

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, FEBRUARY 15, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 12

**SENATE**

TUESDAY, February 15, 2005

The Senate met at 1 p.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend JOSEPH KURUTZ, of St. Raphael's Church, Pittsburgh, offered the following prayer:

In the name of the Father, Son, and Holy Spirit.

The psalmist wrote in Psalm 117, Praise the Lord all nations, extol him all people, for great is His steadfast love toward us, and the faithfulness of the Lord endures forever. Praise the Lord.

Let us collect our thoughts and place ourselves before our Heavenly Father to give Him praise, honor, and glory. We thank You for sharing life with us and making us social beings. We thank You for enabling us to have a kingdom, a government which enables us to hear the cries of all Your people and attempts to justly rule us in our dealings with one another. Here we have a place where the goals and principles of justice, peace, freedom, and liberty might be evident, so we can be a blessing to all the people of this Commonwealth. Set against these high ideals, we pray that You will forgive our shortcomings and purify our hearts to know the truth that alone can set us free.

Save us from injustice and oppression, from pride and arrogance, from greed and self-centeredness. May we always remember Your great love and protection You offer us. May we always remember and recognize Your gracious hand in our lives in good times and bad. We thank You for this opportunity to make wise judgments for the good of all our citizens. We thank You for this opportunity to share Your spirit of love and justice. We thank You and humbly ask health enough to make work a pleasure, wealth enough to support our needs, strength enough to battle difficulties and overcome them, patience enough to work until some good is accomplished, charity enough to see the good in all our brothers and sisters, faith enough to make real the things of God, hope enough to remove all anxious fears concerning the future, and love enough to be useful and helpful to others. We ask these things in our Heavenly Father's name. Amen.

The PRESIDENT. The Chair thanks Reverend Kurutz, who is the guest today of Senator Pippy.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 14, 2005.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator PICCOLA, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

Weekly recess.

**BILLS INTRODUCED AND REFERRED**

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

February 15, 2005

Senators THOMPSON, PICCOLA, BRIGHTBILL, JUBELIRER, WENGER, RAFFERTY, PILEGGI, WONDERLING, MADIGAN, RHOADES, KITCHEN, COSTA, SCARNATI, ARMSTRONG, VANCE, M. WHITE, TOMLINSON, ERICKSON, D. WHITE, ROBBINS, KASUNIC, ORIE, CORMAN, WAUGH, LEMMOND, PUNT, PIPPY, BOSCOLA, C. WILLIAMS, GREENLEAF, CONTI, GORDNER, REGOLA, EARLL and LOGAN presented to the Chair SB 250, 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.

Which was committed to the Committee on FINANCE, February 15, 2005.

Senators O'PAKE, STOUT, KITCHEN, LAVALLE, MUSTO, EARLL, TARTAGLIONE, COSTA, ORIE, LOGAN and BOSCOLA presented to the Chair **SB 267**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports.

Which was committed to the Committee on AGING AND YOUTH, February 15, 2005.

Senators O'PAKE, STOUT, KITCHEN, LAVALLE, MUSTO, TARTAGLIONE, COSTA, ORIE and BOSCOLA presented to the Chair **SB 268**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, reducing the caseload of county children and youth services caseworkers; authorizing staff increases commensurate with workload responsibilities; and establishing minimum education and training requirements.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 15, 2005.

Senators O'PAKE, STOUT, KITCHEN, LAVALLE, ERICKSON, MUSTO, COSTA, ORIE, LOGAN and WAUGH presented to the Chair **SB 269**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for general regulations for the dissemination of criminal history record information.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators FERLO, KITCHEN, STOUT, MUSTO, LAVALLE, WOZNAK, COSTA, LOGAN, STACK, KASUNIC, RAFFERTY and EARLL presented to the Chair **SB 270**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for form and adoption of budget in municipalities.

Which was committed to the Committee on LOCAL GOVERNMENT, February 15, 2005.

Senators FERLO, KITCHEN, O'PAKE, LAVALLE, WOZNAK, COSTA, STACK, KASUNIC, RAFFERTY and TARTAGLIONE presented to the Chair **SB 271**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the offense of theft of motor vehicle certificate of inspection; further providing for operation of vehicle without official certificate of inspection; and adding provisions relating to theft of certificate of inspection.

Which was committed to the Committee on TRANSPORTATION, February 15, 2005.

Senators FERLO, KITCHEN, STOUT, LAVALLE, WOZNAK, COSTA, LOGAN, STACK, KASUNIC, C. WILLIAMS and TARTAGLIONE presented to the Chair **SB 272**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for courses of study in high school.

Which was committed to the Committee on EDUCATION, February 15, 2005.

Senators VANCE, M. WHITE, BOSCOLA, COSTA, KITCHEN, LOGAN, O'PAKE, PICCOLA, REGOLA, STACK, STOUT, TOMLINSON, C. WILLIAMS and WONDERLING presented to the Chair **SB 273**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for legislative policy, for definitions, for involuntary intervention by emergency court order and for grounds for denying employment; and providing for comparison study by Department of Aging and for applicability relating to criminal history for employees.

Which was committed to the Committee on AGING AND YOUTH, February 15, 2005.

Senator ORIE presented to the Chair **SB 274**, entitled:

An Act imposing a duty on the Department of Environmental Protection to expend certain funds approved for a certain flood control project in Shaler Township, Allegheny County, on the costs associated with acquisition and site clearance of certain residential properties in the floodplain and damaged by flooding in the township.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 15, 2005.

Senators KASUNIC, BOSCOLA, WOZNAK, ERICKSON, O'PAKE, COSTA, MUSTO, RHOADES, TARTAGLIONE, KITCHEN, STACK, RAFFERTY, WAUGH and LOGAN presented to the Chair **SB 275**, entitled:

An Act prohibiting certain price gouging; and imposing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 15, 2005.

Senators KASUNIC, COSTA, O'PAKE, STOUT, STACK, RAFFERTY, BOSCOLA, LAVALLE, MUSTO, RHOADES, WOZNAK, TARTAGLIONE, KITCHEN and LOGAN presented to the Chair **SB 276**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for simple assault.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators KASUNIC, COSTA, O'PAKE, STOUT, EARLL, M. WHITE, STACK, RAFFERTY, BOSCOLA, LAVALLE, MUSTO, RHOADES, THOMPSON, WOZNAK, KITCHEN, WAUGH and LOGAN presented to the Chair **SB 277**, entitled:

An Act requiring the termination of a corrections officer or other employee of a correctional facility who delivers a controlled substance to an inmate of such facility.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators KASUNIC, COSTA, O'PAKE, STOUT, STACK, BOSCOLA, LAVALLE, MUSTO, RHOADES, KITCHEN and LOGAN presented to the Chair **SB 278**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators KASUNIC, COSTA, LAVALLE, LOGAN, MUSTO, WOZNAK, TARTAGLIONE and KITCHEN presented to the Chair **SB 279**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators KASUNIC, STOUT, COSTA, LAVALLE, MUSTO, KITCHEN, BOSCOLA and LOGAN presented to the Chair **SB 280**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for disqualification for commercial driver's license.

Which was committed to the Committee on TRANSPORTATION, February 15, 2005.

Senators KASUNIC, COSTA, STOUT, BOSCOLA, LAVALLE, KITCHEN and LOGAN presented to the Chair **SB 281**, entitled:

An Act requiring testing of State correctional facility personnel for controlled substances; providing for a review of certain hiring policies; and requiring reports.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators KASUNIC, COSTA, BOSCOLA, KITCHEN, LAVALLE, WAUGH and LOGAN presented to the Chair **SB 282**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for mandatory prison sentences for arson-related offenses.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators BOSCOLA, FERLO and GREENLEAF presented to the Chair **SB 283**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

Which was committed to the Committee on FINANCE, February 15, 2005.

Senators BOSCOLA, FERLO, KASUNIC, C. WILLIAMS, WAUGH, GREENLEAF and WONDERLING presented to the Chair **SB 284**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

Which was committed to the Committee on FINANCE, February 15, 2005.

Senators THOMPSON, RAFFERTY, WONDERLING, EARLL, M. WHITE, ERICKSON, STACK, D. WHITE, CORMAN, ARMSTRONG, WAUGH, PILEGGI, PUNT, C. WILLIAMS, LOGAN and PIPPY presented to the Chair **SB 285**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for conviction and point schedules, for speed timing devices and for State and local powers.

Which was committed to the Committee on TRANSPORTATION, February 15, 2005.

Senators LAVALLE, LOGAN, KITCHEN, STOUT, STACK, RHOADES, MUSTO, TARTAGLIONE, COSTA, EARLL, KASUNIC, ERICKSON, M. WHITE and PUNT presented to the Chair **SB 286**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the use of credit scoring.

Which was committed to the Committee on BANKING AND INSURANCE, February 15, 2005.

Senators LAVALLE, LOGAN, KITCHEN, STOUT, STACK, RHOADES, TARTAGLIONE, COSTA, EARLL, KASUNIC, M. WHITE and PUNT presented to the Chair **SB 287**, entitled:

An Act prohibiting the use of credit scoring.

Which was committed to the Committee on BANKING AND INSURANCE, February 15, 2005.

Senators LAVALLE, COSTA, KITCHEN, O'PAKE, LOGAN, KASUNIC, PILEGGI, EARLL, STACK and RAFFERTY presented to the Chair **SB 288**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for determination of rates for private passenger automobile insurance.

Which was committed to the Committee on BANKING AND INSURANCE, February 15, 2005.

Senators LAVALLE, COSTA, KITCHEN, MUSTO, STOUT, O'PAKE, KASUNIC, PILEGGI, STACK, RAFFERTY, BOSCOLA and C. WILLIAMS presented to the Chair **SB 289**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for good driver discounts for private passenger automobile insurance.

Which was committed to the Committee on BANKING AND INSURANCE, February 15, 2005.

Senators CONTI, RAFFERTY, MUSTO, PILEGGI, RHOADES, WOZNAK, LEMMOND, KASUNIC, COSTA,

KITCHEN, C. WILLIAMS, LAVALLE, ERICKSON and STACK presented to the Chair **SB 290**, entitled:

An Act providing for minimum energy efficiency standards for certain appliances and equipment; and providing for the powers and duties of the Pennsylvania Public Utility Commission and of the Attorney General.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 15, 2005.

Senators CONTI, TOMLINSON, THOMPSON, RAFFERTY, MUSTO, PILEGGI, RHOADES, WOZNIAK, COSTA, KITCHEN and ERICKSON presented to the Chair **SB 291**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing watershed zoning cooperation among adjoining municipalities.

Which was committed to the Committee on LOCAL GOVERNMENT, February 15, 2005.

Senators SCARNATI, LEMMOND, LOGAN, WENGER, D. WHITE, CORMAN, RAFFERTY, M. WHITE, TOMLINSON, EARLL, WONDERLING, ERICKSON, CONTI, PIPPY, PILEGGI, ORIE and O'PAKE presented to the Chair **SB 292**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for collection of taxes, for audits of earned income taxes, for earned income taxes, for suits for tax collection, for penalties and for delinquent tax collection costs.

Which was committed to the Committee on FINANCE, February 15, 2005.

Senators MUSTO, KITCHEN, PUNT, LEMMOND, GORDNER, ERICKSON, BOSCOLA, STOUT, PILEGGI, COSTA, LAVALLE, WOZNIAK, LOGAN, MELLOW, C. WILLIAMS, RAFFERTY, KASUNIC, O'PAKE, PICCOLA, TARTAGLIONE, M. WHITE, GREENLEAF, EARLL, STACK, THOMPSON and PIPPY presented to the Chair **SB 293**, entitled:

An Act relieving members of the United States Armed Forces or other civilians serving in the Persian Gulf area or in support of the armed forces from certain local tax filing deadlines; and making a repeal.

Which was committed to the Committee on FINANCE, February 15, 2005.

Senators MUSTO, COSTA, LAVALLE, M. WHITE, KITCHEN, LEMMOND, O'PAKE, C. WILLIAMS, RAFFERTY and LOGAN presented to the Chair **SB 294**, entitled:

An Act providing for flammability and labeling standards for certain upholstered furniture, mattresses, box springs and other bedding products, for duties of the Department of Labor and Industry and for enforcement.

Which was committed to the Committee on LABOR AND INDUSTRY, February 15, 2005.

Senators PIPPY, COSTA, KITCHEN, LAVALLE, ORIE, LOGAN and FERLO presented to the Chair **SB 295**, entitled:

An Act making an appropriation to the Senator John Heinz Pittsburgh Regional History Center.

Which was committed to the Committee on APPROPRIATIONS, February 15, 2005.

Senators RHOADES, PICCOLA, MUSTO, ORIE, PILEGGI, LAVALLE, TOMLINSON, SCARNATI, O'PAKE, GORDNER, ERICKSON, TARTAGLIONE, WENGER, WOZNIAK, BOSCOLA, LOGAN, RAFFERTY, KASUNIC, WONDERLING, ROBBINS, M. WHITE, WAUGH, GREENLEAF and STACK presented to the Chair **SB 296**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for display of United States Flag and development of patriotism.

Which was committed to the Committee on EDUCATION, February 15, 2005.

Senators RHOADES, PILEGGI, RAFFERTY, GREENLEAF, WOZNIAK, KASUNIC, PIPPY, ERICKSON, BOSCOLA, STACK, WAUGH and COSTA presented to the Chair **SB 297**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing intermediate units to establish a pool of educational advisors for certain school districts.

Which was committed to the Committee on EDUCATION, February 15, 2005.

Senators RHOADES, EARLL, ORIE, COSTA, LEMMOND and KITCHEN presented to the Chair **SB 298**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for required training and instruction for certain school directors.

Which was committed to the Committee on EDUCATION, February 15, 2005.

Senator PUNT presented to the Chair **SB 299**, entitled:

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for reclamation of certain bridges in counties of the sixth class formerly part of the State highway system.

Which was committed to the Committee on TRANSPORTATION, February 15, 2005.

Senators ARMSTRONG, JUBELIRER, BRIGHTBILL, MADIGAN, RHOADES, SCARNATI, WAUGH, PILEGGI, KASUNIC, WENGER, THOMPSON, EARLL, WONDERLING, CORMAN, RAFFERTY, KITCHEN, GREENLEAF, TOMLINSON, PUNT, VANCE, PIPPY, GORDNER, PICCOLA, LEMMOND, D. WHITE, COSTA,

CONTI, M. WHITE, BOSCOLA, ERICKSON, ROBBINS, ORIE, O'PAKE, C. WILLIAMS and REGOLA presented to the Chair **SB 300**, entitled:

An Act authorizing the establishment and maintenance of health savings accounts; exempting contributions from taxation; and imposing restrictions on health savings accounts.

Which was committed to the Committee on BANKING AND INSURANCE, February 15, 2005.

Senators GREENLEAF, LOGAN, PILEGGI, PIPPY, TOMLINSON, TARTAGLIONE, WONDERLING, CONTI, COSTA, STACK, KITCHEN, C. WILLIAMS, RAFFERTY and FERLO presented to the Chair **SB 301**, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for allocation of additional dedicated funding to public transportation systems; creating a service stabilization and state of good repair program; creating a Major Capital Initiative Program; providing for distribution of supplemental funding; further providing for use of funds distributed; providing for establishment of new formulas for public transportation funding in small urbanized areas and rural areas and for community transit; establishing a new funding mechanism for intercity passenger rail services; and providing for public transportation efforts to raise revenue by alternative means, for cooperative procurement and for special traffic rules.

Which was committed to the Committee on TRANSPORTATION, February 15, 2005.

Senators PIPPY, KITCHEN, TOMLINSON, CORMAN, TARTAGLIONE, D. WHITE, KASUNIC, LAVALLE, LEMMOND, WENGER, WOZNIAK, COSTA, RAFFERTY, BOSCOLA, WAUGH, WONDERLING, LOGAN and STACK presented to the Chair **SB 302**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of dealing in infant children.

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators PILEGGI, PUNT, GREENLEAF, ERICKSON, THOMPSON, RHOADES, WOZNIAK, TOMLINSON, KITCHEN, WONDERLING, TARTAGLIONE, LOGAN, KASUNIC, MUSTO, WAUGH, LEMMOND, RAFFERTY and STOUT presented to the Chair **SB 303**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 15, 2005.

Senators LEMMOND, THOMPSON, TOMLINSON, RAFFERTY, STACK, LOGAN, WOZNIAK, WENGER, ERICKSON, ORIE, MUSTO, TARTAGLIONE, KITCHEN, PILEGGI, BOSCOLA and PIPPY presented to the Chair **SB 304**, 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 classes of income.

Which was committed to the Committee on FINANCE, February 15, 2005.

Senators PILEGGI, BRIGHTBILL, ERICKSON, PICCOLA, KITCHEN and ORIE presented to the Chair **SB 305**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for free transportation of students; and providing for education choice.

Which was committed to the Committee on EDUCATION, February 15, 2005.

**LEGISLATIVE LEAVES**

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

Senator PICCOLA. Madam President, I request legislative leaves for Senator Scarnati, Senator Tomlinson, Senator Brightbill, and Senator Orie.

The PRESIDENT. Senator Piccola requests legislative leaves for Senator Scarnati, Senator Tomlinson, Senator Brightbill, and Senator Orie. Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator O'PAKE asked and obtained a leave of absence for Senator FUMO, for today's Session, for personal reasons.

**CALENDAR**

**SENATE RESOLUTION No. 26  
CALLED UP OUT OF ORDER, ADOPTED**

Senator PICCOLA, without objection, called up from page 2 of the Calendar, as a Special Order of Business, **Senate Resolution No. 26**, entitled:

A Resolution designating March 6, 2005, as "Lymphedema D-Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-45**

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

**NAY-0**

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR VINCENT J.  
HUGHES AND SENATOR ROBERT C.  
WONDERLING PRESENTED TO THE SENATE**

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

Senator HUGHES. Madam President, I am pleased during this month, Black History Month, which is celebrated here in the Commonwealth and across the country, to have a resolution that many Members of the Senate have signed on to, and it passed previously, Cheyney University Month. In the context of that celebration, we are pleased to welcome the presence on the floor of the Senate the new president of Cheyney University, Wallace Arnold. In a short period of time, he has done a tremendous job of moving that campus forward, increasing enrollment substantially, getting buildings fixed up that were previously in disrepair, getting new buildings built, and creating a new spirit among the university family, both on campus and off campus, and in the far reaches and stretches of Cheyney University.

I know that Senator Wonderling would like to offer some brief comments. As he prepares himself for that, I would like the Senate to welcome the president of Cheyney University, the oldest historically black college and university in the country, which is in Pennsylvania. Those of you who believe it is Cheyney University, say "aye," and for those of you who believe it is Lincoln University, say "aye," but in the meantime, here is the president of Cheyney University, Wallace Arnold.

The PRESIDENT. Would our guest, the president of Cheyney University, Wallace Arnold, please rise.

(Applause.)

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

Senator WONDERLING. Madam President, although Senator Hughes and I do not necessarily physically represent Cheyney in the fact that it is in neither of our senatorial districts, we both serve on the council of trustees, and do so humbly. I was appointed to the trustees about 8 years ago by then-Governor Ridge and confirmed by this body, and I am glad that alumni, administration, faculty, and students are here today from Cheyney University, clearly one of the truly great historic Black institutions of higher learning in the United States of America.

Thank you, Madam President.

The PRESIDENT. Congratulations again to President Wallace Arnold. Thank you.

(Applause.)

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

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing Miss Alycia McCullough, the reigning Miss Crawford County. Alycia, who will be competing in June 2005 to become Miss Pennsylvania, is currently a junior at

Slippery Rock University where she is majoring in elementary education and seeking a minor in dance. At Slippery Rock she is a member of Dance Express, Step Teams, and the Dance Theater Program, as well as on the planning committee for the Martin Luther King Day of Service.

As Miss Crawford County, her platform is "G.E.T. Active," which stands for Gain information, Exercise regularly, and Take an active role in fighting cardiovascular disease. In October, she helped raise over \$1,600 for the American Heart Association during the annual Heart Walk in Erie. Alycia is training to be a representative of the American Heart Association so that she can appear in public schools and at community events promoting the importance of maintaining a healthy heart.

Joining Alycia is her mother, Darby McCullough, and Tracy Coon, codirector of the Miss Crawford County program. Madam President, please join me in welcoming Alycia to the Senate of Pennsylvania.

The PRESIDENT. Will Miss Crawford County please rise.  
(Applause.)

**GUESTS OF SENATOR CHARLES D.  
LEMMOND PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, I am visited today, we are all visited by a number of special court judges, some of whom are here on criminal laws, some are here on non-Crimes Code work. They are from across the face of the State, and if one of them is in any of the Members' territory, listen up, because you never know, you just never know, and I say that to the lawyers advisedly.

Let me just present to you Judge William Amesbury from Wilkes-Barre, Judge Michael Dotzel from Wilkes-Barre Township, Judge Daniel Finello from Warminster, Judge Johnny Hasay, from Shickshinny, whose brother sits in the House of Representatives, Judge Peter Janicelli, who is a stone's throw away from New York in New Milford, Judge Amy Long from Knox, which is way out west someplace in Senator Mary Jo White's district, Judge Diana Malast from Plains Township, and Judge Frank Perantcau from Bristol. They are very special people, very special judges, and I present them to you and hope that we can welcome them appropriately.

The PRESIDENT. Would all our very special judges please rise so we can give you a nice round of applause and welcome.  
(Applause.)

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 18 (Pr. No. 11)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator MELLOW. Madam President, I wish to be recognized very briefly on Senate Bill No. 18 and the importance that it has with regard to Act 71, which we passed last year. Madam President, the importance of the bill, basically, is more than just twofold.

First of all, Madam President, the bill does what many of us wanted to do back in the fall of 2004 when the General Assembly passed Senate Bill No. 1209 and then it went on to the Governor and he vetoed it. It was passed over the wishes and dictates of many people, not only in this body, but also the same could be said for the House of Representatives. Madam President, I would like to congratulate the sponsor of the bill, Senator Tomlinson, who I think has done an excellent job not only in once again bringing this issue to the forefront, but also in the way he helped craft the bill with regard to gaming.

Madam President, this particular bill, in the form in which we are going to consider it today, is exactly the type of bill that we wanted to pass last fall, in November of 2004. What this bill does, Madam President, is extends the restrictions under the RICO statute, which means the Attorney General could investigate any violations of the RICO statute with regard to Act 71. Prior to the passage of Senate Bill No. 1209 with that provision in, the Attorney General could not make that type of investigation possible with regard to RICO. However, Madam President, Senate Bill No. 1209 went much further. It impacted, as far as we are concerned, on the definition of what an "immediate family" would be with regard to Act 71.

Madam President, there was a lot said and done in this Chamber last year on the entire gaming issue. One of the areas which had a lot of consideration and a lot of criticism in the final passage of Act 71 was that somehow or other a provision was in the bill that stated that a Member of the General Assembly could have a 1-percent ownership in a gaming facility. Now, I do not believe when we went through this that any of us even had an inclination that any Member would be interested in a 1-percent ownership. It was said to us that perhaps that 1-percent ownership was needed because of some of the problems dealing with investments in a pension fund and that our pension fund may have been involved, those of us who were involved, and I am sure we all were in the pension fund, that some of that money might be invested into a company that has greater than a 1-percent ownership in a gaming facility and therefore perhaps that should be considered.

There are many ways in which we could resolve the 1-percent ownership, and this bill does not do that. We could do what the House of Representatives did and pass as part of the rules of this body a rule prohibiting any Member of this Chamber from having a 1-percent ownership in any future gaming facility in Pennsylvania under Act 71. When we reestablished our rules back in January of this year when our Members were sworn in, we, in fact, did not do that. We could probably in some way do

what the Governor did to the individuals who come under the Governor's Office and the executive branch. By executive order, he prohibited them from any interest in any entity regulated under Act 71. The House of Representatives did it by rule and the Governor's Office did it by executive order, but the Senate of Pennsylvania has not done that. We have not as yet taken a positive step to eliminate any Member from having any type of ownership whatsoever in the gaming statute, and we would like to do that. Madam President, there was some concern in our Caucus and indeed in some of our meetings that perhaps we should have taken this particular bill, Senate Bill No. 11, which extends the RICO statute in Pennsylvania and gives the Attorney General the opportunity to investigate anyone who would violate this provision under Act 71, something that we were in favor of when the Governor vetoed Senate Bill No. 1209.

Madam President, in the Governor's veto message dated November 30, he states very clearly, "While Senate Bill 1209 strengthens the prohibition against public officials and members of the Gaming Board having ownership interests in companies regulated by the Act by including suppliers and manufacturers in the ban and by eliminating the 1% ownership threshold, it actually weakens the application of the prohibition by narrowing the definition of 'immediate family'..." The definition of "immediate family" in Act 71 must be reconsidered. In our caucus we are going to try to come up with a type of provision that will narrow the definition of "immediate family." The Governor further went on to say "...the definition of 'immediate family' to permit the parents and siblings of public officials, such as the Attorney General and legislators, to have a direct and unlimited financial interest in regulated gaming companies. In dramatic contrast, the bill applies a more expansive definition of 'immediate family' to Gaming Board members and its employees. The public corruption protection should be uniform."

There is no uniformity today in public corruption protection with regard to Act 71, and Senate Bill No. 1209 fell short of providing those goals. What we would like to do, and I am putting it on the record, is come up with some kind of provision where the Members of the Senate are prohibited from having a 1-percent ownership in any gaming facility in Pennsylvania as we go forward. We could have done that through a rule, but for some reason the Majority party in the Senate did not want to do that through a rule. I assume we could probably try to do that some way through Senator Jubelirer's bill, his ethics bill, in Senate Bill No. 1, I believe that is the number of the bill. However, last year that bill finally was considered but never passed the General Assembly to be put on the Governor's desk. Therefore, Madam President, if we do not take a look at what the definition is of "immediate family" and come up with some type of consistency, and also if we do not look at and expand the considerations given to the 1-percent prohibition, then Members of this General Assembly, Members of this Senate at least, will have the opportunity of having a 1-percent interest in a gaming facility. Plus, without the proper type of definition of "immediate family," Members of this General Assembly are going to be able to have their family members have an ownership in a gaming facility, and I do not think that is what any of us want to do. It was never the intent of the legislature. Certainly, it was never the intent of the Democratic Members of the Senate. It, obviously, was not the

intent of the House of Representatives. On a bipartisan basis, they took care of that in a rule change. It was not the intent of the Governor, because he took care of that same provision through an executive order for the administration and for those people who come under the administration.

So, what I am saying is that we are prepared to go ahead because Senate Bill No. 18 moves in the right direction. It does not go far enough because it does not address the "immediate family" issue, and it does not address the issue with regard to the 1-percent provision. So, I ask that the Majority party work with us in trying to come up with the proper type of statute reform so that we can come up with the appropriate definition for "immediate family" and we can also have the proper provision which would guarantee, since we have not done it by a rule, that no Member of this Senate could have any kind of ownership whatsoever in a gaming facility. Having said that, I ask for a positive vote on this bill, Madam President.

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

Senator PICCOLA. Madam President, I am extremely ecstatic that my good friend from Lackawanna County has expressed support for Senate Bill No. 18. It is important to remember that Senate Bill No. 18 is almost identical to an amendment that I offered last July on the floor of the Senate to the bill that later became Act 71, our new expansive gambling bill providing for slot machines in the Commonwealth of Pennsylvania. What Senate Bill No. 18 does and what my amendment would have done at the time was add to the definition of crimes that would constitute racketeering activity for which a person could be prosecuted under racketeering violations of the Lottery Law, the gambling device law and gambling, and the law relating to pool selling and bookmaking. We urged at the time that this be part of the gaming statute, but for some reason, and I still do not quite understand why, the majority of the Senate voted against that amendment and it did not become part of our gaming statute.

By passing this bill today, we are going to make that a part of our statutory framework here in Pennsylvania so that we have another tool to crack down on organized crime, should it try to take advantage of our new gaming statute.

Madam President, the gentleman from Lackawanna ventured a little far afield on debate, because the narrow question under Senate Bill No. 18 was just that, the definition of "racketeering." He brought into consideration matters that were contained in Senate Bill No. 1209 last fall, and only responding to that in part, Madam President, it is true that this provision contained in Senate Bill No. 18 was in Senate Bill No. 1209, and it was vetoed by the Governor, although there is some question as to whether the Governor actually vetoed it correctly or not. But, be that as it may, it should not have been vetoed by the Governor because it contained good statutory language that is absolutely essential for the operation of our new gaming statute to be handled in a way that is above reproach, and it has to be above reproach.

Madam President, the gentleman seems to indicate that the best way to deal with the so-called 1-percent issue, that being under the present statutory scheme, public officials who can own up to 1-percent interest in a gaming operation should be reduced to 0, and he seems to believe that the best way to do that is to put

that in the rules of the Senate. The only problem with that is it only applies to the 50 Members of the Senate. It does not apply to the executive branch, it does not apply to the judicial branch, it does not apply to public officials in other levels of government. It has to be part of the statutory scheme, and cannot just simply be a rule of the Senate or a rule of the House. It has to be broader than that.

Madam President, we fully expect to be bringing legislation forward which will include that kind of statutory language, along with other provisions, many of which were contained in Senate Bill No. 1209 last fall, so that we can make the gaming statute of Pennsylvania a statute that the people of Pennsylvania will have confidence in and that will be above reproach.

So, Madam President, I thank the gentleman for his support of Senate Bill No. 18, and thank him for his change of heart from last July when he voted against identical language that I proposed on the floor of the Senate, and I, too, urge a positive vote on Senate Bill No. 18.

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

Senator MELLOW. Madam President, I have just an observation or two. The gentleman started off by saying that this language is almost identical to the amendment that he put in last summer, which I believe was defeated on a bipartisan basis. I think the vote might have been 30 to 20, and then he concluded by saying that it was identical. I wish he would be consistent, it is either almost identical or identical, it cannot be both ways.

If Senate Bill No. 1209 was not vetoed by the Governor, the definition of "immediate family" was in that particular bill. It was changed so that parents or siblings of public officials, such as the Attorney General and Members of the General Assembly, and their families could have part ownership, so the gentleman's own family, including his offspring or his parents, if they are still alive, which I wish my parents were, would have the opportunity to have an ownership. So, in essence, what the gentleman voted for was to liberalize the definition of "immediate family" to expand it. What we tried to do was to bring it under control, first of all, by not voting for Senate Bill No. 1209 and then by asking the Governor to veto it. We did not go along with the expansion of the definition of "immediate family" as the gentleman who just spoke did in voting in favor of Senate Bill No. 1209.

I believe, Madam President, Senator Boscola introduced a resolution during this Session asking for the General Assembly and the Senate to come up with a resolve on the definition, not only of "immediate family," but also to take into consideration the 1-percent provision.

Madam President, I realize this may not be the best way of getting it done, and perhaps if we had some time, or if the Majority party gave us some additional time, we could put this bill over until we come back and we then could come up with the proper type of provision not only to address the consideration of "immediate family," but also to address the consideration of the 1 percent. I believe and have felt all the while that it was important that the Attorney General have the opportunity to conduct an investigation under RICO. That was not even a question. The unfortunate thing is, Madam President, the way it was presented this past summer, and with the way the coalitions developed, did not give us on a bipartisan basis, Democrats and



Republicans, the opportunity to bring that about. However, the opportunity is now. Now we have the opportunity to address the issue with "immediate family" so that our parents or siblings would not have the opportunity to own 1 percent of a facility, or any percentage of a facility. It also would give us the opportunity to do away with the provision that would give a Member of the General Assembly, the Senate, for that matter, because the House has taken care of their matters by House rule, it would give the Senate the opportunity to make sure that no Member of this General Assembly would have the opportunity of voting 1 percent of a gaming facility.

I think Senate Bill No. 18 is in the right direction, but there is a lot more work that has to be done, and I hope when it leaves this body, that the House of Representatives will take Senate Bill No. 18, listen to the debate on the floor of the Senate here today, and perhaps rewrite the provisions in Act 71 dealing with "immediate family," rewrite the provisions of Act 71 dealing with the 1-percent ownership by the General Assembly, send it back to us so that we concur, and I am sure the Governor would sign it.

Thank you, Madam President.

The PRESIDENT. Senator, are you requesting that Senator Piccola have a deferment on the vote on this bill today?

Senator MELLOW. Madam President, I am not making that as a request, but if the Senator would want to put the bill over to give us the opportunity to come up with the proper type of language, obviously, we would support that, but I am not making that in the form of a request.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Brightbill has returned, and his legislative leave is cancelled.

The PRESIDENT. Senator Piccola, are we going ahead with the vote on this bill today?

Senator PICCOLA. Absolutely, Madam President. It is very rare that we have the opportunity for such a broad consensus to go forward. I think we need to vote this bill right away.

And the question recurring,  
Shall the bill pass finally?

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

YEA-45

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

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.

**SB 148 (Pr. No. 133)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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-45

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

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.

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

**SB 63 (Pr. No. 271)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

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

BILLS OVER IN ORDER

**SB 69, SB 86 and SB 124** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED**

Senators M. J. WHITE, C. WILLIAMS, EARLL, BOSCOLA, WONDERLING, KITCHEN, ERICKSON, GORDNER, PILEGGI, VANCE, TARTAGLIONE, MADIGAN, WENGER, BRIGHTBILL, FERLO, STOUT, RAFFERTY, TOMLINSON, COSTA, ORIE, FUMO, PIPPY, CONTI, THOMPSON, O'PAKE, LaVALLE, MUSTO, WAUGH, ROBBINS, RHOADES, JUBELIRER, GREENLEAF, REGOLA, MELLOW, LEMMOND and SCARNATI, by unanimous consent, offered **Senate Resolution No. 30**, entitled:

A Resolution designating the week of March 6 through 12, 2005, as "Girl Scout Week" 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, I would like to add to Senator White's resolution about Girl Scouts and make an announcement. The Girl Scouts of Southeastern Pennsylvania are participating in something called Operation Taste of Home. They are partnering with the USO to send boxes of Girl Scout cookies to our troops who are stationed overseas or who are preparing to be deployed, so you can match the Girl Scout cookies you buy with a contribution so that a box of Thin Mints or one of those other wonderful fattening cookies could be sent overseas to our troops. You can get involved with this by dialing 888-GSTREAT, or go on to the Web site [www.GSSP.org](http://www.GSSP.org). The deadline for getting involved with Operation Taste of Home is February 22, so if you are buying Girl Scout cookies, send some to our troops.

Thank you, Madam President.

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

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

Senators RAFFERTY, BRIGHTBILL, GORDNER and STACK, by unanimous consent, offered **Senate Resolution No. 31**, entitled:

A Resolution designating the month of February 2005 as "AMBUCS Visibility Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Madam President, I offer the following resolution to salute National AMBUCS Visibility Month, the month of February, in Pennsylvania. AMBUCS, an acronym for American Business Clubs, is a national civic organization of volunteers from all walks of the business life who donate

resources to help needy families, especially children who have physical disabilities that prohibit the movement of lower extremities. In cases where these children are afflicted with such debilitating diseases as cerebral palsy and spina bifida, AMBUCS provides Amtrykes to these children. Amtrykes are tricycles that are propelled by the child's upper limbs and provide the children with mobility and independence. Along with this program, AMBUCS also distributes scholarships to therapists, the project known as Living Endowment Fund Scholarships for Therapists, the largest single private source of educational grants for therapists in America. AMBUCS has provided over \$5 million to educate physical therapists, occupational therapists, speech pathologists, and hearing audiologists.

Madam President, I offer the resolution and ask my colleagues to vote in favor of the resolution to salute over 6,000 members nationwide of AMBUCS for their efforts on behalf of those physically disabled.

Thank you, Madam President.

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

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

Senators C. WILLIAMS, MELLOW, BRIGHTBILL, O'PAKE, STOUT, ERICKSON, CONTI, FERLO, THOMPSON, D. WHITE, TOMLINSON, WENGER, KASUNIC, ARMSTRONG, LaVALLE, BOSCOLA, ORIE, EARLL, KITCHEN, MUSTO, WOZNIAK, STACK, LOGAN, RAFFERTY, WONDERLING and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 32**, entitled:

A Resolution recognizing the week of February 13 through 19, 2005, as "National Child Passenger Safety Week" 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, we have many children in Pennsylvania and we cannot afford to lose even one, so it is our job as legislators through awareness education to protect Pennsylvania's children. I rise today to ask your support for declaring this week as National Child Passenger Safety Week in Pennsylvania. The focus of the 2005 campaign is on booster seats for children ages 4 to 8. Here in Pennsylvania we have Senator Mellow to thank for being the architect of the legislation that created a booster seat law. To further this law, I have offered legislation, and will again, to require all children under the age of 10 to ride in the rear seat of the vehicle if a rear seat is available.

During National Child Passenger Safety Week, it is imperative that each of us take time to remind parents and caregivers about the importance of child safety seats and safety belts. Motor vehicle crashes are the number one killer of children ages 2 to 14, according to the National Highway Safety Administration. This statistic clearly illustrates that there are too

many children at risk because they are not riding in child safety seats or booster seats. So, I hope you will join me in supporting this resolution and make sure our children are safe in their cars.

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.

Senators O'PAKE, KITCHEN, FERLO, THOMPSON, BRIGHTBILL, LOGAN, KASUNIC, MELLOW, MUSTO, TOMLINSON, BOSCOLA, STOUT, COSTA, CONTI, TARTAGLIONE, EARLL, LaVALLE, D. WHITE, ERICKSON, PILEGGI, RAFFERTY, WAUGH, LEMMOND, ORIE, ARMSTRONG, GREENLEAF, STACK and GORDNER, by unanimous consent, offered **Senate Resolution No. 33**, entitled:

A Resolution designating March 2005 as "Junior Achievement Month" in Pennsylvania.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Merv Hess, Mr. and Mrs. Daniel O'Shea, Mr. and Mrs. Stanley Hosler, Mr. and Mrs. Thomas Donnelly, Mr. and Mrs. Jean Butz, Mr. and Mrs. Joseph Commero, Mr. and Mrs. Glenn Runk, Jeffrey S. Bitner, Eric Foster Stewart, Cynthia Lynn Shirk, Oscar Emilio Lucret, Joseph Patrick Hockley, Garrett Saxton Otterbein and to Christopher J. Weaver by Senator Armstrong.

Congratulations of the Senate were extended to Warren Fenner, Frank Leary, Danny A. Youssef, Michael T. Ilch, Donna Sunday, Margaret Anderson, Theresa Hall, Gerald Walter Broniec, Steve Wilson, MaryEllen Shuman, Linda Harding, Paul Minnich, Dario Chavez, Eleanor G. Bierman, Kostas Kalogeropoulos, Robert C. Wood, Christopher Craig Reber, Tiffany Lee Brodt, Dr. Joseph C. Hartman, James P. Snyder II, Chuck Niclaus, Lehigh Valley Chapter of the Pennsylvania Society of Professional Engineers, Olympus America, National Association of Social Workers, Lehigh Valley Division, and the Fund to Benefit Children and Youth, Inc., by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel L. Zern, Sr., Florence Speck, Martha Mease Olt, Joseph A. Kalis, Michael R. Steiner, Wayne R. Weidner, Bobby Gerhart and to the Union Fire Company of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to Grant Coolbaugh, Dr. Francis V. Barnes, Joan Brown, Douglas William Tritton, Clark Gregory Bremble, William K. Weiner, Bernard John Krasnisky, John William Schaub and to Zachary Wilson by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. George S. Wray, Mr. and Mrs. Marvin R. Fultz, Reverend

Kenneth C. and Reverend Liane E. Wagner, Lynn C. Phillips, Mary Kay Miller, Kris A. Voigt, Courtney Wayne Rauch, Gayle Arbogast, Drew Curtin, Richard A. Snyder, Ryan Christopher Lis, Andrew David Markle, Vincent Carducci, Mae Ardrenna Kline, Lewistown Hospital, Morrisville 200 Bicentennial Committee volunteers, Millerstown Family Moose, Bellefonte Area High School Boys' Basketball Team and to the South Hills School of Business & Technology of State College by Senator Corman.

Congratulations of the Senate were extended to Alexander Baratta, Adam F. Frankel, Dennis Patrick Luther, Emma Kubasak Senkewitz, Christopher Driscoll and to Dan Kinney by Senator Costa.

Congratulations of the Senate were extended to William J. Steinfurth, Curtis L. Vaughn and to Andrew D. Lawlor by Senator Earll.

Congratulations of the Senate were extended to Daniel Myron Shegda, Kyle Simmons and to Matthew Richardson by Senator Erickson.

Congratulations of the Senate were extended to Henry Starr by Senators Erickson and Pileggi.

Congratulations of the Senate were extended to Christopher A. Lucke, Matthew McSparrin and to K-Kids of Fulton Academy of Pittsburgh by Senator Ferlo.

Congratulations of the Senate were extended to Honorable Thomasine Tynes, Honorable Augusta Alexander Clark, Willie Lee Nattiel, Jr., Bernard Hopkins, Daniel J. Hilferty and to Samuel Staten, Jr., by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Stellar, Mr. and Mrs. Robert Karnes, Mr. and Mrs. Vern Anderson, Mr. and Mrs. Richard Kelchner, Mr. and Mrs. Calvin Eisenhower, Mr. and Mrs. John Manning, Doris N. Beck, Honorable Robert Sacavage, Zachary J. Bytsura, Adam J. Moore, Julia Stanton, Alex James Neiderhiser, Raymond Edward Berlin, Orlando C. Scopelliti, Grier Wilt and to the Southern Columbia Area High School Football Team of Catawissa by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Allen Chapman by Senator Greenleaf.

Congratulations of the Senate were extended to Mabel Waters, Ola Mae Walker, Charles Norfleet, StarSpirit International, Inc., and the Temple University Pan African Studies Community Education Program and to the Philadelphia Chapter of the National Alliance of Black Social Workers, Inc., by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. John Conlon, Mr. and Mrs. Thomas McCarty, Mr. and Mrs. Alfred E. Woomer, Mr. and Mrs. George Gress, Mr. and Mrs. Lee Grimes, Mr. and Mrs. William Ebersole, Mr. and Mrs. Don Slack, Mr. and Mrs. Samuel Beard, Gerald Treece, Marjorie G. Ferry, Dorothy Speck, Cloe B. Shauf, Joseph Boozel, Rotary Club of Altoona, Rotary Club of Altoona-Sunrise, Rotary Club of Hollidaysburg, Rotary Club of Tyrone and to Our Lady of Mount Carmel Roman Catholic Church of Altoona by Senator Jubelirer.

Congratulations of the Senate were extended to Tyler Rockwell, David Ray Miller, David Wayne Kalp, Reverend

Robert Swope, Sr., Belinda Sirianni and to the Connellsville Area High School Wrestling Team by Senator Kasunic.

Congratulations of the Senate were extended to Robert Conn, Jesse C. Ross and to the Berean Institute of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Ashley Scarpa, George Taylor and to Charles R. Kubic by Senator Lemmond.

Congratulations of the Senate were extended to Elizabeth Gibbs Prater by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Jack Osman by Senator Logan.

Congratulations of the Senate were extended to the Triangle Bar and Grille of Swissvale by Senators Logan and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. James R. McGee, Mr. and Mrs. Keith C. Smith, Mr. and Mrs. Ralph Stahlnecker, Mr. and Mrs. William D. Davis, Mr. and Mrs. Richard Reeder, Mr. and Mrs. Ron Letcher, Mr. and Mrs. Milo Edkin, Mr. and Mrs. Melvin Joseph Diehl, Frank J. Concino, Jr., Benjamin D. Ranck, Steven A. Romano, Thomas H. DePue, Charles Barnes, Grace Schwab, Emmett Manchester and to the Red Rock Job Corps Center of Lopez by Senator Madigan.

Congratulations of the Senate were extended to Marian Harle, Kevin E. Pittack, Jr., Jack A. Trapani III, Jesse J. Kiefer, Michael Rowland, Jr., Justin Farber, Adam R. Chase, Joseph M. Alu and to Carmella Deprimo by Senator Mellow.

Congratulations of the Senate were extended to Thomas F. Wagner, Mallory Zoeller, Edward P. Murphy, Sr., Christopher J. Correll, Sophie A. Pelak, Honorable Joseph J. Carmody, John Hyder and to James L. Conlon, Jr., by Senator Musto.

Congratulations of the Senate were extended to Eunice and Albert Boscov, Robert Argood, Joseph P. Hetrick, Ryan J. Mikulsky, Shane M. Murr, Charles W. Seyfert, Jr., Richard Gernert, Kyle C. Udreia, Josephine Santilli Trois, Unity Day Celebration in Reading and Berks County, Boy Scout Troop 503 of Boyertown, Berks Arts Council of Reading and to Cub Scout Pack 333 of Mount Penn by Senator O'Pake.

Congratulations of the Senate were extended to Wendelynn J. Newton, Bruno Schwarz, Michael C. Glath, J. Kevin Shaffer, Reverend George W. Mendis, Reverend Richard Neumann, Sister Marguerite Kropinak, Michael L. Little, Patricia Bontempo, Victoria M. Trader, Robert Amelio, John Mertens, Honorable Guy A. Travaglio, Jr., David Machesney, Andrew Kaiser, Nolan Scot Kurtz, Brendan Reed Calhoun, Sister Candace Introcaso, Brandon R. Madeja, Graham M. Maxwell, Jeremy G. Corll, Kevin F. Allgaier and to Sue Owens by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Michael W. Rosenberger, Bishop Dr. A. E. Sullivan, Jr., Aubrey L. Watkins, Mildred N. Dixon, Barton A. Fields and to Susan J. Fritz by Senator Piccola.

Congratulations of the Senate were extended to Bryce Donald Kershaw and to Jonathan Andrew Mahler by Senator Pileggi.

Congratulations of the Senate were extended to the Rotary Clubs of Rotary International District 7450 by Senator Pileggi and others.

Congratulations of the Senate were extended to Kevin R. Hoch, Jeremy Adam Ackman, David Michael Grassi, Brendan

Michael Laffey, Adam Gary Altieri, Sean Michael O'Brien, David A. Rosner, Nicholas Chidiac, Ramon K. Paul, Don O. Johnson, Charles E. Banks, Raphael Bertrand, Theodore Hollot, Troy M. Sustich, Trent A. Sustich, Daniel P. Rice, Brian S. Gabriel, Christopher J. Tropeck, Jr., Kyle V. Helliari, Matthew J. Wilson, Thomas Chidiac and to Southwest Pennsylvania Odyssey of the Mind and the Moon Area School District by Senator Pippy.

Congratulations of the Senate were extended to David M. Wagner and to the Adams County Chapter of Trout Unlimited by Senator Punt.

Congratulations of the Senate were extended to Ryan Lewis LaBella, Dr. Glenn G. Miller, Stephen J. Hurley and to the Rotary Club of Blue Bell by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. John Noel, Charles D. Hagy, Christopher Hone, BreAnn Decesere, Kristen Dominik and to Kevin Kacvinsky by Senator Regola.

Congratulations of the Senate were extended to Jason Richard Walter by Senators Regola and Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Buehrer, Lillie Kauffman, John Tracy, Kyle V. Boczkowski, Mary Catherine Troutman, Albert L. Gricoski, William Gaydos, Joan Albo and to the St. Clair American Legion Post 719 Color Guard by Senator Rhoades.

Congratulations of the Senate were extended to James DeCapua, Bernard Scully, George H. Freeman, Joshua Thomas Clark and to David R. Cummings by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Ray S. Walker, Mike Johnston, Nancy Hallman, Erick Butters, Justin Barraclough, James Burkholder, Raymond McMahon, James Kmetz, Benjamin Kmetz, Mike Piccirillo and to O-I Crenshaw of Brockport by Senator Scarnati.

Congratulations of the Senate were extended to Caroline Walsh, Jeffrey B. Hutt, Christopher Trott, Daniel E. Marcus, Jared Dashoff and to Thomas Myers, Jr., by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Weber, Jr., Mr. and Mrs. Walter Magera and to Mr. and Mrs. Thomas Chappel by Senator Stout.

Congratulations of the Senate were extended to Thomas Myers, Jr., Christopher Trott, Daniel H. Polett and to James A. Williams by Senator Tartaglione.

Congratulations of the Senate were extended to Honorable Curt Schroder, James E. McErlane, Tiffany Stellmacher, Alma Coats, Paul Koffer, David Victor DiMonte, Richard Ashenfelter and to Conestoga High School by Senator Thompson.

Congratulations of the Senate were extended to Alex Reiff, Ebinoluwa Akinwande, Jonathan Webster, Bristol Lodge No. 25, Free and Accepted Masons, of Bristol, and to the Sisters of the Blessed Sacrament of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Honorable James C. Greenwood and to James J. McCaffrey III by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Zenuch, Mr. and Mrs. Marlet Hughes, Mr. and Mrs. Winslow Brown, Mr. and Mrs. Ivan A. Bortner, Mr. and Mrs. John Kambic, Mr. and Mrs. Robert Eisenhauer, Jerald W. Price, Scott B. Carbine, Paul T. Devlin, Zechariah Seilhamer, Kyle W.

Horne, Richard S. Dougherty, Timothy Peterson, Bruce J. Szczypta, June L. Shomaker, Jordan Robert Berrian and to the Hampden Township Civic Club by Senator Vance.

Congratulations of the Senate were extended to Nathan Gentzler, David Markle, Roy Gentzler, Nathan L. Patterson, Kelby L. Patterson, Aaron L. Patterson, G. Ellis Crowl, Dale Hamme, Brenda Miller, Steve Rinehart, Robert Sells, Karin Swartz, Warren Krout, Sr., Fran Doll, Larry Hollingshead, Chad Keese, William G. Kurtz and to the White Rose Senior Center of York by Senator Waugh.

Congratulations of the Senate were extended to Steve Berkley, Aaron Michael Slater and to Shannon Hickey by Senator Wenger.

Congratulations of the Senate were extended to Luke F. Brubaker by Senators Wenger and Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Vernon K. Lightner, Mr. and Mrs. Wesley Bowser, Mr. and Mrs. Wilbur Bowser, Mr. and Mrs. Harold Wilhelm, Mr. and Mrs. Casper Tartalone, Mr. and Mrs. Carl Cessna, Mr. and Mrs. Clair Gamble, Darren James Dalton, Guy Haberl, Brian Lee Chelko, Andrea Bumbarger, Lloyd McCombs and to the Curwensville Area High School Football Team by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Earl E. Weaver, Douglas P. Orloski, Jr., Charles N. Malis, Dr. Robert Luderer, Dave Trimpey, Ryan C. Gardinier, Raymond Shield, Kyle Wise, Indian Rock Farm of Chandler's Valley, Crooks Clothing Company of Clarion, Car Mate Trailers, Inc., of Leeper, Quality Inn & Suites of Clarion and to C-93 Radio 13 of Clarion by Senator M.J. White.

Congratulations of the Senate were extended to Chima Murphy Orji by Senator A.H. Williams.

Congratulations of the Senate were extended to Russell J. Bono, Swedeland Volunteer Fire Company No. 1 and to the United Methodist Church of Bala Cynwyd by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Manfred Marschewski, Beulah Clewell Shook, Joseph W. Blewett, Emma Stahl, Andrew P. Little and to Joseph L. Kirschner by Senator Wonderling.

Congratulations of the Senate were extended to Alfredean Jones by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. John Askey, Seth Bungard, William T. Lusk, Troy A. Carl, Russell Farabaugh, Ron Budash, Downtown Lock Haven Rotary Club, Rotary Club of Lock Haven, Renova Rotary Club and to the Rotary Club of Mill Hall by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Aloysius V. Marhefka by Senator Boscola.

Condolences of the Senate were extended to the family of the late Brett D. Swank by Senator Gordner.

Condolences of the Senate were extended to the family of the late Ronald Morgan Sharpe by Senator Hughes.

Condolences of the Senate were extended to the family of the late Leon H. Reed by Senator Lemmond.

Condolences of the Senate were extended to the family of the late Andrew William Machamer by Senator Madigan.

Condolences of the Senate were extended to the family of the late MaryJane Berry, to the family of the late Marjorie Kobert, to the family of the late John F. Hertz, to the family of the late Mary F. Skundrich, to the family of the late David Zoelle and to the family of the late Gertrude Smith Schaugency by Senator Orie.

Condolences of the Senate were extended to the family of the late Jimmy Smith by Senator C. Williams.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Marian Anderson was extended to the family by Senator Fumo.

A posthumous citation honoring the late Sara R. Pickelner was extended to the family by Senator Madigan.

### PETITIONS AND REMONSTRANCES

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

The PRESIDENT pro tempore. Madam President, I rise to make comments on the recent doings in the mayor's office in Philadelphia regarding the issue of a prisoner who is commonly known as Mumia. Madam President, as I read the article and as I listened to the reports, I cannot tell you how offended I was as a citizen of this Commonwealth as to what took place on that day. Madam President, it appears that a French delegation with an agenda to make this part of the day in Philadelphia, and to be welcomed into the mayor's office by someone who not only welcomed them as they said that this was a tragedy in the criminal justice system, that Mumia should be freed. Mumia is someone who shot Officer Faulkner in the head at point-blank range, was convicted by a trial of his peers, had his appeals dealt with, and is still trying to appeal to be let out of prison.

Madam President, the irony of it is, and perhaps the most offensive, repugnant, disgusting thing that offended me was that the mayor's representative presented each of these folks with a replica, of all things, of the Liberty Bell.

Madam President, I intend to introduce a resolution condemning this action, asking the mayor to fire this person, calling on the Governor to take a position against this as well, and all other public officials to speak out against an assault on the criminal justice system, an assault on the law enforcement community of the city of Philadelphia, and frankly, affecting all law enforcement people and calling on them to reject this kind of activity by those who come to make this kind of plea to someone who killed a police officer in cold blood. And what are we hearing? That they are going to name a street in France after Mumia, and that there will be a delegation from City Hall that will be going over to France to commemorate this.

Madam President, I do not know what the truth and the facts are, it is only what I read and it is only what I hear as reported by

the media, but I must tell you, Madam President, if it even resembles any part of the truth and if what did take place is indeed factual, then I think it is imperative that we speak up as a body and urge the rejection of such an atrocious action on the part of those who would take part and represent themselves as part of the mayor's office in the city of Philadelphia. I am led to believe that Mayor Street privately called Mrs. Faulkner and apologized, but has yet to make a public apology or fire the individual or discipline the individual or take any action against the individual who invited these so-called people in to make their case and issue their propaganda and propagate the kind of filth that I think was done in the mayor's office this week.

Madam President, obviously, I feel pretty passionate about this. I am very offended, and I think most people in the Commonwealth of Pennsylvania would be, too. I have read that this has become a cause celebre, and that there are celebrities in Hollywood and elsewhere who believe perhaps as these French people do, but I think that the people of Pennsylvania can rest assured that there was a fair trial, that a policeman was murdered in cold blood, and the people of Pennsylvania had every right to try Mumia, who was convicted in a fair and honest trial by a jury of his peers.

So, Madam President, we are breaking for Appropriations hearings, but when we come back, there will be a resolution that I intend to introduce, and I hope that every Member of the Senate can find reason to join with me in condemning such an atrocious action that just took place.

Thank you, Madam President.

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

Senator STACK. Madam President, I wanted to speak today about the crisis facing hundreds of thousands of Pennsylvanians who depend on mass transit for work, doctors' visits, and other transportation needs. I had a chance to meet yesterday with a group of transit advocates and they braved the elements to discuss an issue that they care deeply about. Yesterday, we partially addressed their concerns by passing legislation to help cover the operating deficits of mass transit systems. The legislation we passed yesterday is a good start, but it is not a long-term solution. As public servants, we have an obligation to work for a long-term funding solution for the hundreds of thousands of people, many of them senior citizens, who have no alternatives to public transportation.

The message I heard clearly, and that I wholeheartedly agree with, is that we need to act and we need to act now on a long-term funding solution for mass transit. Kids who need to get to school are counting on us. Seniors who need to get to doctor appointments and church and social visits are counting on us. Workers who need to get to their jobs are counting on us. Employers who depend on their employees everyday are counting on us. Drivers who do not want to see increased traffic on congested highways are counting on us. All of those who depend on clean air to breathe are counting on us. They are counting on us to get the job done and find a dedicated source of funding for the mass transit programs across the Commonwealth. Of the 350,000 workers in center city Philadelphia, 70 percent take mass transit to get to work. That is just one massive statistic, Madam President. We are talking about more than 400 million

rides all over this State during fiscal year 2002-03.

Now, some of my colleagues think we need to look at the larger transportation picture, including funding for roads and bridge projects, that we cannot do anything unless we do that. Now, I represent a district with some major road improvement needs, so I think I know better than most of the importance of a comprehensive transit solution. There is no doubt that we need to maintain our support and commitment for road improvement projects across this State. I am committed, you can count on me, but I am standing here today to say a long-term, dedicated source for mass transit funding must be addressed and must be addressed now. If we do not answer the plea of hundreds of thousands who are counting on us to address this crisis in mass transit, including the thousands who visit our Capitol, then we are simply shirking our responsibility. Mass transit is vital to our economy. It allows many seniors to maintain independent lives, and it helps us to preserve our environment. Our transit system is vital to all of us here in Pennsylvania. It does not matter if you ride a bus or train or not, it belongs to all of us. If our State is going to get out of the bottom in every ranking on economic development, then we have to solve this problem. I am here to say that I want to work with my colleagues on both sides of the aisle and with the Governor, and I think if we work together, we can get this problem solved for all Pennsylvanians.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, a resolution of mine passed this body about an hour ago, and I would just like to offer some comments, if I might.

Madam President, today we did pass a resolution unanimously declaring March 6, 2005, as "Lymphedema D-Day" in Pennsylvania. Lymphedema is an accumulation of lymphatic fluid that causes swelling in various parts of the body and creates disfigurement in both men and women. This disease usually occurs, in more cases than not, in those who have suffered from cancer of one form or another. So, if you are a cancer patient, you literally get hit with this double whammy. It is a terrible condition that many Pennsylvanians currently live with, and it is an unfortunate fact that currently there is no long-term cure for lymphedema, and that is why I was glad that my colleagues joined me in making March 6 "Lymphedema D-Day."

And also, Madam President, I would like to take this time to acknowledge an individual who works in my office, Donna Stchur, who brought this matter to my attention. Indeed, her mother, Theresa Lynch, has been battling this disease for well over 10 years. So, again, thank you, Madam President, for the time to offer these remarks.

## RECESS

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

Senator PICCOLA. Madam President, I move the Senate do now stand in recess until Monday, March 14, 2005, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 2:12 p.m., Eastern Standard Time.