

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MAY 4, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 27

SENATE

WEDNESDAY, May 4, 2005

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend TYSON FREY, of Trinity United Church of Christ, Telford, offered the following prayer:

Let us pray.

Wondrous and gracious God, in the midst of this unfolding springtime, You bless those here assembled who have come from the four corners of our Commonwealth. In solemn prayer, we acknowledge that with Your outstretched hand You have blessed Pennsylvania with vast mountains and great forests. Scientists, religious leaders, fishermen, trappers, and miners have all traversed her laurel-covered hills. Throughout her rich farmland, You have called men and women of great diligence and perseverance to harvest and plant the crops from Your bounty. Along the great streams, breathtaking lakes and rivers, Your people built the strongest and most productive cities the world has ever known. Pennsylvania has drawn millions of people from the wide reaches of our planet, and these Your children have called Pennsylvania their home.

Today the Senate meets with a flurry of legislative activity, but we pause in prayer as Your people and as representatives of these people, people called Pennsylvanians. The true nature of our home must be remembered here today, for we are a Commonwealth. The blessings of this land, known for its commerce, industry, and agricultural greatness, are the legacy we have inherited and with which we have been entrusted. Make us good stewards of Pennsylvania's rich wealth and diversity.

Bless the work of these Senators gathered here today. Bless them with Your powerful presence as they gaze into Pennsylvania's future, a future where they might find wisdom to discern the movement of Your creative spirit. Let us be bold to accept the challenges that appear before us in the financing of education, the maintenance of our vital infrastructure, the stewardship of clean air and water, and our ongoing concern for the welfare of our children and the elderly. Guide us to see the good in sacrificing together in building a better Commonwealth together. Let the power and authority of Your elected people here gathered so humble us that we may never forget that Pennsylvanians are working together with us for a better tomorrow.

We thank You, sovereign God, for the cherished resources that make our Commonwealth a great place to live. Remind us in the course of this day's work that we labor for our brothers and sisters gathered across Pennsylvania. Give us voices to represent them earnestly and fairly. Remind us that at the close of the day we must lay our efforts before You in humble submission to Your glorious providence. Receive now this prayer, Almighty God. Amen.

The PRESIDENT. The Chair thanks Reverend Frey, who is the guest today of Senator Greenleaf.

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 3, 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.

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:

JUDGE, COURT OF COMMON PLEAS,
LAWRENCE COUNTY

May 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, Matthew T. Mangino, Esquire, 1149 Brookshire Drive, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Lawrence County, to serve until the first Monday of January 2006, vice The Honorable Ralph D. Pratt, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
MONROE COUNTY

May 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, Jennifer Ann Wise, Esquire, P.O. Box 218, Scotrun Avenue, Scotrun 18355, Monroe County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Monroe County, to serve until the first Monday of January 2006, vice The Honorable Mark P. Pazuhanich, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

May 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, Catherine C. McVey, 491 Tom's Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Benjamin A. Martinez, Lebanon, 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 STATE
ATHLETIC COMMISSION

May 4, 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 4, 2005, for the appointment of Rudy N. Battle, 319 West Mt. Pleasant Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Andrew A. DePaolo, Pittsburgh, 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 STATE
ATHLETIC COMMISSION

May 4, 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 4, 2005, for the appointment of Charles P. Bednarik, R.D. 4, Box 30, Coopersburg 18036, Lehigh County, Twenty-fourth Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years 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 STATE BOARD
OF DENTISTRY

May 4, 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 4, 2005, for the appointment of Michael S. Ayes, D.D.S., 16 Llanberris Road, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Howells, D.D.S., Roaring Springs, 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 PENNSYLVANIA
FISH AND BOAT COMMISSION

May 4, 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 4, 2005, for the appointment of Leonard L. Lichvar, (District 4), 584 Horner Church Road, Stoystown 15563, Somerset County, Thirty-second Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Rozell A. Stidd, Huntingdon, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
LANCASTER COUNTY

May 4, 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 4, 2005, for the appointment of Jeffery D. Wright, Esquire, 1191 Gypsy Hill Road, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, as Judge of the Court of Common Pleas of Lancaster County, to serve until the first Monday of January 2006, vice The Honorable Lawrence F. Stengel, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
LAWRENCE COUNTY

May 4, 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 4, 2005, for the appointment of Matthew T. Mangino, Esquire, 1149 Brookshire Drive, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, as Judge of the Court of Common Pleas of Lawrence County, to serve until the first Monday of January 2006, vice The Honorable Ralph D. Pratt, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
MONROE COUNTY

May 4, 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 4, 2005, for the appointment of Jennifer Ann Wise, Esquire, P.O. Box 218, Scotrun Avenue, Scotrun 18355, Monroe County, Fourteenth Senatorial District, as Judge of the Court of Common Pleas of Monroe County, to serve until the first Monday of January 2006, vice The Honorable Mark P. Pazuhanich, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

May 4, 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 4, 2005, for the appointment of Laura M. Baker, (Public Member), 10357 Route 208, Knox 16232, Clarion County, Twenty-first Senatorial District, as a member of the State Board of Examiners of

Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice William McIlwaine, Millersville, 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 PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

May 4, 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 5, 2005, for the appointment of Catherine C. McVey, 491 Tom's Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Benjamin A. Martinez, Lebanon, whose term expired.

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

EDWARD G. RENDELL
Governor

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Greenleaf.

The PRESIDENT. Senator BRIGHTBILL requests a legislative leave for Senator Greenleaf. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Philadelphia, Senator HUGHES.

Senator HUGHES. Madam President, I request legislative leaves for Senator Kitchen and Senator O'Pake.

The PRESIDENT. Senator HUGHES requests legislative leaves for Senator Kitchen and Senator O'Pake. Without objection, the leaves will be granted.

LEAVES OF ABSENCE

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

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

CALENDAR

SENATE RESOLUTION No. 102 CALLED UP OUT OF ORDER, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 3 of the Calendar, as a Special Order of Business, **Senate Resolution No. 102** entitled:

A Resolution designating the week of May 1 through 7, 2005, as "Vietnam Veteran Remembrance Week" in Pennsylvania.

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

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

NAY-0

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

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

The PRESIDENT. On behalf of Senator Hughes, I am going to introduce some of our blue ribbon guests. This is National Foster Parents Day. Will the foster parents please rise and we will give you a nice round of applause.

(Applause.)

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

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

Senator COSTA. Madam President, I rise this morning to acknowledge and recognize and welcome to the Pennsylvania Senate the Western Pennsylvania School for the Deaf, who are visiting here today from Allegheny County.

Madam President, steeped in tradition yet on the cutting edge of technology, Western Pennsylvania School for the Deaf has provided tuition-free educational service to deaf and hard-of-hearing students since 1869. The school is located in the Pittsburgh area, as I said, and it is the largest comprehensive center for the education of deaf and hard-of-hearing students and children in this State, with approximately 200 students, both day and residential, who come from 100 school districts across Pennsylvania and 30 counties throughout the State.

They are here this morning, Madam President, to recognize and to honor their successful soccer team. Their soccer team is here with us today celebrating their selection as the 2005 National Soccer Team of the Year by the National Fraternal Society for the Deaf. The squad finished the season with a record of 11

wins, 4 losses, and 2 ties, and went undefeated against other deaf schools, going 6-0, while winning the First Annual Mid-American Classic by beating St. Rita School for the Deaf 5-1 in the first round, and then shutting out the Ohio School for the Deaf in the championship game by a score of 3-0. They also won on their homecoming weekend by beating the American School for the Deaf by a score of 6-1 and the Eastern Pennsylvania School for the Deaf, which is combined from Scranton State School for the Deaf and Pennsylvania School for the Deaf, by a score of 8-2. Madam President, they also captured the Upstate Soccer Tournament for the first time since they joined that tournament 5 years ago by beating St. Mary's School for the Deaf in the opening round and later beating Rochester School for the Deaf in the championship game.

In addition to their selection as the National Team of the Year by Deaf-Sport-Zine and by the editor of Deaf Digest and the National Fraternal Society for the Deaf, they had four individuals who were recognized as all-Americans throughout the country. The following students were recognized for their great individual achievements and team achievements as well: Leroy Breon, Zane Noschese, Jimmy Macgill, and Anthony Passante.

Madam President, I ask that my colleagues here in the Senate join me in showing appreciation by signing your applause to these individuals who are here. I would like to point out that they are here with their Head Coach, Valentine Wojton, and Assistant Coaches Michael Prezioso, James Toner, and Troy Verner, and a very strong advocate for the Charter Schools for the Deaf across Pennsylvania, their superintendent, Don Rhoten. So, please show your applause and appreciation and welcome to the Pennsylvania Senate the National Soccer Team of the Year, the Western Pennsylvania School for the Deaf, and please do so by raising your arms and waiving your hands to show your appreciation.

(Signing applause.)

Senator COSTA. Thank you, Madam President and my colleagues as well.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 62 and SB 198 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 607 (Pr. No. 766) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-45

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

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.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 16 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

SB 70 (Pr. No. 60) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense relating to fake airbags and junk-filled airbag compartments.

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

BILL ON SECOND CONSIDERATION

SB 82 (Pr. No. 73) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

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

BILLS OVER IN ORDER

SB 197, SB 359, SB 386 and SB 438 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 462 (Pr. No. 707) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees.

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

BILLS OVER IN ORDER

SB 502 and SB 503 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS
AND TAKEN FROM THE TABLE**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported and 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 STATE BOARD
OF ACCOUNTANCY**

May 2, 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 4, 2005, for the appointment of Delbert D. Tyler, CPA, 351 Shady Ridge Drive, Monroeville 15146, Allegheny County, Forty-fifth Senatorial District, as a member of the State Board of Accountancy, to serve until February 6, 2006, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Francis K. Lison, Venetia, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE
ATHLETIC COMMISSION**

May 4, 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 4, 2005, for the appointment of Rudy N. Battle, 319 West Mt. Pleasant Avenue, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Andrew A. DePaolo, Pittsburgh, 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 STATE
ATHLETIC COMMISSION

May 4, 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 4, 2005, for the appointment of Charles P. Bednarik, R.D. 4, Box 30, Coopersburg 18036, Lehigh County, Twenty-fourth Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years 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 STATE BOARD
OF DENTISTRY

May 4, 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 4, 2005, for the appointment of Michael S. Ayes, D.D.S., 16 Llanberris Road, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Howells, D.D.S., Roaring Springs, 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 PENNSYLVANIA
FISH AND BOAT COMMISSION

May 4, 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 4, 2005, for the appointment of Leonard L. Lichvar, (District 4), 584 Horner Church Road, Stoystown 15563, Somerset County,

Thirty-second Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Rozell A. Stidd, Huntingdon, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
LANCASTER COUNTY

May 4, 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 4, 2005, for the appointment of Jeffery D. Wright, Esquire, 1191 Gypsy Hill Road, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, as Judge of the Court of Common Pleas of Lancaster County, to serve until the first Monday of January 2006, vice The Honorable Lawrence F. Stengel, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
LAWRENCE COUNTY

May 4, 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 4, 2005, for the appointment of Matthew T. Mangino, Esquire, 1149 Brookshire Drive, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, as Judge of the Court of Common Pleas of Lawrence County, to serve until the first Monday of January 2006, vice The Honorable Ralph D. Pratt, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
MONROE COUNTY

May 4, 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 4, 2005, for the appointment of Jennifer Ann Wise, Esquire, P.O. Box 218, Scotrun Avenue, Scotrun 18355, Monroe County, Fourteenth Senatorial District, as Judge of the Court of Common Pleas of Monroe County, to serve until the first Monday of January 2006, vice The Honorable Mark P. Pazuhanych, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

May 4, 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 4, 2005, for the appointment of Laura M. Baker, (Public Member), 10357 Route 208, Knox 16232, Clarion County, Twenty-first Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice William McIlwaine, Millersville, 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 PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

May 4, 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 5, 2005, for the appointment of Catherine C. McVey, 491 Tom's Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Benjamin A. Martinez, 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 STATE BOARD
OF PSYCHOLOGY

May 2, 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 4, 2005, for the appointment of L. Jason Small, (Public Member), 1814 Erlen Road, Elkins Park 19027, Montgomery County, Fourth Senatorial District, as a member of the State Board of Psychology, to serve until November 26, 2006, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kendra A. Pfautz, Mechanicsburg, declined appointment.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE SULLIVAN COUNTY
BOARD OF ASSISTANCE

May 2, 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 April 8, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Sullivan County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice John Potuck, Dushore, deceased.

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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

January 24, 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, Laura S. Fisher, 129 Dornick Hill Lane, Ligonier 15658, Westmoreland County, Forty-first Senatorial

District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice William Cornell, Wormleysburg, deceased.

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-45

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

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN C. RAFFERTY,
SENATOR ROBERT J. THOMPSON, AND
SENATOR DOMINIC F. PILEGGI
PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Madam President, Senator Thompson, Senator Pileggi, and I are happy to have here today with us in the Senate the Coatesville Area Senior High School Percussion Ensemble, which captured the 2005 Mid-Atlantic Percussion Society Open Championship with a most impressive score of 85.7. To their great credit, the members of Steel Thunder also won the Cavalcade of Bands Liberty "A" Marching Band Championship, which was held in Hershey, all under the expert guidance and direction of Band Director Ed Otto.

Madam President, I ask the Members of the Senate to please join in a traditional warm welcome to the Senate for the Coatesville Area Senior High School Percussion Ensemble Champions.

The PRESIDENT. Will the Coatesville Area High School Ensemble please rise so we can give you a round of applause.

(Applause.)

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators RAFFERTY, D. WHITE, PICCOLA, ROBBINS, RHOADES, BRIGHTBILL, MELLOW, M.J. WHITE, STOUT, PILEGGI, PUNT, JUBELIRER, PIPPY, KASUNIC, LOGAN, THOMPSON, MUSTO, KITCHEN, EARLL, TARTAGLIONE, WENGER, BOSCOLA, WOZNIAK, FERLO, LaVALLE, O'PAKE, COSTA, GORDNER, ARMSTRONG, ERICKSON, WONDERLING, GREENLEAF, KITCHEN, C. WILLIAMS, CONTI, LEMMOND, STACK and ORIE, by unanimous consent, offered Senate Resolution No. 111, entitled:

A Resolution recognizing May 8, 2005, as the 60th anniversary of "Victory in Europe Day" or "V-E Day."

On the question,
Will the Senate adopt the resolution?

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

Senator D. WHITE. Madam President, it is my honor to join with Senator Rafferty to bring to your attention that this Sunday is not only Mother's Day, but it is also an important occasion in its own right, the anniversary of a landmark date in world history, the 60th anniversary of Victory in Europe Day, the day Allied forces of freedom finally overcame tyranny and oppression. Today the Allied Victory in Europe in World War II is an accepted part of our history. It is a tale of heroes that many relate to only through movie epics like "The Longest Day," or more recently, "Saving Private Ryan." In Hollywood, the ending was never in doubt. However, as the greatest generation well knows, that is not the way it was. Words are simply inadequate to express our appreciation for that service. We try on occasions like Memorial Day and Veterans Day to honor all Americans who defend our freedom. Yet, there is nothing we can say or do to adequately honor them and pay an appropriate tribute to their comrades who made that ultimate sacrifice.

Therefore, Madam President, it is fitting that we remember the 60th anniversary of V-E Day and honor the soldiers who made it possible. However, it is also appropriate that we use this occasion to honor the service and sacrifice of all the men and women who have served and are serving our great nation.

Thank you.

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

Senator RAFFERTY. Madam President, very briefly, I just want to dovetail on Senator Don White's comments. It is the 60th anniversary of Victory in Europe Day, and it is the anniversary of the United States' engineering, technology, industrial complex, and military might fighting to preserve liberty and freedom in the world. This was the United States' war. When we entered, the tide turned. We defeated the Fascist and Nazi regimes in Europe, and were able to give, once again, freedom to our brothers and sisters in Europe. It is a day to remember and reflect upon the many men and women who toiled in this country, the many men

who shed their blood, courage, and valor on the battlefields of Europe, who preserved the freedom and liberty that we so dearly hold today.

Hats off to each and every one of them, and a deep debt of gratitude to all of them for fighting such a just cause. It is a day to celebrate America's greatness.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators WENGER, MADIGAN, ARMSTRONG, BRIGHTBILL, THOMPSON, MELLOW, WONDERLING, BOSCOLA, RHOADES, PUNT, FERLO, PIPPY, EARLL, C. WILLIAMS, ERICKSON, STOUT, KITCHEN, LEMMOND, GORDNER, PILEGGI, RAFFERTY, D. WHITE, ORIE, O'PAKE, CONTI, FUMO, TARTAGLIONE, KASUNIC, MUSTO, LaVALLE, LOGAN, COSTA, GREENLEAF, WOZNAK, STACK and ROBBINS, by unanimous consent, offered **Senate Resolution No. 112**, entitled:

A Resolution declaring that May 8 through 14, 2005, be observed as "National Nursing Home Week" in Pennsylvania.

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

Senators EARLL, WONDERLING, ARMSTRONG, PICCOLA, THOMPSON, M.J. WHITE, WENGER, D. WHITE, CONTI, BOSCOLA, COSTA, ERICKSON, FERLO, GREENLEAF, KASUNIC, KITCHEN, SCARNATI, LaVALLE, ORIE, RAFFERTY, PIPPY, STOUT, TARTAGLIONE, O'PAKE, PILEGGI, MELLOW, ROBBINS, RHOADES and BRIGHTBILL, by unanimous consent, offered **Senate Resolution No. 113**, entitled:

A Resolution designating the month of June 2005 as "Manufacturing Month" in Pennsylvania in proud celebration of the Manufacturers' Association of Northwest Pennsylvania's 100th anniversary.

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

Senators WENGER, BRIGHTBILL, MELLOW, MADIGAN, GORDNER, THOMPSON, MUSTO, GREENLEAF, PUNT, WONDERLING, KASUNIC, CONTI, O'PAKE, RAFFERTY, FUMO, WAUGH, PIPPY, STOUT, ERICKSON, FERLO, PILEGGI, TARTAGLIONE, LaVALLE, PICCOLA, COSTA, D. WHITE, ORIE and SCARNATI, by unanimous consent, offered **Senate Resolution No. 109**, entitled:

A Resolution expressing the support of the Senate of Pennsylvania for the Make-A-Wish Foundation and encouraging this organization in its efforts to grant the wishes of children with life-threatening medical conditions to enrich the human experience with hope, strength and joy.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Troop 30 in Lancaster of the Boy Scouts of America by Senator Armstrong.

Congratulations of the Senate were extended to Bryon Burwell, Elmer D. Gates and to the Bethlehem Garden Club by Senator Boscola.

Congratulations of the Senate were extended to Judy Matthewson, Iris M. Sanchez-Cintron, Monica Sommerville and to John Werkheiser by Senators Boscola, Wonderling and Browne.

Congratulations of the Senate were extended to Cody Weik, Cedar Crest High School Boys' Relay Swim Team of Lebanon, Wilson Area High School Boys' Swimming Team of West Lawn and to Christ Little Tulpehocken Church of Bernville by Senator Brightbill.

Congratulations of the Senate were extended to Centronia Ambulance Corps by Senators Browne, Boscola, and Wonderling.

Congratulations of the Senate were extended to Dr. Kathleen Steele and to the Lenni Lenape Historical Society of Allentown by Senator Browne and others.

Congratulations of the Senate were extended to Dr. Marion T. Lane, Rebecca J. Stevenson, Suzanne Hartshorne, Mary Beth Mahoney, Chris Adams and to Tammy Schoonover by Senator Conti.

Congratulations of the Senate were extended to Brittany Cromleigh, Jeremy Deschenes, Darren Wood, Brooke Trimmer, Michael Robinson, Raymond S. Petersen, R. Joseph Reese and to Andrew A. Mazur by Senator Corman.

Congratulations of the Senate were extended to Chris Stewart, Nathan Whitlinger, Emily Sprankle, Andrew J. Lege, Kiel Conjack and to Lauren Reilly by Senator Ferlo.

Congratulations of the Senate were extended to Robert Ambrose, Andrew Willie Knepp, Joseph Bordell, Walter Sanders, Judith Pensyl, Jayne Pensyl, Michael J. Marcinek, L. Drew Schreffler, Barbara Jones, Ernie Yates and to the Berwick Area High School Wrestling Team by Senator Gordner.

Congratulations of the Senate were extended to the 1987 Boys' Eastern Pennsylvania Soccer Team by Senator Greenleaf and others.

Congratulations of the Senate were extended to Mary I. Geary by Senator Kasunic.

Congratulations of the Senate were extended to Annie M. Hood, Luis Wright, Sarah Elizabeth Ryne and to the Men United Against Violence Network of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to the Law Enforcement Officers of Beaver County by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Oswald, Mr. and Mrs. Thomas Fernino, David Korb, Lauren Rachkowski and to Harold Grow by Senator Lemmond.

Congratulations of the Senate were extended to the Wyoming Valley Woman's Club by Senators Lemmond and Musto.

Congratulations of the Senate were extended to the Clear View Mirror and Glass Company of McKeesport by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Norman Heincelman, Mr. and Mrs. Robert L. Rice and to George Bierman by Senator Madigan.

Congratulations of the Senate were extended to Richard Sack by Senator Mellow.

Congratulations of the Senate were extended to James D. Hogan and to the 75th Anniversary of the Cub Scouts of America by Senator O'Pake.

Congratulations of the Senate were extended to Sister Antoinette Severin, Annie Zopf, Jim Sutter, Nicholas P. Carafadi, Rachel Divosevic, Zack Kostorick, Nick Sefscik, Stu Anglum, Jason Duty, David Theis, Casey Melvin and to the Pine-Richland High School Forensics Team of Gibsonia by Senator Orie.

Congratulations of the Senate were extended to Gregory Bernard Williams, Jr., Mariah Leigh Yancey, Shayla Marie Williams, Tielah Williams, Ashley Rice, JoAna Ramsey, Thurgood Powell, Harry Ness, Danielle Lynette Bowers, Naydia Dekila Bonner, Christa Marie Barkley, Gloria Jean Martin, Ebony Cherise Keck, Darius Davis, Amirh Nzingha Brunson and to Abraham W. Reese by Senator Piccola.

Congratulations of the Senate were extended to Robert C. Mench by Senator Pileggi.

Congratulations of the Senate were extended to Jacob Miller, Kevin R. Souilliard, Marie Feltz and to Jimmy Mullen by Senator Pippy.

Congratulations of the Senate were extended to Betsy Farrell by Senator Rafferty.

Congratulations of the Senate were extended to the Coatesville Area Senior High School Percussion Ensemble by Senators Rafferty, Pileggi, and Thompson.

Congratulations of the Senate were extended to Faye L. M. Moore, Gary W. Smith, Pasquale T. Deon, Sr., Mary Kay Owen and to Carol Aichele by Senator Rafferty and others.

Congratulations of the Senate were extended to the Rainbow Hose Company of Schuylkill Haven by Senator Rhoades.

Congratulations of the Senate were extended to Jay G. Watt, Jr., and to Andrew V. Barnhart by Senator Robbins.

Congratulations of the Senate were extended to Scott D. Laux, David Whiteman, Bradley Miller, Adam Aaron and to Nick Wingard by Senator Scarnati.

Congratulations of the Senate were extended to Marvin Barrish by Senator Stack.

Congratulations of the Senate were extended to Anna Catherine Baxter Liparulo by Senator Stout.

Congratulations of the Senate were extended to Zachary Russell Keller Bentley and to the People's Light & Theatre Company of Chester County by Senator Thompson.

Congratulations of the Senate were extended to Cameron P. Ciminera, Lori Riehl and to Marilyn Spencer by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent J. Reilly, Kate Stepp, Erica Sharp, Amanda Kateluzos, Rachael Daughtry, Danielle Breneman, Cherlyn Agerton, Lindsey Bowman, Jamie Leigh Duncan, Velva D. Daihl, Alex Seymore, Megan Strawn and to Lloyd W. Bucher by Senator Vance.

Congratulations of the Senate were extended to Daniel Morgan Koch by Senators Waugh and Brightbill.

Congratulations of the Senate were extended to Robert W. Whyland by Senator Waugh and others.

Congratulations of the Senate were extended to Josiah Delwyn Fry by Senator D. White.

Congratulations of the Senate were extended to Ryan J. Yarnell by Senator M.J. White.

Congratulations of the Senate were extended to Dr. William J. Lewis and to Nate Eichert by Senator C. Williams.

Congratulations of the Senate were extended to Lauren Shepard by Senator Wonderling.

Congratulations of the Senate were extended to Bryan Reiss by Senators Wonderling and Browne.

Congratulations of the Senate were extended to Todd Miller by Senators Wonderling, Browne, and Boscola.

Congratulations of the Senate were extended to Lorraine Arcadipane, Joe Columbus, James Burnworth, Paula Kistler, Matthew Stackhouse, Danny White, Karen McPherson, Amy Walizer and to Mary Willits by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Raymond E. Chirdon, Jr., by Senator Orie.

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, May 9, 2005, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 11:52 a.m., Eastern Daylight Saving Time.