 -- Committee on Education.

HB 2512 -- Committee on Agriculture and Rural Affairs.

HB 2654 -- Committee on Urban Affairs and Housing.

HB 2685 -- Committee on Public Health and Welfare.

HB 2706 -- Committee on Appropriations.

BILL INTRODUCED AND REFERRED

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

June 28, 2004

Senators MOWERY, JUBELIRER, PICCOLA, BRIGHTBILL, M. WHITE, WENGER, ORIE, CONTI, RHOADES, MADIGAN, GORDNER, LEMMOND, RAFFERTY, THOMPSON, EARLL, ERICKSON, WONDERLING, PILEGGI, PIPPY, DENT, CORMAN, SCARNATI, GREENLEAF, MELLOW, KITCHEN, MUSTO, LAVALLE, COSTA, TOMLINSON, FERLO, STACK, ROBBINS and ARMSTRONG presented to the Chair **SB 1186**, entitled:

An Act designating a portion of State Route 1014 in Cumberland County as the Senator John D. Hopper Memorial Bypass.

Which was committed to the Committee on TRANSPORTATION, June 28, 2004.

CALENDAR

SB 1155 CALLED UP OUT OF ORDER

SB 1155 (Pr. No. 1682) -- Without objection, the bill was called up out of order, from page 6 of the Second Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1155 (Pr. No. 1682) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for imposition of the capital stock and franchise tax.

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

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

HB 2433 CALLED UP OUT OF ORDER

HB 2433 (Pr. No. 3732) -- Without objection, the bill was called up out of order, from page 9 of the Second Consideration

Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

HB 2433 (Pr. No. 3732) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated funds.

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

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

RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess of the Senate for the purpose of a Republican caucus, which will begin immediately, with the intention of returning to the floor in approximately an hour.

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

Senator MELLOW. Madam President, I also request that the Democrats meet in the caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning in approximately an hour, without objection, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence of Senator Wagner on the floor, and his temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS AMENDED

SB 217 (Pr. No. 1656) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A2662:

Amend Title, page 1, line 2, by inserting after "Statutes,": providing for the Pennsylvania Commission on Sentencing;

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.

HB 445 (Pr. No. 4074) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for State registration of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the office for the deaf and hard of hearing in the Department of Labor and Industry.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LEMMOND offered the following amendment No. A2657:

Amend Sec. 4, page 10, by inserting between lines 23 and 24:

(8) An individual engaged in interpreting or transliterating in a physician's office, provided that a patient is informed that the individual is not registered under this act and that the patient has the right to request or provide a State-registered interpreter.

Amend Sec. 5, page 11, lines 12 and 13, by striking out ", EXPERIENCE"

Amend Sec. 12, page 15, lines 8 and 9, by striking out "DIRECTOR OF THE OFFICE, THE STATE BOARD OF VOCATIONAL REHABILITATION" and inserting: department

Amend Sec. 12, page 15, line 11, by striking out "MAINTAIN" and inserting: bring

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.

SB 931 (Pr. No. 1712) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs.

On the question,
 Will the Senate agree to the bill on third consideration?
 Senator PILEGGI offered the following amendment No. A2471:

Amend Sec. 3, page 6, line 10, by striking out "in 60 days" and inserting: immediately

On the question,
 Will the Senate agree to the amendment?
 It was agreed to.

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

BILL OVER IN ORDER AND RECOMMITTED

SB 1113 (Pr. No. 1606) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Pursuant to Senate Rule X, the bill was recommitted to the Committee on Agriculture and Rural Affairs.

BILLS OVER IN ORDER

SB 1147 and HB 1487 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1488 (Pr. No. 1878) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of July 15, 1919 (P.L.961, No.378), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over."

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner

Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER AND RECOMMITTED

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

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

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

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

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1099 (Pr. No. 1739) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

SB 1158 (Pr. No. 1740) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for general powers of the Pennsylvania Liquor Control Board, for when sales may be made at Pennsylvania Liquor Stores, for sales by Pennsylvania Liquor Stores, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for renewal of licenses, for temporary provisions for licensees in armed service and for limited wineries.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 309 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 346 (Pr. No. 363) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for filing fees.

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

BILL OVER IN ORDER

SB 357 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 492 (Pr. No. 1653) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

SB 765, HB 835 and SB 844 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 885 (Pr. No. 1713) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 2002 (P.L.1810, No.222), known as the Unsolicited Telecommunication Advertisement Act, further providing for definitions, for prohibition of unsolicited or misleading commercial electronic mail messages and faxes, for violations and for remedies available to consumers; and providing for confidentiality, for period of limitations, for jurisdiction and for forfeiture of property.

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

BILLS OVER IN ORDER

HB 994, SB 1002 and SB 1027 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 1095 (Pr. No. 1565) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 1096 (Pr. No. 1701) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 1097 (Pr. No. 1567) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1111, HB 1117 and SB 1140 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1160 (Pr. No. 1696) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Roaring Creek Tract of the Wyoming State Forest in Northumberland County and Columbia County as the Senator Edward W. Helfrick Area of the Wyoming State Forest.

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

BILL OVER IN ORDER

SB 1161 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1184 (Pr. No. 1734) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the city in return for the imposition of Project 70 restrictions on certain lands being conveyed to the city.

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

BILLS OVER IN ORDER

HB 1329, HB 1330, HB 1331, HB 1424, HB 1801, HB 1860 and HB 1861 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

HB 1912 (Pr. No. 4143) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the person with disability plate and placard, for physical examinations, for reports on mental or physical disabilities or disorders and for determination of incompetency.

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

HB 1937 (Pr. No. 2533) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the bridge known as the Napoleon Street Bridge, in the City of Johnstown, Cambria County, as the Edward A. Silk Memorial Bridge.

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

BILL OVER IN ORDER

HB 1965 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 2046 (Pr. No. 4146) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for firearms license exceptions, issuance fees and reciprocity and related inquiries; providing for the Firearms License Validation System and for powers and duties of the Attorney General, the Commissioner of the Pennsylvania State Police and the Pennsylvania Commission on Crime and Delinquency; and establishing the Firearms License to Carry Modernization Fund.

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

BILL ON SECOND CONSIDERATION

HB 2105 (Pr. No. 4072) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "public venue"; further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees; and providing for distilleries.

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

BILL REREFERRED

HB 2218 (Pr. No. 3777) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, adding a definition of "computer-related hardware, software and training"; further providing for moneys appropriated to municipalities; and making editorial changes.

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

BILLS OVER IN ORDER

HB 2224, HB 2230, HB 2268 and HB 2351 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2378 (Pr. No. 3356) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 4013 in Blair County as the Jack E. Kuhn Memorial Highway.

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

BILL REREFERRED

HB 2397 (Pr. No. 4147) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for the definition of "predatory"; providing for definition of "common

interest community"; further providing for registration procedures and applicability, for other notification, for assessments, for hearings and for verification of residence as relates to registration of sexual offenders; providing for information made available on the Internet; further providing for immunity for good faith conduct and for exemption from notification for certain licensees and their employees; and providing for annual performance audit.

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

BILL ON SECOND CONSIDERATION

HB 2405 (Pr. No. 3381) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge carrying SR 248 over Aquashicola Creek in Palmerton Borough, Carbon County, as the Colonel John Craig Memorial Bridge.

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

BILL REREFERRED

HB 2467 (Pr. No. 3519) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

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

BILL ON SECOND CONSIDERATION

HB 2649 (Pr. No. 3944) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 405 from Clinton Township to Montgomery Borough, Lycoming County, Pennsylvania, as the Dr. Charles F. Taylor Memorial Highway; and designating a bridge over the West Branch of the Susquehanna River on State Route 405 between Muncy Creek Township and Clinton Township, Lycoming County, Pennsylvania, as the The Last Raft Memorial Bridge.

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL OF SURPLUS PROPERTY DISPOSITION PLAN No. 1 of 2004

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

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

June 28, 2004

Mr. Mark R. Corrigan, Secretary
Senate of Pennsylvania
462 Capitol Building
Harrisburg, PA 17120

Mr. Ted Mazia, Chief Clerk
House of Representatives
129 Capitol Building
Harrisburg, PA 17125[sic]

Re: 2004 Real Property Disposition Plan

Dear Mr. Corrigan and Mr. Mazia:

I am writing to advise you that I am hereby withdrawing the 2004 Real Property Disposition Plan forwarded to you on June 15, 2004. Under separate cover, I will submit a revised 2004 Real Property Disposition plan that incorporates several modifications requested by certain members of the General Assembly.

Thank you for your cooperation in this matter. Should additional information be required, please contact Secretary of General Services, Donald T. Cunningham, at 787-5996.

Sincerely,

EDWARD G. RENDELL
Governor

SURPLUS PROPERTY DISPOSITION PLAN No. 1 of 2004 RETURNED TO THE GOVERNOR

Senator BRIGHTBILL. Madam President, I move that the Senate honor the Governor's recall of Surplus Property Disposition Plan No. 1 of 2004.

The PRESIDENT. Senator Brightbill moves that we honor the Governor's recall of Surplus Property Disposition Plan No. 1 of 2004.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT. Surplus Property Disposition Plan No. 1 of 2004 will be returned to the Governor.

REVISED SURPLUS PROPERTY DISPOSITION PLAN No. 1 of 2004

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

COMMONWEALTH OF PENNSYLVANIA
Office of the Governor
Harrisburg

June 28, 2004

Mr. Mark R. Corrigan, Secretary
Senate of Pennsylvania
462 Capitol Building
Harrisburg, PA 17120

Mr. Ted Mazia, Chief Clerk
House of Representatives
129 Capitol Building
Harrisburg, PA 17125[sic]

Re: 2004 Real Property Disposition Plan

Dear Mr. Corrigan and Mr. Mazia:

In accordance with Act 48 of 1981, as amended, 71 P.S. Section 651.1 et seq., I am hereby transmitting to you the revised 2004 Real Property Disposition Plan for consideration by the General Assembly. This Plan was prepared by the Department of General Services, reviewed by the House and Senate State Government Committees, and revised at the request of several members of the General Assembly. Please be advised that the Plan, as submitted, is approved by me as Governor.

Thank you for your cooperation in this matter. Should additional information be required, please contact Secretary of General Services, Donald T. Cunningham, at 787-5996.

Sincerely

EDWARD G. RENDELL
Governor

The PRESIDENT. This will appear on the Calendar as Surplus Property Disposition Plan No. 1 of 2004.

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

June 28, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia, 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Terrance J. Fitzpatrick, Esquire, Hummelstown, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE**

June 28, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Robert Shepherd, Pennsylvania Furnace, resigned.

EDWARD G. RENDELL
Governor

HB 564 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 564, Printer's No. 2474, 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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 217 (Pr. No. 1758) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Commission on Sentencing; 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.

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	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earl	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
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 present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 931 (Pr. No. 1759) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs.

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	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
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 present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

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

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 564**

HB 564 (Pr. No. 2474) -- 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, requiring school districts to reopen their 2003-2004 budgets; imposing limitations on certain unreserved fund balances; further providing for auxiliary services; deleting provisions relating to professional teacher assessment; further providing for cost of tuition and maintenance of certain exceptional children in approved private schools and for actual cost of tuition and

maintenance of certain exceptional children in the four chartered schools for education of deaf and blind children; providing for the Head Start Supplemental Assistance Program; further providing for Education Support Services Program, for education empowerment districts, for school improvement grants and for mandate waiver program; further providing for community college financial programs and reimbursements; nonmandated capital and for effective date of regulations relating to community colleges; further defining "educational improvement organization" and "scholarship organization"; further providing for educational improvement tax credits, for limitations on educational improvement tax credits, for payments on account of pupils enrolled in vocational curriculums and for small district assistance; providing for basic education funding for 2002-2003 school year; further providing for payments to intermediate units, for special education payments to school districts and for Commonwealth reimbursements for charter schools and cyber charter schools and for powers and duties of the State Board of Education; abrogating regulations; and making appropriations, repeals and an editorial change.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurrent in by the House to House Bill No. 564, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

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

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

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

SB 1155 (Pr. No. 1682) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for imposition of the capital stock and franchise tax.

HB 2433 (Pr. No. 3732) (Rereported)

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated funds.

HB 2522 (Pr. No. 3665) (Rereported)

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

HB 2523 (Pr. No. 3666) (Rereported)

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

HB 2524 (Pr. No. 4196) (Amended) (Rereported)

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

HB 2525 (Pr. No. 3668) (Rereported)

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

HB 2526 (Pr. No. 3669) (Rereported)

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

HB 2527 (Pr. No. 4197) (Amended) (Rereported)

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

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

HB 2654 (Pr. No. 4195) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, reenacting and amending provisions relating to parking authorities and relating to taxicabs and limousines in cities of the first class; further providing for parking authority purposes and powers and special provisions in cities of the first class; providing for restrictions on parking authorities in cities of the first class; further providing for contract bids for parking authorities; further defining "limousine service"; making legislative findings as to taxicabs in cities of the first class; further providing, as to taxicabs in cities of the first class, for rates, for contested complaints, for driver certification, for budgets and fees, for certificates and medallions, for contested complaints, for wages, for regulations and for budget and fees; further providing, as to limousines in cities of the first class, for certificates of public convenience and for regulations; and making repeals related to allocation assessments against public utilities for regulatory expenses, to certificates of public convenience for taxicabs and to taxicabs in cities of the first class.

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. Harold G. Long by Senator Corman.

Congratulations of the Senate were extended to the Erie Business Center by Senator Earll.

Congratulations of the Senate were extended to Jason Andrew McGeary by Senator Kasunic.

Congratulations of the Senate were extended to Nicholas Casagrande, Justin Morgan, Indea Leigha Momich and to the Westmoreland Arts and Heritage Festival by Senator Kukovich.

Congratulations of the Senate were extended to the Lewisburg Area High School Boys' Track and Field 3200-Meter Relay Team by Senator Madigan.

Congratulations of the Senate were extended to Benjamin D. Werley and to Charles J. Adams III by Senator O'Pake.

Congratulations of the Senate were extended to the North Allegheny High School Boys' Volleyball Team of Wexford by Senator Orié.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Mader by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Chronister by Senators Punt and Waugh.

Congratulations of the Senate were extended to Helen Kibort by Senator Rhoades.

Congratulations of the Senate were extended to James P. Leary by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Chester Karas and to Mr. and Mrs. Alan Maguire by Senator Stack.

Congratulations of the Senate were extended to Neil S. Mullins, Royce Kent Foltz II and to Frederick Douglas Baber by Senator Waugh.

Congratulations of the Senate were extended to Robert Hockenberry by Senator D. White.

Congratulations of the Senate were extended to Florence Noe by Senator Wonderling.

SENATE RESOLUTION ADOPTED

Senators C. WILLIAMS, MELLOW, FUMO, BRIGHTBILL, SCHWARTZ, WAGNER, RAFFERTY, GREENLEAF, O'PAKE, MOWERY, BOSCOLA, ORIE, LaVALLE, WENGER, KITCHEN, COSTA, M. WHITE, FERLO, EARLL, D. WHITE, TARTAGLIONE, STOUT, ERICKSON, CONTI, MUSTO, GORDNER, WAUGH LOGAN, DENT, PIPPY, ARMSTRONG, LEMMOND, CORMAN, STACK, KUKOVICH, TOMLINSON and THOMPSON, by unanimous consent, offered **Senate Resolution No. 288**, entitled:

A Resolution recognizing the month of September 2004 as "Ovarian Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, approximately 25,580 women in the United States will be diagnosed and an estimated 16,090 women will die from ovarian cancer next year. It is the fifth most common cancer in women and ranks fourth as the cause of cancer death in women. Most people know very little about the disease. If it is caught in its early stages, it can be treated. Late stage diagnosis can cut a woman's survival rate in

half. Instead of losing women to this disease every year, we could extend their lives using today's technology, but it takes increased awareness and education about the disease.

I ask you to join with me in declaring September as "Ovarian Cancer Awareness Month" in Pennsylvania to raise awareness of the disease and promote education regarding its risks and symptoms.

Thank you, Madam President.

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

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

BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

HB 2654.

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

RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate recess to the call of the President pro tempore.

The PRESIDENT. Senator Brightbill requests that the Senate recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

GENERAL COMMUNICATION

REQUEST TO RESCIND STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUEST No. 1 OF 2004

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

STATE SYSTEM OF HIGHER EDUCATION
Office of the Chancellor
Dixon University Center
2986 North Second Street
Harrisburg, PA 17110

June 28, 2004

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

Dear Mr. Corrigan:

Please rescind our request for resolution titled State System of Higher Education Property Request No. 1 of 2004. We anticipate resubmitting the resolution in the near future with additional information.

Please contact Dr. Edward Nolan at (717) 720-4020, if you require additional information.

Sincerely,

JUDY G. HAMPLE
Chancellor

STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUEST No. 1 of 2004 RECALLED

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

Senator BRIGHTBILL. Madam President, I move we honor the Chancellor's request that the State System of Higher Education's property request be recalled.

The PRESIDENT. Senator Brightbill moves that we honor the Chancellor's request to recall the State System of Higher Education property plan.

On the question,

Will the Senate agree to the motion?

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, visiting the Capitol today are two good friends from Berks County, who are both retired. Melvin Losovsky is retired from Gilbert Associates, and his wife, Mary Jo, is retired as the accountant for St. Ignatius Parish in Berks County. I would like the Senate to extend its usual warm welcome to Melvin and Mary Jo Losovsky of Oak Lane.

The PRESIDENT. Will Melvin and Mary Jo please rise so we can give you a nice round of applause.

(Applause.)

RECESS

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 have a meeting of the Committee on Agriculture immediately in the Rules room. The Members of the Committee on Agriculture should be going there as we speak. That will be followed by a meeting of the Committee on Rules and Executive Nominations in approximately 5 or 10 minutes. After those two meetings and a little business, we will be adjourning.

The PRESIDENT. Without objection, there will be a 15-minute recess.

AFTER RECESS

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

LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence of Senator Waugh on the floor, and his personal leave will be cancelled.

BILL REPORTED FROM COMMITTEE

Senator WAUGH, from the Committee on Agriculture and Rural Affairs, reported the following bill:

HB 2512 (Pr. No. 4229) (Amended)

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

BILL ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bill was as follows:

HB 2512.

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

BILLS REPORTED FROM COMMITTEE

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

SB 200 (Pr. No. 1765) (Amended) (Rereported) (Concurrence)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

SB 319 (Pr. No. 1030) (Rereported) (Concurrence)

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact for Juveniles; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Compact; establishing the State Council for Interstate Juvenile Supervision; and making a repeal.

SB 751 (Pr. No. 1432) (Rereported) (Concurrence)

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for respiratory care practitioners; and providing for continuing respiratory care education.

SB 752 (Pr. No. 1545) (Rereported) (Concurrence)

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions, for licensing of physician assistants and for temporary respiratory care permits; and providing for continuing education.

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

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

MEMBER OF THE JUNIATA COUNTY BOARD OF ASSISTANCE

June 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 March 29, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Carlen D. McClure, Port Royal, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination 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 nomination 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 STATE CIVIL SERVICE COMMISSION

April 13, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marwan Kreidie, 922 North Orianna Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2010, or until his successor is appointed and qualified, vice Barbara L. Krause, Esquire, Pittsburgh, whose term expired.

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 William E. Keyser, 32 Crimson King Lane, Levittown 19055, Bucks County, Sixth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve until October 20, 2006, and until his successor is appointed and qualified, vice The Honorable Robert Gallis, Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE**

June 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, Pamela E. Toto, 7008 Lyons View Court, Murrysville 15668, Westmoreland County, Forty-first Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

June 1, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John F. Callahan, D.O., 328 Kennedy Boulevard, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel Dowd, Jr., D.O., York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

May 10, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jane Billings, 342 North Princeton Avenue, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Marlene W. Reese, Port Matilda, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

May 10, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ellen Ferretti, 100 James Street, Shavertown 18709, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Clyde W. Waite, Esquire, Newtown, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF SOCIAL
WORKERS, MARRIAGE AND FAMILY THERAPISTS
AND PROFESSIONAL COUNSELORS**

June 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, Helen O'Neill Morris, Ed.D., L.C.S.W., 821 Briarwood Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine Judge Fizzano, (Republican), 153 East Trout Run Mews, Media 19063, Delaware

County, Twenty-sixth Senatorial District, for appointment 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.

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 STATE CIVIL
SERVICE COMMISSION**

April 13, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marwan Kreidie, 922 North Orianna Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2010, or until his successor is appointed and qualified, vice Barbara L. Krause, Esquire, Pittsburgh, whose term expired.

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 William E. Keyser, 32 Crimson King Lane, Levittown 19055, Bucks County, Sixth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve until October 20, 2006, and until his successor is appointed and qualified, vice The Honorable Robert Gallis, Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE**

June 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, Pamela E. Toto, 7008 Lyons View Court, Murrysville 15668, Westmoreland County, Forty-first Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

June 1, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John F. Callahan, D.O., 328 Kennedy Boulevard, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel Dowd, Jr., D.O., York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

May 10, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jane Billings, 342 North Princeton Avenue, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Marlene W. Reese, Port Matilda, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

May 10, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ellen Ferretti, 100 James Street, Shavertown 18709, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Planning Board, to serve for a

term of four years and until her successor is appointed and qualified, vice Clyde W. Waite, Esquire, Newtown, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

June 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, Helen O'Neill Morris, Ed.D., L.C.S.W., 821 Briarwood Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine Judge Fizzano, (Republican), 153 East Trout Run Mews, Media 19063, Delaware County, Twenty-sixth Senatorial District, for appointment 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.

EDWARD G. RENDELL
Governor

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

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Schwartz, and her legislative leave is cancelled.

RECESS

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

Senator BRIGHTBILL. Madam President, at great personal risk, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately in the Rules room, with the expectation of returning to the floor in approximately 5 minutes.

The PRESIDENT. Without objection, the Senate stands in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

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

SB 157 (Pr. No. 1766) (Amended) (Rereported) (Concurrence)

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 firefighter and emergency service training as creditable high school courses; reenacting provisions relating to education empowerment districts and for temporary aid for school districts affected by reductions in assessed value of real estate; reenacting provisions for powers and duties of the State Board of Education; and providing for regulation of credit card marketing on a college or university campus.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 29, 2004

Off the Floor	AGRICULTURE AND RURAL AFFAIRS (to consider House Bill No. 2512)	Rules Com. Conf. Room
Off the Floor	APPROPRIATIONS (to consider House Bills No. 176, 1152, 2081 and 2467)	Rules Com. Conf. Room

Off the Floor	LAW AND JUSTICE (to consider House Bill No. 2330; and any other business that may come before the Committee)	Rules Com. Conf. Room
Off the Floor	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 1112; and House Bill No. 1039)	Rules Com. Conf. Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 157, 200, 319, 751, 752 and 769; and certain executive nominations)	Rules Com. Conf. Room
Off the Floor	TRANSPORTATION (to consider Senate Bills No. 946 and 1186)	Rules Com. Conf. Room

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Tuesday, June 29, 2004, at 3:05 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.