

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, FEBRUARY 9, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 10

**SENATE**

WEDNESDAY, February 9, 2005

The Senate met at 10:30 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend ROBERT SIEBER, of First Church of Mifflintown, Mifflintown, offered the following prayer:

Shall we bow for prayer.

Almighty God, creator of heaven and earth, as we meet in this beautiful Chamber this morning, we come humbly before You with thankful hearts for the privilege of being able to gather in freedom as a body of duly-elected Senators. As such, Father, we look forward to a later time this day in hearing about the condition of this great Commonwealth, her programs, and her people.

As we gather this morning, may each of us fully realize that this beautiful State has been the recipient of untold blessings, all emanating from You, Heavenly Father, and for this we say thank you.

Heavenly Father, Your holy word admonishes each of us to pray for our leaders, and so we pause at this time for that purpose. We want to take time now, Lord, to pray for these Senators as they grapple with the day-to-day decisions that must be rendered in the governing of this State and her citizens. We know that each Senator has stepped out in response to an inner calling to be a public servant, a calling that at times can lead to tough decisions and controversy in the casting of their vote. And so, Father, we hold each one of them up to You this morning in prayer, asking that Your will be done through them. May each Senator never lose sight of the fact that they are to base the decisions which they will render according to the Constitution of this great Commonwealth and Your divine law.

Heavenly Father, we earnestly seek Your special favor for each of them as they faithfully carry out their duties as elected officials of this great State of Pennsylvania. Bless their work this day. This we ask in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Sieber, who is the guest today of Senator Corman.

**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 February 8, 2005.

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.

**COMMUNICATION FROM THE GOVERNOR**

**NOMINATION REFERRED TO COMMITTEE**

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

MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

February 8, 2005

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2007, and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, resigned.

EDWARD G. RENDELL  
Governor

**BILLS INTRODUCED AND REFERRED**

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

February 9, 2005

Senators STACK, STOUT, KITCHEN, MUSTO, TARTAGLIONE, COSTA, O'PAKE, PILEGGI, KASUNIC, ORIE, LAVALLE, ERICKSON, BOSCOLA, RAFFERTY, WONDERLING, C. WILLIAMS, GREENLEAF and FUMO presented to the Chair **SB 225**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for flying while impaired; and imposing penalties.

Which was committed to the Committee on TRANSPORTATION, February 9, 2005.

Senators STACK, LOGAN, RAFFERTY, STOUT, COSTA, KITCHEN, MUSTO, KASUNIC, O'PAKE, REGOLA, BOSCOLA and C. WILLIAMS presented to the Chair **SB 226**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for drug offender restraining orders.

Which was committed to the Committee on JUDICIARY, February 9, 2005.

Senators STACK, LOGAN, RAFFERTY, COSTA, KITCHEN, MUSTO, TARTAGLIONE, O'PAKE and BOSCOLA presented to the Chair **SB 227**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for exceptions to prohibition of interception and disclosure of communications.

Which was committed to the Committee on JUDICIARY, February 9, 2005.

Senators STACK, LOGAN, RAFFERTY, STOUT, COSTA, KITCHEN, O'PAKE and BOSCOLA presented to the Chair **SB 228**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended.

Which was committed to the Committee on TRANSPORTATION, February 9, 2005.

Senators TOMLINSON, RHOADES, SCARNATI, MUSTO, RAFFERTY, KASUNIC, KITCHEN, BOSCOLA and LOGAN presented to the Chair **SB 230**, entitled:

An Act requiring health insurers to disclose fee schedules and all rules and algorithms relating thereto; requiring health insurers to provide full payment to physicians when more than one surgical procedure is performed on the patient by the same physician during one continuous operating procedure; and providing for causes of action and for penalties.

Which was committed to the Committee on BANKING AND INSURANCE, February 9, 2005.

Senators TOMLINSON, RHOADES, WONDERLING, MUSTO, EARLL, RAFFERTY, COSTA, WAUGH, KITCHEN and LOGAN presented to the Chair **SB 231**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for charitable contributions by taxpayers.

Which was committed to the Committee on FINANCE, February 9, 2005.

Senators TOMLINSON, PUNT, STOUT, COSTA and KITCHEN presented to the Chair **SB 232**, entitled:

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for definitions; abolishing annual charges for the use of the Commonwealth's submerged lands; and making editorial changes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 9, 2005.

Senators TOMLINSON, CORMAN, RHOADES, MUSTO, PILEGGI, GREENLEAF, STOUT, MADIGAN, TARTAGLIONE, COSTA, KASUNIC, KITCHEN, SCARNATI, D. WHITE and STACK presented to the Chair **SB 233**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for an aid ratio guarantee.

Which was committed to the Committee on EDUCATION, February 9, 2005.

Senators WENGER, WONDERLING, KITCHEN, RAFFERTY, WOZNIAK, COSTA, BOSCOLA, WAUGH, LEMMOND and CORMAN presented to the Chair **SB 236**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax on washing, cleaning and waxing of motor vehicles.

Which was committed to the Committee on FINANCE, February 9, 2005.

### RESOLUTION INTRODUCED AND REFERRED

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

February 9, 2005

Senators GORDNER, BRIGHTBILL, BOSCOLA, CONTI, EARLL, ERICKSON, GREENLEAF, FERLO, KITCHEN, KASUNIC, LAVALLE, LEMMOND, LOGAN, MADIGAN, O'PAKE, ORIE, PICCOLA, PUNT, PILEGGI, SCARNATI, STACK, STOUT, TOMLINSON, D. WHITE, M. WHITE, C. WILLIAMS, WONDERLING, RAFFERTY, WAUGH, ARMSTRONG and PIPPY presented to the Chair **SR 21**, entitled:

A Resolution declaring March 2005 as "American Red Cross Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 9, 2005.

### LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained leaves of absence for Senator ARMSTRONG and Senator CORMAN, for today's Session, for personal reasons.

## CALENDAR

### SENATE RESOLUTION No. 20 CALLED UP OUT OF ORDER, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 2 of the Calendar, as a Special Order of Business, **Senate Resolution No. 20**, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,  
Will the Senate adopt the resolution?

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

#### YEA-45

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

#### NAY-0

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

### RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess for a meeting of the Committee on Rules and Executive Nominations. As soon as the meeting is over, we plan to come back and vote some judges.

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

### AFTER RECESS

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

### COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

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

February 7, 2005

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 January 12, 2005, for the appointment of Charles P. McCullough, Esquire, 1804 Tyris Drive, Upper St. Clair 15241, Allegheny County, Thirty-seventh Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Alan S. Penkower, resigned.

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

EDWARD G. RENDELL  
Governor

### NOMINATION RETURNED TO THE GOVERNOR

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

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

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

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

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

January 4, 2005

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, Ronald C. Nagle, Esquire, 501 West Pleasant Grove Road, West Chester 19382, Chester County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Chester County, to serve until the first Monday of January 2006, vice The Honorable Juan R. Sanchez, resigned.

EDWARD G. RENDELL  
Governor

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

January 4, 2005

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, Glenn B. Bronson, Esquire, 7013 Brentwood Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Thomas D. Watkins, resigned.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

January 4, 2005

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, Charles J. Cunningham, 109 Summit Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Mary DiGiacomo Collins, resigned.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

January 4, 2005

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, Susan I. Schulman, Esquire, 3337 Queen Lane, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve the until first Monday of January 2006, vice The Honorable Carolyn E. Temin, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
PUBLIC TELEVISION NETWORK COMMISSION

January 12, 2005

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, Marcia Rose Shestack, Parkway House, 2201 Pennsylvania Avenue, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gladys E. Edmunds, Monroeville, whose term expired.

EDWARD G. RENDELL  
Governor

#### *NOMINATIONS LAID ON THE TABLE*

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

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

#### **ANNOUNCEMENT BY MAJORITY LEADER**

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we will be going to the House for the purpose of hearing the Governor's Budget Address.

#### **COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE**

The PRESIDENT. The time has come in our order of business to assemble in the Hall of the House of Representatives for a Joint Session. The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: The gentlewoman from Cumberland, Senator Vance, Chair; the gentleman from Westmoreland, Senator Regola; and the gentleman from Allegheny, Senator Ferlo. The committee will leave immediately to discharge its duties.

#### **SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE**

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order to proceed to the Joint Session.

#### **RECESS**

The PRESIDENT. The Chair now declares a recess of the Senate for one hour.

#### **AFTER RECESS**

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

#### **EXECUTIVE NOMINATIONS**

##### *EXECUTIVE SESSION*

Motion was made by Senator BRIGHTBILL,

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

Which was agreed to by voice vote.

#### *NOMINATION TAKEN FROM THE TABLE*

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

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA  
PUBLIC TELEVISION NETWORK COMMISSION

January 12, 2005

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, Marciarose Shestack, Parkway House, 2201 Pennsylvania Avenue, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gladys E. Edmunds, Monroeville, whose term expired.

EDWARD G. RENDELL  
Governor

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

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

YEA-45

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

NAY-0

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

**NOMINATIONS TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Madam President, I call from the table certain nominations and ask for their consideration.  
The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,  
CHESTER COUNTY

January 4, 2005

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, Ronald C. Nagle, Esquire, 501 West Pleasant Grove Road, West Chester 19382, Chester County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of

Common Pleas of Chester County, to serve until the first Monday of January 2006, vice The Honorable Juan R. Sanchez, resigned.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

January 4, 2005

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, Glenn B. Bronson, Esquire, 7013 Brentwood Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Thomas D. Watkins, resigned.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

January 4, 2005

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, Charles J. Cunningham, 109 Summit Street, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Mary DiGiacomo Colins, resigned.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

January 4, 2005

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, Susan I. Schulman, Esquire, 3337 Queen Lane, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve the until first Monday of January 2006, vice The Honorable Carolyn E. Temin, resigned.

EDWARD G. RENDELL  
Governor

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

MOTION TO SUSPEND RULE XXIX

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

Senator BRIGHTBILL. Madam President, I move that the Senate suspend Rule XXIX. These judicial nominations were before the Senate at the close of the last Session for the same position and for the same term of office. Last fall they were each reviewed by the Committee on Judiciary, which reported the recommendations to the Committee on Rules and Executive Nominations. Accordingly, as to the nominations of Glenn B. Bronson, Charles J. Cunningham, and Susan I. Schulman for Judge of the Court of Common Pleas of Philadelphia County, and Ronald C. Nagle for Judge of the Court of Common Pleas of Chester County, I therefore make this motion to suspend the rule.

The PRESIDENT. Senator Brightbill moves to suspend Senate Rule XXIX so that the judges may be considered without a public hearing.

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

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

YEA-45

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

NAY-0

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

And the question recurring,  
Will the Senate advise and consent to the nominations?

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

YEA-45

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

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 BRIGHTBILL. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 149 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 18, SB 69, SB 124, SB 143 and SB 145 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 146 (Pr. No. 131) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for powers and duties of the intermediate unit board of directors; and providing for academic improvement programs.

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

SB 147 (Pr. No. 132) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for technical assistance and information provided by department.

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

SB 148 (Pr. No. 133) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and for program of continuing professional education.

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

**SB 199 (Pr. No. 191)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a temporary suspension of a limitation on the amount of sales tax revenue transferred to the Supplemental Public Transportation Account.

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

### UNFINISHED BUSINESS RESOLUTION REPORTED FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following resolution:

#### SR 21 (Pr. No. 219)

A Resolution declaring March 2005 as "American Red Cross Month" in Pennsylvania.

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

### SENATE RESOLUTIONS ADOPTED

Senators C. WILLIAMS, TARTAGLIONE, BOSCOLA, EARLL, KITCHEN, ORIE, MELLOW, BRIGHTBILL, O'PAKE, ERICKSON, CONTI, FERLO, THOMPSON, D. WHITE, TOMLINSON, KASUNIC, ARMSTRONG, LaVALLE, MUSTO, SCARNATI, PILEGGI, WOZNIAK, STACK, LOGAN, RAFFERTY, WONDERLING and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 24**, entitled:

A Resolution recognizing the 19th annual National Girls and Women in Sports Day on February 9, 2005.

On the question,  
 Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, I rise today to recognize National Girls and Women in Sports Day, and to celebrate Title IX Federal legislation that required colleges and universities to invest equal resources in women's sports as they did for men. Young women today take for granted the opportunities they have to play sports, starting with T-ball and soccer, all open to girls and boys. Girls now play full-court basketball, and they do it well. In fact, the NCAA Final Four Women's Basketball Finals in Philadelphia was as thrilling an event as the men's. Because of Title IX, which created a demand for scholarships for women on a level somewhat competitive with men, parents see value in encouraging participation of girls in sports at a young age.

Because I was born before Title IX, I never had that opportunity. I had the choice of field hockey or cheerleading in the fall, half-court basketball or cheerleading in the winter, tennis or cheerleading in the spring. I picked cheerleading. I am, however, the mother of two accomplished athletic young women, both varsity athletes in college, and now one a finisher in an ironman triathlon. Athletics, physical activity is important to our body and mind. Girls and women have every right to pursue sports as do our beloved boys and men.

Women have come a long way in the sports arena, but we have a long way to go. I hope that some day in the not too distant future everyone will be as excited about a national women's sporting event as we were about the Super Bowl this past weekend. After all, if you ask anyone who truly loves sports, either participating or watching, they will tell you that it is more than a game.

Thank you. I hope that I will have unanimous approval of this resolution.

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

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

Senators WOZNIAK, KITCHEN, MUSTO, TARTAGLIONE, O'PAKE, LaVALLE, COSTA, LOGAN, KASUNIC, RAFFERTY, WONDERLING and STACK, by unanimous consent, offered **Senate Resolution No. 25**, entitled:

A Resolution urging the President and Congress of the United States to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program.

On the question,  
 Will the Senate adopt the resolution?

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

Senator WOZNIAK. Madam President, what I am asking us to do is to support this resolution, and to make it very simple, there are millions of people here in the United States of Polish descent. Twenty-seven nations now enjoy this privilege of being able to come visit the United States for 90 days without having to get a visa. In 1999, after the fall of the Soviet bloc, Poland became an ally of ours by joining NATO, and what I am trying to do is encourage the President of the United States and Washington to allow Poland that special privilege that we now give to 27 other nations that have very friendly status with us. So with that, I ask for unanimous consent on this resolution.

Thank you, Madam President.

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

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

**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 Joe Timmer by Senator Boscola.

Congratulations of the Senate were extended to Dr. Joseph P. Bering and to Frederick C. Laurenzo by Senator Brightbill.

Congratulations of the Senate were extended to Robert Lawton by Senator Conti.

Congratulations of the Senate were extended to Nina B. Cohen, Angela K. Childers-Conner, John Baumgardner, Shanna L. Pysher, Vincent Carducci and to Anne Alderman Stokes by Senator Corman.

Congratulations of the Senate were extended to Cathy Crosby by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Hummel, Mr. and Mrs. Donald Zerbe and to Mary Lippay by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Britner, Jr., by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Voytek by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence Knaus, Mr. and Mrs. Chester Maneval, Mr. and Mrs. Jim Eshbach and to Mr. and Mrs. Ellsworth E. Harris by Senator Madigan.

Congratulations of the Senate were extended to Edward J. Rainey, Jeffrey H. Sunday and to Julia Cecconi by Senator Mellow.

Congratulations of the Senate were extended to Timothy Jobe by Senator Orie.

Congratulations of the Senate were extended to Brent Sheldon Clyde by Senator Pileggi.

Congratulations of the Senate were extended to Gradis Matthew Eggleston, Jr., by Senator Rafferty.

Congratulations of the Senate were extended to Mazloom's Bar and Restaurant of New Philadelphia by Senator Rhoades.

Congratulations of the Senate were extended to Troop 733, Boy Scouts of America, of New Wilmington, by Senator Robbins.

Congratulations of the Senate were extended to Robert Aitken, Joseph Wilson and to Joseph McGarrity by Senators Tartaglione and Stack.

Congratulations of the Senate were extended to Michael Joseph Dutko and to Travis James Fox by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. John Hamm, John E. Bradley, Jr., and to Thomas Antonacci by Senator Vance.

Congratulations of the Senate were extended to The Friendship Force of Greater Harrisburg and The Friendship Force of Lancaster by Senators Vance, Piccola, and Armstrong.

Congratulations of the Senate were extended to William Buecker and to Kimberly Buecker by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Remis, Mr. and Mrs. Reed Schrecengost, Mr. and Mrs. Carl Boltz and to Aaron William Parker by Senator D. White.

Congratulations of the Senate were extended to the Senate Resolution 60 Commission by Senators D. White and others.

Congratulations of the Senate were extended to David J. Mock, Matthew C. Corbett and to Wesley J. Best by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Ed Mustard, Benjamin D. Hornstein, Haverford Township School District of Havertown, Lower Merion School District of Ardmore, Radnor Township School District of Wayne and to the Colonial School District of Plymouth Meeting by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Dech, Mr. and Mrs. Charles Bickford, Mr. and Mrs. LeRoy Spence and to David J. Bell by Senator Wonderling.

**CONDOLENCE RESOLUTIONS**

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

Condolences of the Senate were extended to the family of the late William E. Haak by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Phyllis Inez Wheatley Galloway Meekins by Senator Hughes.

Condolences of the Senate were extended to the family of the late Louise Brookins by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Edward N. Polisher by Senator C. Williams.

**RECESS**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Monday, February 14, 2005, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 2:03 p.m., Eastern Standard Time.