

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, MAY 6, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 31

**SENATE**

TUESDAY, May 6, 2003

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 Dr. PAUL GEHRIS, retired pastor of the American Baptist Churches - USA, Shermans Dale, offered the following prayer:

We will take a moment for personal centering, and then I will say the words for the prayer for the Senate.

(Moment of silence.)

Almighty and everlasting God, who is called by many names and approached in many different ways, bless this honorable Senate by the empowerment of Your spirit. Grant these Senators vision to see beyond their eyes, give them insight to understand beyond their ways, grant them capacity to be aware of the whole of our Commonwealth, and in all their work, guide them from the core values of their own existence to the emerging edges of just and equitable public policy, so that the Commonwealth will be well-served, reflecting the very best of this honorable institution. We pray in Your name. Amen.

The PRESIDENT. The Chair thanks Dr. Gehris, who is the guest today of Senator Kukovich.

The Chair asks our Members and staff and guests to remain standing because yesterday the Senate amended our rules by the adoption of Senate Resolution No. 89, which provides for the recitation of the Pledge of Allegiance after the prayer on each day of the Senate Session. The resolution was sponsored by Senator Rafferty.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled, led by Senator RAFFERTY.)

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 5, 2003.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed

to by voice vote, further reading was dispensed with and the Journal was approved.

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

**Weekly adjournment.**

**BILLS REPORTED FROM COMMITTEES**

Senator MADIGAN, from the Committee on Transportation, reported the following bill:

**SB 259 (Pr. No. 265)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for protective equipment for motorcycle riders.

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

**SB 677 (Pr. No. 769)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; and providing for consumer protection and information.

**HB 623 (Pr. No. 724)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

Senator LEMMOND, from the Committee on State Government, reported the following bill:

**SB 44 (Pr. No. 820) (Amended)**

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Millennium Neighborhood Church, Inc., certain lands situate at 2100 Herr Street in the City of Harrisburg, Susquehanna Township, Dauphin County.

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

**SB 95 (Pr. No. 821) (Amended)**

An act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further defining "separate and apart" for purposes of divorce; providing for premarital agreements; further providing for decree of court in actions for divorce; further defining "marital property" for purposes of certain property rights; and further providing for equitable division of marital property, for disposition of property to defeat obligations and for statement of reasons for distribution.

**LEGISLATIVE LEAVES**

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

Senator MELLOW. Madam President, I request legislative leaves for Senator Tartaglione, Senator Anthony Williams, and Senator Constance Williams, and a temporary Capitol leave for Senator Wagner.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Tartaglione, Senator Anthony Williams, and Senator Constance Williams, and a temporary Capitol leave for Senator Wagner. Without objection, those leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator BRIGHTBILL. Madam President, pursuant to the rules as amended by Senate Resolution No. 91, please place Senator Pippy on Military Leave for the duration of his tour of active duty with the United States Army Reserve.

The PRESIDENT. Senator Brightbill requests that pursuant to Senate Resolution No. 91, Senator Pippy be placed on military leave. Without objection, that leave will be granted.

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

**CALENDAR**

**SENATE RESOLUTION No. 77  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 77**, entitled:

A Resolution memorializing the President and Congress of the United States to enact legislation to require the United States Army to retroactively award the Combat Medical Badge to all Vietnam personnel serving in the 91 military occupational specialty (MOS) who were assigned to helicopter ambulances.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-48**

Armstrong	Helfrick	Musto	Stout
Boscola	Hughes	O'Pake	Tartaglione
Brightbill	Jubelirer	Orie	Thompson

Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Pileggi	Wagner
Costa	Kukovich	Punt	Waugh
Dent	LaValle	Rafferty	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fumo	Mellow	Schwartz	Wonderling
Greenleaf	Mowery	Stack	Wozniak

NAY-0

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

**PERMISSION TO ADDRESS**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, I have two announcements today. First, at your desks are cookies from Nazareth, the Pennsylvania sugar cookie. As my good friend Senator Lemmond knows, this is an important issue. Many people believe sugar cookies should be made the official cookie of Pennsylvania, and I am proud that my friends from the Nazareth Area Chamber of Commerce delivered them to all of you.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR CHARLES W.  
DENT PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, my second announcement deals with the young ladies seated in the gallery. They are the Parkland Girls' Swimming and Diving Team. They captured the 2003 PIAA Swimming and Diving Championship. They also captured the same championship in 2001. I would also specifically like to introduce Howard Lessel, who is the assistant principal from Parkland High School; Bob Clark, the head coach of the team; assistant coaches, Cary Lehman and Veronica Rosa; and the swimming captains, Jessica Lewis and Laura Dalla Palu.

The team members and coaches are seated in the gallery, and I would like the Senate to extend its usual warm welcome to these State champions from the Parkland School District.

The PRESIDENT. Would the guests of Senator Dent please rise.

(Applause.)

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

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

Senator LEMMOND. Madam President, Wyoming Valley West High School keeps sending spectacular young men and women to Harrisburg to see us operate State government. Today Rob Edgerton, a junior from Wyoming Valley West, is with us. He is following me around today for a project in one of the all-star departments in the school to see what is happening in Harrisburg. He is a great student who is on the golf team, and he will be an intern in my office this summer. He is a spectacular young guy who is going to be interested in government in the

coming years, and I ask the Senate to offer a hello to Rob Edgerton from Wyoming Valley West High School.

The PRESIDENT. Would the guest of Senator Lemmond please rise so we can give you a nice welcome.

(Applause.)

### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Majority Caucus Room.

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

Senator MELLOW. Madam President, I request that the Democratic Members report to our caucus room upon the recess.

The PRESIDENT. Senator Brightbill has requested a recess for a Republican caucus, and Senator Mellow has requested a Democratic caucus. Without objection, for those purposes, 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

### THIRD CONSIDERATION CALENDAR

#### NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**SB 636 (Pr. No. 674)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator MELLOW. Madam President, Senate Bill No. 636 is the nonpreferred appropriation to Penn State University. It is the second time in a week that we were going to start to consider nonpreferred appropriations. I believe the first one that was being considered last week was the appropriation for the University of Pittsburgh. Madam President, in our discussion on the floor of the Senate on that particular day, I indicated that the 21 Members on this side of the aisle were not opposed to supporting nonpreferred appropriations. We have done it in the past and we certainly will do it again this year before the new fiscal year be-

gins on July 1. However, Madam President, a nonpreferred appropriation requires a two-thirds vote of the Members of the Senate. And based on the fact that as of yet we are not totally prepared to fund education, whether it be a preferred appropriation bill or a nonpreferred appropriation bill, and we have not finally agreed upon the kind of money that is going to be made available to all forms of education, whether it be primary, secondary, or higher education, and since this appropriation needs a two-thirds vote and here on May 6 there is no compelling reason why it should be voted today and not sometime at a later date when we are more certain as to what the fiscal data is going to be in Pennsylvania and what kinds of revenues will be available for the purpose of funding education, Madam President, I ask that the bill go over in its order.

I am going to once again ask the Majority Leader if he would be so kind as to agree to putting Senate Bill No. 636 over in its order, not because we are opposed to the bill on final passage at a later date, Madam President. We just do not think it is appropriate to put Members of this General Assembly in the position of having to vote "no" on a nonpreferred appropriation that we strongly support. The reason we would be voting "no" is because we do not know what kinds of revenues will be available for final passage of this nonpreferred, and also because we do not have to put this in place until July 1, the beginning of the new fiscal year. So my request to the Majority Leader is if he would agree to put over this nonpreferred appropriation and all the other non-preferred appropriations that go through the top of page 6, ending with Senate Bill No. 666.

The PRESIDENT. Senator Brightbill, is there an objection to the bill going over in its order?

Senator BRIGHTBILL. Yes, Madam President. We would like to vote it.

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

Senator MELLOW. Madam President, if that is the case, I am not going to ask for a roll-call vote because I realize that we would not carry a roll-call vote for the purpose of putting the bill over in its order. I would just merely ask the Members on this side of the aisle to cast a negative vote, but only because we are not in a position to finalize the passage of nonpreferreds, which takes a two-thirds vote in the Senate. We do not know what the revenue implications will be. It would be more prudent for us to consider this later on, prior to the end of the fiscal year of June 30, so that we are certain exactly the kind of money we have available and the fact that we would be in a better position to vote in favor of not only this nonpreferred but all nonpreferreds.

So, Madam President, based on that, and based on that alone, I must ask for a negative vote. However, having said that, I believe that at some later date during this fiscal year this Caucus will be in a position of voting in the affirmative on Senate Bill No. 636, which is an appropriation to Penn State University.

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

Senator BRIGHTBILL. Madam President, I would just point out that these nonpreferreds are really part of Governor Rendell's budget, and my understanding is that when he presented a balanced budget to the General Assembly, it was these nonpreferreds in these numbers, and we are merely moving the

process here, sending these bills to the House, and I believe that this is responsible for us. It is now almost mid-May and it is important that we keep this process going, so I ask for an affirmative vote.

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-27**

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	White, Donald
Dent	Madigan	Rhoades	White, Mary Jo
Earl	Mowery	Robbins	Wonderling
Erickson	Orie	Scarnati	

**NAY-21**

Boscola	Kitchen	O'Pake	Williams, Anthony H.
Costa	Kukovich	Schwartz	Williams, Constance
Ferlo	LaValle	Stack	Wozniak
Fumo	Logan	Stout	
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

**SB 637 (Pr. No. 675)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator MELLOW. Madam President, I am not going to go through the same discussion and debate that we did on Senate Bill No. 636. Suffice it for me to say that the same comments that I expressed on Senate Bill No. 636 will be the same thing for

Senate Bill No. 637. We are prepared at the appropriate time to vote for the nonpreferred appropriation for the University of Pittsburgh, and to do that prior to the start of the new fiscal year, which would be July 1. It is just that we are not prepared to do that today because we do not know what the revenue source may be.

Madam President, before that, I ask for a negative vote on the proposal.

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-27**

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	White, Donald
Dent	Madigan	Rhoades	White, Mary Jo
Earl	Mowery	Robbins	Wonderling
Erickson	Orie	Scarnati	

**NAY-21**

Boscola	Kitchen	O'Pake	Williams, Anthony H.
Costa	Kukovich	Schwartz	Williams, Constance
Ferlo	LaValle	Stack	Wozniak
Fumo	Logan	Stout	
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

**NONPREFERRED APPROPRIATION BILLS  
OVER IN ORDER**

**SB 638, SB 639, SB 640, SB 641, SB 642, SB 643, SB 644, SB 645, SB 646, SB 647, SB 648, SB 649, SB 650, SB 651, SB 652, SB 653, SB 654, SB 655, SB 656, SB 657, SB 658, SB 659, SB 660, SB 661, SB 662, SB 663, SB 664, SB 665 and SB 666** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Wagner has returned, and his temporary Capitol leave will be cancelled.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL AMENDED**

**SB 157 (Pr. No. 594)** -- 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 regulation of credit card marketing on a college or university campus.

On the question,

Will the Senate agree to the bill on third consideration?

Senator EARLL offered the following amendment No. A0585:

Amend Sec. 1 (Article Heading), page 1, line 13, by striking out all of said line and inserting:

CREDIT CARD MARKETING.

Amend Sec. 1 (Sec. 2301-A), page 1, line 17, by striking out "'College campus'" and inserting: "Campus"

Amend Sec. 1 (Sec. 2302-A), page 3, lines 2 through 24, by striking out all of said lines and inserting: education to establish a policy that regulates the marketing of credit cards on campus. The policy may prohibit any marketing of credit cards on the campus. In establishing the policy, the institution of higher education shall consider all of the following:

- (1) Requiring registration of on-campus credit card marketers.
- (2) Limiting credit card marketers to specific areas of the campus designated by the institution of higher education.
- (3) Prohibiting credit card marketers from offering gifts to a student in exchange for completing a credit card application unless the student has been provided a credit card debt education brochure.
- (4) Providing, at least quarterly, a credit card debt education brochure with campus bookstore purchases.
- (5) Incorporating into orientation programming a credit card debt education presentation.

Section 2303-A. Construction.

Nothing in this article shall be construed to impose civil or criminal liability on an institution of higher education for any claim involving student credit card debt.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**BILL OVER IN ORDER**

**SB 257** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing two guest Pages serving on the floor of the Senate. I would like to recognize Janie McElhinny and Sierra Green, who are serving as guest Pages in the Senate today. They are both eighth graders attending St. Michael's School in Greenville. So, Madam President, thank you for letting me recognize them on the floor of the Senate.

The PRESIDENT. Will the guests of Senator Robbins please rise so we can give you a round of applause.

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 279 (Pr. No. 289)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special motorcycle registration plate for veterans.

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-48**

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

**NAY-0**

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

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

**BILLS OVER IN ORDER**

**SB 356** and **SB 508** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**SECOND CONSIDERATION CALENDAR**

**BILLS REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**SB 133** and **SB 673** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**SB 68** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**RECESS**

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

Senator BRIGHTBILL. Madam President, I request a brief recess for a meeting of the Committee on Rules and Executive Nominations, which will begin immediately to the rear of the Chamber, followed by a meeting of the Committee on Appropriations. We expect to be back here in 5 minutes.

The PRESIDENT. Senator Brightbill requests a 5-minute recess for the purpose of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Appropriations. 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****SECOND CONSIDERATION CALENDAR RESUMED****BILLS ON SECOND CONSIDERATION**

**HB 266 (Pr. No. 992)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 267 (Pr. No. 993)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug trafficking sentencing and penalties.

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

**BILL OVER IN ORDER**

**SB 371** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION**

**SB 680 (Pr. No. 778)** -- 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 annual budget of school districts.

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:

**SECRETARY OF AGRICULTURE**

April 22, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis C. Wolff, 1048 State Route 254, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for appointment as Secretary of Agriculture, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Samuel E. Hayes, Jr., Warriors Mark, resigned.

EDWARD G. RENDELL  
Governor

[SIC]

February 19, 2003

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, Humberto Perez, 709 West Huntingdon Street, Philadelphia 19133, Philadelphia County, Third Senatorial District, for appointment as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Ron Greenley, Sr., Bensalem, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE CARBON COUNTY  
BOARD OF ASSISTANCE**

April 17, 2003

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, Marsha Macalush, (Republican), 950 East Catawissa Street, Nesquehoning 18240, Carbon County, Fourteenth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Kathryn B. Smith, Lehighon, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

April 17, 2003

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 R. Eisemann, (Republican), 269 Susquehanna Avenue, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Dorothy A. Walker, Lock Haven, deceased.

EDWARD G. RENDELL  
Governor

***NOMINATIONS LAID ON THE TABLE***

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

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

**EXECUTIVE NOMINATIONS**

***EXECUTIVE SESSION***

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

Which was agreed to by voice vote.

***NOMINATIONS TAKEN FROM THE TABLE***

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

The Clerk read the nominations as follows:

SECRETARY OF AGRICULTURE

April 22, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis C. Wolff, 1048 State Route 254, Millville 17846, Columbia County, Twenty-seventh Senatorial District, for appointment as Secretary of Agriculture, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Samuel E. Hayes, Jr., Warriors Mark, resigned.

EDWARD G. RENDELL  
Governor

[SIC]

February 19, 2003

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, Humberto Perez, 709 West

Huntingdon Street, Philadelphia 19133, Philadelphia County, Third Senatorial District, for appointment as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Ron Greenley, Sr., Bensalem, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CARBON COUNTY  
BOARD OF ASSISTANCE

April 17, 2003

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, Marsha Macalush, (Republican), 950 East Catawissa Street, Nesquehoning 18240, Carbon County, Fourteenth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Kathryn B. Smith, Lehighton, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

April 17, 2003

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 R. Eisemann, (Republican), 269 Susquehanna Avenue, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Dorothy A. Walker, Lock Haven, deceased.

EDWARD G. RENDELL  
Governor

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

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

Senator WOZNIAK. Madam President, I seek the Senate's unanimous support for the confirmation of Dennis C. Wolff as the next Secretary of the Department of Agriculture. We often hear about how we lose our top-notch native Pennsylvanians' talents to other States. Regrettably, there are times when this does happen, but Dennis Wolff is living proof that many of our best and brightest stay right here. In fact, he not only never left Pennsylvania, he never left the family farm in Columbia County. While he has always lived in Millville, he is always on the move. For more than three decades, he has been the owner of Pen-Col Farms, which is a 700 acre, 500 head dairy farm. His farm specializes in purebred Holstein genetics, and Mr. Wolff has become an internationally recognized expert in this field. He has taken

that expertise and launched separate joint ventures between his Columbia County farm and operations in England and Wisconsin.

In 1999, the World Trade Organization, the only global international organization dealing with the rules of trade between nations, reached out from its headquarters in Geneva, Switzerland, to appoint Mr. Wolff to its Agricultural Technical Committee. Closer to home, he has served 4 years as a member of the State committee under the United States Department of Agriculture's Farm Service Agency, and 10 years on the Pennsylvania Animal Health and Diagnostics Commission. Recognition has also come in the form of numerous awards and honors. Mr. Wolff was named master farmer in 1994, received a Leadership Central Pennsylvania award 3 years later, and has been invited to share his expertise in international venues, stretching from Canada to France, to England, to Australia, to Argentina, and Chile. From 2001 to his appointment by Governor Rendell, he was a member of the Pennsylvania State University Board of Trustees. He has served at different times on the boards of Agway, Incorporated, Agway Insurance Company, Pennsylvania Dairy Stakeholders, and several other business and community organizations. Many people would be satisfied if their resume listed a third of Mr. Wolff's professional and community achievements, and yet he still finds time to lend a hand to others who are less fortunate. Since 1986, he has been president of the Nicholas Wolff Foundation. The foundation operates Camp Victory, a nonprofit summer camp for handicapped and chronically-ill children.

Madam President, Mr. Wolff stands ready to offer Pennsylvanians his internationally renowned experience in agriculture, hands-on experience of a lifetime as a Pennsylvania farmer, his energy, his vision, and his social conscience. I strongly recommend that we welcome him with open arms. Again, I call for an expeditious and unanimous vote to confirm Dennis C. Wolff as Secretary of Agriculture.

Thank you, Madam President.

And the question recurring,  
Will the Senate advise and consent to the nominations?

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

**YEA-48**

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

**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  
BILLS REPORTED FROM COMMITTEES**

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

**SB 498 (Pr. No. 721) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing parent involvement programs in certain school districts.

**SB 503 (Pr. No. 722) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for technical assistance provided by the Department of Education; further providing for powers and duties of the intermediate unit board of directors; and providing for academic improvement programs.

**SB 596 (Pr. No. 658) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

Senator PUNT, from the Committee on Community and Economic Development, reported the following bills:

**SB 10 (Pr. No. 606)**

An Act providing for an economic enhancement program in the Department of Community and Economic Development; creating tax incentive districts; establishing the Economic Enhancement Fund and the Economic Enhancement Financing Authority; providing for the issuance of bonds and for debt service reserve funds; and making an appropriation.

**SB 230 (Pr. No. 238)**

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, providing for a Deputy Secretary for Local Government Services in the Department of Community and Economic Development.

**SB 553 (Pr. No. 613)**

An Act providing for a program to promote economic development in downtown areas; establishing the Discover Pennsylvania's Downtowns program; further providing for duties of the Department of Community and Economic Development; and making an appropriation.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator PUNT, from the Committee on Community and Economic Development, reported the following resolution:



**SR 49 (Pr. No. 553)**

A Concurrent Resolution to recognize and celebrate the 20th anniversary of the Ben Franklin Technology Partners program and its continued growth and success in and for the State of Pennsylvania.

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

**SENATE RESOLUTIONS ADOPTED**

Senators STACK, KUKOVICH, WAGNER, STOUT, TARTAGLIONE, WENGER, MUSTO, COSTA, LAVALLE, PICCOLA, O'PAKE, KITCHEN, EARLL, DENT, ORIE, SCARNATI, GREENLEAF, SCHWARTZ, RAFFERTY, WONDERLING, ARMSTRONG and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 93**, entitled:

A Resolution proclaiming May 7, 2003, as "Israel Independence Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, this year marks the 55th anniversary of Israel's status as an independent nation. Over the years, Israel and the United States have enjoyed a strong relationship built on political, social, and economic ties of citizens of both nations. We must continue to nurture these ties by backing efforts to support peace in Israel and by encouraging Pennsylvania businesses to explore opportunities for expanding trade with Israel and its neighbors.

Americans and Israelis have much in common. We both have earned our independence the hard way. Many tough sacrifices were made for the freedom that we now have. Today this freedom still comes at a stiff price. Americans and Israelis alike have been subjected to the devastation wreaked by terrorists' attacks. While no American will ever forget the events of September 11, 2001, we must also remember that Israel has been the victim of more than 60 suicide bombing attacks in less than 3 years. No one should have to live that way in America, in Israel, or anywhere. We must dedicate and rededicate ourselves to working in concert with other pro-democracy nations to develop and implement effective measures to combat terrorism and bring about security. At the same time, we must never abandon efforts to achieve peace. Israel's government and citizens have demonstrated that they want terrorism to end and peace to begin. Peace treaties with Egypt and Jordan, the Oslo Agreement of 1993, and the Camp David Summit in the summer of 2000 all clearly reflect Israel's historical desire for peace.

Currently, the United States, the United Nations, the European Union, and Russia are backing a proposed road map to peace that is designed to end nearly 3 solid years of violence between Israelis and Palestinians. Madam President, let us all hope that this latest overture for peace brings a lasting end to a vicious cycle of terrorism and violence. Let us resolve ourselves to call upon the President and the Congress to continue their unflagging support

and involvement in the peace process by commemorating Israel's birthday and passing this resolution.

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 BOSCOLA, PICCOLA, LAVALLE, STACK, LOGAN, DENT and WONDERLING, by unanimous consent, offered **Senate Resolution No. 94**, entitled:

A Resolution recognizing Just Born, Inc., on the occasion of the 50th anniversary of Marshmallow Peeps.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, today I am very pleased to share with the rest of my colleagues here in the Senate something very special from my hometown of Bethlehem. This year the Just Born Company, located in my district, is celebrating the 50th anniversary of their world famous peeps, and I am very proud to share with you the newest of the peeps. They are red, white, and blue patriot peeps, and I think it is wonderful to show our patriotism, and the Just Born Company certainly does deserve to be commended for that.

Madam President, I have a special resolution today celebrating the 50th anniversary of the peeps. These peeps are so cute. Senator Piccola over there said to me he often goes on the Web site of the peeps, and it is just amazing to me. The very first marshmallow peep was made in 1953 by squeezing marshmallows through a pastry tube. But 50 years ago, it took 27 days to do this, and now it takes 6 minutes. And here is the best line of all: Even though the peeps are actually 50 years old, they still look like they are just born, and I think the Senate of Pennsylvania should take a moment today to recognize and be proud of these peeps, as I am. Thank you for your consideration.

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

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

Senators RAFFERTY, by unanimous consent, offered **Senate Resolution No. 95**, entitled:

A Resolution designating the week of May 5 through 11, 2003, as "Chastity Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Madam President, this is a very serious matter. This brings to light the fact that each year some 1 million teenagers become pregnant, about 70 percent of these teenage mothers are unmarried, and more than 40 percent of them become high school dropouts. So this is an important subject for us to address, to practice and to preach chastity awareness to the young people today, and this is something that no matter what side of the issue you fall on for pro-life, everybody is in agreement that abstinence must be practiced and taught to our young people.

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.

### 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 Patricia A. Hunter, Dr. Bonnie S. Coyle, Luis A. Ramos and to Alice Duerr-Pawelski by Senator Boscola.

Congratulations of the Senate were extended to the Cybersonics Technology Team of Palisades High School of Kintnersville by Senator Conti.

Congratulations of the Senate were extended to William F. Schurmann by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Ashley Heckard and to the Arc of Centre County by Senator Corman.

Congratulations of the Senate were extended to Dorothy M. Rettzo by Senator Erickson.

Congratulations of the Senate were extended to St. Marie Goretta Parish of Hatfield by Senators Greenleaf, Wonderling, and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Franklin J. Povich, Mr. and Mrs. Richard A. Miller, Mr. and Mrs. William A. Holt and to Mr. and Mrs. Anthony Rizzo, Sr., by Senator Madigan.

Congratulations of the Senate were extended to St. Mark's Roman Catholic Church by Senator Mellow.

Congratulations of the Senate were extended to the Camp Hill Civic Club by Senator Mowery.

Congratulations of the Senate were extended to Honorable Wilbur Bauchspies, Andrew Carmen Mauriello and to the Hazleton Area High School Varsity Cheerleading Squad by Senator Musto.

Congratulations of the Senate were extended to Ernest Wilcox, Michael J. Dunbar, Joshua Holjes, Sanusie Kabba, Evie Bragunier, Amanda Behrens, Rachel Robinson, Somers Intrieri and to Larry Pearce by Senator Piccola.

Congratulations of the Senate were extended to Joseph M. Walton, Mark D. Stevens, Evelyn White, William V. Marquis, Jr., and to Bucks Fabricating of Hadley by Senator Robbins.

Congratulations of the Senate were extended to Patrick Andrew S. Elliott and to George Michael Smith, Jr., by Senator Thompson.

Congratulations of the Senate were extended to Honorable William H. Lamb and to Gregory S. Bentley by Senator Thompson and others.

Congratulations of the Senate were extended to the Middletown Senior Citizens Association by Senator Tomlinson.

Congratulations of the Senate were extended to Susan Blausler and to Brenda Dede by Senator M.J. White.

Congratulations of the Senate were extended to Charles C. Lynch by Senator Wozniak.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 10, SB 44, SB 95, SB 230, SB 259, SB 553, SB 677 and HB 623.**

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATION REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,  
WESTMORELAND COUNTY

May 6, 2003

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, Christopher Alan Feliciani, Esquire, RR 7, Box 55, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, resigned.

EDWARD G. RENDELL  
Governor

#### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,  
WESTMORELAND COUNTY

May 6, 2003

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 April 21, 2003, for the appointment of Denise H. Farkas, Esquire, 459 Spring Street, New Kensington 15068, Westmoreland County, Forty-fifth Senatorial District, as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, resigned.

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

EDWARD G. RENDELL  
Governor

**ANNOUNCEMENT BY THE SECRETARY**

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, MAY 7, 2003

Off the	RULES AND EXECUTIVE NOMINA-	Rules Cmte.
Floor	TIONS (to consider Senate Bill No. 582;	Conf. Rm.
	and certain executive nominations)	

**ADJOURNMENT**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Wednesday, May 7, 2003, at 11 a.m., Eastern Daylight Saving time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:05 p.m., Eastern Daylight Saving Time.