

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, DECEMBER 9, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 79

**SENATE**

TUESDAY, December 9, 2003

The Senate met at 3 p.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Rabbi SOLOMON ISAACSON, of Congregation Beth Solomon, Philadelphia, offered the following prayer:

It is the fundamental principle of our belief that in each holiday season we have the potential to relive the experiences of our forefathers and connect with the same miracles that occurred for them, for these miracles are being wrought for us even now in every generation all over again. This is why the expression used in our prayers in commemoration of these observances marks that these miracles occurred in those days and in this time. True, they took place a long time ago in those days, but it is happening once again, potentially in this time. The flicker of flame that lasted 8 days, as opposed to just 1, symbolizes the strength of ability each individual carries within them.

Each one of you has answered a great call, participating in an historic moment in our world's history. You live by a code of honor of service to your State, with the needs and hopes of our citizens constantly beckoning your call each and every day.

Almighty God, the Senate of Pennsylvania responds daily to Your declaration at Sinai by opening their convocations in this historic and noble Chamber with the recognition of Your sovereign presence and by publicly offering prayers to You. Reward this sacred practice by granting the Senators good health, good cheer, good fellowship, long life, and abundant wisdom. May this wise and sacred practice be an inspiration to all convocations and assemblies which are convened daily throughout our blessed country and throughout the world to do likewise. Happy holidays, and may God bless you all.

The PRESIDENT. The Chair thanks Rabbi Isaacson, who is the guest today of Senator Stack.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

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

Senator MUSTO. Madam President, I request legislative leaves for Senator Schwartz, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator Musto requests legislative leaves for Senator Schwartz, Senator Stout, and Senator Tartaglione. Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 8, 2003.

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

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

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

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

**YEA-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. |
| Earl       | 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 majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR SEAN F. LOGAN  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Logan.

Senator LOGAN. Madam President, I rise today to introduce a handful of students who participate in the THIS Program, The Harrisburg Internship Semester Program. It is designed to provide an opportunity for the best students in the 14 universities of the State System of Higher Education, and they spend a semester in Harrisburg working in the legislature and different agencies. Each semester one student from each campus is chosen by the program coordinator and the university's president to represent their university in the Capitol.

Madam President, the students are required to work 40 hours a week in an office of their choice. They receive 15 credits by attending class once a week and completing a number of research projects that benefit them and their offices. It is an excellent opportunity for students to get firsthand, real world experience while being a part of the inner workings of State government. I am going to introduce the students, Madam President, and would like them to stand. They are with us in the gallery. Then at the end, some of my colleagues will introduce their students, and then we can give them a warm welcome.

First is Ebony Bates, who attends California University and is working in the office of the First Lady. She is from Washington, Pennsylvania, in Senator Stout's district.

Melissa Hreha is from Slippery Rock University and is working in Senator Costa's office. She is from Turtle Creek in my district.

Lilit Poghossian is from Lock Haven University and working in my office. She is from Mill Hall in Senator Wozniak's district.

George Foltz is from Kutztown University and is working with the Governor's Advisory Commission on Latino Affairs. His hometown is Birdsboro in Senator O'Pake's district.

Ed Nicholson is from Mansfield University and is working in the Office of the Speaker of the House of Representatives. His hometown is Mansfield in Senator Scarnati's district.

Also in Senator Scarnati's district is Victoria Reid from Clarion University, who is working for the Center for Rural Pennsylvania, and she is from Sigel.

From West Chester University is Michael Stoll, who is working in Representative Taylor's office and is from Glenside in Senator Thompson's district.

Thank you, Madam President.

The PRESIDENT. Would all the students from the 14 schools of the State System of Higher Education, whom Senator Logan just introduced, please stand, and we will recognize you.

(Applause.)

**GUEST OF SENATOR JOHN C. RAFFERTY  
PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Madam President, I have the distinct pleasure today of introducing one of the interns in the program Senator Logan just spoke of, Miss Lindsay Clinton. She is a se-

nior at Indiana University of Pennsylvania and a graduate of Perkiomen Valley High School. She has an internship with the Department of Environmental Protection, Office of Water Management, and in the southeast there is a critical need for water management, so I am sure she is learning some valuable information during her internship. She is a resident of Colledgeville, and I ask the Senate to join me in extending our usual courteous, warm welcome to her.

The PRESIDENT. Please rise, Lindsay.

(Applause.)

**GUEST OF SENATOR RAPHAEL J.  
MUSTO PRESENTED TO THE SENATE**

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

Senator MUSTO. Madam President, I am pleased to welcome Danielle Aregood, a senior at East Stroudsburg University and a resident of Hanover Township in my senatorial district. She is majoring in political science with a minor in communications and is a student senator at East Stroudsburg and former secretary of the university's prelaw society. Danielle is here today as part of the program known as The Harrisburg Internship Semester. She was chosen for her outstanding academics and extracurricular achievements. Kindly give Danielle the Senate's warm welcome.

The PRESIDENT. Would Danielle rise.

(Applause.)

**GUEST OF SENATOR LISA M. BOSCOLA  
PRESENTED TO THE SENATE**

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

Senator BOSCOLA. Madam President, I also have a student here with us today from East Stroudsburg University, Amanda Isenberg, who is working with the Department of Education. Hopefully, she will be able to help us with the budget negotiations going on. I would like a warm Senate welcome for Amanda.

The PRESIDENT. Would Amanda please rise.

(Applause.)

**GUEST OF SENATOR ROBERT C.  
WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, I rise today to introduce a constituent of mine, a senior at Bloomsburg University who is also participating in the educational intern program, spending his time in the Attorney General's Office. I would like the Senate to offer its warm welcome to Thomas Pepe.

The PRESIDENT. Would Thomas please rise.

(Applause.)

**GUEST OF SENATOR ROBERT M.  
TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Madam President, as a graduate of West Chester State and the State college system, I am very proud of all these interns, but I would particularly like to introduce Stephanie Ruggieri from Langhorne, who is the daughter of Tom and Joan Ruggieri. She is presently a senior at Lock Haven University majoring in political science, and she is participating in The Harrisburg Internship Semester in the Attorney General's Office in the Bureau of Consumer Protection. I would like to welcome her to the Senate.

Thank you.

The PRESIDENT. Would Stephanie please rise.

(Applause.)

**GUEST OF SENATOR GIBSON E.  
ARMSTRONG PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, it is my distinct pleasure to introduce Stanislaw Stefaniak, who is from Millersville University and resides in Lancaster County. He is now working in the Department of Education in the Bureau of Migrant Education.

The PRESIDENT. Stan, would you please rise.

(Applause.)

**GUESTS OF SENATOR VINCENT J.  
HUGHES PRESENTED TO THE SENATE**

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

Senator HUGHES. Madam President, it is my pleasure to introduce to the Members of the Senate and welcome the parents of the Governor's Press Secretary, Kate Phillips. They traveled a long distance to watch this Senate in action. Tony and Gloria Ferritto are here with us today, Madam President, and I would appreciate it if we would give them a warm Senate welcome.

The PRESIDENT. Would Tony and Gloria please rise.

(Applause.)

The PRESIDENT. Welcome, and thank you.

**GUEST OF SENATOR CONSTANCE H.  
WILLIAMS PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, today I would like to introduce you to a young woman, Caroline Cantner, who has just joined my staff. Carolyn is from Rosemont and graduated from Dartmouth College and has come back to work in Pennsylvania, so we are happy to have her on board.

The PRESIDENT. Thank you, Carolyn.

(Applause.)

**GUEST OF SENATOR JAY COSTA  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I want to rise this afternoon to also recognize one of the participants in the State System's internship program. Melissa Hreha, who was mentioned previously by Senator Logan, has been working in our office for a number of weeks. As with the other interns we have had the privilege of working with in the State System, Madam President, Melissa has done an outstanding job and we are going to miss her. I just wanted to take a moment to say thank you to Melissa for her efforts and thank the program the State System provides, because it is a wonderful resource for legislators. She will be graduating from Slippery Rock University later this year with a double major in history and political science. She is a graduate of Woodland Hills High School and has done an excellent job, and I want the Senate to please recognize her as well.

Thank you.

The PRESIDENT. Thank you, Melissa.

(Applause.)

**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,  
ALLEGHENY COUNTY

December 9, 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, Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

EDWARD G. RENDELL  
Governor

**CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE**

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

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

December 9, 2003

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

Please note the nomination dated December 1, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Joseph Fragle, Sharon, resigned, should be corrected to read:

Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment 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.

### RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

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

December 9, 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 28, 2003, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

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

EDWARD G. RENDELL  
Governor

### 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.**

### RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate, first for the purpose of a meeting of the Committee on Appropriations, which will begin immediately in the Rules room to the rear of the Chamber, to be followed by a Republican caucus. We expect to be back here at about 5:10 p.m.

The PRESIDENT. Senator Brightbill requests a meeting of the Committee on Appropriations, to be followed by a Republican caucus.

The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, there will be a Democratic caucus immediately following the meeting of the Committee on Appropriations.

The PRESIDENT. Senator Musto requests a Democratic caucus following the meeting of the Committee on Appropriations. We will be back here at approximately 5:10 p.m.

Without objection, the Senate stands in recess.

### AFTER RECESS

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

### BILLS REPORTED FROM COMMITTEE

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

#### HB 85 (Pr. No. 3060) (Amended) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method and for the class of service for bail commissioners.

#### HB 521 (Pr. No. 3062) (Amended) (Rereported)

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity and Expansion Zone Act, further providing for short title, for definitions, for keystone opportunity zones, for keystone opportunity expansion zones, for keystone opportunity improvement zones, for application, for review, for criteria, for authorization of keystone opportunity zone, for residency, for qualified businesses and for corporate net income tax.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL REREPORTED FROM COMMITTEE AS AMENDED  
ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 85 (Pr. No. 3060) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method and for the class of service for bail commissioners.

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-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 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.

CALENDAR

SB 970 CALLED UP OUT OF ORDER

SB 970 (Pr. No. 1295) -- 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 AMENDED

SB 970 (Pr. No. 1295) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A4454:

Amend Sec. 1 (Sec. 5623), page 1, line 9, by striking out "a" and inserting: the required

Amend Sec. 1 (Sec. 5623), page 1, line 10, by striking out "state-ment" and inserting: statements

Amend Sec. 1 (Sec. 5623), page 2, line 12, by striking out "RESO-LUTION by"

Amend Sec. 1 (Sec. 5623), page 2, line 13, by removing the period after "municipality" and inserting: by resolution.

Amend Sec. 1 (Sec. 5623), page 2, line 19, by striking out "THE MUNICIPAL STATEMENT OF REVIVAL HAS" and inserting: required municipal statements of revival have

Amend Sec. 1 (Sec. 5623), page 2, line 25, by striking out "the" where it appears the second time

Amend Sec. 1 (Sec. 5623), page 2, line 26, by striking out "state-ment" and inserting: statements

Amend Sec. 1 (Sec. 5623), page 2, line 28, by striking out "state-ment" and inserting: statements

Amend Sec. 1 (Sec. 5623), page 3, line 7, by striking out "by mo-tion RESOLUTION municipal"

Amend Sec. 1 (Sec. 5623), page 3, line 8, by removing the period after "authority" and inserting: by municipal authorities by resolution.

Amend Sec. 2, page 3, line 24, by striking out "in 60 days." and inserting: immediately.

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.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 88 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 545 (Pr. No. 647) -- The Senate proceeded to consideration of the bill, entitled:

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

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  | 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. |
| Fumo       | Mellow    | Schwartz | Williams, Constance  |
| Gordner    | Mowery    | Stack    | Wonderling           |
| Greenleaf  | Musto     | Stout    | Wozniak              |

NAY-1

Ferlo

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.

BILLS OVER IN ORDER

SB 763, HB 1000 and HB 1018 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**SECOND CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

**HB 51 (Pr. No. 3049)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of authorities.

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

**BILL OVER IN ORDER**

**SB 668** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION AND REREFERRED**

**HB 856 (Pr. No. 2187)** -- 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 school police officers.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.  
Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**BILL ON SECOND CONSIDERATION**

**SB 876 (Pr. No. 1098)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**BILLS OVER IN ORDER**

**SB 904, SB 959, HB 1189 and HB 1423** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**HB 1718 (Pr. No. 2422)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, imposing limitations on supersedeas bond requirements; and requiring the Department of Labor and Industry to make certain report to General Assembly.

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

**BILL ON SECOND CONSIDERATION**

**HB 1785 (Pr. No. 3018)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities.

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

**SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 970 (Pr. No. 1308)** -- The Senate proceeded to consideration of the bill, entitled:

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

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-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.

### CONSIDERATION OF CALENDAR RESUMED

#### HB 88 CALLED UP

**HB 88 (Pr. No. 2839)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

#### BILL AMENDED

**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."

On the question,

Will the Senate agree to the bill on third consideration?

Senator KUKOVICH offered the following amendment No. A4468:

Amend Title, page 1, line 8, by removing the period after "compensation" and inserting: ; and further defining "employee."

Amend Bill, page 4, by inserting between lines 8 and 9:

Section 2. Section 601(a) of the act is amended by adding a clause to read:

Section 601. (a) In addition to those persons included within the definition of the word "employee" as defined in section 104, "employee" shall also include:

\*\*\*

(10) An employe who, while in the course and scope of his employment, goes to the aid of a person and suffers injury or death as a direct result of any of the following:

(i) Preventing the commission of a crime, lawfully apprehending a person reasonably suspected of having committed a crime or aiding the victim of a crime. For purposes of this clause, the terms "crime" and "victim" shall have the same meanings as given to them in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act."

(ii) Rendering emergency care, first aid or rescue at the scene of an emergency.

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Amend Sec. 2, page 4, line 9, by striking out "2" and inserting: 3

Amend Sec. 3, page 4, line 12, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator KUKOVICH offered the following amendment No. A4525:

Amend Sec. 1 (Sec. 306), page 3, line 8, by inserting after "regulation.":

The vocational expert shall comply with the Code of Professional Ethics for Rehabilitation Counselors.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I thank Senator Scarnati for agreeing to those amendments. We have been trying to negotiate this at the last minute, and I still have some serious problems with House Bill No. 88. One of the amendments that I have withdrawn, which Senator Tartaglione was very interested in, has to do with the Office of Vocational Rehabilitation and how we assess those individuals who evaluate injured workers.

I request a brief interrogation of Senator Scarnati on that particular issue.

The PRESIDENT. Senator Scarnati, would you stand for interrogation?

Senator SCARNATI. I will, Madam President.

The PRESIDENT. Senator Kukovich, you may proceed.

Senator KUKOVICH. Madam President, assuming that this bill does pass, and eventually it would have to be agreed to by the State House, in the gentleman's capacity as the chair of the committee which deals with this legislation, would he be willing to hold hearings on future legislation that deals with the role of the Office of Vocational Rehabilitation for the main purpose of trying to provide the services that could get injured workers back to work?

Senator SCARNATI. Madam President, I believe that is an excellent idea. It is one that I have conveyed to other Members, and as chairman, I would be very glad to hold hearings on OVR being involved with the vocational experts. There are several concerns that many of us have about OVR being able to both accomplish it and provide that service, so hearings would be an excellent way to do that and I would do that, Madam President.

The PRESIDENT. The Senator states he absolutely will hold hearings with the Office of Vocational Rehabilitation. Are there any other questions you have, Senator Kukovich?

Senator KUKOVICH. No, Madam President.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

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

### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,  
ALLEGHENY COUNTY

December 9, 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 28, 2003, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

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

EDWARD G. RENDELL  
Governor

**NOMINATION RETURNED TO THE GOVERNOR**

Senator ROBBINS. Madam President, I move that the nomination 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 nomination will be returned to the Governor.

**EXECUTIVE NOMINATION**

**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

**NOMINATION TAKEN FROM THE TABLE**

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

August 8, 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, Gary Hoffman, (Alternate Member), 2030 Blue Mountain Parkway, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Michael M. Ryan, Mechanicsburg, replaced.

EDWARD G. RENDELL  
Governor

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

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**

**SENATE RESOLUTIONS ADOPTED**

Senator MUSTO, by unanimous consent, offered **Senate Resolution No. 186**, entitled:

A Resolution paying tribute to and honoring the memory of Sgt. Andrew J. Baddick, a paratrooper with the United States Army, 82nd Airborne Division, who tragically lost his life while on active duty in Iraq.

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

Senator MUSTO, by unanimous consent, offered **Senate Resolution No. 187**, entitled:

A Resolution honoring Brian Firkal of Nesquehoning, Carbon County, who died during his attempt to rescue swimmers.

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 Donald E. Wieand, Jr., and to the Whitehall Chorale of Mechanicsville by Senator Dent.

Congratulations of the Senate were extended to Craig P. Davis by Senator Earll.



Congratulations of the Senate were extended to Andrew Jenkins Affel by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Dick W. Miller, Mr. and Mrs. Harold Drake, David L. Shiffler, Thomas D. O'Leary and to Theresa Johnsonbaugh by Senator Jubelirer.

Congratulations of the Senate were extended to the Penn-Trafford High School Girls' Soccer Team of Harrison City by Senator Kukovich.

Congratulations of the Senate were extended to James C. Roddey by Senator Orie and others.

Congratulations of the Senate were extended to Dotty Stewart McGill by Senator Robbins.

Congratulations of the Senate were extended to Cornelia A. Craumer by Senator Waugh.

Congratulations of the Senate were extended to the Montgomery Early Learning Centers of Narberth by Senator C. Williams.

**CONDOLENCE RESOLUTION**

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

Condolences of the Senate were extended to the family of the late William E. Dougherty, Sr., by Senator Greenleaf.

**HOUSE MESSAGE**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 586**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, DECEMBER 10, 2003

|               |   |                       |
|---------------|---|-----------------------|
| 9:00 A.M.     | SENATE AGING AND YOUTH and HOUSE CHILDREN AND YOUTH (joint informational meeting on Teen Suicide Screening) | Room 8E-A East Wing   |
| 10:45 A.M.    | STATE GOVERNMENT (to consider Senate Bills No. 907 and 975; and House Bill No. 1674)                        | Rules Com. Conf. Room |
| 1:30 P.M.     | ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on Senate Bill No. 901)                                  | Room 8E-B East Wing   |
| Off the Floor | APPROPRIATIONS (to consider Senate Bill No. 870; and House Bills No. 44, 999 and 1133)                      | Rules Com. Conf. Room |

|               |   |                       |
|---------------|---|-----------------------|
| Off the Floor | RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations) | Rules Com. Conf. Room |
|---------------|---|-----------------------|

**RECESS**

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

Senator BRIGHTBILL. Madam President, at this time, for the information of the Members, we plan to run House Bill No. 88 as amended on a Supplemental Calendar. We expect to have that in about 30 minutes, so we will reconvene in approximately 30 minutes.

The PRESIDENT. Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3**

**BILL LAID ON THE TABLE**

**HB 88 (Pr. No. 3064)** -- 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; and further defining "employee."

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

**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, December 10, 2003, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:54 p.m., Eastern Standard Time.