

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, MAY 17, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 31

**SENATE**

MONDAY, May 17, 2004

The Senate met at 3 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend JAMES MOLSTRE, of Ruthfred Lutheran Church, Bethel Park, offered the following prayer:

Let us all pray.

Dear Heavenly Father, we praise Your name because wisdom and power belong to You. You are the one who sets up rulers and deposes them. You give wisdom and knowledge and discernment, and so I pray, Father, You would give that wisdom and discernment to our government leaders today.

We pray for Governor Rendell and all of our State Senators and State Representatives, that You would give them boldness to do what is right when others disagree, and wisdom to discern what is right. We pray, Father, for our President, his staff, and advisors, as they make decisions that affect all of us. Give them Your counsel. Father, we are especially concerned about our men and women overseas in Afghanistan and Iraq, and, God, we pray for their protection, that very soon they will be able to come home to their families. Give their families the patience and comfort Your peace accords. We especially ask Your comfort for those families who have lost sons and daughters in the war thus far.

Now, as this Session of the Senate begins, let every decision that is made be made in a spirit of love and well-being of all who reside in Pennsylvania, and that Your principles and Your spirit would guide all discussions and inform each vote. We pray this in the name of Jesus. Amen.

The PRESIDENT. The Chair thanks Reverend Molstre, who is the guest today of Senator Pippy.

**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 May 12, 2004.

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 BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

May 14, 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, Mark Collins, Jr., 2467 Birch Street, Easton, 18042, Northampton County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated, separated or failure to maintain good academic standards, vice Brandon Danz, Millersville, graduated.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 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, John A. Dawkins, III, 8807 Carlisle Road, Wyndmoor 19038, Montgomery County, Seventh Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice David E. Barendfeld, Ellwood City, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 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, Abbe Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2005, and until her successor is appointed and qualified, vice Kenneth L. Tepper, Philadelphia, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 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, Tom Knox, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2006, and until his successor is appointed and qualified, vice John P. Kameen, Forest City, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 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, Frank Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, serves at the pleasure of the Governor.

EDWARD G. RENDELL  
Governor

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

May 17, 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, Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senato-

rial 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

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

May 17, 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, Harold V. Fergus, Jr., 102 LeMoyné Avenue, Washington 15301, Washington County, Forty-sixth 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**

May 17, 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, John C. McFadden, 140 Woodhill Lane, Media 19063, Delaware County, Twenty-sixth 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

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

May 17, 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, Henry Lee Moore, 265 Montana Street, Irwin 15642, Westmoreland County, Thirty-ninth 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, vice, William R. Davis, Greensburg, whose term expired.

EDWARD G. RENDELL  
Governor

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

May 17, 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, Thomas E. Reiber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first 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, vice Joseph P. Santone, Erie, whose term expired.

EDWARD G. RENDELL  
Governor

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

May 17, 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, The Honorable Harry Schwartz, 461 Pinewood Road, Philadelphia 19116, Philadelphia County, Fifth 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**

May 17, 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, Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert T. McIntyre, Scranton, whose term expired.

EDWARD G. RENDELL  
Governor

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

May 17, 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, Delores Wilson, 1901 JFK Boulevard, Apartment 1519, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

May 17, 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, James Young, 2038 Susquehanna Street, Harrisburg 17102, Dauphin County, Fifteenth 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, vice Gail L. O'Neal, Middletown, whose term expired.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATIONS  
LAID ON THE TABLE**

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 laid on the table:

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of John A. Dawkins, III, 8807 Carlisle Road, Wyndmoor 19038, Montgomery County, Seventh Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice David E. Barenfeld, Ellwood City, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Abbe Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2005, and until her successor is appointed and qualified, vice Kenneth L. Tepper, Philadelphia, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Tom Knox, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2006, and until his successor is appointed and qualified, vice John P. Kameen, Forest City, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Frank Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Thirty-second Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senatorial District, 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, vice, Alfonso Frioni, Jr., Esquire, Mount Lebanon, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Harold V. Fergus, Jr., 102 LeMoyné Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, 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.

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EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of John C. McFadden, 140 Woodhill Lane, Media 19062, Delaware County, Twenty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Henry Lee Moore, 265 Montana Street, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, 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, vice, Daniel R. Fleck, Thornburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

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of the Commonwealth of Pennsylvania:

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EDWARD G. RENDELL  
Governor

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COMPENSATION APPEAL BOARD

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EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of James Young, 2038 Susquehanna Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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, vice Gail L. O'Neal, Middletown, whose term expired.

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 AMENDMENTS  
TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 832**.

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:

May 14, 2004

Senators O'PAKE, KUKOVICH, MUSTO, WOZNIAC, COSTA, DENT, STOUT, LOGAN, WAGNER, STACK, PIPPY, FUMO and KASUNIC presented to the Chair **SB 1131**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for general regulations for the dissemination of criminal history record information.

Which was committed to the Committee on JUDICIARY, May 14, 2004.

Senators GREENLEAF, RAFFERTY, O'PAKE, LEMMOND, WAGNER, PIPPY, COSTA, LAVALLE, BOSCOLA and KASUNIC presented to the Chair **SB 1132**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, providing for review of coroner's report.

Which was committed to the Committee on LOCAL GOVERNMENT, May 14, 2004.

**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:

May 14, 2004

Senators BOSCOLA, PIPPY, KASUNIC, TARTAGLIONE, MUSTO, COSTA, GORDNER, KITCHEN, STACK, O'PAKE, WAGNER and RAFFERTY presented to the Chair **SR 264**, entitled:

A Resolution encouraging public and nonpublic schools to instruct the students of this Commonwealth on the need for and rewards of blood donation and volunteering in local blood donation programs.

Which was committed to the Committee on EDUCATION, May 14, 2004.

Senators BOSCOLA, MUSTO, STACK, FERLO, COSTA and SCHWARTZ presented to the Chair **SR 265**, entitled:

A Resolution urging the President and the Congress of the United States to enact H.R. 1738, known as the American Parity Act.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 14, 2004.

**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, and Senator Tartaglione.

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

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION**

**RECESS ADJOURNMENT**

Senator BRIGHTBILL offered the following resolution, which was read as follows:

In the Senate, May 17, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, June 7,

2004, 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, May 24, 2004, unless sooner recalled by the Speaker of the House of Representatives

RESOLVED, That when the House of Representatives adjourns the week of May 24th, it reconvene on Monday, June 7, 2004, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

**YEA-49**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR JEFFREY E.  
PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Madam President, I am pleased to ask the Senate today to welcome a guest who is serving as an intern in my office for 3 weeks. Her name is Emily Unger, and she is currently a senior at the Baldwin School. As I said, she is doing a 3-week internship for her senior project before she graduates in June. At Baldwin, she plays basketball and golf, and has an interest in politics and wants to learn more about how State government works. Incidentally, today is her 18th birthday, and she plans to register to vote as soon as possible and vote in the fall election. Emily will be attending Vanderbilt University, and hopes to pursue her interest in politics and government and international affairs. If the Senate would welcome Emily, I would be most grateful.

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

(Applause.)

**RECESS**

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

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

The PRESIDENT. Senator Brightbill requests a Republican caucus, which will begin immediately.

Senator BRIGHTBILL. Madam President, for today, "immediately" means 10 minutes.

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

Senator O'PAKE. Madam President, would the gentleman consent to brief interrogation?

Senator BRIGHTBILL. Yes, Madam President. "Immediately" means 10 minutes. If we talk long enough, it will mean 20 minutes.

Senator O'PAKE. Madam President, does that mean we will be back on the floor in 10 minutes?

Senator BRIGHTBILL. No, Madam President. That means we will have a Republican caucus at about 3:25, at which time we will have the Calendar marked, and we expect to be back on the floor at about 4:25.

Senator O'PAKE. Madam President, the Democrats will caucus after we get the marked Calendar.

Senator BRIGHTBILL. Madam President, so will we.

The PRESIDENT. Senator Brightbill has requested a recess for the purpose of a Republican caucus. Senator O'Pake has requested 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**

**BILLS ON CONCURRENCE IN HOUSE  
AMENDMENTS AS AMENDED**

**BILL RECOMMENDED**

**SB 92 (Pr. No. 1614)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for six months limitations and for deficiency judgments; codifying judicial provisions of the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951; further providing for hearings and for summons and service; further defining "primary jurisdiction"; and making repeals.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on Rules and Executive Nominations.

**THIRD CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILLS ON THIRD  
CONSIDERATION AND FINAL PASSAGE**

**SB 1124 (Pr. No. 1598)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

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

**SB 1125 (Pr. No. 1599)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Dent	Logan	Robbins	Williams, Anthony H.
Earll	Madigan	Scarnati	Williams, Constance
Erickson	Mellow	Schwartz	Wonderling

Ferlo	Mowery	Stack	Wozniak
Fumo	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	
Hughes	Orie	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.

**SB 1127 (Pr. No. 1601)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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

**SB 1128 (Pr. No. 1602)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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

**SB 1130 (Pr. No. 1604)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

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



## BILL LAID ON THE TABLE

**SB 276 (Pr. No. 1504)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**SB 276 TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 276, Printer's No. 1504, 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 bill will be placed on the Calendar.

## BILLS OVER IN ORDER

**HB 304** and **HB 550** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL LAID ON THE TABLE

**SB 871 (Pr. No. 1548)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

## BILL OVER IN ORDER

**SB 930** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL LAID ON THE TABLE

**SB 1039 (Pr. No. 1449)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

## BILLS OVER IN ORDER

**SB 1056** and **HB 1809** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON  
SECOND CONSIDERATION

**HB 2579 (Pr. No. 3871)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2004, to June 30, 2005, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2004, to June 30, 2005; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2004, to June 30, 2005, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2004; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003.

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

## BILLS OVER IN ORDER

**HB 565, HB 659, SB 668** and **SB 735** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILLS REREFERRED

**SB 856 (Pr. No. 1619)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, regulating sale and use of fireworks.

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

**SB 981 (Pr. No. 1332)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for Educational Assistance Program definitions; and establishing the Educational Assistance Program Fund.

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

**SB 1040 (Pr. No. 1620)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; making an appropriation; and making editorial changes.

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

**SB 1041 (Pr. No. 1621)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the continuation of the Pennsylvania senior Environment Corps volunteer program administered by the Department of Environmental Protection and the Department of Aging; and making appropriations.

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

**SB 1042 (Pr. No. 1622)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Pollution Reduction and Prevention Program; establishing the Office of Pollution Reduction and Prevention within the Department of Environmental Protection; establishing a Pollution Prevention Index; providing an Environmental Report Card; establishing the Rachel Carson Environmental Excellence Award; and making an appropriation.

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

## BILL ON SECOND CONSIDERATION

**SB 1059 (Pr. No. 1473)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

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

## BILLS OVER IN ORDER

**HB 1972 and HB 2055** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**HB 2083 (Pr. No. 2773)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child custody jurisdiction and enforcement.

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

## RESOLUTION LAID ON THE TABLE

Senator BRIGHTBILL, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 220**, entitled:

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

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

**SB 871, SB 1039 AND SR 220 TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 871, Printer's No. 1548, Senate Bill No. 1039, Printer's No. 1449, and Senate Resolution No. 220, Printer's No. 1499, 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 and resolution will be placed on the Calendar.

**COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE**

Senator ROBBINS called from the table communications from His Excellency, the Governor of the Commonwealth,

recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of John A. Dawkins, III, 8807 Carlisle Road, Wyndmoor 19038, Montgomery County, Seventh Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice David E. Barenfeld, Ellwood City, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Abbe Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2005, and until her successor is appointed and qualified, vice Kenneth L. Tepper, Philadelphia, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Tom Knox, 1830 Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2006, and until his successor is appointed and qualified, vice John P. Kameen, Forest City, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Frank Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Thirty-second Senatorial District, as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, serves at the pleasure of the Governor.

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

EDWARD G. RENDELL  
Governor

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

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senatorial District, 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, vice Alfonso Frioni, Jr., Esquire, Mount Lebanon, whose term expired.

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

EDWARD G. RENDELL  
Governor

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

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Harold V. Fergus, Jr., 102 LeMoyne Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

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

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of John C. McFadden, 140 Woodhill Lane, Media 19062, Delaware County, Twenty-sixth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Henry Lee Moore, 265 Montana Street, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, 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, vice, Daniel R. Fleck, Thornburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Thomas Reiber, 1318 Perry Highway, Portersville 16051, Butler County, Twenty-first Senatorial District, 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, vice Joseph P. Santone, Erie, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of The Honorable Harry Schwartz, 461 Pinewood Road, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, 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.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert T. McIntyre, Scranton, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of Delores Wilson, 1901 JFK Boulevard, Apartment 1519, Philadelphia 19103, Philadelphia County, First Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

May 17, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2004, for the appointment of James Young, 2038

Susquehanna Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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, vice Gail L. O'Neal, Middletown, whose term expired.

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**EXECUTIVE 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.

**MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL 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, Patrick J. Stapleton, III, Esquire, 200 North Seventh Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2008, and until his successor is appointed and qualified, but not longer than six months beyond that period.

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	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Dent	Logan	Robbins	Williams, Anthony H.

Earll	Madigan	Scarnati	Williams, Constance
Erickson	Mellow	Schwartz	Wonderling
Ferlo	Mowery	Stack	Wozniak
Fumo	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	
Hughes	Orie	Thompson	

NAY-0

A constitutional two-thirds 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 RESOLUTION ADOPTED**

Senators CONTI, TOMLINSON, THOMPSON, ERICKSON, O'PAKE, FERLO, KITCHEN, BOSCOLA, KUKOVICH, SCHWARTZ, STOUT, PIPPY, WAGNER, TARTAGLIONE, D. WHITE, DENT, WONDERLING, PILEGGI, GREENLEAF, LEMMOND, COSTA, RAFFERTY and WAUGH, offered **Senate Resolution No. 276**, entitled:

A Resolution recognizing Smarty Jones' record win in the Preakness Stakes on May 15, 2004.

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 again today with ever-increasing pride as a Pennsylvanian to recognize the accomplishment of Smarty Jones in winning the Preakness about 48 hours ago. It was certainly a big win for Roy and Patty Chapman, who are constituents of mine in Solebury Township; John Servis, a constituent of Senator Tomlinson; and Stewart Elliott, another constituent of mine, all of Philadelphia Park, and I believe all Pennsylvanians are very proud of this horse's accomplishment.

You know, Smarty Jones was about 4 seconds off the record in the Kentucky Derby, and he was just a little over a second off the Preakness record. So, I think this is definitely a horse hitting its prime at the right time, and I am very hopeful that perhaps 3 weeks hence, we will be able to stand here again with a Triple Crown winner from Pennsylvania, which would be a huge accomplishment. The race was an unbelievable thing to see at the finish, as we all know. Of course, those of us who follow racing were interested in the beginning when Smarty had to stand over 5 minutes as his main competitor, Rock Hard Ten, was a little rank and could not get into the gate, and I think Smarty showed his great poise in standing there, breaking alertly, and getting right out in front nice and early at the beginning of the race. It was a wonderful race.

The Triple Crown has only been won 11 times, and not since 1978, and the 1970s were a glorious time, with Secretariat in 1973, Seattle Slew in 1977, and Affirmed in 1978, and of course, we always have to mention Alydar, a horse that Affirmed beat three times, by a nose each time, so they should almost be co-winners. It is my understanding that 47 other horses have won both the Kentucky Derby and the Preakness since 1919, but very few have been able to win the Triple Crown. As a Pennsylvanian, I guess most of my life I have been a supporter of the Steelers, the Penguins, and the Pirates, and, of course, where I live, I have been a big supporter of the Flyers, Eagles, Phillies, and Sixers, but I do not think anything has captured my imagination as much as this horse has, at least since Secretariat in 1973. This was a fantastic horse, a horse from the Philadelphia area, a Pennsylvania-bred horse that we should all be so proud of.

In closing, I think it is appropriate that I rise on behalf of Senator Tomlinson and Senator Thompson, who are just as interested in this horse. I have been called a horse thief by both, and I am proud to admit that, I guess, in this case I am a horse thief. I am trying to figure out what else we can do to have some fun with this. So, I would like to offer to my colleagues that perhaps we should start the Smarty Jones Caucus.

The PRESIDENT. I think that is a great idea.

Senator CONTI. Since I have done the resolution the last two times, perhaps Senator Tomlinson would be willing to chair that. Senator Thompson, who claims he was there at the creation of the horse, could be the vice-chair, and I would like to perhaps be the spiritual advisor to that Caucus, if I could, and at the first meeting of the Caucus, I think it would be appropriate, since we have a horse now that is about to become a historic horse, the horse should have a song, and what better song than a Philadelphia song by McFadden and Whitehead, "Ain't No Stopping Us Now." Smarty is on the move, so we will come up with some more appropriate lyrics to that melody by the Belmonts. I think it would be a great song to rally around, and anybody who would like to join the Caucus, we invite them, and I am sure after this great victory, once again, nobody will vote neigh-a-a-a.

(Laughter.)

The PRESIDENT. I could not agree more, Senator.

The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, this is truly an amazing story, the Smarty Jones story, and a lot of people have likened it to the Seabiscuit story of the last century. It is truly the Seabiscuit of the 21st century, Smarty Jones, a horse that is a little bit smaller than the rest of the horses. He is only about 15 hands high, about 1,000 pounds, most of the other horses are 1,200 pounds, but boy, does he have a heart. He has been described as the common man's horse, the blue collar worker's horse. The owner of the horse calls himself a ham and eggs owner. The parallels to Seabiscuit are incredible. The owner of this horse is a car dealer, as Mr. Howard was in "Seabiscuit," who also came up on his own. The horse is a small horse. The jockey is not the jockey who should be riding him. He is not a big-name jockey. He has been riding at Philadelphia Park, which would be like Class AA ball, you know. The trainer is a Bensalem resident, a great friend of mine, coaches little league

ball, goes to the local parish. He is a wonderful guy. It is just an incredible story. He is not a big-name trainer either, but all of a sudden here came this owner who was getting out of the horseracing industry, and it just so happened by luck and happenstance that Smarty Jones ends up at Philadelphia Park, and they did not even know what they had. They only kept 2 racehorses out of the 20 racehorses they had. They kept this racehorse because he was born on the owner's wife's birthday, and they named him after the owner's wife's mother, whom they called Smarty Jones.

It is amazing that all of a sudden this horse has captured everybody's imagination, a horse that did not seem to be terribly talented, with a breeding that did not seem to be terribly impressive, but all of a sudden we have a horse who has been running at Philadelphia Park, not a name track in racing, certainly not the tracks that you read about all the time, but all of a sudden, he goes down to the Kentucky Derby, goes against the best in the world at one of the most prestigious athletic events in the world. Then he comes along and takes over at the Preakness, which is another prestigious event, and wins that by 11 1/2 lengths, an incredible feat. Just this little horse from Philadelphia Park in Bensalem, bred by an owner who was getting out of racing, ridden by a jockey who was having his own difficulties in the profession, trained by a local Bensalem boy who was not a name trainer in the industry, but all of a sudden here they are on the world stage competing against the best horses in the world, and they are running away with it, and I think that we are all paying attention now to the big race at Belmont. I think we will get a table and invite all of our friends. I think Senator Conti has offered to pay for that table. Senator Conti is willing to host people at his own private table at Philadelphia Park to watch the Belmont race and watch this horse go on. He has already made history, Madam President. He has already won more money than any horse at this stage. If he wins the Belmont, he will set another record. He is undefeated in eight races, and it has only happened once before that a horse is undefeated going into the Kentucky Derby, wins that, wins the Preakness, and now goes to the Belmont.

This is truly an amazing story. He is the common, everyday man's horse, but if you see this horse live, which I have—I watched him work out, I went back to the back stretch—there is nothing common about this horse at all. He is truly a champion, he truly has a personality, he is truly magnificent, and we are all very, very excited about him. There are a lot of parallels here, and I know Senator Conti was talking about some of them, but when I watched that horserace at the Kentucky Derby and I saw Smarty Jones get squeezed in between five horses, I kind of felt like that around here with my gaming legislation on slot machines at racetracks. I have Senator Brightbill on one side and Senator Armstrong on the other side trying to squeeze me into the rail. I have Senator Fumo and Senator Mellow on the other side trying to squeeze me right off the track, so I know what it feels like to be Smarty Jones. The only problem is, I do not have the pedigree that he has, but he has given me the inspiration to continue with my fight for slots at tracks to save the horseracing industry, which I have been trying to do.

So, after watching Smarty Jones in the Kentucky Derby, after watching that finish, after watching the Preakness finish, I am

coming back and I am still going to try with this gaming legislation to preserve horseracing and think about horse tracks, because that is what I started out doing. I did not start out with property tax reform with this, I did not start off with stand-alone casinos, I started with trying to save a little-bitty racetrack in Bensalem called Philadelphia Park, where it just so happened that this great little horse ended up through some tragic circumstances and through some luck. Then a good friend of mine, who is a local guy, a good guy became the trainer, a local jockey became the jockey, and he has proven to outride all the best jockeys that we saw at the Kentucky Derby and the Preakness, and that trainer, obviously through his strategies, put that horse in that race and gave him great advantages through his training.

So, we are going to form that Caucus. Senator Conti is going to host you. Anybody who wants to come down to see him at Philadelphia Park for the running of the Belmont, and we are just asking, I know the Governor has been down to see this horse and see him work out, and he declared Smarty Jones Day the day of the Kentucky Derby, and Smarty Jones Day the day of the Preakness, and I am sure, with just a little bit of encouragement, will declare Smarty Jones Day the day of the Belmont. So, I think we will all get behind that, and if you saw any of the news coverage where there were thousands of people at Philadelphia Park, they were just so excited, and I think the 12 million people in Pennsylvania, with a \$2 bet or without a \$2 bet, have claimed Smarty Jones as their horse. I know I have, and he is open to you, too, my colleagues in the Senate. This is a Pennsylvania horse, bred in Pennsylvania, living in Bensalem, Pennsylvania, and he is a great horse.

Senator Conti and I are going to open up this Caucus to anybody who wishes to enjoy him, and we are asking for everybody's good wishes for us at the Belmont.

Thank you very much.

(Applause.)

The PRESIDENT. As President of the Senate, I can assure you that every Senator in this room agrees with every word you said. We are all proud, not just of Smarty Jones, but Mr. and Mrs. Chapman for their faith in this horse, and our wonderful trainer and jockey, and we will be lighting candles and crossing fingers, and whatever else, for the Belmont, because I am sure we are going to make it through and win.

And the question recurring,

Will the Senate adopt the resolution?

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

### CONGRATULATORY RESOLUTION

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

Congratulations of the Senate were extended to Michael Nolf by Senator Boscola.

Congratulations of the Senate were extended to Susan Busse by Senator Earll.

Congratulations of the Senate were extended to Alexander Nackenoff, Christopher S. Lohr and to Matthew Paul Ziegler by

Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Bruder by Senator Ferlo.

Congratulations of the Senate were extended to Fred R. Lang by Senator Jubelirer.

Congratulations of the Senate were extended to the Messmore Rod and Gun Club by Senator Kasunic.

Congratulations of the Senate were extended to Michael D'Alesio by Senator Kukovich.

Congratulations of the Senate were extended to The Arc of Beaver of Monaca by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. John Yanniruberto and to the 2003-2004 Serra Catholic High School Cheerleading Squad of McKeesport by Senator Logan.

Congratulations of the Senate were extended to Dr. Tae Sup Lee by Senator Mellow.

Congratulations of the Senate were extended to Edward L. Shaffer, Jr., Washington Heights Elementary School of Lemoyne, Cheer Tyme Youth Cheerleading Squad of Camp Hill, Cheer Tyme Junior Cheerleading Squad of Camp Hill, Cheer Tyme Pee Wee Cheerleading Squad of Camp Hill, Cheer Tyme Co-Ed Cheerleading Squad of Camp Hill and to the Cumberland Valley Junior Varsity Cheerleading Squad of Mechanicsburg by Senator Mowery.

Congratulations of the Senate were extended to Ruth Corcoran, Reverend Monsignor Donald A. McAndrews and to James Jay Delaney, Jr., by Senator Musto.

Congratulations of the Senate were extended to Dr. Marlene McCall by Senator Orié.

Congratulations of the Senate were extended to the participants and medalists in the Afro-Academic, Cultural, Technological, and Scientific Olympics by Senator Piccola.

Congratulations of the Senate were extended to Hilda Davis, Michael R. Mineweaser, Michael Kozar, Marc Field, Paul Dunkelberger, Stanley Marshall and to Alan Joseph Michael by Senator Pippy.

Congratulations of the Senate were extended to Galen K. Heckman by Senator Punt.

Congratulations of the Senate were extended to Kyle E. Simpson by Senator Rafferty.

Congratulations of the Senate were extended to Christopher Impriano and to Dr. Russell L. Ackoff by Senator Stack.

Congratulations of the Senate were extended to Debra L. Rhone, Mary Hawkins and to Elaine Cribbs Rizza by Senator Stout.

Congratulations of the Senate were extended to Francis X. McKenna and to the Neshaminy Middle School Future Problem Solving Ninth Grade Team of Langhorne by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Kinzey, Sr., and to Marie R. Beichner by Senator M.J. White.

Congratulations of the Senate were extended to Alpha Kappa Alpha Sorority by Senator A.H. Williams.

Congratulations of the Senate were extended to the Radnor Township High School Boys' Ice Hockey Team by Senator C. Williams.

Congratulations of the Senate were extended to Elizabeth Durco, Helen Balas, Meghann Wright, Jessica Walter, Cody

Edward Bruen and to Nicholas Anthony Wyant by Senator Wonderling.

Congratulations of the Senate were extended to L. Anderson Daub, Children's Home of Easton, Dutch Springs Scuba Diving Resort of Bethlehem, Dykes Lumber Company of Easton, Ahlum Gallery of Easton, River Grille of Easton and to AB Precision Grinding of Easton by Senators Wonderling, Boscola, and Dent.

**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 Gail M. Polanosky and to the family of the late Linda M. Peters by Senator Orié.

**BILLS SIGNED**

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

**HB 832 and HB 2447.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 18, 2004

9:30 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS and COMMUNICATIONS AND TECHNOLOGY (informational meeting by the PA Public Television Network on public television's digital capabilities and how they can benefit PA's homeland security and emergency management efforts)	Room 8E-B East Wing
10:00 A.M.	FINANCE (to consider Senate Bills No. 670, 1022 and 1100; and House Bills No. 1152 and 1535)	Room 8E-A East Wing
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 136; and House Bill No. 1211)	Room 461 Main Capitol
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 1052; House Bill No. 2273; and a hearing to review the 2004 Proposed Surplus Property Disposition Plan)	Rules Com. Conf. Room
11:15 A.M.	LAW AND JUSTICE (to consider House Bill No. 2330 and any other business that may come before the Committee)	Rules Com. Conf. Room
11:30 A.M.	EDUCATION (to consider House Bill No. 744; and any other business that may come before the Committee)	Room 461 Main Capitol
Off the Floor	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill	Rules Com. Conf. Room

No. 1113 and Senate Resolution No. 253)

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 921, 1024, 1107 and 1108)	Rules Com. Conf. Room
Off the Floor	GAME AND FISHERIES (to consider House Bill No. 2042)	Rules Com. Conf. Room
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 92; and certain executive nominations)	Rules Com. Conf. Room

WEDNESDAY, MAY 19, 2004

9:30 A.M. EDUCATION (public hearing on the PA Accountability Block Grant Application and Review Process) **C A N C E L L E D** Room 8E-B East Wing

MONDAY, MAY 24, 2004

11:00 A.M. JUDICIARY (public hearing to receive testimony on Senate Bill No. 722, nurses' overtime) Room 8E-B. Conf. Room

**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 Tuesday, May 18, 2004, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

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