

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, MAY 9, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 28

SENATE

MONDAY, May 9, 2005

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend ELIZABETH GIVLER, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty God, we thank You, we give You praise. As we remember the anniversary of World War II, we praise and thank You for Your providence and Your protection. We praise You for the veterans who are in the Rotunda listening to music from their era, remembering their contribution to liberty and justice.

As we are in anxious times now, O God, we pray for Your comfort and knowledge. We thank You for Your goodness. We thank You for Your grace and mercy You have shown to us, and we praise You because You are the supreme ruler, the one who governs the universe and gives ultimate freedom - justice. Thank You for these leaders here today making their unique contribution to this Commonwealth, and in this democracy, committing to faithful governance.

We are privileged to be in such a beautiful, beautiful building, O God, and this is a reminder of King Solomon who built a magnificent temple and who prayed for wisdom above all else. We pray today for wisdom among the people here. King Solomon knew that wisdom comes from You, and Your wisdom was key to his success as a leader, and we know that Your wisdom is key to our lives and to our government.

We pray that these leaders would have insight, discernment, and grace, as well as patience, and that they would faithfully fulfill their duties, holding one another accountable to the oaths that they have taken and to fulfill the tasks before them today and in the future. We pray for wisdom as they consider issues that affect the people of this great Commonwealth. We also pray for Your strength - physical, emotional, and spiritual - as they fulfill their responsibilities and live out their purpose.

We lift before You all the leaders of this Commonwealth and nation. Bless them, these Senators and their staffs, as we lift this prayer in the name of the one who created us, redeemed us, and empowers us for all the tasks and responsibilities before this body. May we truly remain one nation, under God, indivisible,

with liberty and justice for all. We ask that the purifying fire of liberty and justice would burn in our hearts as it has yesterday, as it does today, and as it will forever. In the name of our blessed Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Givler, who is the guest today of Senator Piccola.

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 4, 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:

**MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY**

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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2008, and until her successor is appointed and qualified, vice Arthur J. Rooney II, Esquire, Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

May 5, 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, John S. Detrick, 240 Hickory Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lou Bizzarro, Erie, whose term expired.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

May 5, 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 February 11, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lou Bizzarro, Erie, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

May 9, 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 28, 2005, for the appointment of Robert J. Angelo, 303 Elm Street, Hamburg 19526, Berks County, Twenty-ninth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Annabelle Good, Allentown, whose term expired.

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

EDWARD G. RENDELL
Governor

**GENERAL COMMUNICATION
ANNUAL FINANCING STRATEGY REPORT**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Community and Economic Development
Harrisburg, PA 17120

May 5, 2005

Mark R. Corrigan
Secretary of the Senate
Senate of Pennsylvania
Senate Box 203053
Harrisburg, PA 17120-3053

RE: ANNUAL FINANCING STRATEGY REPORT

Dear Mr. Corrigan:

Enclosed herewith is the report as required by Act 12 of 2004 that sets forth in detail an Annual Financing Strategy Report for business financing and Economic Stimulus programs that are administered by the department for Fiscal Year '03-'04. This document includes the Department's goals, objectives and strategy for each of the programs outlined in Act 12.

The Department continually refines and improves upon the tools available to help businesses and communities prosper and we appreciate your support in helping us achieve our economic development goals.

Please do not hesitate to contact me or Ronald Boston in DCED's Legislative Affairs Office at 717-783-1886 should you have any questions regarding this document.

Sincerely,

DENNIS YABLONSKY
Secretary

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Madam President, I request a legislative leave for Senator Armstrong.

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

Senator COSTA. Madam President, I request a temporary Capitol leave for Senator Kitchen, and a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Thompson requests a legislative leave for Senator Armstrong.

Senator Costa requests a temporary Capitol leave for Senator Kitchen, and a legislative leave for Senator Tartaglione.

Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, May 9, 2005

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 6, 2005, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 6, 2005, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR JAY COSTA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa, for the purpose of introducing a very, very, very special guest.

Senator COSTA. Madam President, I rise this afternoon to introduce as you stated a very, very important guest.

Madam President, as you and my colleagues know, we celebrated Mother's Day yesterday, and I am one of those very, very fortunate persons in this Commonwealth and country to have the opportunity and ability to have my mom here with us to celebrate

Mother's Day, which we did yesterday. My mother, Louise Costa, is seated in the back of the Chamber. She came to Harrisburg today to make certain that my brother and I are actually working when we are in Session, so she is checking on us. I am truly honored and pleased to be here with her, especially in light of yesterday being Mother's Day.

In addition to yesterday being Mother's Day, we all know that yesterday was also the Race for the Cure. A number of us, and I am sure a number of folks participated in the walk and the run that took place in the Pittsburgh area with some 33,000 people. My mother is a 15 plus-year survivor of breast cancer, and we have been very, very fortunate to have her in our lives for those many, many years. I just want to say thanks for coming up, we are working today, and have a safe trip back home. My mother, Louise Costa.

The PRESIDENT. Let us all give her a round of applause.
(Applause.)

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

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

Senator O'PAKE. Madam President, in the gallery is a very special young lady from Reading, who is representing the Olivet Boys' and Girls' Club of Reading. She is our Youth of the Year in Berks County, and is very active with the Police Athletic League, which has merged with the Olivet Boys' and Girls' Club, and tomorrow they will announce the statewide winners of the Youth of the Year competition. I would like the Chair to welcome Miss Shani Robinson of Reading, Pennsylvania, who is watching us intently here this afternoon.

Thank you, Madam President.

The PRESIDENT. Would Miss Shani Robinson from the Boys' and Girls' Club of Reading please stand so we can give you a nice round of applause.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate for purposes of a meeting of the Committee on Appropriations, which will be held immediately in the Rules room to the rear of the Chamber, to be followed by a meeting of the Committee on Rules and Executive Nominations, to be followed by a Republican caucus. I expect to be back at about 3:30.

The PRESIDENT. Senator Brightbill requests a meeting of the Committee on Appropriations, a meeting of the Committee on Rules and Executive Nominations, and then a Republican caucus.

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

Senator O'PAKE. Madam President, as of now there is no need for a Democratic caucus, but if our plans change, we will so advise our Members.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations and the Committee on Rules and Executive

Nominations, to be followed by a Republican caucus and expected to be back at about 3:30, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 62 (Pr. No. 774) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for application of part; and providing for electronic bidding by local government units.

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-47

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

NAY-0

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

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

BILLS AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?
Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A1007:

Amend Sec. 2, page 2, by inserting between lines 7 and 8:
"Common element." Any common element in a common interest community, as defined in 68 Pa.C.S. §§ 3103 (relating to definitions), 4103 (relating to definitions) and 5103 (relating to definitions), or in any successor statute.

Amend Sec. 2, page 2, line 8, by striking out "As" and inserting: The flag of the Commonwealth as

Amend Sec. 2, page 2, line 15, by inserting after "therefor.": The term does not include a depiction or emblem of the flag of the Commonwealth made of lights, paint, roofing, siding, paving materials, flora or balloons, or any other similar building, landscaping or decorative component.

Amend Sec. 2, page 2, by inserting between lines 24 and 25:
"Unit owner." Any unit owner in a condominium or a planned community, as defined in 68 Pa.C.S. § 3103 (relating to definitions) and 5103 (relating to definitions), or in any successor statute. The term shall include any proprietary lessee in a cooperative, as defined in 68 Pa.C.S. § 4103 (relating to definitions), or in any successor statute.

Amend Sec. 3, page 3, line 2, by striking out "or" and inserting: and

On the question,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

SB 198 (Pr. No. 767) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting a deceptive business practice in the floral industry; and providing for a private cause of action.

On the question,
Will the Senate agree to the bill on third consideration?
Senator GREENLEAF offered the following amendment No.

A1021:

Amend Sec. 5, page 3, line 25, by inserting before "The": (a) Telephone listings.--

Amend Sec. 5, page 3, by inserting between lines 28 and 29:

(b) Media advertising.--The provisions of this act shall not apply to:

(1) an owner, or personnel of an owner, of any medium in which an advertisement appears or through which an advertisement is disseminated; or

(2) a publisher or distributor of a local telephone directory in which an advertisement or local telephone number appears or through which the advertisement or number is disseminated.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

SB 462 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS REREFERRED

SB 16 (Pr. No. 764) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, adding law enforcement officers of limited jurisdiction as an additional category of covered employee.

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

SB 197 (Pr. No. 679) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for permit and license application requirements and for enforcement orders; and providing for repeat violations.

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

SB 359 (Pr. No. 421) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for rules of procedure.

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

BILL ON SECOND CONSIDERATION

SB 386 (Pr. No. 677) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for burglary.

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

BILL OVER IN ORDER

SB 438 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 502 (Pr. No. 717) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, requiring the disclosure of flood history to lessees of residential real property.

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

SB 503 (Pr. No. 536) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate seller disclosure form.

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

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

May 9, 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 28, 2005, for the appointment of Robert J. Angelo, 303 Elm Street, Hamburg 19526, Berks County, Twenty-ninth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Annabelle Good, Allentown, 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 VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

May 5, 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 February 11, 2005, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his

successor is appointed and qualified, but not longer than six months beyond that period, vice Lou Bizzarro, Erie, whose term expired.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator BRIGHTBILL. 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.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 16, 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, Gwendolyn Simmons, 700 Meade Street, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 19, 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, Carol A. Edwards, 201 McAndrews Road, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Franklin Schoeneman, Pottsville, whose term expired.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator 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.

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:

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 16, 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, Gwendolyn Simmons, 700 Meade Street, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

April 19, 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, Carol A. Edwards, 201 McAndrews Road, Moscow 18444, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Franklin Schoeneman, Pottsville, whose term expired.

EDWARD G. RENDELL
Governor

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

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

YEA-47

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

NAY-0

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

EXECUTIVE SESSION RISES

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

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEE**

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

SB 157 (Pr. No. 784) (Amended) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; and making editorial changes.

SB 410 (Pr. No. 785) (Amended) (Rereported)

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

SB 464 (Pr. No. 765) (Rereported)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L. 2897, No.1), known as the Unemployment Compensation Law, further providing for the definition of "employer" and for general powers and duties of department, providing for representation in proceedings; further providing for contributions by employers and employees, for successors-in-interest, for appeals, for interest on past due contributions and for limitations upon enforcement of payment of contributions, interest and penalties; providing for registration and other reports; further providing for the Special Administration Fund; providing for the Job Training Fund; further providing for the duties of the State Treasurer as custodian and for offenses relating to false statements and representations to prevent or reduce compensation and other offenses; and providing for monetary penalties.

SENATE RESOLUTIONS ADOPTED

Senator ERICKSON, by unanimous consent, offered **Senate Resolution No. 117**, entitled:

A Resolution commending the Hahnemann Creative Arts in Therapy Program for 30 years of academic excellence.

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

Senators C. WILLIAMS, FERLO, BOSCOLA, THOMPSON, KASUNIC, ARMSTRONG, COSTA, TARTAGLIONE, KITCHEN, ORIE, MUSTO, O'PAKE, WENGER, LEMMOND, MELLOW, ERICKSON, PILEGGI, CONTI, GREENLEAF, LOGAN and PIPPY, by unanimous consent, offered **Senate Resolution No. 118**, entitled:

A Resolution designating the month of May 2005 as "Macular Degeneration Awareness Month."

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 would like to tell you all about a friend of mine, Betty Hewit Roeder, who is over 80 years old. I do not want to tell you how much older. She likes to play bridge, travel, and is active in her community and lives in her own home. She is a fabulous live wire on any social occasion, and always has on the latest fashions. Last year at my senior expo, she delivered a wonderful speech on what it is like to be blind. When you meet Betty, you will notice a person with a zest for life and a fabulous sense of humor. What you will not notice is that she suffers from macular degeneration, a leading cause of vision loss and blindness in Americans 65 and older. In macular degeneration, the light-sensing cells of the macula of the eye malfunction and may, over time, cease to work. People who suffer from macular degeneration lose all but their peripheral vision. It generally starts with seeing shadowy areas in your central vision or experiencing unusual fuzziness or distorted vision. There is generally no pain. One way to tell if you have a problem is to look at a chart of black lines arranged in a grid, and if they start to appear wavy or if some patches of the grid appear blank, you might have a problem. Over the course of time, you will lose your eyesight.

Madam President, this disease affects as many as 15 million Americans. As our population ages, the number of cases of this disease will rise. The disease also affects 1 in 10,000 children. There is no cure for macular degeneration, but if you ask Betty, she will tell you that there is hope. Through organizations like the Macular Vision Research Foundation in Philadelphia, people are learning more about this disease, and money is being raised to prevent the disease, as well as finding a cure. Betty is very active in the foundation and has become a walking encyclopedia with their help.

Today I ask your support in declaring May 2005 as "Macular Degeneration Awareness Month" in Pennsylvania, and to draw attention to this disease and to help Pennsylvanians and let your

constituents know that there is help in dealing with this. I might also add that the House has also introduced a similar resolution. Quoting from the Macular Vision Research Foundation founder, Herb Lotman, whose wife, Karen, contracted the disease in 1989, "Most people take their vision for granted until an injury or vision abnormality makes them realize that the ability to see is fundamental to our daily life and an irreplaceable asset." So I ask for a positive vote on this, and for all of you to open your eyes to this terrible problem that affects so many of our eyes.

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 William C. Haun by Senator Armstrong.

Congratulations of the Senate were extended to Nathan L. Strawn, Matthew Dylan Scabet, Lauren Lieberman, Douglas Hank, Dane DiFebo and to Stephen Graf by Senator Boscola.

Congratulations of the Senate were extended to Daniel J. Wood, Colleen Spinner, Megan Steele, Sarah Moncado, Rebecca Lynn Kieselbach, Kimberly Loux and to Mary Clare Larson by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Payne, Pamela Danae Mansell and to Brother's Pizzeria and Restaurant of Duncannon by Senator Corman.

Congratulations of the Senate were extended to Harold J. Keener, Shawna Rae Piacquadro and to the Penn Hills Senior Service Center by Senator Costa.

Congratulations of the Senate were extended to Gregory Hrinda by Senator Earll.

Congratulations of the Senate were extended to Chad Edmonds by Senator Erickson.

Congratulations of the Senate were extended to Lacey Cochran by Senator Ferlo.

Congratulations of the Senate were extended to Gregory Neal Kopczynskie by Senator Gordner.

Congratulations of the Senate were extended to James K. Wagner and to the Mount Pleasant High School Wrestling Team by Senator Kasunic.

Congratulations of the Senate were extended to Reath Dennis Brown, Jones Tabernacle African Methodist Episcopal Church of Philadelphia and to Special Olympics Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Helen Ross Chaffee by Senator Madigan.

Congratulations of the Senate were extended to Carmella Calabrese by Senator Musto.

Congratulations of the Senate were extended to Ralph W. Tutlane by Senator O'Pake.

Congratulations of the Senate were extended to Brent E. Keener, Dennis C. Darling and to Theresa L. Arrington by Senator Piccola.

Congratulations of the Senate were extended to Elizabeth L. Anderson and to Keith Anthony Kanara by Senator Pileggi.

Congratulations of the Senate were extended to Kevin Trago, Brian M. Hexter, Bridget Winn and to the International Brotherhood of Electrical Workers, Local Union No. 380, of Colledgeville, by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Caroselli and to Mr. and Mrs. Anton Stickle by Senator Regola.

Congratulations of the Senate were extended to Colin Cope and to Jenna Bailey by Senator Rhoades.

Congratulations of the Senate were extended to Dr. Robert C. Olson by Senator Robbins.

Congratulations of the Senate were extended to Bridget Brennan and to Lisa Bizal by Senator Thompson.

Congratulations of the Senate were extended to the Levittown Fairless Hills Rotary Club by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Sweely and to the Good Hope Middle School Knowledge Master Open Team of Mechanicsburg by Senator Vance.

Congratulations of the Senate were extended to Paul E. Weibel and to the Pennsylvania Renaissance Faire of Cornwall by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Muller by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Paul E. Reaser by Senator Wonderling.

Congratulations of the Senate were extended to Thelma Turansky, Georgia Leonard Dorer Kirkman, Anita Barker Faas, Claudia Rager, Dorothy M. Maravalli, Kristen Lloyd, Dr. Dianna Craig, Viola T. Najjar and to the Cambria County Foster Grandparent Program 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 James Biddle by Senator Tomlinson.

PETITIONS AND REMONSTRANCES

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

Senator WONDERLING. Madam President, I just rise briefly, as I wanted to offer my heartfelt thanks to a group of entrepreneurs who visited the Capitol today. They are small business owners, men and women from our urban centers and rural parts of the Commonwealth, who have been struggling to make ends meet as a result of skyrocketing health insurance costs that are a burden not only on their enterprises but on the hardworking men and women of Pennsylvania who are gainfully employed.

In standing today and recognizing these entrepreneurs who are calling for small business group health insurance reform, I also would like to remind this body that I have once again introduced Senate Bill No. 671. I would like to thank the 32 cosponsors on the bill to date, because I do think we have a unique opportunity during the coming weeks to provide a fair and free marketplace and structural reform of our health insurance industry for small

businesses, and most importantly, Madam President, provide much needed relief for hardworking men and women in this Commonwealth.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Wonderling, for recognizing small business councils and Senate Bill No. 671.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

May 9, 2005

HB 815 -- Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

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

May 9, 2005

Senators COSTA, GREENLEAF, STOUT, TOMLINSON, EARLL, ORIE, RAFFERTY, STACK, O'PAKE, LOGAN, PIPPY, MUSTO, C. WILLIAMS, WONDERLING, TARTAGLIONE, KASUNIC, LAVALLE, PILEGGI and KITCHEN presented to the Chair **SB 669**, entitled:

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court and administrative proceeding interpreters; and repealing related provisions.

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

Senators MUSTO, RHOADES, STOUT, WOZNAK, BOSCOLA, TARTAGLIONE, MADIGAN, C. WILLIAMS, LEMMOND, COSTA, EARLL, O'PAKE, LOGAN, STACK, KASUNIC, LAVALLE, M. WHITE and CORMAN presented to the Chair **SB 679**, 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 program of continuing professional education.

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

Senators ERICKSON, COSTA, THOMPSON, PILEGGI, C. WILLIAMS, HUGHES, FUMO, RHOADES, EARLL, FERLO, PICCOLA, PIPPY, RAFFERTY, STACK, VANCE, WENGER, WONDERLING and CONTI presented to the Chair **SB 686**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, repealing provisions relating to cost of tuition and maintenance of certain exceptional children in approved institutions and in chartered schools for the education of the deaf and the blind; and providing for cost of tuition and maintenance of certain children in approved private schools and in chartered schools.

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

Senator EARLL presented to the Chair **SB 688**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Protection, to grant and convey to Erie-Western Pennsylvania Port Authority certain lands situate in the City of Erie, County of Erie.

Which was committed to the Committee on STATE GOVERNMENT, May 9, 2005.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 10, 2005

10:00 A.M.	FINANCE (to consider Senate Bills No. 573 and 582; and House Bill No. 220)	Room 8E-B East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 332, 439, 509, 584, 628 and 669; and public hearing on the nomination of Sandra W. Upor, Esq., as Judge, Court of Common Pleas, Somerset County)	Room 8E-B East Wing
Off the Floor	APPROPRIATIONS (to consider House Bill No. 815)	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Com. Conf. Rm.

WEDNESDAY, MAY 11, 2005

10:00 A.M.	EDUCATION (to consider Senate Bills No. 150, 413, 651, 679 and 686; and any other business that may come before the Committee)	Room 461 Main Capitol
10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 600 and 636; and the proposed 2005 Surplus Property Disposition Plan)	Rules Com. Conf. Rm.

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 Tuesday, May 10, 2005, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 4:25 p.m., Eastern Daylight Saving Time.