

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, OCTOBER 5, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 56

**SENATE**

TUESDAY, October 5, 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 GLEN BAYLY, of Mifflinburg Alliance Church, offered the following prayer:

Will you join me as we look to the Lord in prayer.

Our gracious Heavenly Father, we pause at this time to recognize and honor You and to seek Your favor for this day. We thank You for Your many blessings today. The beauty of the sunshine outside reminds us of Your goodness and Your almighty power and Your love.

We pray that You will be here in this Chamber today, and we thank You for all of the privileges that You give us, the material blessings, the blessings of freedom, the opportunity to have freedom of speech and the press, freedom of worship, freedom of assembly. We are a blessed nation and a blessed people.

We thank You for the State of Pennsylvania, and we ask Your blessing upon the citizens today. We pray especially for some who are recovering from recent flood damage, that You might be with them and encourage them and help them to resolve their difficulties.

As we pray today as we come together, we are reminded and always mindful of the wars going on around the world and the conflicts. We pray for the situations in Iraq and Afghanistan today. We pray that You might protect our troops, that You would bring peace to those lands and give them the opportunity to enjoy some of the freedoms and blessings that we have here. Lord, we pray for the nation of Sudan today and ask You to bring peace to that region where there are great horrors taking place, and we ask that You would raise up those who would have wisdom and character of decision to resolve those conflicts.

Lord, we pray for the need of forgiveness in our lives. For those things in our lives that harm our relationship with You and others, we ask forgiveness today. We thank You that You are a merciful God. We pray for each individual of this Senate and their families, and we ask You to meet their needs, whether they have lost loved ones or have physical needs today. Illness, family concerns, financial concerns, we commit all these to Your care. We ask Your blessing on each one. Grant special wisdom and insight and understanding, and may the business that is done in

this place today be pleasing in Your sight and in accordance with Your will. So, we seek Your guidance now and we pray all these things in Your holy and precious name. Amen.

The PRESIDENT. The Chair thanks Reverend Bayly, who is the guest today of Senator Madigan.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled and led by the gentleman from Bradford, Senator Madigan.)

**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 Ferlo and Senator Schwartz.

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 4, 2004.

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

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

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

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling

Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR EDWIN B. ERICKSON  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Erickson.

Senator ERICKSON. Madam President, it is my extreme pleasure and honor to be able to introduce some guests, a young woman and four young men, all of whom are in the Reserves. They are members of Bridge Company Bravo in the Marines, and they have served two terms in Iraq. One of the individuals was wounded in Iraq, and we are of course extremely pleased that he has come back to our district. We value their service. So, let me introduce them. I will start with Sergeant Matthew Crawford, who is an honored Marine and was wounded in Iraq.

(Applause.)

He is accompanied by his father, Edward Crawford, Jr., and his mother, Mary Ann Crawford, who also works for Representative Mario Civera.

(Applause.)

It is really a pleasure for me to introduce these folks, because I knew Ed's father, Ed, and I was good friends with Ed, Sr.

Captain Samuel Bakion, Gunnery Sergeant Vaughn Peterson, who is accompanied by his wife, Jennifer, and Sergeant Timothy Kilgore are here. All of these individuals were in Iraq, and as I indicated, were there twice.

Finally, Corporal Cristel Helton. While she was not in Iraq, she indicated to me that she saw that things were running smoothly while these folks were away. So, again, it is my pleasure to introduce them all.

(Applause.)

Thank you, Madam President.

**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, in the gallery today we have a group of outstanding Berks Countians who are part of the Hispanic Leadership Institute. They are here studying about State government with the executive director of the Hispanic Center in Reading, Berks County, Jonathan Encarnacion, and faculty member, John Kramer, of Albright College Center for Community Leadership. I ask the Senate to extend its usual warm welcome to future leaders of Reading and Berks County from the Hispanic Leadership Institute.

The PRESIDENT. Will the representatives from the Hispanic Leadership Institute please rise so we can give you a warm welcome.

(Applause.)

Senator O'PAKE. Madam President, also in the gallery we have a group of students from the Alvernia College School of Nursing. They are here today for Student Nurses Day with the Director of Nursing at Alvernia, Karen Thacker. If they are still in the gallery, I ask that they rise and be greeted.

(Applause.)

**GUESTS OF SENATOR JOHN R.  
GORDNER PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, today in the gallery we have some students from the State and local government class at Bloomsburg University who are here with Dr. Gloria Cohen-Dion, their professor. I would like to thank the Lieutenant Governor for taking some time out of her schedule to meet with this class.

At Bloomsburg University last Thursday, there was a vote jam session where they had all-day programs to try to encourage young people to register to vote. They had speakers as well as rock groups and had a very successful event. I ask the Senate to recognize the State and local government class.

The PRESIDENT. Would all the students and their professor please rise so we can give you a warm round of applause.

(Applause.)

**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.**

**BILL SIGNED**

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

**HB 237.**

**BILLS REPORTED FROM COMMITTEE**

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

**SB 848 (Pr. No. 1856) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitation in the doctrine of adverse possession; and making repeals.

**SB 1198 (Pr. No. 1857) (Amended)**

An Act providing immunity for physician reporting of suspected illegal use of controlled substance.

**SB 1230 (Pr. No.1833)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity."

**HB 1262 (Pr. No. 4078)**

An Act amending Titles 23 (Domestic Relations) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for application for license; establishing a system to create and maintain confidentiality of the addresses of victims of domestic violence, sexual assault and stalking; providing for the powers and duties of the Office of Victim Advocate; providing for application for certificate of title, for perfection of a security interest in a vehicle, for application for registration and for issuance and content of driver's license; and prescribing penalties.

**HB 2185 (Pr. No. 4142)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of selling or furnishing liquor or malt or brewed beverages to minors resulting in injury or death.

**HB 2441 (Pr. No. 3452)**

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing for surviving spouse to resume prior name.

**HB 2719 (Pr. No. 4482) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, abolishing common-law marriage; and further providing for waiting period after application for marriage license.

**SENATE RESOLUTION ADOPTED**

Senators WAUGH, PUNT and O'PAKE, by unanimous consent, offered **Senate Resolution No. 310**, entitled:

A Resolution recognizing October 9, 2004, as "Windsong's Legacy Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, I rise today proudly as chairman of the Senate Committee on Agriculture and Rural Affairs and on behalf of my colleagues, Senator O'Pake and Senator Punt.

You know, the equine industry in Pennsylvania plays a vital role. The horse industry employs more than 20,000 Pennsylvanians across the State, generates millions and millions of dollars in revenue and taxes. Whether it is pleasure horses, recreational horses, my favorite, draft workhorses, and of course the racing industry, they all represent the equine strength of our Commonwealth.

Today I rise, and I feel sort of like a stepchild after we had such eloquent speeches earlier this year about the thoroughbred racehorse Smarty Jones, but there is also another type of racing equine industry in Pennsylvania, and in fact, a very important

one, the standardbred industry. Now for those who are not familiar, thoroughbred horses are the ones that jockeys ride on their backs. The standardbred horses are the ones that pull little buggies and the jockeys straddle the buggies and ride behind them. Hanover Shoe Farms, located in Adams and York Counties in Pennsylvania, is the largest standardbred breeding farm in the world, right here in our own Commonwealth.

Today I rise with this resolution to salute Windsong's Legacy. He is a 3-year-old colt that is currently in the process of possibly becoming the standardbred industry's Triple Crown winner, similar to what Smarty Jones attempted to do earlier this year. On October 9, he will be running in the Kentucky Futurity Race, and if he wins that race, he will complete the third leg of the standardbred Triple Crown. Windsong's Legacy was bred and born at Windsong's Stable, owned by the Spears family, and located in Hanover, York County.

This is an interesting point, the story of Seabiscuit, similar to the movie that was likened to Smarty Jones, Windsong's Legacy was not identified as a good prospect for this race. He was actually an orphan colt. An orphan, for those who are not familiar with the equine industry, does not make a good racing horse, or for that matter, in a lot of cases, any sort of good companion type horse. But Windsong's Legacy has prevailed and has become one of the most outstanding standardbred horses to ever race in the United States, and I am rising today to offer this resolution on his behalf and the owner's behalf and to wish him well in his race on October 9.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Waugh, on behalf of Windsong's Legacy.

And the question recurring,

Will the Senate adopt the resolution?

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

**DISCHARGE PETITIONS**

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

October 5, 2004

**A PETITION**

To place before the Senate the nomination of Rudy N. Battle as a member of the State Athletic Commission.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rudy N. Battle, Philadelphia, Pennsylvania, as a member of the State Athletic Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Charles P. Bednarik as a member of the State Athletic Commission.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Charles P. Bednarik, Coopersburg, Pennsylvania, as a member of the State Athletic Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Russell Austin Walsh, Ph.D., as a member of the Board of Pardons.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Russell Austin Walsh, Ph.D., Pittsburgh, Pennsylvania, as a member of the Board of Pardons, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Arthur J. Rooney, Esquire, as a member of the Public School Employees Retirement Board.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Arthur J. Rooney, Esquire, Pittsburgh, Pennsylvania, as a member of the Public School Employees Retirement Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Esther R. Brown, MSN, RN, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Esther R. Brown, MSN, RN, Coatesville, Pennsylvania, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Pamela G. Bryer, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Pamela G. Bryer, West Chester, Pennsylvania, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Michelle M. Cohen, BCABA, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Michelle M. Cohen, BCABA, West Chester, Pennsylvania, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

## A PETITION

To place before the Senate the nomination of Michael S. Gill, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Michael S. Gill, Exton, Pennsylvania, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

#### A PETITION

To place before the Senate the nomination of Karen Porter, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Karen Porter, West Chester, Pennsylvania, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

#### A PETITION

To place before the Senate the nomination of Susan Rzucidlo, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Susan Rzucidlo, Landenberg, Pennsylvania, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

October 5, 2004

#### A PETITION

To place before the Senate the nomination of Judith Wilson, as a member of the Chester County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Judith Wilson, Paoli, Pennsylv-

nia, as a member of the Chester County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

#### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately. For the information of the Members, we do have a meeting of the Committee on Rules and Executive Nominations planned and then we will be returning to the floor to run today's Calendar. We believe that there will be a bill that is reported from the Committee on Rules and Executive Nominations that will also require some action. We also expect to do a Supplemental Calendar today, not only for the bill reported out of the Committee on Rules and Executive Nominations, but for Senate Bill No. 1.

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

Senator O'PAKE. Madam President, I ask all Democrats to report to our caucus room immediately for a very important caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations and 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

##### HB 2396 CALLED UP OUT OF ORDER

**HB 2396 (Pr. No. 4464)** -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

##### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2396 (Pr. No. 4464)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for the definitions of "crime" and "personal injury crime" and for filing of claims for compensation.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE  
AS AMENDED, OVER IN ORDER

SB 1 — Without objection, the bill was passed over in its order  
at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 1096 (Pr. No. 1701) -- The Senate proceeded to consider-  
ation 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 third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1152, HB 2655, HB 2724 and HB 2739 -- Without ob-  
jection, the bills were passed over in their order at the request of  
Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

HB 2762 (Pr. No. 4410) -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act authorizing and directing the Department of General Ser-  
vices, with the approval of the Governor and the Department of Conser-  
vation and Natural Resources, to convey to Anthony R. Domiano, Sr.,  
and Anthony R. Domiano, Jr., a certain tract of land situate in the Bor-  
ough of Archbald, Lackawanna County, in exchange for certain tracts  
of land; and authorizing the sale and transfer of ownership of Project 70  
land located in Wharton Township, Fayette County.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

## SECOND CONSIDERATION CALENDAR

### BILLS REREPORTED FROM COMMITTEE AS AMENDED, OVER IN ORDER

**SB 912** and **HB 1535** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILLS OVER IN ORDER

**SB 492, HB 547, HB 553** and **HB 561** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILL REREFERRED

**SB 564 (Pr. No. 628)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1987 (P.L.163, No.16), known as the Rural Pennsylvania Revitalization Act, further providing for board of directors and for grants.

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 595, HB 599, HB 600, HB 604** and **HB 657** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILL ON SECOND CONSIDERATION

**HB 796 (Pr. No. 4409)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "multimunicipal plan"; and further providing for membership of board and for organization of board.

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

### BILLS OVER IN ORDER

**HB 994** and **SB 1032** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILL REREFERRED

**SB 1079 (Pr. No. 1493)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city.

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 1189** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

### BILL ON SECOND CONSIDERATION

**SB 1201 (Pr. No. 1803)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for borough powers to convey land.

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

### BILL REREFERRED

**SB 1227 (Pr. No. 1830)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for application of part and for definitions; and providing for electronic bidding by local government units.

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 1867, HB 1868, HB 1929, HB 1930, HB 1954** and **HB 2036** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILL ON SECOND CONSIDERATION

**HB 2437 (Pr. No. 3448)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for creation of recreation boards.

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

## BILL OVER IN ORDER

**HB 2589** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators CONTI, FERLO, STOUT, KITCHEN, TARTAGLIONE, KUKOVICH, COSTA, BRIGHTBILL, ARMSTRONG, WENGER, SCHWARTZ, WAGNER, THOMPSON, SCARNATI, EARLL, ORIE, O'PAKE, ERICKSON, WONDERLING, WOZNIAC, RAFFERTY, STACK, LEMMOND, PIPPY and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 311**, entitled:

A Resolution recognizing November 14, 2004, as "Adoption Brings the World Together - A Celebration of Cultural Diversity Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator CONTI. Madam President, today I rise to introduce a resolution recognizing November 14, 2004, as "Adoption Brings the World Together - A Celebration of Cultural Diversity Day" in Pennsylvania. As my colleagues know, November is recognized nationally as Adoption Awareness Month, and in the past decade, the number of Americans adopting children has increased significantly. In particular, many are reaching out to children from other countries, such as Russia, Korea, and China.

So, in honor of this month, the Delaware Chapter, Families With Children From China, will be hosting an event in Philadelphia on November 14 to promote adoption awareness, as well as tolerance and respect for the world's cultures. The efforts of this organization and others like it should be recognized for the support they provide families. They provide parents with an opportunity to keep their adoptive children in touch with their cultural roots.

So, Madam President, I ask for unanimous consent for this resolution today. Thank you.

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

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

**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 John Schroeder, Kermit Gorr and to Lori Wychakinas by Senator Conti.

Congratulations of the Senate were extended to Mifflin County Junior Babe Ruth 13-Year-Old All-Stars Baseball Team and to the Mifflin County Junior Babe Ruth 15-Year-Old All-Stars Baseball Team by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. William E. Lindsey by Senator Jubelirer.

Congratulations of the Senate were extended to Jonathan Hay by Senator Kasunic.

Congratulations of the Senate were extended to Ken Goldsmith by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Kiehart and to Mr. and Mrs. Paul J. Kosik by Senator Mellow.

Congratulations of the Senate were extended to Anthony Pupa, Peter Scarantino and to Jeffrey Franklin Smith by Senator Musto.

Congratulations of the Senate were extended to Joseph William DeNardo by Senator Pippy.

Congratulations of the Senate were extended to the Reverend Karl J. Mattson by Senator Punt.

Congratulations of the Senate were extended to Brian Martin Boyd by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Max Craig and to the Benevolent & Protective Order of Elks, Indiana Lodge 931, by Senator D. White.

Congratulations of the Senate were extended to James Joseph Clark and to the Volunteer Medical Service Corps of Lower Merion, Narberth, Conshohocken, and West Conshohocken by Senator C. Williams.

**CONDOLENCE RESOLUTION**

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

Condolences of the Senate were extended to the family of the late Gregory Cox by Senator Stout.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 848, SB 1198, SB 1230, HB 1262, HB 2185, HB 2441 and HB 2719.**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL**

October 5, 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 Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Raymond C. Braun, Jr., Camp Hill, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 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, Esther R. Brown, MSN, RN, (Democrat), 113 Peters Court, Coatesville 19320, Chester County, Forty-fourth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Rose Middleton, Thorndale, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 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 G. Bryer, (Democrat), 447 Reservoir Road, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Caroline A. Novak, declined appointment.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 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, Michelle M. Cohen, BCABA, (Democrat), 607 Leslie Lane, West Chester 19382, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 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, Michael S. Gill, (Democrat), 46 Lindenwood Drive, Exton 19341, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karen Porter, (Democrat), 615 West Rosedale Avenue, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 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, Susan Rzucidlo, (Democrat), 210 Laurel Heights Road, Landenberg 19350, Chester County, Ninth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 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 Wilson, (Democrat), 1947 Black Rock Lane, Paoli 19301, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of

Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATIONS  
LAID ON THE TABLE**

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 laid on the table:

**MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE**

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Esther R. Brown, MSN, RN, (Democrat), 113 Peters Court, Coatesville 19320, Chester County, Forty-fourth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Rose Middleton, Thorndale, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE**

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Pamela G. Bryer, (Democrat), 447 Reservoir Road, West Chester 19380, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Caroline A. Novak, declined appointment.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE**

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Michelle M. Cohen, BCABA, (Demo-

crat), 607 Leslie Lane, West Chester 19382, Chester County, Twenty-sixth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE**

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, [sic] 2004, for the appointment of Michael S. Gill, (Democrat), 46 Lindenwood Drive, Exton 19341, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE**

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, [sic] 2004, for the appointment of Karen Porter, (Democrat), 615 West Rosedale Avenue, West Chester 19382, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE**

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, 2004, for the appointment of Susan Rzuclidlo, (Democrat), 210 Laurel Heights Road, Landenberg 19350, Chester County, Ninth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE CHESTER COUNTY  
BOARD OF ASSISTANCE

October 5, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 20, [sic] 2004, for the appointment of Judith Wilson, (Democrat), 1947 Black Rock Lane, Paoli 19301, Chester County, Nineteenth Senatorial District, as a member of the Chester County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL  
Governor

**CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE  
BOARD OF COSMETOLOGY

October 5, 2004

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

Please note the nomination dated July 15, 2004, for the appointment of Ariane M. Thomas, (Public Member), 315 South 22nd Street, Philadelphia 19103, Philadelphia County, First 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, should be corrected to read:

Ariane M. Thomas, (Public Member), 315 South 22nd Street, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Cosmetology, 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 Nancy Kaplan, Wynnewood, resigned.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA  
COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 6, 2004

10:00 A.M.	EDUCATION (to consider Senate Bill No. 505; and House Bills No. 1113 and 1530 and any other business that may come before the Committee)	Room 461 Main Capitol
10:30 A.M.	LAW AND JUSTICE (to consider Senate Bill No. 1250; House Bill No. 2021; and any other business that may come before the Committee)	Rules Com. Conf. Room
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 844, 1209; and House Bills No. 176, 2055 and 2528)	Rules Com. Conf. Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 346, 1209 and 1222; and certain executive nominations)	Rules Com. Conf. Room

TUESDAY, OCTOBER 12, 2004

10:30 A.M.	EDUCATION (public hearing on the nomination of Francis V. Barnes as Secretary of Education)	Senate Maj. Caucus Room
1:30 P.M.	TRANSPORTATION (to consider Senate Bills No. 1205 and 1211; and House Bills No. 310, 851, 873, 2409, 2664 and 2666)	Room 461 Main Capitol

**ADJOURNMENT**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Wednesday, October 6, 2004, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:01 p.m., Eastern Daylight Saving Time.