

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, NOVEMBER 30, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 68

SENATE

TUESDAY, November 30, 2004

The Senate met at 10:39 a.m., Eastern Standard Time.

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

PRAYER AND PLEDGE DISPENSED WITH

The PRESIDENT. Without objection, we will dispense with the prayer and the Pledge of Allegiance for today's Session.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 21, 2004.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator PICCOLA, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 92, 137, 296, 844, 895, 921, 936, 1052 and 1112.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 197, 657, 709, 873 and 2664.

BILLS INTRODUCED AND REFERRED

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

November 30, 2004

Senators KUKOVICH, LAVALLE, LOGAN and STACK presented to the Chair SB 1255, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the amount of the homestead exclusion.

Which was committed to the Committee on FINANCE, November 30, 2004.

Senators HUGHES, MELLOW, FUMO, COSTA, A. WILLIAMS, TARTAGLIONE, KITCHEN, SCHWARTZ, STACK, OPAKE, MUSTO, C. WILLIAMS, BOSCOLA, KASUNIC, WOZNIAK, FERLO, KUKOVICH, WAGNER, LOGAN, STOUT, LAVALLE, CONTI and M. WHITE presented to the Chair SB 1273, entitled:

An Act making an appropriation from the General Fund to the Department of Public Welfare for cash and crisis grants through the Low-Income Heating and Energy Assistance Program for the fiscal year beginning July 1, 2004.

Which was committed to the Committee on APPROPRIATIONS, November 30, 2004.

PERMISSION TO ADDRESS

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

Senator WOZNIAK. Madam President, I would just like to wish everyone a happy holiday and a prosperous and healthy New Year, and now that tempers have cooled on this sine die, that we can begin anew in January with a new Session and face the challenges of these imperfect legislators in an imperfect world and in an imperfect government, just doing the best we can with the challenges we will face in this administration, with Growing Greener, with the situation of mass transit, the Turnpike, and all the other problems that will be conveyed upon us. But in this time of peace and reflection, God bless America and God bless Pennsylvania.

Thank you, Madam President.

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

Senator RAFFERTY. Madam President, I want to take this opportunity to thank the voters of the 44th Senatorial District for entrusting me with that Senate seat and giving me the opportunity to complete the first 2 years of my first term in office in the Senate of Pennsylvania.

To echo Senator Wozniak's comments, I look forward to January, the beginning of a new Session, a fresh time, new ideas, and a good working relationship among the Members of the Senate of Pennsylvania, that we can work together to fashion remedies for the many issues facing us in the 21st century.

I want to take this opportunity to wish all of my colleagues, the voters of the 44th Senatorial District, and all of the people of Pennsylvania, a happy, peaceful, and blessed holiday season, and a happy, healthy, and prosperous New Year.

Thank you, Madam President. It has been an honor to serve.

GENERAL COMMUNICATION

REPORT TO THE SENATE PURSUANT TO SENATE RESOLUTION No. 60

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

OFFICE OF THE STATE FIRE COMMISSIONER
2605 Interstate Drive
Harrisburg, PA 17110-9364

November 24, 2004

Mr. Mark Corrigan
Secretary
The Pennsylvania Senate
462 Main Capitol
Harrisburg, PA 17120

Dear Mr. Corrigan:

As requested by Senate Resolution 60 of 2003, I am pleased to present to the General Assembly a report with recommendations adopted by the Special Bi-Partisan Legislative Commission. On behalf of Chairman William Jenaway and the Commission members, I ask that you share this report with the members and leaders of the Senate Veterans Affairs and Emergency Preparedness Committee.

In response to the charge authorized in Senate Resolution 60 of 2003, this report contains a number of recommendations which we believe will help address the myriad of challenges facing our community-based first responders. Chairman Jenaway and the Commission stand ready to support the members of the General Assembly in our collective efforts to strengthen Pennsylvania's fire and emergency services.

Sincerely,

EDWARD MANN
Pennsylvania Fire Commissioner

The PRESIDENT. This report will be filed in the Library.

BILLS SIGNED

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

HB 197, HB 623, HB 657, HB 709, HB 873, HB 994, HB 2105, HB 2528 and HB 2664.

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 Mr. and Mrs. Doug Mims, Mr. and Mrs. John Yost, Mr. and Mrs. Adriaan Reuling, Mr. and Mrs. Michael L. Valldes, Mr. and Mrs. Charles Drummond and to Donald Brooks III by Senator Armstrong.

Congratulations of the Senate were extended to Kevin R. Sweitzer, Anna Stofko, Francis King, City of Bethlehem, Just Born, Inc., of Bethlehem, Alvin H. Butz, Inc., of Allentown, Bethlehem Stars 14-and-Under Class B Girls' Fast Pitch Softball Team and to the Lehigh Valley Building and Construction Trades Council of Allentown by Senator Boscola.

Congratulations of the Senate were extended to George and Melanie DeVault and to Joseph DiRado by Senators Boscola and Wonderling.

Congratulations of the Senate were extended to Michael P. Broglie, Kyle Dixon, Alexander C. Taormina and to Kyle Holdsworth by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Richard I. House, Mr. and Mrs. Roy E. Kearns, Mr. and Mrs. Charles H. Arentz, Mr. and Mrs. John W. Mangle, Mr. and Mrs. Elroy Saner, Mr. and Mrs. Melvin Sheibley, Eleanor Black, Andrew Todd Norberg, Ernestine Myers, Mark R. Sweeney, Melissa Sieg and to Richard H. Grumm by Senator Corman.

Congratulations of the Senate were extended to Andrew Stefurak, Penn Hills School Board and to Franklin Volunteer Fire Company No. 3 by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Earl Mory, Very Reverend Father Anthony Sabbagh, Thomas Hughes, Marc Melchiorre, Thomas Phillip Achey, Timothy Dischinat and to Kevin Dischinat by Senator Dent.

Congratulations of the Senate were extended to Dr. Verel R. Salmon, Jessica Williams, Derek Page Wagner and to Elizabeth Meade by Senator Earll.

Congratulations of the Senate were extended to Michael An Phuong Dinh and to Sean McGillen by Senator Erickson.

Congratulations of the Senate were extended to Raymond Schafer by Senator Ferlo.

Congratulations of the Senate were extended to Anthony Herman, Alfred Howard, Honorable Charles P. Mirarchi, Jr., Antoinette Troilo, Joseph Gillespie, Mike DeLuca, Karl Sayers and to Mike Eibel by Senator Fumo.

Congratulations of the Senate were extended to Honorable Thomas J. Paese and to the Honorable Barbara Hafer by Senators Fumo and Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Floyd Savage, Mr. and Mrs. Kenneth Wilson, Mr. and Mrs. Wayne Snyder, Mr. and Mrs. Jack V. Edwards, Mr. and Mrs. Darwin Ditty, Mr. and Mrs. Donald G. Cotner, Sr., Mr. and Mrs. John Else, Daniel Dewitt Strawser, Joshua Michael Filer, Michael Stepanik, Daniel Addison DiCola, Daniel Patrick Shovlin, Lanny Kintzer, Terri Kintzer, Seamus Thomas West, Bowman Roadarmel, Lucy Bridy and to Holy Spirit School of Mt. Carmel by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. James Kirkner, Bernard S. Schaffer, Adam Blocklinger, Michael Richard Ceranic, Brian Matthew Driscoll, R. Lawrence Robson and to Andrew Meinhart by Senator Greenleaf.

Congratulations of the Senate were extended to Alva Wilson, Frances Bryant, Lena Mae Ligon-Keith, Katherine Lacy, Grace Lancaster, Erielean Coppins, Harriet Procter Tyler, Sarah Topp, Leola Holland, Alice Drumgold, Fannie Carter, Bishop Joseph C. Aiken, Sr., Reverend Maria Gardner-Thomas and to James G. Newton by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Gentile, Mr. and Mrs. Joseph Roub, Sr., Mr. and Mrs. John M. Fouse, Mr. and Mrs. Robert Lang, Mr. and Mrs. Ken Kaufman, Mr. and Mrs. Jack E. Walker, Sr., Mr. and Mrs. Harold K. Lynn, Mr. and Mrs. Irvin John Fortney, Jr., Flash Gordon Quarry, Robert L. Smith, Maria Amelia Mascia Fiorenza Pirro and to Phonepower of Altoona by Senator Jubelirer.

Congratulations of the Senate were extended to Edyth H. Bigam, Ceane O'Hanlon-Lincoln, Joseph Aaron Harrold and to Patricia S. Platt by Senator Kasunic.

Congratulations of the Senate were extended to Reverend Maria Gardner, Dr. George T. Groce, Ama Akoffo, Annie Delores Powe-Hyman, Charles Harmon, Toni Brazington, Thelma M. Washington, Fatima M. Ali, Dr. Shirley Turpin-Parham, Emmer L. Joell, Maxine Westbrooks, Regina E. Maxwell, Sharon H. Johnson, Reverend Dicy G. Johnson and to the Philadelphia Juneteenth Coalition by Senator Kitchen.

Congratulations of the Senate were extended to Benjamin Augspurger and to James L. Conner by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. William Shanahan, Mr. and Mrs. Michael Polednak, Mr. and Mrs. John D. Costello, Patricia Davies, Mary Soletro, Marvin A. Antinnes, Daniel B. McCue, Marilyn Rudolph and to the Crestwood High School Girls' Field Hockey Team of Mountain Top by Senator Lemmond.

Congratulations of the Senate were extended to Wesley E. Blaha, Matthew Hummel, Jane Glenn, Dorothy Kress and to the Allegheny Intermediate Unit by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. D. Myles Williams, Reverend and Mrs. Fred D. Walker, Mr. and Mrs. Merrill Leidhecker, Jr., Mr. and Mrs. C. Barrie Edmonds, Mr. and Mrs. Howard B. Winner, Mr. and Mrs. Kenneth C. Larson, Jr., Mr. and Mrs. Franklin W. Stahl, William R. Neitz, Jr., H. Martin Rinebold, Cody Emmerson Lammy, Joseph Navickas and to Lou Hunsinger by Senator Madigan.

Congratulations of the Senate were extended to Christopher L. DiMattio by Senator Mellow.

Congratulations of the Senate were extended to Michael Clifford, Donna M. Ginter and to Nicholas Bendowski by Senator Musto.

Congratulations of the Senate were extended to Joshua J. Bednar, George D. Brown, Cody C. Fritz, Evan H. Trumbauer, Jack McCloskey, Brent D. Koller, Terence F. Hughes, IV, Ralph C. Leh, Bryan R. Anderson, Richard T. Bealer, Brian R. Babilon, James M. Lillis, District 7430 and the Rotary Clubs of Reading and West Reading/Wyomissing, Mt. Penn Fire Company No. 1, Antietam High School Boys' Soccer Team of Reading and to Holy Guardian Angels Roman Catholic Church of Exeter by Senator O'Pake.

Congratulations of the Senate were extended to the Pennsylvania Commission on Crime and Delinquency by Senators O'Pake, Earll, and Dent.

Congratulations of the Senate were extended to Mr. and Mrs. Henry F. Szymanski, Judy L. Dodd, Brian E. Zeitler, James Hetzel, Daniel Paul Huber, Matthew Robert Kling, Francisco F. Buxareo, Geoffrey Joseph Pashel, William Charles Kirk III, Judy Olson, Jim Rankin, North Hills Senior High School of Pittsburgh

and to the North Allegheny High School Marching Band of Wexford by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony A. Russo, Elderrean Yost Paules, Reverend Robert J. N. Walborn and to Gladys Davis by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Robert James May, Mr. and Mrs. Robert Herbert Walls, Sr., Shawn Robert Antonelli, Bernard J. Cialini, Filomena Castellucci, George Field, Michael Edward Tyler and to Agnes Musser Pearce by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. J. J. Mangine, Michael Williams, Chadwick Kean, Thomas Larkin, June S. Delano, Ann Houghton, Megan Trachok, Upper Saint Clair High School Girls' Golf Team, Thomas Jefferson High School Boys' Varsity Soccer Team of Pittsburgh, Moon Area High School Girls' Soccer Team, Quaker Valley High School Girls' Tennis Team of Leetsdale, Upper Saint Clair High School Boys' Varsity Soccer Team, Quaker Valley High School Girls' Cross Country Team of Leetsdale, South Fayette High School Boys' Varsity Golf Team of McDonald and to the Mount Lebanon Nature Conservancy by Senator Pippy.

Congratulations of the Senate were extended to John Caleb Hickman and to the Waynesboro Lions Club by Senator Punt.

Congratulations of the Senate were extended to Jane Eastburn, Paul Jokiel, Christine Hankins, Ayeshah Lacey, Lucy DeJulius, Ross Michael Dallas, Craig Lacey, Pierre Long, Librada Wharton, Craig Wharton, Brenda Joyce Wharton, Carol Stahl, Jovaun Smith, Christopher Partlow, Downingtown West High School Girls' Soccer Team and to the Methacton High School Marching Band of Norristown by Senator Rafferty.

Congratulations of the Senate were extended to the Marching Red Raiders of Coatesville by Senators Rafferty, Pileggi, and Thompson.

Congratulations of the Senate were extended to the Owen J. Roberts High School Marching Band of Pottstown by Senators Rafferty and Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. William McLaren, Mr. and Mrs. Clair Spatz, Catherine Andruchek, Kevin Valentine, Cody G. Fluke, Stephen G. Zelinsky, Kyle P. Snyder, Alex T. Barner, Logan D. Farr, Scott Wilson and to John P. Wabby by Senator Rhoades.

Congratulations of the Senate were extended to Reverend Monsignor John B. Hagerty, Jessica Mabry, Valarie Suntheimer, Tiffany Morris, Geraldine Ann Burdick, Tara Becher, Crystal Curry, Adrienne Bridge, Michelle Hayman, Lisa Wright, Richard Edward Martell and to Kylee Cochran by Senator Robbins.

Congratulations of the Senate were extended to Todd David Edward Bowen and to Stephen C. Straub by Senator Scarnati.

Congratulations of the Senate were extended to James E. Hines and to Arthur Bridges by Senator Schwartz.

Congratulations of the Senate were extended to Richard Sand by Senator Stack.

Congratulations of the Senate were extended to Anna Romanowski by Senators Stack and Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Cook, Mr. and Mrs. Arthur Maggi, Mr. and Mrs. Samuel V. Messina, Mr. and Mrs. Robert Shea, Mr. and Mrs. Frank E. Britko, Mr. and Mrs. William Doak, Reverend and Mrs.

Kenneth Nolin, Mr. and Mrs. Pete Petronka, George L. Pizoli, Joan Ciarallo and to Anthony Marra by Senator Stout.

Congratulations of the Senate were extended to Loretta Klenicki, Jennifer Gerena, Jeanette Murdock, Gregory Bucceroni and to Carmen Pagan by Senator Tartaglione.

Congratulations of the Senate were extended to Michael Philip Giangiulio, Ryan Michael Jones, Francis J. Pitts, Neel Abraham, Peter LoBue, Andrew Durante, Eric Thomas Verbovszky, Reverend Dr. William D. Hess II, Michael J. Capella, Zachary Alexander McAllister, Paoli-Malvern-Berwyn Rotary Club, Boy Scouts of America Troop 66 and to Boy Scouts of America Troop 65 of Exton by Senator Thompson.

Congratulations of the Senate were extended to Dr. Francesca Onley, Vincent Edward Zapisek, Daniel Paul Bainbridge, Herbert Daskal, Marjorie Minton, Sister Mary Martin dePorres and to the Honorable Gene DiGirolamo by Senator Tomlinson.

Congratulations of the Senate were extended to Clark Shuster and to Terry Francona by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Peter R. DeFazio, Joanne Cook, Chuck Cook, Frank Caputo and to the Honorable Gerard M. Bigley by Senator Wagner.

Congratulations of the Senate were extended to Andrew M. Higgins, Jeremy A. Scullion, Florence Burns, Cody Shepp, Austin Deller, Matthew Shields, Kevin M. Obermeier, Florence Burns, Trudy Shenk, Brock Allen Cheek and to Daniel Hornberger by Senator Waugh.

Congratulations of the Senate were extended to Brent Stoltzfus, Phillip Glover, John Cherrington, Helen Eyster and to the Honorable William M. Corwin by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Repik, Mr. and Mrs. Michael Neff, Mr. and Mrs. Arthur J. Valasek, Mr. and Mrs. Armour Cribbs, Mr. and Mrs. Ted Stancombe, Lizzie Suwala, Esther E. Price, Timothy Gallo, Kenneth Cahill, Dr. Keith K. Buck, Linda B. Mills, Mike Cepko, Scott Ackman and to David W. Kopczyk by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Nicholas Repoff, Mr. and Mrs. R. Dale DeWyer, Mr. and Mrs. Robert W. Hrisak, Mr. and Mrs. Norman Rowan, William P. Moon III, Benjamin L. Johnson, Robert J. Gilford, Joe Riel, Jacob Andrew Sottiaux and to the Clarion Area Chamber of Business and Industry by Senator M.J. White.

Congratulations of the Senate were extended to Margaret Delores Scott and to Sarah Todd Williams by Senator A.H. Williams.

Congratulations of the Senate were extended to Steven Krajewski and to the Plymouth Junior American Basketball Association by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Cresson Oberholtzer, Mr. and Mrs. Gerald Gabel, Mr. and Mrs. Joseph Castronuovo, Mr. and Mrs. Laverne Clemens, Mr. and Mrs. Russell C. Bubba, Mr. and Mrs. Carl Buss, Mr. and Mrs. Vernon Altemose, Barbara Bailey Bauer, Thomas John Michael, Larry Roeder, Carl Brown, Lansdale Catholic High School Football Team and to the Upper Bucks Chamber of Commerce by Senator Wonderling.

Congratulations of the Senate were extended to the Emmaus High School Girls' Field Hockey Team by Senators Wonderling and Dent.

Congratulations of the Senate were extended to Mr. and Mrs. John Kopler, Mr. and Mrs. Dwayne Martin, Mr. and Mrs. Paul Yackulich, Mr. and Mrs. Nicholas Debias, Mr. and Mrs. James J. Sedlmeyer, Mr. and Mrs. Charles E. Gounaris, Mr. and Mrs. Frank Pero, Mr. and Mrs. Paul Kozicky, George M. Khoury III, Kyle Elko, Honorable Thomas A. Swope, Jr., Dorothy Violet Johnson and to the Winber Area School District by Senator Wozniak.

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 John G. Walton, Jr., by Senator Armstrong.

Condolences of the Senate were extended to the family of the late Vernon Bishop by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Harold Edward Miller by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Mary Martha Briney Martin, to the family of the late Dorothy Romer MacCosbe, to the family of the late Michael A. Ludlow, to the family of the late Ross L. Wells, to the family of the late Ann Pearce Ferguson and to the family of the late Ann Broady Wardrop by Senator Orie.

Condolences of the Senate were extended to the family of the late Obra S. Kernodle III by Senator A.H. Williams.

RECESS

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

Senator PICCOLA. Madam President, I move that the Senate stand in recess to the call of the President pro tempore.

The PRESIDENT. Senator Piccola moves that the Senate recess to the call of the President pro tempore.

On the question,

Will the Senate agree to the motion?

The motion was agreed to by voice vote.

The Senate stands in recess to the call of the President pro tempore.

The Senate adjourned Sine Die November 30, 2004, at 12:00 midnight, Eastern Standard Time.