

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JUNE 6, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 31

**SENATE**

MONDAY, June 6, 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 Dr. BRADLEY A. BROWN, of Zion United Methodist Church, York, offered the following prayer:

Today marks the anniversary of the Normandy Invasion, and it is fitting for us to take a moment to remember all who served and the sacrifices that they have made that we might stand here in freedom. So if we could pause for a moment of silence before my prayer.

(Moment of silence.)

Almighty God, Creator of all that is, that which we know, and that which we do not yet know, we give thanks to You for this day and praise You for the opportunities it presents to all the citizens of this great land that is the United States of America, and for all who live, work, and play in this Commonwealth of Pennsylvania that is our home.

We pray for all who gather in this hallowed Senate Chamber to do the work of the people of Pennsylvania, surrounded by the memories and symbols of the legacy of faith and freedom You have given to us. For those who have gone before us, Lord God, make us worthy to stand on their shoulders, and give us the courage to build an even greater land of promise and hope for all.

The burden and responsibility of representing the citizens of our Commonwealth is significant. It demands integrity, imagination, and insight beyond our individual abilities and skills. It demands a collective effort to work together for the welfare of all. It demands humility and putting aside self in order to build a greater Commonwealth.

Lord God, give wisdom and discernment to our Governor and President Catherine Baker Knoll as she leads this Senate. Give each elected Senator understanding and insight to do the work of their representative districts, to find ways and means to meet the problems and needs before us, and to direct us all to pursue Your righteousness and truth that truly sets us free.

Keep before us this day and every day a constant reminder and eternal gratitude for the sacrifices of those who wear the uniform of our nation and stand in harm's way for the cause of peace, for our neighbors and friends who answer the alarms and

cries for help in the cities and villages of our Commonwealth. Lord, in Your mercy, keep them safe in their work and give them success in their missions of service.

To that end, Lord God, bless and keep us today in Your care, that we may be a means of blessing to others, in Your name and for Your sake, for I pray in the name of Jesus Christ, my Lord. Amen.

The PRESIDENT. The Chair thanks Dr. Bradley A. Brown, who is the guest today of Senator Waugh. I can tell you, Dr. Brown, it was just 2 years ago in August when I walked the fields at Normandy and then I walked the cemetery. There are 9,857 of our men buried over there. It was a very dramatic experience for all of us who were there. So, thank you very much for that prayer.

**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 11, 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 SCHUYLKILL COUNTY  
BOARD OF ASSISTANCE**

May 13, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2007, and until his successor is ap-

pointed and qualified, vice Theodore Lachowicz, Shenandoah, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE AGRICULTURAL LANDS  
CONDEMNATION APPROVAL BOARD

May 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, Norman L. Morrison, 90 Mortimer Road, Transfer 16154, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE AGRICULTURAL LANDS  
CONDEMNATION APPROVAL BOARD

May 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, Russell M. Orner, R.R. 1, Box 88, Rockton 15856, Clearfield County, Forty-first Senatorial District, for reappointment as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

May 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, Sister Catherine Manning, 2816 Burgundy Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro 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 COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

May 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, Susan Snell Delaney, 122 Greenview Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana 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 COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

May 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, James C. Miller, 207 Concord Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Robert D. Duggan, Indiana, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 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, Nicholas DeRosa, 211 North Cascade Street, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Arlene Quinlan, Butler, whose term expired.

EDWARD G. RENDELL  
Governor

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

May 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, Mark A. Holman, 9208 Belwood Court, Alexandria, Virginia 22309, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

May 20, 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 Magisterial District Judge, in and for the County of Fayette, Magisterial District 14-2-01, to serve until the first Monday of January 2006, vice Rick C. Vernon, resigned.

EDWARD G. RENDELL  
Governor

COMMONWEALTH TRUSTEE OF THE UNIVERSITY  
OF PITTSBURGH OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

May 23, 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, Ira J. Gumberg, 5222 Wilkins Heights Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2008, and until his successor is appointed and qualified, vice Elizabeth Jeanne Gleason, Johnstown, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

May 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, James W. Barnes, 270 Sinking Springs, York 17402, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

May 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, Richard G. Stauffer, 595 Netzley Drive, Denver 17517, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is

appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

May 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, Susan E. Murray, (Public Member), 1801 Little Conestoga Road, Glenmore 19343, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Optometry, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PHARMACY

May 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, Paul J. Miller, (Public Member), 49 Heathside Road, Aston 19014, Delaware County, Ninth Senatorial District, for reappointment as a member of the State Board of Pharmacy, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

May 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, Barbara C. Pinker, 7434 Brimway Lane, Reading 19606, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING

May 25, 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, Mary Erwine, RN, MSN, 490 Lantern Hill Road, Shavertown 18708, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2007, and until her successor is appointed and qualified, vice Harold Frantz, Mechanicsburg, deceased.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
MONROE COUNTY

May 25, 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, Arthur L. Zulick, Esquire, 516 Lindbergh Avenue, Stroudsburg 18360, Monroe County, Eighteenth 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 STATE BOARD  
OF PODIATRY

May 25, 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, Robert B. Weber, 123 West Main Street, Trappe 19426, Montgomery County, Nineteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jeffrey S. Gerland, Wayne, whose term expired.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

May 26, 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, Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, 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 Gene D. Cohen, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF NURSING

May 26, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Nursing, to serve until June 14, 2006, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rena Lawrence, Lancaster, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

May 26, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Irene Smerick, Erie, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

May 26, 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, Anthony Kiddish, 609 Sandy Valley Road, White Haven 18661, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Dorothy Lashock, West Hazleton, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

May 26, 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, Tim Martin, P.O. Box 117, Freeland 18224, Luzerne County, Fourteenth Senatorial District, for appointment

as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice James Burke, Sugarloaf, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE GREENE COUNTY  
BOARD OF ASSISTANCE

May 26, 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 Greene County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Peter Rameas, Waynesburg, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

June 2, 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, Mark Schneider, 7522 Graymore Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

June 2, 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, Abbe F. Fletman, 422 West Price Street, Philadelphia 19144, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2008, and until her successor is appointed and qualified, vice Arthur J. Rooney, II, Esquire, Pittsburgh, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

June 2, 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, Norman P. Hetrick, Esquire, 4380 Saint Andrews Way, Harrisburg 17112, Cumberland County, Fifteenth Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2010, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

June 2, 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, Alan Papernick, 146 North Bellefield Avenue, Pittsburgh 15213, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2011, and until his successor is appointed and qualified, vice Timothy M. Pulte, Glen Mills, whose term expired.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

June 2, 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, Robert L. Ford, 714 Beaver Road, Leetsdale 15056, Allegheny County, Thirty-seventh Senatorial District, for appointment as Magisterial District Judge, in and for the County of Allegheny, Magisterial District 05-3-02, to serve until the first Monday of January 2006, vice James E. Russo, deceased.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

June 2, 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, Lorinda L. Hinch, Esquire, 319 Quince Street, Mercer 16137, Mercer County, Fiftieth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Mercer, Magisterial District 35-3-01, to serve until the first Monday of January 2008, vice Ruth M. French, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

June 3, 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 M. Powell, 5700 Bunkerhill Road, #1102, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2011, and until his successor is appointed and qualified, vice David E. Barenfeld, Ellwood City, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

June 3, 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 P. Kazmaier, 110 Limestone Road, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

June 3, 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, Thane Martin, 4400 Sherwood Road, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE LANCASTER COUNTY  
BOARD OF ASSISTANCE

June 3, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice MacDonald Stacks, resigned.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

June 3, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-2-11, to serve until the first Monday of January 2008, vice Elizabeth A. Romig, resigned.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

June 3, 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, Joseph Schafer, 261 Biskup Lane, Monaca 15061, Beaver County, Forty-seventh Senatorial District, for appointment as Magisterial District Judge, in and for the County of Beaver, Magisterial District 36-3-06, to serve until the first Monday of January 2006, vice Joseph Zupsic, resigned.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

June 3, 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, Mike Smith, 510 Colony Drive, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Dauphin, Magisterial District 12-2-01, to serve until the first Monday of January 2006, vice Bernard B. Yanich, mandatory retirement.

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:

JUDGE, COURT OF COMMON PLEAS,  
MONROE COUNTY

May 25, 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 May 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

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

May 26, 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 March 31, 2005, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Alfred J. DiBona, Jr., mandatory retirement.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

June 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 May 4, 2005, for the appointment of 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.

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

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

June 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 February 11, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Allegheny, Magisterial District 05-3-02, to serve until the first Monday of January 2006, vice James E. Russo, deceased.

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

EDWARD G. RENDELL  
Governor

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 69**, with the information the House has passed the same without amendments.

### SENATE RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in **SR No. 44** by amending said resolution.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this resolution will be referred to the Committee on Rules and Executive Nominations.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 23, 2005

- HB 89** -- Committee on Labor and Industry.
- HB 395** and **855** -- Committee on Urban Affairs and Housing.
- HB 859** -- Committee on Finance.
- HB 1076** -- Committee on Game and Fisheries.
- HB 1178** -- Committee on Law and Justice.

May 24, 2005

- HB 107** and **1261** -- Committee on Banking and Insurance.
- HB 127**, **399** and **1241** -- Committee on Judiciary.
- HB 153**, **182**, **504**, **515**, **650**, **734** and **1180** -- Committee on Finance.
- HB 236** and **271** -- Committee on State Government.
- HB 253**, **628**, **894**, **1173** and **1259** -- Committee on Education.
- HB 353** -- Committee on Labor and Industry.
- HB 856** and **887** -- Committee on Game and Fisheries.
- HB 1069**, **1179** and **1277** -- Committee on Veterans Affairs and Emergency Preparedness.
- HB 1110** -- Committee on Transportation.
- HB 1488** -- Committee on Public Health and Welfare.

May 26, 2005

- HB 110** and **523** -- Committee on Law and Justice.
- HB 136**, **266** and **267** -- Committee on Local Government.
- HB 200** -- Committee on Aging and Youth.

**HB 1077** -- Committee on Game and Fisheries.

**HB 1266** -- Committee on State Government.

### HOUSE RESOLUTIONS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolutions for concurrence, which were referred to the committees indicated:

May 23, 2005

**HR 172** -- Committee on Rules and Executive Nominations.

May 24, 2005

**HR 75** -- Committee on Community and Economic Development.

**HR 243** -- Committee on Judiciary.

**HR 309** -- Committee on Education.

### 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 23, 2005

Senators RAFFERTY and THOMPSON presented to the Chair **SB 673**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for exercise of eminent domain and for restrictions as to certain property.

Which was committed to the Committee on LOCAL GOVERNMENT, May 23, 2005.

Senators WONDERLING, CORMAN, ERICKSON, GORDNER, D. WHITE, WAUGH, RAFFERTY, BOSCOLA, PUNT, PIPPY, KITCHEN, ROBBINS, EARLL, GREENLEAF, MADIGAN, LOGAN, ORIE, SCARNATI, REGOLA, M. WHITE, PILEGGI, RHOADES, CONTI, PICCOLA, VANCE and ARMSTRONG presented to the Chair **SB 691**, 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, in gross receipts tax, for the imposition of tax; and making a related repeal.

Which was committed to the Committee on FINANCE, May 23, 2005.

Senators TARTAGLIONE, MUSTO, RAFFERTY, COSTA, O'PAKE, ORIE, STACK, KITCHEN, PIPPY, C. WILLIAMS, FERLO, BOSCOLA, STOUT, HUGHES, KASUNIC, CONTI, LAVALLE, MELLOW, LOGAN, PUNT, FUMO, A. WILLIAMS and WOZNIAK presented to the Chair **SB 692**, entitled:

An Act prohibiting mandatory overtime and excessive duty hours of certain health care workers; and prescribing penalties.

Which was committed to the Committee on LABOR AND INDUSTRY, May 23, 2005.

Senators PILEGGI, LEMMOND, ERICKSON, EARLL, RAFFERTY, FERLO, C. WILLIAMS, D. WHITE and BOSCOLA presented to the Chair **SB 693**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for affidavit of circulator.

Which was committed to the Committee on STATE GOVERNMENT, May 23, 2005.

Senators PILEGGI, LEMMOND, ERICKSON, RAFFERTY, FERLO, C. WILLIAMS, D. WHITE, BOSCOLA, M. WHITE, WAUGH and EARLL presented to the Chair **SB 694**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for statements of financial interest.

Which was committed to the Committee on STATE GOVERNMENT, May 23, 2005.

Senators KASUNIC, O'PAKE, MUSTO, WOZNIAK, COSTA, KITCHEN, LAVALLE, STOUT, ERICKSON, C. WILLIAMS, FERLO and BOSCOLA presented to the Chair **SB 695**, entitled:

An Act providing for grants to persons for property damaged or destroyed by disasters; establishing the basis for the grants; and making an appropriation.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 23, 2005.

Senators SCARNATI, GORDNER, ERICKSON, ORIE, PIPPY, RAFFERTY, PUNT, M. WHITE, LEMMOND, RHOADES, D. WHITE, PILEGGI, WOZNIAK, BOSCOLA, COSTA, BROWNE, TOMLINSON, THOMPSON and ROBBINS presented to the Chair **SB 696**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for payment policies for hospital inpatient and outpatient services; and establishing the State Health Payment Review Board.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 23, 2005.

Senator STOUT presented to the Chair **SB 697**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Maryland for-profit corporation, or their assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, May 23, 2005.

Senators C. WILLIAMS, EARLL, KITCHEN, TARTAGLIONE, ORIE, GREENLEAF, O'PAKE, WAUGH, LOGAN and RHOADES presented to the Chair **SB 698**, entitled:



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.

Which was committed to the Committee on FINANCE, May 23, 2005.

Senators CONTI, ERICKSON, THOMPSON, TOMLINSON, EARLL, SCARNATI, PIPPY, WAUGH, LEMMOND, C. WILLIAMS, LOGAN, D. WHITE, M. WHITE, GORDNER, REGOLA, BROWNE, RAFFERTY, WONDERLING, RHOADES, O'PAKE, FERLO, COSTA, WOZNAK, KASUNIC, HUGHES and ROBBINS presented to the Chair **SB 699**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, establishing criteria for prior authorization governing access to medications.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 23, 2005.

Senators ORIE, RHOADES, D. WHITE, RAFFERTY, GORDNER, PILEGGI, ERICKSON, WOZNAK, BOSCOLA, TOMLINSON, LEMMOND, PIPPY, GREENLEAF, PUNT, MADIGAN, ROBBINS, KITCHEN, CONTI, STACK, BROWNE and LOGAN presented to the Chair **SB 700**, entitled:

An Act establishing One Pennsylvania, a program to consolidate and unify procedures and requirements for the administration of all Commonwealth-funded, Commonwealth-administered and Commonwealth-supported drug programs and for reimbursement for pharmacy services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 23, 2005.

Senators BOSCOLA, MUSTO, D. WHITE, RAFFERTY and RHOADES presented to the Chair **SB 701**, entitled:

An Act amending the act of June 13, 1883 (P.L.112, No.99), entitled "An act to abolish the contract system in the prisons and reformatory institutions of the State of Pennsylvania, and to regulate the wages of the inmates," further providing for convicts to receive wages.

Which was committed to the Committee on JUDICIARY, May 23, 2005.

Senators BOSCOLA, MUSTO, D. WHITE, RAFFERTY and RHOADES presented to the Chair **SB 702**, entitled:

An Act amending the act of May 25, 1907 (P.L.247, No.191), entitled "An act authorizing the employment of male prisoners of the jails, and workhouses of this Commonwealth upon the public highways of the several counties, and regulating the same; and providing for the establishment of Prison Boards, the purchase of material and tools, and employment of deputies, at the expense of the proper county, and a penalty for the escape of prisoners while employed outside of said jails, workhouses," further providing for labor.

Which was committed to the Committee on JUDICIARY, May 23, 2005.

May 26, 2005

Senators BRIGHTBILL, PICCOLA, BOSCOLA, RHOADES, REGOLA, JUBELIRER, PUNT, EARLL, ROBBINS,

M. WHITE, ERICKSON, RAFFERTY, VANCE, ORIE, GORDNER, PILEGGI, D. WHITE, CORMAN, WENGER, SCARNATI, THOMPSON, LEMMOND, PIPPY, MADIGAN, ARMSTRONG, WONDERLING, WAUGH and BROWNE presented to the Chair **SB 4**, entitled:

An Act establishing spending limitations on the Commonwealth; providing for the disposition of surplus funds; and making a repeal.

Which was committed to the Committee on FINANCE, May 26, 2005.

Senators O'PAKE, LAVALLE, EARLL, COSTA, ORIE, BOSCOLA, M. WHITE and LOGAN presented to the Chair **SB 579**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, May 26, 2005.

Senators MADIGAN, STOUT, O'PAKE, M. WHITE, COSTA, RAFFERTY, RHOADES, BOSCOLA, D. WHITE, ORIE and WONDERLING presented to the Chair **SB 655**, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, providing for the use of the terms "engineer" and "engineering."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 26, 2005.

Senator BOSCOLA presented to the Chair **SB 664**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions; and further providing for powers and duties and for audits.

Which was committed to the Committee on TRANSPORTATION, May 26, 2005.

Senators CONTI, RAFFERTY and LAVALLE presented to the Chair **SB 687**, entitled:

An Act amending the act of June 9, 1936 (Sp.Sess., P.L.13, No.4), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," further providing for the distribution of revenues from an emergency tax on liquors.

Which was committed to the Committee on LAW AND JUSTICE, May 26, 2005.

Senators ERICKSON, PILEGGI, RAFFERTY, COSTA, WONDERLING, PIPPY, TOMLINSON, WOZNAK, LOGAN and STACK presented to the Chair **SB 703**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for passing stopped authorized and emergency vehicles.

Which was committed to the Committee on TRANSPORTATION, May 26, 2005.

Senators GREENLEAF, O'PAKE, RHOADES, MELLOW, RAFFERTY, MUSTO and PIPPY presented to the Chair **SB 704**, entitled:

An Act selecting, designating and adopting anthracite or "hard coal" as the official rock of the Commonwealth.

Which was committed to the Committee on STATE GOVERNMENT, May 26, 2005.

Senators GREENLEAF, KITCHEN, LAVALLE, EARLL, MUSTO, PILEGGI, C. WILLIAMS, ORIE, RAFFERTY, TARTAGLIONE, STOUT, COSTA, LEMMOND, WAUGH, LOGAN, STACK, M. WHITE and WONDERLING presented to the Chair **SB 705**, 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 payment of educational support services grants.

Which was committed to the Committee on EDUCATION, May 26, 2005.

Senator M. WHITE presented to the Chair **SB 706**, entitled:  
An Act designating the Main Street Bridge in Butler, Butler County, Pennsylvania, as the General Richard Butler Bridge.

Which was committed to the Committee on TRANSPORTATION, May 26, 2005.

Senators ERICKSON, PILEGGI, M. WHITE, WOZNIAK and WONDERLING presented to the Chair **SB 707**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and for regulations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 26, 2005.

Senator D. WHITE presented to the Chair **SB 708**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for retention and reinstatement of service credits, election of membership and purchase of prior service.

Which was committed to the Committee on FINANCE, May 26, 2005.

Senators BRIGHTBILL, RHOADES, KITCHEN, JUBELIRER, BOSCOLA, WONDERLING, MUSTO, WENGER, PILEGGI, O'PAKE, CORMAN, COSTA, ROBBINS, M. WHITE, ORIE, PICCOLA, LAVALLE, ERICKSON, GORDNER, ARMSTRONG, STACK, PIPPY, WAUGH, LOGAN, RAFFERTY, C. WILLIAMS and BROWNE presented to the Chair **SB 709**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for

installment payment of taxes; and authorizing monthly installment payment of school taxes.

Which was committed to the Committee on FINANCE, May 26, 2005.

Senators FERLO, LAVALLE and LOGAN presented to the Chair **SB 710**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for eminent domain.

Which was committed to the Committee on TRANSPORTATION, May 26, 2005.

#### June 3, 2005

Senators MELLOW, MUSTO, BOSCOLA, O'PAKE, LAVALLE, COSTA, STACK, LOGAN, RAFFERTY, STOUT, PIPPY, PILEGGI, WONDERLING, LEMMOND, RHOADES and C. WILLIAMS presented to the Chair **SB 110**, entitled:

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

Which was committed to the Committee on JUDICIARY, June 3, 2005.

Senators GORDNER, WONDERLING, C. WILLIAMS, RAFFERTY, COSTA, CORMAN, WOZNIAK, PIPPY, PICCOLA, VANCE, LOGAN, ERICKSON, WAUGH, RHOADES, BOSCOLA, TARTAGLIONE, KITCHEN, THOMPSON, O'PAKE, GREENLEAF, STACK and ROBBINS presented to the Chair **SB 711**, entitled:

An Act providing for the protection of consumers from having spyware deceptively installed on their computers, for enforcement and for civil relief.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, June 3, 2005.

Senators WONDERLING, C. WILLIAMS, CORMAN, RAFFERTY, WOZNIAK, GORDNER, PILEGGI, KITCHEN, EARLL, VANCE, ERICKSON, M. WHITE, LEMMOND, FERLO, O'PAKE, RHOADES, BOSCOLA, GREENLEAF, BROWNE, THOMPSON, STACK and LOGAN presented to the Chair **SB 712**, entitled:

An Act providing for the notification of residents whose personal information data was or may have been disclosed due to a security system breach; and imposing penalties.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, June 3, 2005.

Senators WONDERLING, RAFFERTY, GORDNER, CORMAN, COSTA, ORIE, WENGER, LOGAN, GREENLEAF, ERICKSON, LEMMOND, BOSCOLA, STACK and C. WILLIAMS presented to the Chair **SB 714**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duplicate and substitute drivers' licenses and learners' permits in cases of identity theft.

Which was committed to the Committee on TRANSPORTATION, June 3, 2005.

Senators WONDERLING, THOMPSON, C. WILLIAMS, RAFFERTY, GORDNER, WOZNIAK, PIPPY, EARLL, D. WHITE, ERICKSON, M. WHITE, ORIE, LEMMOND, FERLO, O'PAKE, BOSCOLA, ROBBINS and BROWNE presented to the Chair **SB 715**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, providing for technology projects.

Which was committed to the Committee on FINANCE, June 3, 2005.

Senators WONDERLING, ARMSTRONG, ERICKSON, FERLO, WOZNIAK, PILEGGI and BOSCOLA presented to the Chair **SB 716**, entitled:

An Act providing for the publication by Department of Community and Economic Development of required activity and information on an Internet-based receptacle.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, June 3, 2005.

Senators LAVALLE, TARTAGLIONE, BOSCOLA, C. WILLIAMS, O'PAKE, COSTA, KITCHEN, LOGAN, MUSTO, STACK, WOZNIAK and FERLO presented to the Chair **SB 719**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for rates.

Which was committed to the Committee on BANKING AND INSURANCE, June 3, 2005.

Senators LAVALLE, TARTAGLIONE, BOSCOLA, RAFFERTY, COSTA, KITCHEN, LOGAN, MUSTO and WOZNIAK presented to the Chair **SB 720**, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for retirement age.

Which was committed to the Committee on FINANCE, June 3, 2005.

Senator LEMMOND presented to the Chair **SB 721**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

Which was committed to the Committee on TRANSPORTATION, June 3, 2005.

Senators MUSTO, M. WHITE, STOUT, PIPPY, RAFFERTY, LAVALLE, GORDNER, ERICKSON, O'PAKE, BROWNE, LOGAN, WENGER, LEMMOND, BOSCOLA, RHOADES, WAUGH and FERLO presented to the Chair **SB 722**, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for the expiration of the additional allocation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 3, 2005.

Senators WENGER, WAUGH, VANCE, ERICKSON, MUSTO, RAFFERTY, GREENLEAF, EARLL, BROWNE, O'PAKE, LEMMOND, PILEGGI, PICCOLA, ORIE, ROBBINS, FERLO, WONDERLING and ARMSTRONG presented to the Chair **SB 723**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for statement of legislative findings; providing for the definition of "authorized entity"; and further providing for purchase of agricultural conservation easements and for legislative report.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 3, 2005.

Senators STOUT, MADIGAN, BOSCOLA, TARTAGLIONE, PILEGGI, COSTA, MUSTO, WONDERLING and STACK presented to the Chair **SB 724**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, implementing the Federal Motor Carrier Safety Improvement Act of 1999.

Which was committed to the Committee on TRANSPORTATION, June 3, 2005.

Senators ROBBINS, COSTA, M. WHITE, D. WHITE, KASUNIC, GREENLEAF, LEMMOND, LOGAN, ERICKSON, PILEGGI, O'PAKE, ORIE, PUNT, WOZNIAK, PIPPY, SCARNATI, BOSCOLA, RAFFERTY and GORDNER presented to the Chair **SB 728**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for definitions, for management of funds and accounts and for actuarial cost method.

Which was committed to the Committee on FINANCE, June 3, 2005.

## RESOLUTIONS INTRODUCED AND REFERRED

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

May 26, 2005

Senators MADIGAN, BRIGHTBILL, EARLL, PILEGGI, D. WHITE, ARMSTRONG, LAVALLE, COSTA, ERICKSON, RAFFERTY, WENGER, RHOADES, WONDERLING, LEMMOND, GREENLEAF and PIPPY presented to the Chair **SR 116**, entitled:

A Resolution recognizing the responsibility of the Commonwealth to examine the quality and efficiency of its State highway system; and establishing a select committee to consider developing public-private partnerships to expand tolling options on highways within this Commonwealth.

Which was committed to the Committee on TRANSPORTATION, May 26, 2005.

Senators BOSCOLA, RHOADES, STOUT, CONTI, KASUNIC, ERICKSON, STACK, GREENLEAF, LOGAN, RAFFERTY, LAVALLE, WONDERLING and FERLO presented to the Chair **SR 123**, entitled:

A Resolution urging the Governor to create a task force to study flooding problems and to establish plans and procedures to reduce flooding in this Commonwealth.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 26, 2005.

Senators WONDERLING, BOSCOLA, BROWNE, KASUNIC, FERLO, COSTA, MUSTO, LAVALLE, ORIE, KITCHEN, RAFFERTY, TOMLINSON, RHOADES, STOUT, STACK and CONTI presented to the Chair **SR 124**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a study to determine the advantages and disadvantages of creating a separate cabinet-level Department of Veterans Affairs.

Which was committed to the Committee on STATE GOVERNMENT, May 26, 2005.

Senators M. WHITE, MUSTO, BOSCOLA, ARMSTRONG, COSTA, TARTAGLIONE, KITCHEN, EARLL, ORIE, FERLO, LOGAN, ERICKSON, GORDNER, O'PAKE, WENGER, LEMMOND, RAFFERTY, D. WHITE, PILEGGI, WAUGH, CONTI, RHOADES, SCARNATI, STOUT, GREENLEAF, PIPPY, WOZNAK, THOMPSON and WONDERLING presented to the Chair **SR 125**, entitled:

A Resolution encouraging the Congress of the United States and the United States Environmental Protection Agency to release funds to the states from the Leaking Underground Storage Tank Trust Fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 26, 2005.

## GENERAL COMMUNICATION

### REPORT OF THE COMMISSION TO ADDRESS GUN VIOLENCE

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

COMMONWEALTH OF PENNSYLVANIA  
 Pennsylvania Commission on Crime and Delinquency  
 P. O. Box 1167,  
 Harrisburg, PA 17108-7292

May 17, 2005

Mr. Mark Corrigan  
 Secretary/Parliamentarian  
 Senate of Pennsylvania  
 Room 462 Main Capitol  
 Harrisburg, PA 17120

Dear Mr. Corrigan:

As required by Executive Order 2005-02, we are submitting the Report of the Commission to Address Gun Violence to the General Assembly.

Respectfully,

WALTER M. PHILLIPS, Jr.  
 Chairman

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

### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Robert M. Schwartz, Esquire, as a member of the Board of Trustees of the Philadelphia College of Osteopathic Medicine.

### BILL SIGNED

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

**SB 69.**

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

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

Senator PICCOLA. Madam President, I would like to introduce a very special young lady as a guest of the Senate this afternoon, a constituent of mine, Mary Kate Lee, an 18-year-old young woman who lives here in Susquehanna Township outside of Harrisburg. She has been homeschooled and is presently a senior in high school. Her mother, Brenda, is her teacher. Her father, Randy, is a professor at Widener Law School. She is here today with her three sisters and her two brothers.

The reason she is here, Madam President, I think is rather unique. Last week she and her family were in Carnegie Hall in New York City where she received a gold prize in the very prestigious Scholastic Art and Writing Contest sponsored by the Scholastic Publishing Company. She was one of four winners from over 200,000 nonfiction writing portfolios, and her winning earned her a mention in a story in the New York Times. She was one of the top 12 winners in writing, art, and photography, and was the recipient of a \$10,000 prize, and her mother, being the teacher, was the recipient of a \$1,000 prize. Now, this award is very prestigious, and some of the notable authors who have previously won the same award are Truman Capote, Sylvia Plath, and Bernard Malamud, a Noble Prize winner for literature.

The winning portfolio that was submitted by Mary Kate included stories and poems about subjects as diverse as Abraham Lincoln, jazz, and Barney, the purple dinosaur. She also has been a repeat winner in the Scholastic Art and Writing Contest that is sponsored by the Harrisburg Patriot-News. In addition, she is a professional harpist, having played professionally throughout Pennsylvania and in New Jersey and Maryland. She is going to

be attending the Franciscan University of Steubenville in the fall, where she plans to major in English with a double concentration in writing and theater, and a minor in music.

Madam President, I would appreciate a warm welcome for Mary Kate Lee.

The PRESIDENT. Would Mary Kate Lee, her mother, father, sisters and brothers please rise so we can all give you a nice round of applause. Congratulations to you.

(Applause.)

**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 Pileggi.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Pileggi.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Stack.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Stack.

Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

Senator BRIGHTBILL asked and obtained leaves of absence for Senator PUNT and Senator THOMPSON, 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, June 6, 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 13, 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 13, 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-46

Armstrong	Greenleaf	Orie	Tomlinson
Boscola	Hughes	Piccola	Vance
Brightbill	Jubelirer	Pileggi	Waugh
Browne	Kasunic	Pippy	Wenger

Conti	Kitchen	Rafferty	White, Donald
Corman	LaValle	Regola	White, Mary Jo
Costa	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Musto	Stout	
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  
GUESTS OF SENATOR JAMES J. RHOADES  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, with us today in the gallery is a group visiting from my senatorial district and Representative Argall's House district. They are here to visit him today, and they stopped by to see me. I would appreciate if the Senate would extend its usual warm welcome to a group coming from the 29th Senatorial District and also Representative Argall's 124th District, and they are all here.

The PRESIDENT. Would the guests from Senator Rhoades' 29th Senatorial District please rise so we can give you a nice warm welcome.

(Applause.)

**RECESS**

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

Senator BRIGHTBILL. Madam President, I request a recess of the Senate for a meeting of the Committee on Rules and Executive Nominations, which will take about 5 minutes. At the end of that meeting, we will return to the floor, do Executive Nominations for the day, as well as the Calendar, and then recess until tomorrow, but at that point in time we will not need to come back after the Republican caucus, which will be held in the Rules room.

So, we will have a meeting of the Committee on Rules and Executive Nominations, run the Calendar, run nominations, and then caucus, unless it changes.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for a meeting of the Committee on Rules and Executive Nominations. We will return to the floor and run the Calendar, do Executive Nominations, and then there will be a Republican caucus. The Democrats go along with this.

Without objection, the Senate stands in recess.

**AFTER RECESS**

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

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

Senator ROBBINS, 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 PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

June 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 May 4, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 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.

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 25, 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 May 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

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

May 26, 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 March 31, 2005, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2006, vice The Honorable Alfred J. DiBona, Jr., mandatory retirement.

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

EDWARD G. RENDELL  
Governor

**MAGISTERIAL DISTRICT JUDGE**

June 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 February 11, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Allegheny, Magisterial District 05-3-02, to serve until the first Monday of January 2006, vice James E. Russo, 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.

**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:

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

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, H. Daniel Hill III, (District 1), 415 Ridgeview Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until June 9, 2006, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Gilford, Lickingville, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

May 9, 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, Bart E. Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF  
OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE**

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, Andrea L. Mowen, 1040 Wallace Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Melanie Wennick, Fayetteville, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

April 28, 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, Eugene C. Sheffer, (Public Member), 717 Fern Avenue, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Optometry, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
THE PENNSYLVANIA STATE UNIVERSITY**

February 15, 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, Galen T. Foulke, 800 East Third Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of the Pennsylvania State University, to commence on July 1, 2005, and to serve until July 1, 2008, or until his successor is appointed and qualified, vice Nicole W. Lobaugh, White Oak, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PHARMACY**

May 9, 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, Richard R. Smiga, 140 Penningdon Drive, Landisville 17538, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Pharmacy, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

April 28, 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 Reese, (Public Member), 2016 W. Mayfield Street, Philadelphia 19132, Philadelphia County, Third Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

April 25, 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, Salvatore Cullari, Ph.D., P.O. Box 595, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Henry M. Weeks, IV, Ph.D., Carlisle, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

May 9, 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 L. Maxaner, (Public Member), Whispering Pines, 114 Ryan Lane, Milford 18837, Bradford County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Psychology, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 25, 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, Eve Orlow, 125 Coulter Avenue, Ardmore 19003, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Board of Psychology, 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 Stephen A. Ragusea, Port Matilda, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES FOR  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN

May 9, 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, Stanley W. Reinhard, Jr., 1556 Olympic Circle, Whitehall 18052, Lehigh County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees for Scotland School for Veterans' Children, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES FOR  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN

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, Ronald G. Tyler, Sr., 28 North 20th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Trustees for

Scotland School for Veterans' Children, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF

May 9, 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 M. Mulholland, 122 Union Street, Taylor 18517, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, 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 VETERINARY MEDICINE

May 9, 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, Robin Bernstein, (Public Member), 6615 Kinsman Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve until October 23, 2005, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Judy Baillis, Port Matilda, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

April 6, 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, Reverend Barry R. Galley, 3000 Daniel Drive, Sinking Spring 19608, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

April 6, 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, Mark C. Inge, 3122 Woodridge Drive, Landisville 17538, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL**

April 6, 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, Rachel M. Pizarro, 260 Wooltown Road, #13, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF THE  
WESTERN YOUTH DEVELOPMENT CENTERS**

April 28, 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, Sam Scialdone, 313 Orchard Avenue, Ellwood City 16117, Lawrence County, Forty-seventh Senatorial District, for appointment as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Jeannette Rice, New Castle, resigned.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Lou Klem, (Democrat), R.R. 1, Box 1044, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Arthur McMahon, Dushore, resigned.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Merle Parker, (Republican), P. O. Box 241, Laporte 18626, Sullivan County, Twenty-third Senatorial District, for appointment 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 Bernard Walsh, Dushore, resigned.

EDWARD G. RENDELL  
Governor

**MAGISTERIAL DISTRICT JUDGE**

February 15, 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, James J. Narlesky, Esquire, 880 Wedgewood Road, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-1-04, to serve until the first Monday of January 2006, vice Barbara S. Schlegel, resigned.

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.

**EXECUTIVE NOMINATIONS**

***EXECUTIVE SESSION***

Motion was made by Senator ROBBINS,

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 ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

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, H. Daniel Hill III, (District 1), 415 Ridgeview Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until June 9, 2006, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Gilford, Lickingville, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

May 9, 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, Bart E. Burne, Ed.D., 37 Old Mill Road, Laflin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF  
OCCUPATIONAL THERAPY  
EDUCATION AND LICENSURE**

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, Andrea L. Mowen, 1040 Wallace Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Melanie Wennick, Fayetteville, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

April 28, 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, Eugene C. Sheffer, (Public Member), 717 Fern Avenue, Franklin 16323, Venango County, Twenty-first Senatorial District, for reappointment as a member of the State Board of Optometry, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
THE PENNSYLVANIA STATE UNIVERSITY**

February 15, 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, Galen T. Foulke, 800 East Third Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of the Pennsylvania State University, to commence on July 1, 2005, and to serve until July 1, 2008, or until his successor is appointed and qualified, vice Nicole W. Lobaugh, White Oak, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PHARMACY**

May 9, 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, Richard R. Smiga, 140 Pennington Drive, Landisville 17538, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Pharmacy, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

April 28, 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 Reese, (Public Member), 2016 W. Mayfield Street, Philadelphia 19132, Philadelphia County, Third Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

April 25, 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, Salvatore Cullari, Ph.D., P.O. Box

595, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Henry M. Weeks, IV, Ph.D., Carlisle, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

May 9, 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 L. Maxaner, (Public Member), Whispering Pines, 114 Ryan Lane, Milford 18837, Bradford County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Psychology, 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY

April 25, 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, Eve Orlow, 125 Coulter Avenue, Ardmore 19003, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Board of Psychology, 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 Stephen A. Ragusea, Port Matilda, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES FOR  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN

May 9, 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, Stanley W. Reinhard, Jr., 1556 Olympic Circle, Whitehall 18052, Lehigh County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees for Scotland School for Veterans' Children, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES FOR  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN

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, Ronald G. Tyler, Sr., 28 North 20th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Trustees for Scotland School for Veterans' Children, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF

May 9, 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 M. Mulholland, 122 Union Street, Taylor 18517, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, 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 VETERINARY MEDICINE

May 9, 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, Robin Bernstein, (Public Member), 6615 Kinsman Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve until October 23, 2005, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Judy Baillis, Port Matilda, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

April 6, 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, Reverend Barry R. Galley, 3000 Daniel Drive, Sinking Spring 19608, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of

Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

April 6, 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, Mark C. Inge, 3122 Woodridge Drive, Landisville 17538, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

April 6, 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, Rachel M. Pizarro, 260 Wooldtown Road, #13, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE  
WESTERN YOUTH DEVELOPMENT CENTERS

April 28, 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, Sam Scialdone, 313 Orchard Avenue, Ellwood City 16117, Lawrence County, Forty-seventh Senatorial District, for appointment as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Jeannette Rice, New Castle, resigned.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Lou Klem, (Democrat), R.R. 1, Box 1044, Dushore 18614, Sullivan County, Twenty-third Senatorial District, for appointment as a member of the Sullivan County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Arthur McMahan, Dushore, resigned.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Merle Parker, (Republican), P. O. Box 241, Laporte 18626, Sullivan County, Twenty-third Senatorial District, for appointment 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 Bernard Walsh, Dushore, resigned.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

February 15, 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, James J. Narlesky, Esquire, 880 Wedgewood Road, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-1-04, to serve until the first Monday of January 2006, vice Barbara S. Schlegel, resigned.

EDWARD G. RENDELL  
Governor

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Stack has returned, and his temporary Capitol leave is cancelled.

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

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

YEA-46

Armstrong	Greenleaf	Orie	Tomlinson
Boscola	Hughes	Piccola	Vance
Brightbill	Jubelirer	Pileggi	Waugh
Browne	Kasunic	Pippy	Wenger

Conti	Kitchen	Rafferty	White, Donald
Corman	LaValle	Regola	White, Mary Jo
Costa	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Musto	Stout	
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 ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**CALENDAR****THIRD CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 386** and **SB 502** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**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.

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

**SECOND CONSIDERATION CALENDAR****BILL REREFERRED**

**SB 150 (Pr. No. 812)** -- 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 opportunities for educational excellence through concurrent enrollment.

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 332 (Pr. No. 805)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for foreign decree of adoption.

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

**BILL OVER IN ORDER**

**SB 410** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**SB 413 (Pr. No. 438)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Staff Member Loan Forgiveness Program and an Alcohol and Drug Addiction Counselor Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation staff members in this Commonwealth.

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

**BILL OVER IN ORDER**

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

**BILLS REREFERRED**

**SB 439 (Pr. No. 462)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

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

**SB 509 (Pr. No. 806)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for classification and order of payment of claims against the estate of a decedent.

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 573 (Pr. No. 623)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for valuation of persons and property.

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

## BILL REREFERRED

**SB 582 (Pr. No. 624)** -- The Senate proceeded to consideration of the bill, 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 alternate imposition of tax.

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

## BILLS ON SECOND CONSIDERATION

**SB 584 (Pr. No. 807)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of disarming a law enforcement officer; and providing a penalty.

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

**SB 600 (Pr. No. 671)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Indiana County, being conveyed by the county in return for the imposition of Project 70 restrictions on certain land being conveyed to the county by the Department of Transportation.

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

## BILL OVER IN ORDER

**SB 636** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILLS REREFERRED

**SB 651 (Pr. No. 748)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for waiver of standards.

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

**SB 669 (Pr. No. 808)** -- The Senate proceeded to consideration of the bill, 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.

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

**SB 679 (Pr. No. 781)** -- 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 program of continuing professional education.

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

**SB 686 (Pr. No. 813)** -- 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, 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.

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

UNFINISHED BUSINESS  
SENATE RESOLUTION ADOPTED

Senators LOGAN, OPAKE, WONDERLING, STACK, BOSCOLA, ARMSTRONG, MUSTO, ORIE, STOUT, MELLOW, FUMO, EARLL, RAFFERTY, LaVALLE, PILEGGI, KASUNIC, COSTA, GREENLEAF, FERLO, D. WHITE, LEMMOND, CONTI, PIPPY, TARTAGLIONE, BROWNE, C. WILLIAMS, WOZNIAC, WENGER and ERICKSON, by unanimous consent, offered **Senate Resolution No. 127**, entitled:

A Resolution recognizing June 7, 2005, as "National Hunger Awareness Day" in Pennsylvania.

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

### DISCHARGE PETITION

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

June 6, 2005

#### A PETITION

To place before the Senate the nomination of Virginia Lippay as a member of the Northumberland County Board of Assistance.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Virginia Lippay, Coal Township, Pennsylvania, as a member of the Northumberland County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins  
David J. Brightbill  
Jeffrey E. Piccola  
Noah W. Wenger  
Robert C. Jubelirer

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

### 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 Kenneth R. Jacoby and to Dana Datres by Senator Brightbill.

Congratulations of the Senate were extended to the Hanover Starz Cheerleading Pep Squad and 90's Squad of Bethlehem by Senator Browne.

Congratulations of the Senate were extended to Andrew K. Cornwall and to Keenan Motors of Doylestown by Senator Conti.

Congratulations of the Senate were extended to Bernice and Marvin Herzog, Elliott Finkel, Donald Butler, Ruth Lieber, Violet Marcus, Ben Melnick, Al Raizman and to John Wolf by Senator Costa.

Congratulations of the Senate were extended to Amos Mack, Sr., by Senator Fumo.

Congratulations of the Senate were extended to Ken-Crest Services of Plymouth Meeting by Senator Greenleaf.

Congratulations of the Senate were extended to Sadie Reynolds by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Fisher, Mr. and Mrs. Donald Smith and to Mr. and Mrs. Argonne Renninger by Senator Jubelirer.

Congratulations of the Senate were extended to Christine Wehr by Senator Orie.

Congratulations of the Senate were extended to the Pittsburgh Job Corps Center by Senator Orie and others.

Congratulations of the Senate were extended to Donald L. Kuhn by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Purnell Anderson, Jr., by Senator Pileggi.

Congratulations of the Senate were extended to Pat Bradshaw by Senator Robbins.

Congratulations of the Senate were extended to Gene Smith by Senators Robbins, Stout, and Madigan.

Congratulations of the Senate were extended to Daniel Bott by Senator Thompson.

Congratulations of the Senate were extended to Jordan Weaver by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey Yingling, Mr. and Mrs. Robert Riemer and to Mr. and Mrs. Francis Gmys by Senator D. White.

Congratulations of the Senate were extended to Reverend Dr. Andrew W. Tilly, Dr. Keith T. Miller, Dr. Craig D. Willis, Wade Keiffer, Wes Grand, Mike Flanagan, Emma Shaulis, Mark Thomas Dewey and to the Greater Beneficial Union of Pittsburgh District 291 by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Robert C. Scheetz, Jr., by Senator Gordner.

Condolences of the Senate were extended to the family of the late Kenneth E. Ziegler by Senator Kitchen.

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Madam President, ever since Colonial days, farming has played a major role in making Pennsylvania the place it has become today. Our Commonwealth has 59,000 farm families working on 7.7 million acres, or more than 25 percent of the State's land. The effects of our farming industry are also felt well beyond the borders of the fields. One in every six Pennsylvanians work in agriculture or related businesses, such as food processing, marketing, transportation, or farm equipment sales and service. Pennsylvania exports more than \$1.5 billion annually in food and other agricultural and forest products. Production, agriculture, and agribusiness also contribute nearly \$45 billion to our economy. It is clear that the economic prosperity of the farming industry is a large factor in the economic prosperity for the entire Commonwealth.

Unfortunately, farmers face many challenges today, challenges that are in some cases forcing them to forego their farming businesses, even when the land is preserved for agricultural use. This does not mean that those farms will be profitable or that they would be able to remain in business. As part of the long-term vision for the State, we need to provide for the long-term success of agriculture so we can capitalize on its important contributions. We are in a position today to enhance our existing State programs to ensure that agriculture remains the top industry in the Commonwealth.

Last week Senator Waugh and I unveiled a comprehensive plan designed to provide our farmers with the aid they need to maintain their livelihoods and to further promote agriculture in Pennsylvania. Preserving the Pennsylvania farmer initiative will

help give farmers the incentives and opportunities they need for their businesses to be viable and successful. Although we have introduced many beneficial programs in the past, we can and should do more, and our campaign addresses a number of areas. We can improve our existing farmland preservation program, which has already enjoyed considerable success, by creating property tax rebates for agricultural preservation, by forming an agricultural preservation enhancement and strong prevention program, and by promoting new public/private partnerships to preserve farmland. Further, a proposal has been developed that would take the Commonwealth's portion of the realty transfer tax and earmark collections from specific land transactions for the State's farmland preservation program.

Senator Waugh and I believe that any new resources provided through this action should be directly targeted at preserving our most endangered farms. In addition, the "Preserve the Pennsylvania Farmer" campaign examines several other ways to keep the agriculture industry strong, including providing equine liability consideration for horse owners, reducing the inheritance tax on realty that is part of an agricultural conservation easement, which has already been proposed by Senator Thompson in Senate Bill No. 252, by creating a farm-to-school program to educate young children about good nutrition and provide another direct market for farmers, and by investigating alternative uses for manure by giving farmers the tools they need to fully realize the value of this abundant resource.

Madam President, agriculture is a vital economic engine powering Pennsylvania, and these initiatives will create additional fuel which will, in turn, help our Commonwealth to grow and prosper in the future. Preserving the Pennsylvania farmer is important to all Pennsylvanians.

Now, Madam President, I would appreciate it if you would recognize Senator Waugh, the chairman of the Committee on Agriculture and Rural Affairs, for further comments on the subject.

The PRESIDENT. Thank you, Senator Wenger, for your explanation on the Pennsylvania farming initiatives.

The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, as Senator Wenger pointed out, and as all of us actually know, agriculture is a vital economic engine in our State, and preserving the Pennsylvania farmer is a part of preserving that economic driver. Last week we actually met in his district in Lancaster County and unveiled a comprehensive package of various proposals, some are in bill form and some are conceptual at this point and being looked at to be presented in bill form. We call it the "Preserve the Pennsylvania Farmer" initiative. It is a long-term project, not something that is going to happen immediately, but something that we feel very sincere about and dedicated to, and in that vein we are taking immediate action on some of these ideas.

I have scheduled a meeting of the Committee on Agriculture and Rural Affairs this Wednesday at either 10:30 or 9:30. We were having trouble organizing the time and the room. So everybody should check their schedule to be sure, but I think it is 9:30 this Wednesday in room 8E-A. We have two bills that to be considered at that meeting, including a House bill by Representative Art Hershey. This bill would amend the

agricultural area security law by defining commercial equine activity and providing for its eligibility when preserving farmland. I point that out because today more than ever before, Madam President, as you certainly well know, equine has become an important part of our agriculture here in Pennsylvania, and this simple change is something that has been needed for quite some time and will provide a real difference for equine enthusiasts and business people in Pennsylvania by allowing them to preserve their farms under the guise of equine activity. New legislation that Senator Wenger introduced permitting private, nonprofit entities to join the Commonwealth in preserving agricultural lands is another part of this proposal.

Madam President, this is just the beginning of our campaign. I am also announcing that we will be holding a series of public hearings that will be held throughout this summer to discuss the initiatives that were just outlined by Senator Wenger and myself, as well as other proposed legislation or ideas that Members or folks in the agriculture community, or for that matter what any citizen might suggest that would be beneficial to preserving the Pennsylvania farmer. We want to reach out to as many people as possible, and we plan to take action. Those people to whom we are reaching out include our colleagues in the General Assembly, both House and Senate, both sides of the aisle, the administration, and certainly the public. We are interested in hearing your ideas and receiving your input, and we hope that by working together we can make meaningful changes for the benefit of farmers and the agricultural industry as a whole throughout the Commonwealth.

Madam President, thank you very much.

The PRESIDENT. Thank you, Senator Waugh and Senator Wenger, for explaining preserving agriculture.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I am not going to talk about farming and the farming industry, I am going to talk about something that is extremely important to the youth of the Commonwealth of Pennsylvania.

Madam President, last year I was approached by some parents and some members of the boards of education of various schools who asked me if there was something I could do in the General Assembly to try to bring about the end of school strikes, something that has been going on in Pennsylvania a long time, even prior to the enactment of legislation that would allow school districts to form a collective bargaining unit and to strike based on Act 195 of 1970. Madam President, we have had strikes in Pennsylvania that go back to the days of teacher tenure, which really goes back into the early 1950s when there were strikes that were recorded in Pennsylvania based on negotiations of some sort that failed.

Madam President, this past year there were a number of school districts that had not negotiated contracts and therefore did have the opportunity to go on strike. Some of them have negotiated contracts and some have not. As we currently stand, for the year of 2003, we still have two school districts that are still negotiating contracts. For the year 2004, we have 53 school districts that have not finally negotiated a contract. For the school year 2005, which is going to start just a few short months from today, and the 2005-06 school year, we will have 121 school



districts, and starting in 2006, we will have an additional 125. Over the next year, more than 50 percent of the 501 public school districts in Pennsylvania will be school districts that do not have a negotiated contract and therefore can be eligible to call some kind of a strike.

Now, you might be wondering why I am bringing it up today at the end of the school year. Well, Madam President, last year I introduced two bills and this year I introduced them again. The bills this year are Senate Bill No. 400 and Senate Bill No. 401. Senate Bill No. 400 is a proposal that is referred to as the last best offer, which is an amendment to the Pennsylvania Constitution, which basically would end the strike forever in Pennsylvania. Madam President, I do want to say that Senator Scarnati has been very, very helpful. We have had a number of meetings on the proposal, and I really do believe that before we adjourn this summer that Senate Bill No. 400 will be reported from his committee so that we can take the first vote in eliminating school strikes by amending the Constitution.

But why it bothers me so much, Madam President, on Saturday of this past week it was reported, the vote took place on June 3, and it was reported in the June 4 Scranton Times, and the headline is, "Old Forge heads back to pickets." To me I think it is incomprehensible that an educational association could call a strike with less than 2 weeks before a high school graduation. In fact, this is the second strike that has taken place in the Old Forge School District in this current school year. What has taken place because of that is that the board of education and the administration has said, which also appears in the paper, that ceremonies for graduation have been postponed, and no date has been set for the seniors to graduate from Old Forge High School. It also does not address the issue of what happens to students who must work and enter the work force in a competitive nature so they can earn some money to go to college next year, and also those students who have graduated from Old Forge High School and are enrolled in a college or university in summer school and have to start college very shortly. Also, Madam President, it was reported this past weekend that the Ringgold School District, which is located in Washington County, has called a strike for tomorrow. So that means this late in the school year, we will have two school districts in Pennsylvania that have gone on strike and will jeopardize the welfare not only of the students within that district, but equally as important, jeopardize the seniors who want to go through their graduation ceremony and for those who must start college early.

Now the bills that I introduced in this Session and last Session, Senate Bills No. 400 and 401, if enacted, Senate Bill No. 400 will amend the Pennsylvania Constitution that will bring about what is called the last best offer, something we can discuss either in committee or on the floor of the Senate, which will once and for all bring an end to school strikes here in Pennsylvania. What has taken place in the Old Forge School District, as reported in Saturday's Scranton Times, and we had a public hearing on this, and also what will take place effective tomorrow in the Ringgold School District, will bring both of those districts to a crushing halt just a few weeks short of commencement for both schools and also final exams for the students who attend the schools.

Madam President, there may not have been a way we could have resolved this issue several years ago, but we can now resolve the issue, and there is at least one State in the United States that has done it. The State of Connecticut has basically enacted this same type of legislation and has not had a school strike in the past 10 years. My point for bringing it out is not because we have not had cooperation with Senator Scarnati, we have. My point for bringing it out is to show and try to express to the Members of the Senate how important this issue is, because this late in the school year, on June 6, we have had two districts that have now gone on strike, one effective today and one effective tomorrow, that jeopardizes the health, safety, welfare, and the educational well-being of the students of this great Commonwealth of ours.

I look forward to working with my colleagues on both sides of the aisle to try to resolve this issue by amending the Constitution and once and for all to be able to end school strikes in Pennsylvania.

Thank you very much, Madam President.

The PRESIDENT. Thank you, Senator Mellow, for calling attention to the two school strikes, one in Old Forge School District in Lackawanna County, and the second one, Ringgold in Washington County. Hopefully, Senate Bills No. 400 and 401 will be considered in the next few weeks.

#### ANNOUNCEMENTS BY THE SECRETARY

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

##### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

##### TUESDAY, JUNE 7, 2005

9:30 A.M.	EDUCATION (public hearing on Senate Bill No. 676)	Senate Maj. Caucus Rm.
9:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 126, 141, 174, 406, 599, 677, 706, 721 and 724; Senate Resolution No. 116; and House Bills No. 402 and 1110)	Room 461 Main Capitol
10:00 A.M.	FINANCE (to consider PA State Tax Appeals Process Reforms)	Room 8E-A East Wing
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 210, 216, 217, 688 and 697; and Senate Resolution No. 124)	Rules Com. Conf. Rm. Conf. Rm.
11:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider nominations for PUC Commissioners)	Hearing Rm. 1, North Office Bldg.
11:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 12 and 594; Senate Resolutions No. 123 and 125; and House Bill No. 612)	Room 8E-B East Wing
11:30 A.M.	GAME AND FISHERIES (to consider Senate Bill No. 539; House Bills No. 887, 1076 and 1077; and any other business that may come before the Committee)	Rules Com. Conf. Rm.

WEDNESDAY, JUNE 8, 2005

9:30 A.M. EDUCATION (to consider Senate Bills Room 461  
No. 458, 652 and 672; House Bill No. Main Capitol  
894; and any other business that may  
come before the Committee)

9:30 A.M. AGRICULTURE AND RURAL AFFAIRS Room 8E-A  
(to consider Senate Bill No. 723; and East Wing  
House Bill No. 619)

**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, June 7, 2005, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 3:41 p.m., Eastern Daylight Saving Time.