

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, APRIL 19, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 23

**SENATE**

TUESDAY, April 19, 2005

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 JAMES REITZ, of St. James Presbyterian Church, Mechanicsburg, offered the following prayer:

Please join with me in prayer.

Gracious and loving God, we gather in Your presence on this wonderful day. We give You thanks for the gift of the beauty of this day, for the warmth after the time of a cold season, for the beauty that we see, and the flowers that are around us. As we gather, may they remind us of Your power and Your presence in our world and in each of our lives.

Today we pray for this body as they seek to carry out deliberations, and we thank You for their willingness to serve. May Your spirit be present in this place, and may You guide them as they seek to carry out the work of this wonderful State. Be with them, be with all who lead us, with all who seek to help us as we endeavor to be Your faithful people. May we, O God, always remember that we are called to care and love one another, so may we seek to carry that out in all that we do and all that we say. We pray this in the name of Jesus, our Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Reitz, who is the guest today of Senator Vance.

**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 April 18, 2005.

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

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of Stephanie Moore, (Public Member), 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice John Dolan, Indiana, resigned.

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

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice John Berrier, Allentown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF ALLENTOWN STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice L. Jack Bradt, Easton, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE CORONERS'  
EDUCATION BOARD

April 19, 2005

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 December 21, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified, vice Isidore Mihalakis, M.D., Bethlehem, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF COSMETOLOGY

April 19, 2005

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 February 11, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, 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 Franklin Schoeneman, Pottsville, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 3, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2010, or until his successor is appointed and qualified, vice The Honorable Sam E. Hayes, Jr., Warriors Mark, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 31, 2005, for the appointment of Nora Peterman, (District 1), 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Pennsylvania Game Commission, to serve until June 9, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Gilford, Lickingville, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

April 19, 2005

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 December 8, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert D. Duggen, Indiana, deceased.

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

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
CAMBRIA COUNTY

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 31, 2005, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January 2006, vice The Honorable Thomas A. Swope, Jr., mandatory retirement.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
LABOR RELATIONS BOARD

April 19, 2005

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 February 11, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2007, and until her successor is appointed and qualified, vice John Markle, Jr., Exton, deceased.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Frances Cohen-Knoerdel, Venetia, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Dale M. Miller, Bridgeville, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 7, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice James Irrgang, Murrysville, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE PLANNING BOARD

April 19, 2005

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 December 10, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Planning Board, to serve until June 8, 2008, and until her successor is appointed and qualified, vice Dennis Puko, Farrell, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE  
BOARD OF PSYCHOLOGY

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 3, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Stephen A. Ragusea, Port Matilda, resigned.

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

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 7, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dina Lomas, Bethlehem, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF TORRANCE STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Robert Ferguson, Blairsville, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Thomas Fee, New Castle, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Joseph Fragle, Sharon, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Butler County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Joseph Macurak, Chicora, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE CLARION COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Dorothy Ostrander, Lebanon, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE LEBANON COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Lebanon County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Joyce Dissinger, Lebanon, resigned.

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

EDWARD G. RENDELL  
Governor

DISTRICT JUSTICE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 13, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-3-13, to serve until the first Monday of January 2006, vice Daniel R. Diven, deceased.

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

EDWARD G. RENDELL  
Governor

## DISTRICT JUSTICE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 5, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as District Justice, in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January 2006, vice Anthony A. Lapinto, deceased.

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

EDWARD G. RENDELL  
Governor

## BILLS REPORTED FROM COMMITTEES

Senator RAFFERTY, from the Committee on Law and Justice, reported the following bills:

## SB 438 (Pr. No. 461)

An Act providing for law enforcement officer residency requirements.

## SB 462 (Pr. No. 707) (Amended)

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

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

## SB 140 (Pr. No. 127)

An Act relating to crane operator licensure; creating the State Board of Crane Operators; conferring powers and imposing duties; making an appropriation; and imposing penalties.

## SB 198 (Pr. No. 190)

An Act prohibiting a deceptive business practice in the floral industry; and providing for a private cause of action.

## SB 450 (Pr. No. 473)

An Act prohibiting price gouging; and imposing penalties.

## LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Punt.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Punt. Without objection, the leave will be granted.

## CALENDAR

## SB 158 CALLED UP OUT OF ORDER

SB 158 (Pr. No. 704) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 158 (Pr. No. 704) -- The Senate proceeded to consideration of the bill, entitled:

An Act adding a certain portion of the Bayfront Parkway in the City of Erie, Erie County, to the State Highway System, and transferring to the City of Erie a certain State road.

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-47

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

## NAY-0

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

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

SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR PATRICIA H. VANCE  
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Madam President, in addition to my minister, Reverend Jim Reitz, I am very pleased to welcome the Pennsylvania State Cheerleading Champions in the Elementary Division, the Cumberland Valley Pony Eagle Cheerleading Squad. In addition, they placed first in the American Youth National Grand Championship and in the Atlantic Youth National Championship.

Please let us welcome them to the hall of the Senate.

The PRESIDENT. Will the Cumberland Valley students please rise so we can give you a nice warm welcome.

(Applause.)

Senator VANCE. Madam President, I also have the Cheer Tyme Pee Wee All-Star Division Team, the Cheer Tyme Junior All-Star Division Team, and the Cheer Tyme Small Senior All-Star Division Team. Would they all please rise.

The PRESIDENT. Will all of you please rise.

(Applause.)

#### **GUESTS OF SENATOR ROBERT C. WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, it is my great pleasure and delight to introduce two students who are part of our first quarter Wondership Program doing research out of our Easton office in the Northampton County portion of our district. It is indeed a pleasure to first recognize Todd Palo, who is a senior at Lafayette College studying government and law and politics, and has already accepted gainful employment in Washington, D.C. Todd has been doing considerable research on how the cable industry prices their product, not only here in the Commonwealth of Pennsylvania but points beyond. He did a stellar job for us.

He is joined today by a junior from Lafayette College, Tara Walsh, who is studying government and law and Spanish and aspires to be a practicing attorney. She has spent her time in our office researching the possibilities of engaging retired teachers as cyber tutors in support of our public education system.

So, Madam President, I ask that we offer a warm welcome to both Todd and Tara.

The PRESIDENT. Would our two students please rise so we can recognize you.

(Applause.)

#### **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 pleasure to introduce the Upper Darby High School Varsity Cheerleading Squad, who captured the Pennsylvania State Championship in the Medium Varsity Division, which was held in Johnstown. Aside from winning the Pennsylvania State Championship, they won their third consecutive UCA Northeast Regional Title, which qualified them for the UCA National High School Championship in Orlando, Florida. At the national championship, the Royals made the final round of competition for the second consecutive year. Locally, the squad has placed first at the Keystone Cheerleaders Annual Winter Championship and the Wild Cat/Blue Devil Cheerleading Challenge at Villanova.

Members of the squad are Nicole Baselice, Arianna Carbino, Alisha Ceriale, Kelly Conboy, Kirsten Crisp, Brittany Cunningham, Kim Foster, Brytnee Harmer, Courtney Hartel, Tara Lassiter, Erin Manly, Lauren O'Donnell, Caitlin Reale,

Brianna Sfmurri, Taylor Sharkey, and Jenn Smith. They are here with their coaches, Nichole Romesburg, Michelle DeLiberty, Jennifer Fusaro, and also some of the parents. I ask for a warm welcome for this outstanding group of individuals.

The PRESIDENT. Will the Upper Darby Cheerleaders please rise so we can give you a nice round of applause.

(Applause.)

#### **GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE**

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

Senator CORMAN. Madam President, unfortunately, due to an athletic event, my guests had to go home because we got a late start here today, but the Newport High School Varsity Cheerleading Squad was here for a while. They captured the Pennsylvania State Cheerleading Championship in the Small Varsity Division last November. With us today was head coach, Christa Snyder, along with the squad which includes Sara Gochenaur, Megan Keefer, Jenna Mitchell, Aleisha Smith, Jessica Keefer, and Amanda McMillen. Unfortunately, they had to leave, so we will not have to give them a hand, but I just wanted to make note of their great success this year and their State championship.

Thank you, Madam President.

The PRESIDENT. Let us all give a round of applause to the Newport High School Cheerleading Squad.

(Applause.)

#### **GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Madam President, I rise to ask you to recognize several families who are seated in the gallery and who have traveled to Harrisburg today to witness the Senate's consideration of a resolution I am offering, along with 23 other colleagues, which designates the month of May 2005 as "Tuberous Sclerosis Complex Awareness Month" in Pennsylvania.

Seated in the gallery are Peter and Sharon Stachelek and their three children, Tamara, 6, Allyson, 3, and Nathaniel, 2, as well as Peter and Sharon's parents, Connie Stachelek and Stan and Letty Stauffer. The Stachelek family, who lives in Chalfont, Senator Conti's district, has a strong interest and desire in bringing greater public awareness to the residents of Pennsylvania about a rare genetic disorder called Tuberous Sclerosis Complex, or TSC, which is easier to pronounce.

Their daughter, Tamara, was diagnosed with TSC at 21 months of age. She is now 6 years old and takes medication to help control her seizures and receives various forms of therapy. Peter and Sharon have formed Team Tamara, a nonprofit association to help raise awareness of TSC and fund research. Like many of you, I had never heard of TSC, that is until last year when one of my constituents, Letty Stauffer, the grandmother of Tamara, contacted my office about this genetic disorder and her desire to raise public awareness about this disease on behalf of her granddaughter.

With that, I would now like to ask the Senate to give its usual warm welcome to my guests, the Stachelek family and Stauffer family.

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

(Applause.)

Senator GREENLEAF. Madam President, I also would like to take this opportunity to introduce Ann Elizabeth Barton. During the 2004-05 school year, she has served in my office as a legal intern and is a third year law student at the Dickinson School of Law and will be graduating in May. She is from Doylestown, Bucks County, and did her undergraduate studies at Mount Saint Mary's College in Maryland. While working in my office as a part of Dickinson's field placement program, Ann has been a great help to me, my staff, and the Committee on Judiciary. I would like to take this opportunity to thank her for a job well done.

The PRESIDENT. Will Ann Barton please rise so we can give you a nice round of applause.

(Applause.)

### SENATE RESOLUTION ADOPTED

Senators GREENLEAF, BRIGHTBILL, O'PAKE, COSTA, THOMPSON, LaVALLE, STOUT, BOSCOLA, ARMSTRONG, CONTI, EARLL, MUSTO, KITCHEN, FERLO, TARTAGLIONE, ERICKSON, LEMMOND, RAFFERTY, PIPPY, SCARNATI, ORIE, STACK, TOMLINSON and KASUNIC, by unanimous consent, offered **Senate Resolution No. 86**, entitled:

A Resolution designating the month of May 2005 as "Tuberous Sclerosis Complex Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Madam President, TSC, as I have indicated, is a rare genetic disorder that causes tumor growth in vital organs such as the brain, kidneys, heart, eyes, lungs, and skin. TSC commonly affects the central nervous system and results in a combination of symptoms including seizures, developmental delay, behavioral problems, skin abnormalities, and kidney disease. The name tuberous sclerosis comes from the characteristic tubor, or root-like, growths in the brain that calcify with age and become hard or sclerotic. This genetic disorder, once known as Bourneville's disease, was first identified by a French physician more than 100 years ago. TSC affects 1 in 6,000 babies in our country, and does not discriminate by race or gender. The Tuberous Sclerosis Alliance estimates that 50,000 Americans and 1,000,000 individuals worldwide have TSC. It is caused by a genetic mutation, either inherited or spontaneous. In the Stachelek's case, it was spontaneous.

TSC is the largest known genetic cause of epilepsy, and the second largest identifiable genetic cause of autism. It frequently goes undiagnosed because of the obscurity of the disorder and the mild form that the symptoms may take. There is currently no

cure for TSC, although treatment is available for a number of the symptoms. The National Institute of Neurological Disorders and Stroke is studying this disorder, which may one day lead to new avenues of treatment, methods of prevention, and ultimately a cure.

Early detection of TSC has the potential to reduce developmental delay. Greater public awareness and education about TSC is necessary to ensure early detection of and proper treatment for this genetic disorder, which is why I am offering this resolution today.

With that, I would appreciate your support for the adoption of this resolution that will designate the month of May 2005 as "Tuberous Sclerosis Complex Awareness Month" in Pennsylvania.

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.

### 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 meeting of the Committee on Finance, to be held in the Rules room, to be followed by a meeting of the Committee on Rules and Executive Nominations, to be followed by a Republican caucus. I expect that we will not be back on the floor until about 4 o'clock.

The PRESIDENT. Senator Brightbill requests a recess for meetings of the Committee on Finance and the Committee on Rules and Executive Nominations, to be followed by a Republican caucus.

The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Madam President, I call for a Democratic caucus immediately following the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For meetings of the Committee on Finance and the Committee on Rules and Executive Nominations, to be followed by Republican and Democratic caucuses, without objection, the Senate will stand in recess.

### AFTER RECESS

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

### CONSIDERATION OF CALENDAR RESUMED

#### BILLS OVER IN ORDER

**SB 1** and **SB 86** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 124 (Pr. No. 703)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for applicability of certain provisions relating to equitable division of marital property in divorce actions; and making a related repeal.

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-47

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

BILL OVER IN ORDER

SB 143 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 151 (Pr. No. 137) -- The Senate proceeded to consideration of the bill, entitled:

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

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-47

Armstrong	Hughes	Piccola	Thompson
Boscola	Jubelirer	Pileggi	Tomlinson
Brightbill	Kasunic	Pippy	Vance
Conti	Kitchen	Punt	Waugh

Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald
Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fumo	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	Wozniak
Greenleaf	Orie	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.

BILL OVER IN ORDER

SB 196 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 248 (Pr. No. 705) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 11, 1967 (P.L.205, No.69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending the date for validation of certain conveyances and other instruments.

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-47

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

## BILL AMENDED

**SB 300 (Pr. No. 312)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARMSTRONG offered the following amendment No. A0875:

Amend Title, page 1, line 2, by striking out "exempting contributions from taxation" and inserting: providing for special tax provisions Amend Sec. 2, page 1, line 10, by inserting after "extend": special tax provisions

Amend Sec. 2, page 1, line 13, by inserting a period after "223"

Amend Bill, page 1, lines 13 through 16; page 2, lines 1 through 6, by striking out "exemption from State income tax." in line 13, all of lines 14 through 16, page 1 and all of lines 1 through 6, page 2 and inserting:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account beneficiary." As defined in section 223(d)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(d)(3)).

"Excess contribution distribution." A distribution described in section 223(f)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(f)(3)). The term shall not include amounts of income attributable to such distribution.

"Health insurance policy." An individual or group health, sickness or accident policy or subscriber contract or certificate issued by an entity subject to any one of the following:

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.

(4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

"Health savings account." As defined in section 223(d) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(d)).

"Qualified medical expenses." As defined in section 223(d) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(d)).

Section 4. Special tax provisions.

(a) General rule.—The following shall be excluded from taxation under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971:

(1) any contribution to a health savings account by an account beneficiary or the employer of that account beneficiary that conforms to section 223(a) and (b) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(a) and (b));

(2) any income of a health savings account;

(3) any amount paid or distributed out of a health savings account that is used exclusively to pay the qualified medical expenses of the account beneficiary; and

(4) any amount paid or distributed out of a health savings account that is used exclusively to reimburse an account beneficiary for qualified medical expenses.

(b) Taxable distributions.—The following shall be included in the income of the account beneficiary and shall be subject to taxation under Article III of the Tax Reform Code of 1971:

(1) Any amount paid or distributed out of a health savings account that is used for any purpose other than to pay the qualified medical expenses of the account beneficiary.

(2) Any excess contribution distribution that has not previously been included in the account beneficiary's income.

(3) Any amount of the account beneficiary's income attributable to an excess contribution distribution.

Amend Sec. 4, page 2, line 7, by striking out "4" and inserting: 5

Amend Sec. 4, page 2, lines 19 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages and inserting Section 6. Applicability.

Section 4 shall apply to taxable years beginning after December 31, 2004.

Amend Sec. 5, page 3, line 3, by striking out "5" and inserting: 7

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 486 (Pr. No. 525)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Township of Upper Dublin, Montgomery County, being conveyed by the township in return for the imposition of Project 70 restrictions on certain lands being conveyed to the township.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I understand that the gentleman conveying the land to the Commonwealth of Pennsylvania happens to be named John Wozniak. I do not know John Wozniak, I never met John Wozniak, and I have no property in Montgomery County. I just want to get that on the record.

Thank you.

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

Senator BRIGHTBILL. Madam President, who was the prior speaker?

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

Senator FUMO. Madam President, we will have to ask his wife.

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-47

Armstrong	Hughes	Piccola	Thompson
Boscola	Jubelirer	Pileggi	Tomlinson
Brightbill	Kasunic	Pippy	Vance
Conti	Kitchen	Punt	Waugh

Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald
Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fumo	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	Wozniak
Greenleaf	Orie	Tartaglione	

NAY-0

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

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

**SB 596 (Pr. No. 616)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements thereon situate in the Borough of Ambridge, Beaver County.

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-47

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

**SB 62 (Pr. No. 406)** -- 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.

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

BILLS OVER IN ORDER

**SB 70 and SB 197** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

**SB 327 (Pr. No. 339)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for reimbursement of certain school district mailing expenses; and making an appropriation.

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

BILLS OVER IN ORDER

**SB 386, SB 392 and SB 393** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

**SB 507 (Pr. No. 684)** -- 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 the scholarship organization educational improvement tax credit programs.

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

**SB 607 (Pr. No. 639)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006.

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

REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by

His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD**

January 4, 2005

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, Roy E. Smith, M.D., 2924 Westwood Estate Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Mary Simmonds, New Cumberland, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS**

January 4, 2005

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, James E. Miller, Jr., NHA, 1738 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period., vice Robert H. Morrow, Newtown Square, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE ADVISORY  
COMMITTEE ON PROBATION**

January 4, 2005

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William E. Moore, 379 Birdsong Way, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

EDWARD G. RENDELL  
Governor

***NOMINATIONS LAID ON THE TABLE***

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

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

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

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

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of Stephanie Moore, (Public Member), 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice John Dolan, Indiana, resigned.

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

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice John Berrier, Allentown, resigned.

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

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of Allentown State Hos-

pital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice L. Jack Bradt, Easton, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE CORONERS'  
EDUCATION BOARD

April 19, 2005

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 December 21, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified, vice Isidore Mihalakis, M.D., Bethlehem, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 3, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2010, or until his successor is appointed and qualified, vice The Honorable Sam E. Hayes, Jr., Warriors Mark, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

April 19, 2005

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 December 8, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert D. Duggen, Indiana, deceased.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Frances Cohen-Knoerdel, Venetia, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Dale M. Miller, Bridgeville, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 7, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice James Irrgang, Murrysville, whose term expired.

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

EDWARD G. RENDELL  
Governor

## MEMBER OF THE STATE PLANNING BOARD

April 19, 2005

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 December 10, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Planning Board, to serve until June 8, 2008, and until her successor is appointed and qualified, vice Dennis Puko, Farrell, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE  
BOARD OF PSYCHOLOGY

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 3, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Stephen A. Ragusea, Port Matilda, resigned.

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

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 7, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dina Lomas, Bethlehem, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF TORRANCE STATE HOSPITAL

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 20, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Robert Ferguson, Blairsville, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Thomas Fee, New Castle, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Joseph Fragle, Sharon, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Butler County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Joseph Macurak, Chicora, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE CLARION COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Dorothy Ostrander, Lebanon, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE LEBANON COUNTY  
BOARD OF ASSISTANCE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Lebanon County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Joyce Dissinger, Lebanon, resigned.

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

EDWARD G. RENDELL  
Governor

DISTRICT JUSTICE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 13, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-3-13, to serve until the first Monday of January 2006, vice Daniel R. Diven, deceased.

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

EDWARD G. RENDELL  
Governor

DISTRICT JUSTICE

April 19, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 5, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as District Justice, in and for the County of Clarion, Magisterial District 18-3-01, to serve until the first Monday of January 2006, vice Anthony A. Lapinto, deceased.

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD

January 4, 2005

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, Roy E. Smith, M.D., 2924 Westwood Estate Drive, Erie 16506, Erie County, Forty-ninth Senatorial District,

for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Mary Simmonds, New Cumberland, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS

January 4, 2005

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, James E. Miller, Jr., NHA, 1738 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period., vice Robert H. Morrow, Newtown Square, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE ADVISORY  
COMMITTEE ON PROBATION

January 4, 2005

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William E. Moore, 379 Birdsong Way, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

EDWARD G. RENDELL  
Governor

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

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

YEA-47

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

### UNFINISHED BUSINESS BILL REPORTED FROM COMMITTEE

Senator EARLL, from the Committee on Finance, reported the following bill:

#### SB 157 (Pr. No. 708) (Amended)

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.

### RESOLUTIONS REPORTED FROM COMMITTEE

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

#### SR 82 (Pr. No. 701)

A Resolution designating the month of May 2005 as "Beef Month" in Pennsylvania.

#### SR 83 (Pr. No. 702)

A Resolution designating the month of May 2005 as "Community Action Month" in Pennsylvania.

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

### SENATE RESOLUTIONS ADOPTED

Senators STACK, BOSCOLA, KITCHEN, THOMPSON, BRIGHTBILL, FERLO, STOUT, ERICKSON, MELLOW, WONDERLING, WENGER O'PAKE, CONTI, COSTA, PILEGGI, WOZNAK, MUSTO, SCARNATI, GREENLEAF, D. WHITE, RAFFERTY, LOGAN, TARTAGLIONE, C. WILLIAMS, ARMSTRONG, ORIE, LEMMOND and LaVALLE, by unanimous consent, offered **Senate Resolution No. 87**, entitled:

A Resolution designating the week of April 30 through May 7, 2005, as "SAFE KIDS Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

*(The following prepared remarks were made a part of the record by the gentleman from Philadelphia, Senator STACK:)*

Madam President, I rise today to offer a resolution designating the week of April 30 through May 7 as "Safe Kids Week" in Pennsylvania.

Since its founding, our nation has been rich in resources. However, our greatest national asset has always been and will continue to be its children. Bright, healthy children grow into adults and carry on the tradition of making this country greater with each generation.

A country committed to greatness cannot afford to lose a single child, and yet, each year more than 5,000 children are killed by unintentional injuries. The fact is, the number one killer of children under 15 is unintentional injury. These children are killed in falls, automobile crashes, fires, and by drowning or choking. No matter the cause, the fact remains that these injuries are preventable.

Through new safety technologies and parent education, this country has cut the child mortality rate from unintentional injury by 40 percent in the last 15 years. Despite this effort, injuries still claim more young lives than any other cause or disease. In addition, over 90,000 children each year are permanently disabled by unintentional injury.

Clearly, there is still more work to be done. The U.S. Surgeon General tells us that up to 90 percent of childhood injuries could be prevented through universal use of child safety seats, bicycle helmets, poison control education, smoke and carbon monoxide alarms, pool alarms, and pool fences. As part of "Safe Kids Week," the Pennsylvania Safe Kids Coalition and 41 local chapters will sponsor car seat checkups and awareness events throughout the State.

Over 1,000 Pennsylvania children lost their lives to violence and injury from 1998 to 2002. With aggressive outreach and smart public policies, I hope we can bring this number down to zero.

In conclusion, Madam President, I ask for unanimous approval for this resolution, proclaiming April 30 through May 7 as "Safe Kids Week" in Pennsylvania.

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 MADIGAN, BRIGHTBILL, THOMPSON, STOUT, RHOADES, KITCHEN, TARTAGLIONE, WENGER, D. WHITE, CORMAN, COSTA, WOZNAK, LEMMOND, GREENLEAF, PILEGGI, PUNT, O'PAKE, ORIE, WONDERLING, FERLO, BOSCOLA, MUSTO, EARLL, CONTI, RAFFERTY, ERICKSON, SCARNATI, M.J. WHITE, ARMSTRONG, WAUGH, ROBBINS, LaVALLE, LOGAN and KASUNIC, by unanimous consent, offered **Senate Resolution No. 88**, entitled:

A Resolution designating the week of April 24, 2005, as "Rural Road Safety Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, as we all know, spring is planting time in the Commonwealth, and with it comes the presence of farm equipment on our highways. The intent of this resolution is to increase awareness of the presence of farm equipment and to promote safe driving in farm country.

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 WOZNIAK, STACK, BOSCOLA, ERICKSON, KITCHEN, CONTI, FUMO, ORIE, FERLO, BRIGHTBILL, LaVALLE, RAFFERTY, WENGER, MELLOW, PIPPY, KASUNIC, LOGAN and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 89**, entitled:

A Resolution designating the week of May 1 through 7, 2005, as "Charcot-Marie-Tooth Association Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I offer this resolution designating the week of May 1 through 7, 2005, as "Charcot-Marie-Tooth Association Awareness Week" in Pennsylvania. Charcot-Marie-Tooth, CMT, is the most common inherited neurological disorder, affecting approximately 150,000 people in this nation. It is an incurable neurological disease. The Charcot-Marie-Tooth Association in Chester, Pennsylvania, is the national headquarters, and it has served people with that disease for over 20 years. I am offering this resolution today to raise the awareness of Charcot-Marie-Tooth, and hope that a cure might be found to make the lives of these people a little easier.

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 O'PAKE, STOUT, FERLO, THOMPSON, PUNT, BOSCOLA, MUSTO, COSTA, WENGER, ORIE, ERICKSON, ARMSTRONG, EARLL, KITCHEN, RAFFERTY, MELLOW, CONTI, C. WILLIAMS, WOZNIAK, GREENLEAF, BRIGHTBILL, LOGAN, LEMMOND, PIPPY, STACK, RHOADES, KASUNIC and FUMO, by unanimous consent, offered **Senate Resolution No. 90**, entitled:

A Resolution designating May 13 through June 10, 2005, as "Sober Graduation Month" in Pennsylvania.

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

Senators ORIE, KITCHEN, BRIGHTBILL, LOGAN, GREENLEAF, FERLO, TOMLINSON, STACK, D. WHITE, C. WILLIAMS, M.J. WHITE, LaVALLE, PILEGGI and RHOADES, by unanimous consent, offered **Senate Resolution No. 91**, entitled:

A Resolution designating April 19, 2005, as "Equal Pay Day" 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 Robert F. Hercik, Sr., and to the citizens of the Borough of Fountain Hill by Senator Boscola.

Congratulations of the Senate were extended to the Hebron Hose Company No. 1 by Senator Brightbill.

Congratulations of the Senate were extended to Christopher R. Struby by Senator Conti.

Congratulations of the Senate were extended to the Newport High School Varsity Cheerleading Squad by Senator Corman.

Congratulations of the Senate were extended to Dr. Arpad Bellyei by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Donald R. Zimmerman by Senator Gordner.

Congratulations of the Senate were extended to Joan Semon, Amy Perchy, Nancy Voyzey, Steve Kimmel and to Rod Baumgartner by Senator Jubelirer.

Congratulations of the Senate were extended to Donnie Ament by Senator Kasunic.

Congratulations of the Senate were extended to Reverend William B. Glenn, Jr., Dawn Staley and to the National African Religion Congress of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Patrick M. Ratke by Senator Madigan.

Congratulations of the Senate were extended to Elizabeth Raines, Amanda Hlavaty, Janice L. Diorio, Ticia Marie Valenta, Megha Baikadi and to Julia Burian by Senator Mellow.

Congratulations of the Senate were extended to Terry McNulty by Senators Mellow and Musto.

Congratulations of the Senate were extended to Sara E. Gillespy, Occupational Therapy Practitioners of Phoebe Berks Village and to the Occupational Therapy Department in the Post-Acute Continuum of The Reading Hospital and Medical Center by Senator O'Pake.

Congratulations of the Senate were extended to Kevin Beers by Senator Pileggi.

Congratulations of the Senate were extended to James P. Huddle by Senator Punt.

Congratulations of the Senate were extended to Mercy Volunteer Corps of Gwynedd Valley by Senators Rafferty and Greenleaf.

Congratulations of the Senate were extended to King's Highway Elementary School of Coatesville by Senators Rafferty, Thompson, and Pileggi.

Congratulations of the Senate were extended to A. J. Graves, Troy Dolan and to Joe Rudnik by Senator Regola.

Congratulations of the Senate were extended to Nicholas Scott Heimbach, Heather Cairl, David W. Morley, Valley Technologies, Inc., of Tamaqua, Trans Western Polymers, Inc., of Tamaqua, and to Schaeffer's Harley Davidson of Orwigsburg by Senator Rhoades.

Congratulations of the Senate were extended to Justin Dunbar-Stevens, Thomas Kelch and to Christine Pietrzak by Senator Stack.

Congratulations of the Senate were extended to Downingtown Area Chamber of Commerce and to the Uwchlan Ambulance Corps of Exton by Senator Thompson.

Congratulations of the Senate were extended to Soroptimist International of Indian Rock by Senator Tomlinson.

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

Congratulations of the Senate were extended to Daniel T. DiPasquale, Justin T. DiPasquale, Evan M. Finkelstein, Dr. Carl F. Schultheis, Jr., Ronald M. Fonock, Samuel L. Blanchard, American Foodservice Corporation and to the Crowne Plaza at Valley Forge Hotel by Senator C. Williams.

Congratulations of the Senate were extended to Michael Audey and to Michael Vincent Pannone by Senator Wozniak.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 140, SB 157, SB 198, SB 438, SB 450 and SB 462.**

And said bills having been considered for the first time,

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

### PETITIONS AND REMONSTRANCES

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

Senator FUMO. Madam President, at this time in our nation's history, when the glorious legacy of the New Deal, Social Security, is under attack by the party in power in Washington, I want to take a few moments to commemorate the passing of the man whose great vision brought a measure of basic financial security to all people, regardless of their social status. Franklin Delano Roosevelt believed that everyone had a right to share in the American dream, and he believed that government had the power to help fulfill that dream for all people.

A column in the New York Times yesterday, by Bob Herbert, mourned not only the passing of FDR 60 years ago, but also mourned how far our contemporary government leaders have strayed from his ideals. Because Mr. Herbert said it so well, I would like to share his column with you now. The headline read "A Radical in the White House." (*Reading:*)

Last week - April 12 to be exact - was the 60th anniversary of the death of Franklin Delano Roosevelt. "I have a terrific headache," he said, before collapsing at the Little White House in Warm Springs, Ga. He died of a massive cerebral hemorrhage on the 83rd day of his fourth term as president. His hold on the nation was such that most Americans, stunned by the announcement of his death that spring afternoon, reacted as though they had lost a close relative.

That more wasn't made of this anniversary is not just a matter of time; it's a measure of the distance the U.S. has traveled from the egalitarian ideals championed by FDR. His goal was "to make a country in which no one is left out." That kind of thinking has long since been consigned to the political dumpster. We're now in the age of Bush, Cheney and DeLay, small men committed to the concentration of big bucks in the hands of a fortunate few.

To get a sense of just how radical Roosevelt was (compared with the politics of today), consider the State of the Union address he delivered from the White House on Jan. 11, 1944. He was already in declining health and, suffering from a cold, he gave the speech over the radio in the form of a fireside chat.

After talking about the war, which was still being fought on two fronts, the president offered what should have been recognized immediately for what it was, nothing less than a blueprint for the future of the United States. It was the clearest statement I've ever seen of the kind of nation the U.S. could have become in the years between the end of World War II and now. Roosevelt referred to his proposals in that speech as "a second Bill of Rights under which a new basis of security and prosperity can be established for all regardless of station, race or creed."

Among these rights, he said, are:

"The right to a useful and remunerative job in the industries or shops or farms or mines of the nation.

"The right to earn enough to provide adequate food and clothing and recreation.

"The right of every farmer to raise and sell his products at a return which will give him and his family a decent living.

"The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and dominated by monopolies both at home or abroad.

"The right of every family to a decent home.

"The right to adequate medical care and the opportunity to achieve and enjoy good health.

"The right to adequate protection from the economic fears of old age, sickness, accident and unemployment.

"The right to a good education."

I mentioned this a few days ago to an acquaintance who is 30 years old. She said, "Wow, I can't believe a president would say that."

Roosevelt's vision gave conservatives in both parties apoplexy in 1944 and it would still drive them crazy today. But the truth is that during the 1950's and 60's the nation made substantial progress toward his wonderfully admirable goals, before the momentum of liberal politics slowed with the war in Vietnam and the election in 1968 of Richard Nixon.

It wouldn't be long before Ronald Reagan was, as the historian Robert Dalleck put it, attacking Medicare as "the advance wave of socialism" and Dick Cheney, from a seat in Congress, was giving a thumbs down to Head Start. Mr. Cheney says he has since seen the light on Head Start. But his real idea of a head start is to throw government money at people who already have more cash than they know what to do with it. He's one of the leaders of the GOP gang (the members should all wear masks) that has executed a wholesale transfer of wealth via tax cuts from working people to the very rich.

Roosevelt was far from a perfect president, but he gave hope and a sense of the possible to a nation in dire need. And he famously warned against giving in to fear.

The nation is now in the hands of leaders who are experts at exploiting fear, and indifferent to the needs and hopes, even the suffering of ordinary people.

"The test of our progress," said Roosevelt, "is not whether we add more to the abundance of those who have much; it is whether we provide enough to those who have too little."

Sixty years after his death we should be raising a toast to FDR and his progressive ideas. And we should take that opportunity to ask: How in the world did we allow ourselves to get from there to here?

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, I would like to extend congratulations to a constituent of mine, Boomer Baker Knoll, who has the good fortune of being the friend of the President of the Senate. On April 14, he won the Lebanon County Kennel Club's event, Best of Breed, and I would note that Boomer is probably taking the award in better stride than Boomer's owner, who is very proud. It is a nice thing to see the pride, and I wish the President of the Senate best wishes in her quest to extend the influence of Boomer in the future.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Brightbill, I am really honored. I appreciate it.

### 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 STATE BOARD OF COSMETOLOGY

April 19, 2005

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, Carol A. Edwards, 201 McAndrews Road, Moscow 18444, Lackawanna County, Twenty-second 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 Franklin Schoeneman, Pottsville, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA GAME COMMISSION

April 19, 2005

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, H. Daniel Hill III, (District 1), 415 Ridgeview Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until June 9, 2006, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Gilford, Lickingville, resigned.

EDWARD G. RENDELL  
Governor

#### JUDGE, COURT OF COMMON PLEAS, CAMBRIA COUNTY

April 19, 2005

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, James R. DiFrancesco, Esquire, 562 Hystone Avenue, Johnstown 15905, Cambria, County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cambria County, to serve until the first Monday of January 2006, vice The Honorable Thomas A. Swope, Jr., mandatory retirement.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

April 19, 2005

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, James M. Darby, Esquire, 1324 Pennscott Drive, Landisville 17538, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Pennsylvania Labor Relations Board, to serve until June 2, 2007, and until his successor is appointed and qualified, vice John Markle, Jr., Exton, deceased.

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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, Andrea L. Mowen, 1040 Wallace Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Melanie Wennick, Fayetteville, whose term expired.

EDWARD G. RENDELL  
Governor

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

April 19, 2005

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, Daniel Panchik, 1236 Harding Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Gale DuPont, Carlisle, whose term expired.

EDWARD G. RENDELL  
Governor

#### BILL INTRODUCED AND REFERRED

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

April 19, 2005

Senators KASUNIC, FERLO, LOGAN, COSTA, LAVALLE, STOUT, MUSTO, KITCHEN and BOSCOLA presented to the Chair **SB 654**, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals.

Which was committed to the Committee on LOCAL GOVERNMENT, April 19, 2005.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### WEDNESDAY, APRIL 20, 2005

9:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 457, 519 and 520; and any other business that may come before the Committee)	Room 461 Main Capitol
10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 82, 502 and 503; and for a report from Brian Hudson, Executive Director of PA Housing Finance Agency)	Room 8E-B East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Com. Conf. Rm.

#### MONDAY, APRIL 25, 2005

12:30 P.M.	LAW AND JUSTICE (joint hearing with the House Liquor Control committee on Underage Drinking)	Kiva Hall Ritter Annex Bldg., Temple U. Phila.
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### RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Wednesday, April 20, 2005, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:35 p.m., Eastern Daylight Saving Time.