

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, NOVEMBER 24, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 76

SENATE

MONDAY, November 24, 2003

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

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

PRAYER

The following prayer was offered by the Secretary of Senate, Hon. MARK R. CORRIGAN:

Let us pray.

God, our Father, we pause this afternoon to thank You for the beauty of another day and seek Your continued blessing. Send us Your spirit to abide with us always. Guard us, guide us, and protect us this day and every day. Amen.

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 November 19, 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.

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 BRADFORD COUNTY
BOARD OF ASSISTANCE

November 20, 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, Nina Tinari, 6401 Church Road, Phil-

adelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice John Brenchley, Canton, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE

November 20, 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice William Shirar, Lehighton, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

November 20, 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, Nicole Carter, 301 Chestnut Street, Apartment 1213, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Walter Matthews, Sharon, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

November 20, 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, Sam Cohn 491 Hillside Drive,

Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice David Immonen, Greenville, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

November 20, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Janet McDougall, Grove City, resigned.

EDWARD G. RENDELL
Governor

ADJUTANT GENERAL
OF PENNSYLVANIA

November 24, 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, Brigadier General Jessica L. Wright, R.D. 2, Box 469, Annville, 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as Adjutant General of Pennsylvania, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Major General William B. Lynch, Grantville, resigning.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE
BOARD OF PODIATRY

November 24, 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 August 7, 2003, for the appointment of David B. Wilson, M.D., 1034 Highland Road, Sharon 16146, Mercer County, Fiftieth Senatorial Dis-

trict, as a member of the State Board of Podiatry, to serve until November 14, 2005, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jonathan B. Tocks, M.D., Mechanicsburg, resigned.

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

EDWARD G. RENDELL
Governor

BILLS INTRODUCED AND REFERRED

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

November 24, 2003

Senators PICCOLA, MOWERY, MADIGAN and WONDERLING presented to the Chair **SB 501**, 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 removal of superintendents; providing for performance reviews; further providing for duties of superintendents, for a rating system and performance evaluations, for continuing professional development and for a program of continuing professional education; providing for mentoring and for automatic suspension of certification; and establishing a merit pay grant program.

Which was committed to the Committee on EDUCATION, November 24, 2003.

Senators FERLO, KUKOVICH, COSTA, TARTAGLIONE, MUSTO and WAGNER presented to the Chair **SB 962**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania Public Utility Commission to establish a market-based clean energy portfolio standard to apply to all retail electricity products sold in this Commonwealth; requiring energy suppliers to report to the commission on the compliance of certain products with the clean energy portfolio standard and the payment of a certain compliance fee under certain circumstances; establishing a Clean Energy Fund for certain purposes; authorizing the payment of certain grants from the fund; providing for the creation and use of certain clean energy credits; requiring the commission to establish a certain clean energy trading system and to develop and maintain a certain clearinghouse for certain purposes; providing for the creation, uses, transfer and duration of clean energy credits; requiring the commission to adopt certain regulations; and further providing for definitions and for energy regulation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 24, 2003.

Senators DENT, D. WHITE, ORIE, LEMMOND, MOWERY, ERICKSON, WONDERLING, GREENLEAF, RAFFERTY, PILEGGI, MUSTO, O'PAKE, LOGAN, CORMAN, ROBBINS, GORDNER, C. WILLIAMS and BOSCOLA presented to the Chair **SB 963**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for Public School Employees' Retirement Board.

Which was committed to the Committee on FINANCE, November 24, 2003.

Senators FERLO, COSTA, KUKOVICH, TARTAGLIONE, FUMO and WAGNER presented to the Chair **SB 964**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for eminent domain.

Which was committed to the Committee on TRANSPORTATION, November 24, 2003.

Senator CORMAN presented to the Chair **SB 970**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for revival of an expired authority.

Which was committed to the Committee on LOCAL GOVERNMENT, November 24, 2003.

RESOLUTION INTRODUCED AND REFERRED

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

November 24, 2003

Senators GREENLEAF, O'PAKE, M. WHITE, FUMO, MOWERY, COSTA, ORIE, SCHWARTZ, RAFFERTY, PILEGGI and WONDERLING presented to the Chair **SR 183**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a bipartisan task force with an advisory committee to codify Pennsylvania's banking law and to review and update the law on banking on a continuing basis.

Which was committed to the Committee on BANKING AND INSURANCE, November 24, 2003.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Schwartz, Senator Stout, Senator Tartaglione, and Senator Connie Williams.

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

LEAVE OF ABSENCE

Senator PIPPY remains on military leave pursuant to Senate Rule XXI(3).

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator BRIGHTBILL offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, November 24, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday,

December 8, 2003, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, December 8, 2003, unless sooner recalled by the Speaker of the House of Representatives.

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

SPECIAL ORDER OF BUSINESS 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, seated in the gallery is the Uzzo family from my district in Ambler, who traveled to Harrisburg today in recognition of Infant Botulism Awareness Day.

As you may recall, last week the Senate unanimously approved Senate Resolution No. 181 designating today, November 24, as Infant Botulism Awareness Day in Pennsylvania. The Uzzo family has a strong interest in bringing greater public awareness to the residents of Pennsylvania about a rare but serious illness called infant botulism that their now 6-month-old daughter Nicole contracted in August. Infant botulism is the most common form of botulism reported in the United States. An infant can contract botulism by ingesting or inhaling botulism spores, which are found in soil, dust, or honey products. The intake of these spores can cause paralysis or death as the result of a nerve toxin, and the mainstay of treatment is supportive nutritional and respiratory care. Full recovery may be expected with early recognition.

Nicole Uzzo was in the intensive care unit of Children's Hospital in Philadelphia for 2 weeks diagnosed with this disease. Through aggressive treatment and care, I am pleased to say that Nicole is recovering remarkably well and joins her family here today. The unlikely cause of her illness was airborne spores from disturbed soil, possibly from a nearby construction site.

Since the Uzzo family brought this disease to my attention, I discovered that Pennsylvania, especially southeastern Pennsylvania, is one of three States where a majority of infant botulism cases are reported, likely due to the high concentration of botulism spores in the soil. From 1977 to 1995, Pennsylvania ranked second in the nation in the number of reported cases of infant botulism, with 153 cases this year alone and 15 confirmed cases of the disease. While there is no proven means of avoiding the infection, other than to avoid feeding honey or honey products to children under 1, I, along with the Uzzo family, believe more should be done to promote greater public awareness and education among physicians and families with newborns. Early recognition and intervention is crucial. That is why a copy of Senate Resolution No. 181 was also directed to the Secretary of Health to encourage the department to establish a public information and education program.

With that, I would now like to ask the Senate to give its usual warm welcome to my guests, the Uzzo family, in recognition of Infant Botulism Awareness Day.

Thank you, Madam President.

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

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I move for a recess of the Senate for purposes of committee meetings. We plan to return at 2 p.m., at the end of the committee meetings.

The PRESIDENT. Senator Brightbill moves that the Senate recess for the purpose of committee meetings and to return at 2 p.m.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

The PRESIDENT. The Senate will stand in recess until 2 p.m.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SWEARING-IN OF NEW MEMBER

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

Senator BRIGHTBILL. Madam President, as a Special Order of Business, I ask that the Senate proceed to receive the returns of election for the special election held in the 27th Senatorial District on the 4th day of November of 2003, and that the oath of office be administered to Senator-elect John R. Gordner.

The PRESIDENT. At the request of Senator Brightbill, and without objection, as a Special Order of Business, the Senate will now proceed to the administration of the oath of office to Senator-elect Gordner. This ceremony will be opened with prayer.

Please rise.

INVOCATION

The Chaplain, Reverend CRAIG W. MARTIN, Pastor of the First Baptist Church, Berwick, Pennsylvania, offered the following prayer:

Let us pray together.

Almighty God, the Father of Abraham, Isaac, and Jacob, we come here this afternoon in the Senate Chamber of our Commonwealth of Pennsylvania to honor and celebrate with one of Your children and servants, the Honorable John R. Gordner, as he begins his service as a Member of this Pennsylvania Senate. Give to John Your wisdom and guidance as he embarks upon these new duties and responsibilities which have been entrusted to him by the constituents and voters of the 27th Senatorial District.

Surround his wife, Lori, and his children, Allison and Cole, with Your compassion, as they support and encourage John in his service to our Commonwealth and its people. Bless all of his family and friends who have gathered here this day.

Furthermore, gracious Father, give to our Governor, the Lieutenant Governor, and each Member of this legislative body divine wisdom and gracious understanding as they conduct the business of our great Commonwealth, in order to serve the people of Pennsylvania through their deliberations and decisions in this Session.

Accept this, our prayer, and grant to us Your peace and blessing through Your name, O God, our Father. Amen.

The PRESIDENT. The Chair thanks Reverend Martin, who is the guest today of Senator-elect Gordner.

ELECTION RETURNS PRESENTED

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Madam President, I have the honor to present the Secretary of the Commonwealth, the Honorable Pedro Cortes.

The PRESIDENT. The Chair recognizes the Secretary of the Commonwealth.

Secretary CORTES. Madam President, it is my honor to present the returns of the special election held on November 4, 2003, in the 27th Senatorial District.

The PRESIDENT. The Chair thanks Secretary Cortes.

The Chair lays before the Senate the following communications from the Secretary of the Commonwealth, which the Clerk will read.

The Clerk read the election returns as follows:

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Senator in the General Assembly of the Commonwealth of Pennsylvania held in the Twenty-seventh Senatorial District, as the same has been certified to and filed with my office by the Columbia, Dauphin, Luzerne, Montour, Northumberland and Snyder County

Boards of Elections. John R. Gordner, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Senator in the General Assembly.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of my office at the city of Harrisburg, this twenty-fourth day of November in the year of our Lord two thousand three and of the Commonwealth the two hundred and twenty-eighth.

PEDRO A. CORTES
Secretary of the Commonwealth

SPECIAL ELECTION
SENATOR IN THE GENERAL ASSEMBLY
27TH SENATORIAL DISTRICT
COLUMBIA, DAUPHIN, LUZERNE, MONTOUR,
NORTHUMBERLAND AND SNYDER COUNTIES
NOVEMBER 4, 2003

OFFICIAL RESULTS

	VOTE TOTALS
Democratic - Kent D. Shelhamer	15,129
Republican - John R. Gordner	30,666
Reform - Robert L. Pyle	3,035
Write-Ins (Scattered)	16

STATEMENT BY THE PRESIDENT

The PRESIDENT. For the record, the Secretary of the Commonwealth has also certified that Senator-elect Gordner has filed the accounts and affidavits as required by Section 1632(b) of the Pennsylvania Election Code.

**SPECIAL ORDER OF BUSINESS
DISTINGUISHED GUESTS
PRESENTED TO THE SENATE**

The PRESIDENT. Before proceeding to the administration of the oath of office, without objection, the Chair would like to introduce a couple of special guests who are here with us today. First of all, we have Senator-elect Gordner's family, his wife, Lori, and their two children, Allison and Cole; John's parents, Carl and Shirley Gordner; Lori's parents, Bud and Nancy Lindenmuth, and, of course, the Senator-elect's predecessor, former Senator Ed Helfrick and his wife, Rose.

There are several county commissioners here today. They are Bill Soberick from Columbia County, and Bernie Swank and Harold Hurst from Montour County. We have the Prothonotary from Columbia County, Tami Kline, the Prothonotary from Northumberland County, Suzanne Smith, and many friends from around the State. Welcome to the Senate for this very special occasion.

(Applause.)

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. The Chair will now take this opportunity to politely remind all of our guests that taking still pictures or

videotaping in the Senate Chamber is not permitted under our rules. So I ask that during the administration of the oath of office no pictures be taken or video be taped. At the end of the oath, however, the Senate will recess, and Senator-elect Gordner will remain at the bar of the Senate and you may take as many pictures as you want.

ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT. It is an honor and a privilege to have with us today the Honorable Thomas A. James, Jr., Judge of the Court of Common Pleas of the 26th Judicial District of Pennsylvania, consisting of Columbia and Montour Counties. He has kindly consented to be with us today to administer the oath of office to Senator-elect Gordner in accordance with Article VI, Section 3, of the Pennsylvania Constitution.

Will the Senator-elect please present himself, along with his Bible, at the bar of the Senate.

Members and guests, please rise.

Judge James will now administer the oath of office.

Judge JAMES. Madam President, esteemed Senators, colleagues, friends, and supporters of John Gordner, it is a great honor to administer the oath of office to my good friend and colleague, Pennsylvania State Representative and soon to be Pennsylvania State Senator John R. Gordner.

It has been said that it is good to be wise and wise to be good, and that is precisely what John Gordner has been to his community and to his constituents for many years. He has been both a wise person and a wise Representative, and a good person and an excellent Representative, not to mention, and the Senators will be happy to hear this, he is a conscientious, diligent, persistent, intelligent, and hardworking individual.

Representative Gordner, please place your left hand on the Bible, raise your right hand, and repeat after me:

I, John Gordner, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

Congratulations, Senator Gordner.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate recess for the purpose of a Republican caucus, which will begin immediately. I expect that we will be back in an hour.

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

Senator O'PAKE. Madam President, I ask that the Democrats come to the caucus room immediately.

The PRESIDENT. Without objection, the Senate stands in recess for 1 hour.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 46 (Pr. No. 2872) -- 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 desecration or sale of venerated objects.

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

NAY-2

Earll White, Mary Jo

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

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

BILL OVER IN ORDER

SB 763 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 892 (Pr. No. 1138) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-49

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

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

HB 88 (Pr. No. 2839) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the schedule of compensation.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 936 (Pr. No. 1250) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties.

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

BILL OVER IN ORDER

SB 965 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

HB 1279 (Pr. No. 2915) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for wine marketing, for sales on Saint Patrick's Day and for wine purchased for consumption at a restaurant.

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

**HOUSE CONCURRENT RESOLUTION
No. 256, CALLED UP**

Senator PICCOLA, without objection, called up from page 2 of the Calendar, **House Concurrent Resolution No. 256**, entitled:

A Concurrent Resolution establishing a task force to study issues concerning the renewal and management of this Commonwealth's forests; providing for an advisory committee; and directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force.

On the question,
Will the Senate concur in the resolution?

Senator PICCOLA. Madam President, I move the Senate do concur in House Concurrent Resolution No. 256.

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

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

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

RECESS

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

Senator PICCOLA. Madam President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate will stand in recess.

AFTER RECESS

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

**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 PODIATRY**

November 24, 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 August 7, 2003, for the appointment of David B. Wilson, M.D., 1034 Highland Road, Sharon 16146, Mercer County, Fiftieth Senatorial District, as a member of the State Board of Podiatry, to serve until November 14, 2005, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jonathan B. Tocks, M.D., Mechanicsburg, 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**

November 18, 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 July 9, 2003, for the appointment of Stephanie Moore, (Public Member), 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Psychology, to serve until November 26, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Kendra A. Pfautz, Mechanicsburg, declined appointment.

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.

**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
COUNCIL ON AGING**

October 29, 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, Arthur L. Baldwin, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2006, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

October 3, 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, Michael J. Yeosock, 40 South Main Street, Plains 18705, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew Mamary, Wilkes-Barre, whose term expired.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

October 29, 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, Arthur L. Baldwin, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial

District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2006, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

October 3, 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, Michael J. Yeosock, 40 South Main Street, Plains 18705, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew Mamary, Wilkes-Barre, whose term expired.

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-49

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

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 CONTI, from the Committee on Law and Justice, reported the following bill:

HB 857 (Pr. No. 1010)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training.

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

SB 940 (Pr. No. 1290) (Amended) (Rereported)

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; and making an appropriation.

HB 545 (Pr. No. 2916) (Rereported)

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights.

HB 1000 (Pr. No. 2823) (Rereported)

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for licensing requirements and penalties.

DISCHARGE PETITION

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

November 24, 2003

A PETITION

To place before the Senate the nomination of Stephanie Moore as a member of the State Board of Psychology.

TO: The Presiding Officer of the Senate:

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

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

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

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 Anthony Leonard Rucci and to James F. Burton by Senator Boscola.

Congratulations of the Senate were extended to Helen McMullen by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Tom Wambaugh and to the Huntingdon Area Senior High School Girls' Volleyball Team by Senator Jubelirer.

Congratulations of the Senate were extended to Agnes L. Hartmeyer by Senator Kukovich.

Congratulations of the Senate were extended to Yolanda Castellani by Senator Mellow.

Congratulations of the Senate were extended to Reverend Mario S. Buttini, Dolores A. Loughnane, Theresa A. Gieda, Helen K. Johns and to the Wyoming Valley West High School Field Hockey Team of Kingston by Senator Musto.

Congratulations of the Senate were extended to Thomas and Susan Muchanic by Senator O'Pake.

Congratulations of the Senate were extended to Jane D. Marfizo by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent E. Dranginis, Jeffrey J. Harman, Jr., Benjamin F. Glunz and to Michael P. Schroeder by Senator Rhoades.

Congratulations of the Senate were extended to Lee S. Heffner by Senators Rhoades and Brightbill.

Congratulations of the Senate were extended to Celestine Curtis by Senator Schwartz.

Congratulations of the Senate were extended Mr. and Mrs. Robert J. Davison and to Mr. and Mrs. Fred Tracanna by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Antonio Soda by Senators Tomlinson and Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas A. Greene and to Mr. and Mrs. Robert Gardner by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin J. Stark, Mr. and Mrs. William McKissick and to Mr. and Mrs. Ken Snyder by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Robert C. Henning, Mr. and Mrs. James T. Dartouzos and to Adam Leister by Senator Wonderling.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Susan Snyder Branscum by Senator Orie.

Condolences of the Senate were extended to the family of the late Dr. Charles Evans Swope by Senator Thompson.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 857.

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

