

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, MARCH 30, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 21

**SENATE**

TUESDAY, March 30, 2004

The Senate met at 1 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:

Good afternoon.

I brought a bottle of wine and a box of matzo, and I know many of the Senators are not here, but I know they can hear this in their offices. This is going on record, so let them know on record that I brought enough for every Senator in the Senate, so nobody should think they are missing out on anything, even though if they miss my prayer, that is something to miss, and it is good matzo. And when you drink the wine, make sure it is chilled, it tastes much better.

As we stand now less than a week from a very important Jewish holiday in history, the holiday of Passover, which marks the freedom of people from physical and mental slavery after 210 years, we begin to look and respect and realize and try to appreciate the freedom that we now live in this great country of ours, this wonderful State that we live in, and we may have a better idea and appreciation of what it means to be able to vote, to be able to help our people. All of you, as Senators and Representatives of your individual constituents, are called upon many times to make wise and difficult decisions. So, with that in mind, with realizing that your positions are such that you look to serve your people to the best of your ability and to the best of what is good for your constituents, as Moses did for his constituents, the people whom he led out of slavery from the land of Egypt, God gave him that strength to be able to lead those people for 40 years. I do not know if all of you are planning to be Senators for 40 years, but for however long you plan to be and for however long the Almighty has in mind for you, may you always make the wise decisions and may God always be on your right hand to protect you and give you much health and happiness.

(Whereupon, a prayer was offered in Hebrew.)

For those of you who did not understand that, I will now translate it into English.

May He who grants salvation to kings and dominions, to rulers whose kingdom is a kingdom spanning all eternities, who releases David as servant from the evil sword, who places a road

in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high the Senators of our great State of Pennsylvania and all the other officials of this great State of ours. The King who reigns over kings, in His mercy may He sustain them and protect them from every trouble, woe, and injury. May He rescue them, may He gather people under their sway and cause their enemies to fall before them, and wherever they turn, may they succeed. The King who reigns over kings, in His mercy, may He put into their hearts and into the hearts of all their counselors and officials compassion to do good with us and all the people of our great State of Pennsylvania. In their days and in ours, may we all live together in peace. So may it be the will of the Almighty. Amen.

Notice that I said in the prayer that may He help them to conquer their enemies, so anybody here who is running for reelection, you have nothing to worry about.

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

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

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

Senator KUKOVICH. Madam President, I request a temporary Capitol leave for Senator Schwartz, and legislative leaves for Senator Stout and Senator Tartaglione.

The PRESIDENT. Senator Kukovich requests a temporary Capitol leave for Senator Schwartz, and legislative leaves for Senator Stout and Senator Tartaglione. Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 29, 2004.

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

Senator PICCOLA. 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 PICCOLA and were as follows, viz:

## YEA-50

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

## 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 JOHN R. GORDNER  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, it is my privilege today to have some State champions in the gallery, the Bloomsburg Wrestling Team PIAA State Class AA Champions. They won the dual match this year in the State championships with a 38-26 victory. They have four senior captains, Steve Anceravage, Drew Dipasquale, Jeff Schell, and Zach Schnee. Out of those four senior captains, none of them lost a dual match all regular season, leading the team throughout their championship effort. Also on the team are some members who had at least 20 or more wins. They are Steve Brown, Alex Baigis, Chris Krum, Ricky Donald, and Joey Anceravage. Their head coach, Marc Freeman, is here; assistant coach, Lon Edmonds; and principal, Barb Sorg. Steve Anceravage also won an individual State championship as well.

Another thing I might point out, those four senior captains, I believe, are all on the honor society and are heading to places like Brown, Cornell, and other institutions of higher learning. So I am very proud at this time to introduce, as our newspaper provided, a parade of Panthers, and ask that the PIAA Class AA State Championship Bloomsburg Wrestling Team stand and that the Senate give them its usual warm welcome to these State champions.

The PRESIDENT. Will our guests please stand.

(Applause.)

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes Senator Schwartz, and her temporary Capitol leave is cancelled.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ALLYSON Y.  
SCHWARTZ PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Madam President, I have two guests with me who had the pleasure of spending the day with me, Dr. Katie Margo and her son, Benjamin. They are visiting the Capitol today to observe our work, and Dr. Margo is a family practice physician at Presbyterian Hospital, part of the University of Pennsylvania in Philadelphia, and she is a professor there overseeing the medical students. Her son is a senior at Harvard University, where he is a philosophy major, and he is interested in the political process. He has made some very insightful comments already about some of the committee meetings that he observed this morning, and he wishes to pursue a career in State government. So, I suppose he will be open to interviews later in the afternoon if anyone wants to chat with him. But let me also say that he did serve as governor in a mock legislative program here in Harrisburg that takes place right here on the floor of this Senate every year. So, I ask my colleagues to give a warm welcome to Dr. Margo and her son, Benjamin Margo.

Thank you.

The PRESIDENT. Will Dr. Margo and her son please rise. (Applause.)

**GUEST OF SENATOR ALLEN G.  
KUKOVICH PRESENTED TO THE SENATE**

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

Senator KUKOVICH. Madam President, the University of Pittsburgh Institute of Politics began a few years ago providing an opportunity for students, after a competitive application process, to become involved in the "Legislator for a Day" program, and they shadow House Members and Senators up here, and usually they are very active political science students.

I am fortunate to have a very bright student shadowing me today on behalf of the Institute of Politics at the University of Pittsburgh. Kevin Washo is a senior at Pitt, and I ask my colleagues to give him a warm welcome.

The PRESIDENT. Would our guest please rise so we can give you a warm welcome.

(Applause.)

**GUEST OF SENATOR CHARLES W.  
DENT PRESENTED TO THE SENATE**

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

Senator DENT. Madam President, I am pleased today to introduce to the Senate a young man from my district, Julian Stolz, who is a sophomore at Emmaus High School and a guest Page for the day. I would like the Senate to give Julian, who is seated in the front, our customary warm welcome.

Thank you, Madam President.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Madam President, each year the Optimist Club of Daniel Boone brings a group of high school students to the Capitol. They spent a day here with the House of Representatives, they met with our Lieutenant Governor, and it is always an exciting day for these fine young students. Some of them are constituents of Senator Rafferty, and some are constituents of mine. They are here with the project chairman who has been doing this now for over 20 years. I would like the Chair to recognize not only the history students from Daniel Boone High School, but the project chairman from the Daniel Boone Optimist Club, Mr. Thomas Kirchner. They are all in the gallery, and I ask that the Chair extend its usual warm welcome to the outstanding students from Daniel Boone High School, Berks County.

The PRESIDENT. Would you please rise.

(Applause.)

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

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

Senator WONDERLING. Madam President, today, as part of the Music Educators Association Program in Pennsylvania, we all welcomed the opportunity to hear wonderful sounds from the Milford Middle School, which is located in Quakertown, Bucks County. The choir sang a number of tunes over the noon hour, and all was going well up until the point when I asked to join in and clearly pulled the choir off key as we sang "I'm a Believer," that famous hit by Neil Diamond, The Monkeys, and most recently, Smash Mouth in the movie "Shrek."

So, it is indeed my honor to introduce a fine group of young individuals from the Milford Middle School in Quakertown, and ask that we offer our traditional warm and hearty welcome to them.

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

(Applause.)

**GUEST OF SENATOR JOHN R. PIPPY PRESENTED TO THE SENATE**

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

Senator PIPPY. Madam President, I also would like to introduce and welcome to the floor today Matthew Leavitt, who is involved with the University of Pittsburgh Institute of Politics. What is interesting about Matthew, unlike a lot of the individuals involved with the program, he is a biological science major and had an interest in veterinary school. But being in western Pennsylvania and being at the University of Pittsburgh, he has really had a great interest in potentially changing his major. Whenever we can get wonderful, qualified young men and women interested in politics, I think that is good for Pennsylvania.

On a side note, Matthew grew up and lives in Long Island. Hopefully, we can keep him here in western Pennsylvania, and I would like to give him a warm welcome to the Pennsylvania Senate.

The PRESIDENT. Would the guest of Senator Pippy please rise.

(Applause.)

**GUEST OF SENATOR MARY JO WHITE AND SENATOR JOSEPH B. SCARNATI PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I have a young woman here today from the University of Pittsburgh. The Institute of Politics is having a "Legislator for a Day" Program. She is Cynthia Billisits, who lives in Warren in Warren County and is a graduate student at Pitt, currently enrolled in the Masters of Social Work Program. She grew up in Erie, retired from the Federal Bureau of Prisons in McKean County, has a bachelor's degree in sociology, and for the next 6 months she will be working at Shadyside Hospital in palliative care. I ask the Senate to please join me and Senator Scarnati in welcoming her to the Senate of Pennsylvania.

The PRESIDENT. Would the guest of Senator Mary Jo White and Senator Scarnati please rise so we can give you a round of applause.

(Applause.)

**GUEST 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, too, have a shadow today from the University of Pittsburgh Institute of Politics "Legislator for a Day" Program. His name is Lee Slater, a 22-year-old political science major from New Castle. Lee has taken an active role in the Greek community and student government board at Pitt, and he feels his greatest contribution to the university was coordinating the arrival-survival program during the summer of 2002. He was also appointed to the university's judicial board. So, I also hope that the Senate gives Lee and all the graduates in this program a warm welcome.

The PRESIDENT. Would the guest of Senator Logan please rise.

(Applause.)

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committee indicated:

March 30, 2004

**HB 994 and 1315 -- Committee on Transportation.**

**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:

**Recess adjournment.**

**RESOLUTIONS INTRODUCED AND REFERRED**

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

March 30, 2004

Senators TARTAGLIONE, KITCHEN, LOGAN, HUGHES, STOUT, COSTA, WAGNER, KUKOVICH, MUSTO, O'PAKE, ORIE, FERLO, KASUNIC, STACK, BOSCOLA, C. WILLIAMS, LAVALLE, FUMO, RAFFERTY, WOZNIAK, MELLOW, TOMLINSON and SCHWARTZ presented to the Chair **SR 219**, entitled:

A Resolution memorializing the Congress of the United States to extend and make retroactive the Federal Temporary Extended Unemployment Compensation (TEUC) program.

Which was committed to the Committee on LABOR AND INDUSTRY, March 30, 2004.

Senator GREENLEAF presented to the Chair **SR 220**, entitled:

A Resolution expressing opposition to amendments of March 12, 2004, to the Interstate Compact for Adult Offender Supervision.

Which was committed to the Committee on JUDICIARY, March 30, 2004.

Senators GORDNER, BRIGHTBILL, WENGER, O'PAKE, ERICKSON, COSTA, ARMSTRONG, KASUNIC, PICCOLA, KITCHEN, M. WHITE, WOZNIAK, WONDERLING, STACK, RAFFERTY, BOSCOLA, PILEGGI, LEMMOND, EARLL, D. WHITE, MADIGAN, ORIE, CONTI, DENT, PIPPY, GREENLEAF, CORMAN, THOMPSON, ROBBINS, RHOADES, TOMLINSON, LAVALLE and WAGNER presented to the Chair **SR 221**, entitled:

A Resolution recognizing May 6, 2004, as the "National Day of Prayer."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 30, 2004.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Transportation to meet off the floor during today's Session to consider House Bill No. 2447.

**BILLS REPORTED FROM COMMITTEES**

Senator RHOADES, from the Committee on Education, reported the following bill:

**HB 2128 (Pr. No. 3290)**

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 regulation of expelled students; establishing the Emergency Basic Education Subsidy Fund; and providing for basic education subsidy continuation funding.

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

**SB 1039 (Pr. No.1449)**

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, clarifying the definition of "agency."

**SB 1047 (Pr. No. 1455)**

An Act authorizing the sale and transfer of ownership of Project 70 land located in Wharton Township, Fayette County, Pennsylvania.

**HB 1926 (Pr. No. 2906)**

An Act authorizing the Department of Transportation to convey to Elkland Township a tract of land situate in Elkland Township, Sullivan County, Pennsylvania.

**HB 1993 (Pr. No. 2611)**

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain land situate in East Hanover Township, Dauphin County, to Dr. Albert J. Zanetti and Mrs. Jeana M. Zanetti, his wife, in consideration for the grant and conveyance by Dr. Albert J. Zanetti and Mrs. Jeana M. Zanetti, his wife, to the Department of General Services and the Department of Military and Veterans Affairs of certain land situate in East and West Hanover Townships, Dauphin County.

Senator SCARNATI, from the Committee on Labor and Industry, reported the following bill:

**HB 652 (Pr. No. 3008)**

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

**RECESS**

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

Senator PICCOLA. Madam President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Transportation to be held immediately in the Rules room, and then a Republican caucus.

The PRESIDENT. Senator Piccola requests a recess for a meeting of the Committee on Transportation and a Republican caucus.

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

Senator O'PAKE. Madam President, I ask the Democratic Members of the Committee on Transportation to report to the meeting of the Committee on Transportation. After the meeting, we will have a Democratic caucus.

The PRESIDENT. Senator O'Pake requests that the Democratic Members of the Committee on Transportation meet in the Rules room. After the meeting, there will be a Democratic caucus.

Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**CALENDAR**

**BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS TO SENATE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS  
TO SENATE AMENDMENTS**

**HB 1206 (Pr. No. 3537)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for definitions; and providing for the applicability of 2002 amendments relating to definitions regarding earned income tax.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1206?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1206.

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-50**

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

**NAY-0**

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

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

**LEGISLATIVE LEAVE**

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Fumo. Without objection, the leave will be granted.

**RECESS**

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

Senator BRIGHTBILL. Madam President, I request a meeting of the Committee on Appropriations, which will begin immediately in the Rules room, to be followed by a meeting of the Committee on Rules and Executive Nominations. We expect to be back on the floor in about 10 minutes.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, followed by a meeting of the Committee on Rules and Executive Nominations, 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 COMMITTEES**

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

**SB 276 (Pr. No. 1504) (Amended) (Rereported)**

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for associations; further providing for preliminary general provisions; further providing, in corporations, for general provisions, for corporate functions, for managers and owners, for fundamental changes, for registered corporations, for insurance corporations, for foreign business corporations, for domestic nonprofit corporations generally and for foreign nonprofit corporations; further providing, in partnerships and limited liability companies, for general provisions, for registered limited liability partnerships, for general partnerships, for limited partnerships and for limited liability companies; further providing for unincorporated associations generally; further providing for business trusts; making editorial changes; further providing for reenactments of nonprofit corporation laws; providing for transfer of funds; and repealing provisions relating to railroad condemnation procedures, to nonprofit corporations and to Young Men's Christian Associations.

**SB 871 (Pr. No. 1505) (Amended) (Rereported)**

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, further providing for appointment by nonprofit corporations; providing for humane society police officers' appointment, qualifications, authority and discipline; conferring powers

and duties on the Department of Agriculture; providing for search warrants; establishing the State Board of Humane Society Police Officers and the Humane Society Police Officer Training and Education Account; and making a related repeal.

**HB 1634 (Pr. No. 3599) (Amended) (Rereported)**

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, The State Stores Fund current revenue projects, public highway projects, Motor License Fund projects, Manufacturer's Fund projects and State forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making related repeals.

**HB 1996 (Pr. No. 3600) (Amended) (Rereported)**

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, defining "bundling a commodity sector"; adding provisions relating to commodity sector bundling; and further providing for guaranteed energy savings and contracts.

**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 WORKERS'  
COMPENSATION APPEAL BOARD**

March 16, 2004

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, Alfonso Frioni, Jr., Esquire, 210 Main Entrance Drive, Mt. Lebanon 15228, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD**

February 2, 2004

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, Robert Krebs, 3235 Comanche Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

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 WORKERS'  
COMPENSATION APPEAL BOARD**

March 16, 2004

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, Alfonso Frioni, Jr., Esquire, 210 Main Entrance Drive, Mt. Lebanon 15228, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD**

February 2, 2004

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, Robert Krebs, 3235 Comanche Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District,

for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

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-50

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.  
Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.  
The motion was agreed to by voice vote.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**BILL OVER IN ORDER**

**SB 305** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 506 (Pr. No. 1647)** -- 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 deceptive or fraudulent business practices.

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-50

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

NAY-0

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

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

**BILLS OVER IN ORDER**

**HB 2027** and **HB 2330** -- 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**

**HB 794, SB 977** and **HB 1809** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILLS OVER IN ORDER**

**HB 304, SB 679, SB 1004, SB 1005, HB 1438** and **HB 2083** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

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

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

**HB 1996 (Pr. No. 3600)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, defining "bundling a commodity sector"; adding provisions relating to commodity sector bundling; and further providing for guaranteed energy savings and contracts.

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

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEES**

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

**HB 2447 (Pr. No. 3459)**

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding a road, Logan Township, Blair County, to the State highway system.

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

**SB 978 (Pr. No. 1502) (Amended)**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding the Uniform Trust Act; making conforming amendments; and making a repeal.

**SB 985 (Pr. No. 1512) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, abolishing common-law marriage.

**SB 1032 (Pr. No. 1421)**

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, consolidating provisions on judicial procedure for name changes; and making a repeal related to judicial procedure for name changes.

**HB 434 (Pr. No. 1569)**

An Act providing for certain rights of foster parents; and further providing for duties of county agencies and foster family care agencies.

**HB 832 (Pr. No. 3598) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for tattooing; and prohibiting certain body piercing.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 220 (Pr. No. 1499)**

A Resolution expressing opposition to amendments of March 12, 2004, to the Interstate Compact for Adult Offender Supervision.

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

**SB 689 and SB 799 TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 689, Printer's No. 792, and Senate Bill No. 799, Printer's No. 1316, be taken from the table and placed on the Calendar.

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

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

**SENATE RESOLUTIONS ADOPTED**

Senators CONTI, LOGAN, THOMPSON, KITCHEN, WAGNER, BRIGHTBILL, KUKOVICH, EARLL, TARTAGLIONE, TOMLINSON, COSTA, M. WHITE, STOUT, MUSTO, O'PAKE, ARMSTRONG, D. WHITE, KASUNIC, PILEGGI, RHOADES, WAUGH, RAFFERTY, SCHWARTZ and LEMMOND, by unanimous consent, offered **Senate Resolution No. 223**, entitled:

A Resolution designating the week of May 2 through 8, 2004, as "Pennsylvania Wine Week."

On the question,  
Will the Senate adopt the resolution?

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

Senator CONTI. Madam President, I rise to seek support on a resolution to declare May 2 through 8 as Pennsylvania Wine Week. I would like to remind my colleagues that there are 70 Pennsylvania wineries and we are eighth in production in the nation. This coming month we will have the Third Annual Philadelphia Wine Festival, the Second Annual Pittsburgh Wine Festival, and the First Annual Central Pennsylvania Wine Festival. I would just also like to share that wine in Pennsylvania is not just grapes, there is a burgeoning market for apple wine and other fine Pennsylvania products, so I ask the support of my colleagues to recognize May 2 through 8 as Pennsylvania Wine Week.

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 CONTI, LOGAN, D. WHITE, TOMLINSON, THOMPSON, SCARNATI, KITCHEN, KUKOVICH, WAGNER, EARLL, FERLO, MELLOW, MOWERY, MUSTO, TARTAGLIONE, WONDERLING, RAFFERTY, LEMMOND, CORMAN, WOZNIAK, COSTA, SCHWARTZ, ORIE, RHOADES, O'PAKE, PIPPY, ARMSTRONG and KASUNIC, by unanimous consent, offered **Senate Resolution No. 224**, entitled:

A Resolution commemorating the 70th anniversary of the Pennsylvania Liquor Control Board.

On the question,  
Will the Senate adopt the resolution?



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

Senator CONTI. Madam President, several times on this floor I have mentioned a wonderful Pennsylvania history book, "Pennsylvania Politics Today and Yesterday," by Paul Beers, but I never gave the complete title, which is "The Tolerable Accommodation." This resolution recognizes the 70th anniversary of the Pennsylvania Liquor Control Board, and I think there is no better example of a Pennsylvania tolerable accommodation than this agency, which was founded in November 1933 during the Pinchot administration as a reaction to the repeal of Prohibition. Of course, much has changed in the last 70 years. We have 630 stores, a billion dollars in sales, and it is a rather exciting time with all the modernization of Sunday sales and in-store tasting, and those types of things.

I also pause to reflect a moment on the alcohol awareness programs that the PLCB is known for, particularly their Responsible Alcohol Management Program that is available to licensees, their employees, and all Pennsylvanians, so they certainly are doing a wonderful job. It has been an exciting 70 years, and this resolution will congratulate the Pennsylvania Liquor Control Board for 70 years of a job well done.

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 MADIGAN, STOUT, KUKOVICH, LOGAN, HUGHES, EARLL, THOMPSON, CORMAN, D. WHITE, PILEGGI, COSTA, BRIGHTBILL, MOWERY, TARTAGLIONE, ERICKSON, ARMSTRONG, M. WHITE, MUSTO, WAGNER, O'PAKE, KASUNIC, ORIE, LEMMOND, C. WILLIAMS, LaVALLE, TOMLINSON, RAFFERTY, WOZNAK, GREENLEAF RHOADES and SCHWARTZ, by unanimous consent, offered **Senate Resolution No. 225**, entitled:

A Resolution observing April 7, 2004, as "World Health Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator MADIGAN. Madam President, this resolution would observe April 7 as World Health Day in Pennsylvania. Each year in this Commonwealth more than 1,500 people are killed in motor vehicle crashes at the cost of \$8 million. Individual actions such as using seatbelts, obeying traffic laws, avoiding distracted driving, and knowing personal driving limits will reduce traffic crashes and injuries. Therefore, the Senate observes April 7, 2004, as World Health Day in Pennsylvania. I ask for its immediate adoption.

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

Senator O'PAKE. Madam President, we have not seen the resolution. We do not have to go at ease after that brilliant explanation. We are supportive of this resolution.

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

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

Senators STACK, MUSTO, TARTAGLIONE, ERICKSON, KUKOVICH, THOMPSON, FERLO, LOGAN, O'PAKE, ORIE, MELLOW, WAGNER, COSTA, D. WHITE, STOUT, PICCOLA, BRIGHTBILL, EARLL, TOMLINSON, CORMAN, GREENLEAF, RAFFERTY, CONTI, ARMSTRONG, KASUNIC, FUMO, MOWERY, RHOADES, KITCHEN, WENGER, LEMMOND, SCHWARTZ and WONDERLING, by unanimous consent, offered **Senate Resolution No. 226**, entitled:

A Resolution recognizing the month of April 2004 as "Autism Awareness Month" 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, I rise to submit this resolution that recognizes the month of April as Autism Awareness Month in Pennsylvania. The colorful ribbon that I am wearing recognizes this very important issue. Autism is an incapacitating, lifelong developmental disability. It can impair a person's ability to learn, to develop healthy interactive behaviors, or to understand verbal, nonverbal, or reciprocal communications. Its symptoms may be mild or severe. Right now, autism affects more than 25,000 Pennsylvanians, and 1 million people nationwide, and that number is on the rise.

Based on statistics from the U.S. Department of Education and other governmental agencies, autism is the fastest growing developmental disability, with an annual rate growth of 10 to 17 percent. If this trend continues, up to 4 million Americans could have some form of autism in the next decade. There is no cure for autism; however, the earlier the disability is diagnosed, the better the predicted outcome. Early diagnosis means earlier access to recent advancements in care, treatment, and educational opportunities that have vastly improved the abilities to cope, both for the afflicted individuals and for their families. Also, early diagnosis and intervention can decrease the costs associated with lifetime care by as much as two-thirds.

Autism knows no racial, ethnic, or social boundaries. A family's income or educational levels do not affect the occurrence of autism. However, children with autism can learn and function productively with appropriate education and treatment. This is a condition that challenges its victims, but it does not dehumanize them. Autistic individuals deserve our attention, our compassion, and our respect. Heightened awareness is the most direct path to understanding and confronting autism. That awareness must be tempered with vigilance that ensures adequate resources are available to continue to support early diagnosis and intervention

techniques that already have greatly improved the life of autistic individuals and those who support them.

Madam President, I ask the Senate's unanimous consent in recognizing April as Autism Awareness Month in Pennsylvania.

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 MADIGAN, STOUT, EARLL, LOGAN, THOMPSON, CORMAN, D. WHITE, COSTA, BRIGHTBILL, MOWERY, TARTAGLIONE, ERICKSON, ARMSTRONG, M. WHITE, MUSTO, WAGNER, O'PAKE, WONDERLING, KASUNIC, ORIE, WAUGH, LEMMOND, C. WILLIAMS, ROBBINS, GREENLEAF, SCARNATI, LaVALLE, RAFFERTY WOZNAK and RHOADES, by unanimous consent, offered **Senate Resolution No. 227**, entitled:

A Resolution designating the week of April 4, 2004, as "Rural Road Safety Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator MADIGAN. Madam President, this resolution would designate the week of April 4 as Rural Road Safety Week. As the number of drivers on our rural roads in this Commonwealth continues to increase and whereas agriculture is the number one industry in this Commonwealth, it is the intent of the agricultural community to raise awareness of the use of farm equipment on roads and to designate Rural Road Safety Week to promote safety on our rural highways for the protection of our agricultural equipment and individuals.

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 D. WHITE, ERICKSON, WAGNER, TOMLINSON, KUKOVICH, ORIE, STOUT, EARLL, ROBBINS, WENGER, LOGAN, MELLOW, PIPPY, MOWERY, ARMSTRONG, WOZNAK, TARTAGLIONE, KASUNIC, COSTA, KITCHEN, THOMPSON, LEMMOND, RAFFERTY and WONDERLING, by unanimous consent, offered **Senate Resolution No. 228**, entitled:

A Resolution designating the week of April 18 through 24, 2004, as "Pennsylvania One Call System Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, I rise to ask my colleagues to support this resolution designating the week of April 18 through 24 as Pennsylvania One-Call System Week.

As most people know, the Pennsylvania One-Call System provides a simple way for excavators and contractors to check the location of underground utility lines prior to starting work on a project. By calling 1-800-242-1776, they reduce the potential for damage to those utility lines and improve the workplace safety on those projects. The Pennsylvania One-Call System has come a long way since its humble start, with only six utility companies in western Pennsylvania and the city of Pittsburgh. Today the system serves more than 100,000 members and 2,450 local government authorities and utility companies. In fact, the Pennsylvania One-Call System now transmits more than 5 million notifications per year. Contacting the Pennsylvania One-Call System not only prevents damage and improves safety, but it is required by State law. Excavators are required to call 1-800-242-1776 at least 3 working days before the start of any excavation project.

Madam President, I ask my colleagues for an affirmative vote for this resolution.

Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Robert Burkholder, Thomas R. Brandt, John W. Davis, Earl Hess and to the citizens of the Borough of Cleona by Senator Brightbill.

Congratulations of the Senate were extended to Larry Gular by Senator Conti.

Congratulations of the Senate were extended to the University of Pittsburgh, Pitt Men's Study, by Senator Ferlo.

Congratulations of the Senate were extended to James C. Bowman by Senator Gordner.

Congratulations of the Senate were extended to Robert Doyle Cober, Sr., by Senator Kasunic.

Congratulations of the Senate were extended to Rosemary B. Owens and to Lee Ann Jones by Senator Kitchen.

Congratulations of the Senate were extended to Anthony Edward Karasinski by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Charles L. Cooper and to Edythe Cupp Swengel by Senator Madigan.

Congratulations of the Senate were extended to William Fox, Chris Brack and to Francesco Desensi by Senator Orie.

Congratulations of the Senate were extended to Irene Bryant by Senator Pileggi.

Congratulations of the Senate were extended to Kenneth S. Bucher by Senator Punt.

Congratulations of the Senate were extended to Mathias J. Cajka and to Marie Ley by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen F. Kish, Jr., by Senator Wonderling.

### BILLS ON FIRST CONSIDERATION

Senator FERLO. 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.

The bills were as follows:

**SB 978, SB 985, SB 1032, SB 1039, SB 1047, HB 434, HB 652, HB 832, HB 1926, HB 1993, HB 2128 and HB 2447.**

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

### HOUSE MESSAGES

#### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 989**, 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.

#### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 907** and **SB 975**, with the information the House has passed the same without amendments.

### BILLS SIGNED

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the presence of the Senate signed the following bills:

**SB 907, SB 975 and HB 1597.**

### ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MARCH 31, 2004

Off the	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 10, 157 and 1026; and certain executive nominations)	Rules Com. Conf. Room
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TUESDAY, APRIL 13, 2004

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on electric reliability)	Room 8E-B East Wing
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1:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bills No. 1329, 1330 and 1331)	Room 461 Main Capitol
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### 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, March 31, 2004, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:28 p.m., Eastern Standard Time.