

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, NOVEMBER 8, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 48

SENATE

MONDAY, November 8, 1999

The Senate met at 2 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the Chair.

PRAYER

The Chaplain, Reverend FRANCIS J. KARWACKI, of Our Lady Help of Christians Church, Lykens, and Sacred Heart of Jesus Church, Williamstown, offered the following prayer:

Almighty God, You are the source of all power and authority. We believe that You use Your power in love as You bring about the order of the universe. You created our human family in Your image and You call us to be good stewards of our environment and the communal and social order in our lives as it is expressed in our government.

You share with Your people Your desire for peace, freedom, and justice, and You empower us with an intellect and all the creative energies we need to be instruments of Your peace and justice.

We ask Your special blessings upon the Members of this Pennsylvania State Senate and upon all our legislators as well as upon our Governor and Lieutenant Governor and upon all who serve as public servants of this Commonwealth of Pennsylvania in their task of preserving and fostering the well-being of all the citizens of Pennsylvania. Lord God, guide them in all their decisions, choices, deliberations, debates, and duties, that the burden of their office be lightened by Your grace and Your ever-present help.

Almighty God, even though You govern the stars of the universe, which outnumber the grains of sand on this planet earth, You are intimately concerned with the details of our lives. And so help these Your servants in all the details and practicalities of enacting good and just laws. Give them Your gift of discernment. Lord God, continue to give these Your servants and the servants of this wonderful Commonwealth Your vision for the future, for we believe it is a future filled with hope and promise. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 3, 1999.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

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

SB 456.

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 STATE BOARD
OF ACCOUNTANCY

November 3, 1999

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 P. Keasey, 3305 Colby Lane, Dover 17315, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until May 13, 2001 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew B. Zelenkofske, Esq., Dresher, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
AUCTIONEER EXAMINERS**

November 3, 1999

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, Kenyon B. Brown, P.O. Box 457, 6033 Pidcock Creek, Lahaska 18931, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
AUCTIONEER EXAMINERS**

November 3, 1999

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, Ralph M. Stewart, Box 37, Armagh 15920, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

November 3, 1999

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, Diane M. Welka, 2227 Edinboro Road, Erie 16509, Forty-ninth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Harriet J. McAlister, Coraopolis, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE SNYDER COUNTY
BOARD OF ASSISTANCE**

November 3, 1999

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, Carole Ann App (Republican), 10 North Stonebridge Drive, Selinsgrove 17870, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of

the Snyder County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Ann J. Traher, resigned.

THOMAS J. RIDGE
Governor

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

November 4, 1999

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, Samuel I. Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Gerald M. Monahan, Jr., Allentown, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
AUCTIONEER EXAMINERS**

November 5, 1999

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, Simon Miller, 106 Dodge Road, Hadley 10130, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kenneth A. Geyer, Gilbertsville, deceased.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

November 3, 1999

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 July 12, 1999 for the appointment of Brian James Cawley, 1020 Kent

Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Accountancy, to serve until May 13, 2001 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew B. Zelenkofske, Dresher, resigned.

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

THOMAS J. RIDGE
Governor

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

November 4, 1999

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

Please note the nomination dated October 20, 1999 for the appointment of Leonard S. Oddo, 1241 Richard Road, Huntingdon 15642, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, 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 Jesse C. Achenbach, Pottsville, resigned, should be corrected to read:

Leonard S. Oddo, 1241 Richard Road, North Huntingdon 15642, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, 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 Jesse C. Achenbach, Pottsville, resigned.

HOUSE MESSAGES

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:

October 26, 1999

HB 1180 and 1569 -- Committee on Finance.

HB 1599 — Committee on Local Government.

October 29, 1999

HB 1154 — Committee on Local Government.

HB 1601 — Committee on Consumer Protection and Professional Licensure.

HB 1724 — Committee on Judiciary.

HB 1841 — Committee on Agriculture and Rural Affairs.

November 1, 1999

HB 1675 — Committee on Labor and Industry.

HB 1888, 1893 and 1953 -- Committee on Agriculture and Rural Affairs.

HOUSE RESOLUTION FOR CONCURRENCE

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

November 1, 1999

HR 176 -- Committee on Banking and Insurance.

BILLS INTRODUCED AND REFERRED

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

November 8, 1999

Senators PICCOLA, SALVATORE, O'PAKE, TOMLINSON, COSTA, WAUGH, WOZNIAC, BOSCOLA, EARLL and MELLOW presented to the Chair **SB 1176**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Which was committed to the Committee on FINANCE, November 8, 1999.

Senator KASUNIC presented to the Chair **SB 1178**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Somerset County Conservancy Charitable Trust, certain lands situate in Somerset Township, Somerset County.

Which was committed to the Committee on STATE GOVERNMENT, November 8, 1999.

Senators GREENLEAF, CONTI, WOZNIAC, HELFRICK, LEMMOND, DENT, MUSTO, COSTA, WENGER, TILGHMAN, BOSCOLA, EARLL, GERLACH, HOLL, KASUNIC, KITCHEN, KUKOVICH, RHOADES, SALVATORE, SLOCUM, TARTAGLIONE, TOMLINSON, WAGNER and WAUGH presented to the Chair **SB 1179**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, providing for a child-care tax credit.

Which was committed to the Committee on FINANCE, November 8, 1999.

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:

November 8, 1999

Senators HOLL, COSTA, MURPHY, TOMLINSON, SALVATORE, HELFRICK, O'PAKE, WENGER, KASUNIC, LEMMOND, SCHWARTZ, DENT, HART, MELLOW, WHITE, BOSCOLA and SLOCUM presented to the Chair SR 114, entitled:

A Resolution memorializing Congress to repeal a statutory impediment to state long-term care partnerships.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, November 8, 1999.

Senators ROBBINS, TILGHMAN, BELL, HELFRICK, SALVATORE, MUSTO, STAPLETON, JUBELIRER, LOEPER, KITCHEN, WAGNER, SLOCUM, PUNT, LEMMOND, HUGHES, BELAN, THOMPSON, MADIGAN, BODACK, EARLL, WENGER, BRIGHTBILL, RHOADES, FUMO, WHITE, LAVALLE, CONTI, GREENLEAF, PICCOLA, MOWERY, TOMLINSON, COSTA, HOLL, WAUGH, O'PAKE, DENT, KASUNIC, STOUT, TARTAGLIONE, BOSCOLA, CORMAN, GERLACH, HART, SCHWARTZ, WOZNIAK, KUKOVICH, MURPHY, MELLOW, ARMSTRONG and WILLIAMS presented to the Chair SR 115, entitled:

A Resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans' Day, November 11, 1999.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, November 8, 1999.

GENERAL COMMUNICATION

REPORT OF THE HOUSE RESOLUTION 167 TASK FORCE

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

PENNSYLVANIA GENERAL ASSEMBLY
LOCAL GOVERNMENT COMMISSION
Senate Box 203078
Main Capitol Building
Harrisburg, PA 17120-3078

October 1999

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

The Local Government Commission is pleased to present the report of the House Resolution 167 Task Force on Improving Local Law Enforcement. This report contains eight recommendations to various statutes with explanatory materials.

The recommendations included in this report express the overwhelming consensus of the 30-Member Task Force representing Members of the General Assembly, Commonwealth departments and agencies, the Judiciary, municipal associations, and law enforcement organizations. However, we note that not all of the recommendations were adopted unanimously.

In recognition of the important work of the Task Force, the Local Government Commission, on behalf of the Members of the Task Force, strongly urges the Legislative Leadership and the Members of the General Assembly to not only consider the Task Force recommendations, but also to propose any legislation that may be needed to imple-

ment the recommendations. The staff of the Local Government Commission is available to provide assistance and support to Members of the Legislature and their staff who may wish to pursue this matter. On behalf of the Local Government Commission, I thank the Members of the Task Force for their valuable time and expertise.

Sincerely yours,

Senator ROBERT D. ROBBINS,
Chairman
Local Government Commission

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Urban Affairs and Housing to meet during today's Session to consider Senate Bill No. 1032.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Bodack and Senator Schwartz.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Bodack and Senator Schwartz. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained leaves of absence for Senator FUMO and Senator TARTAGLIONE, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, November 8, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 15, 1999, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, November 15, 1999, 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 LOEPER and were as follows, viz:

YEA-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson

Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earl	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	Wozniak

NAY-0

A majority of 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 TIMOTHY F.
MURPHY PRESENTED TO THE SENATE**

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

Senator MURPHY. Mr. President, I would like to introduce a guest Page from the 37th Senatorial District, actually from South Park. His name is John Lento, who is a ninth grader at South Park High School. He has an interest in football and has played soccer for 12 years. Now I find out he has an interest in rugby, too, so we will see what happens with that.

His parents, mother Barbara Kreigline and stepfather Carl Kreigline, are in the gallery. John is a member of the Sea Cadets with the Navy, the Interact Club, and he hopes to go on to the Naval Academy. Hopefully his experiences here will help him as he moves forward in his quest for the Naval Academy. I would appreciate it if the Senate would recognize him at this time.

The PRESIDENT. Would our accomplished ninth grader, John, and his parents stand for a moment so the Senate may acknowledge your presence.

(Applause.)

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has also been given for the Committee on Game and Fisheries to meet during today's Session in the Rules room to consider Senate Bill No. 1163.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR CLARENCE D.
BELL PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I have in the gallery as guests of the Senate the retirees and their spouses of British Petroleum. British Petroleum, formerly Sinclair, now Tosco, is one of the largest oil refineries on the East Coast. They are located in Trainer, which is in the very lower corner of Pennsylvania, and they ship much of their product by a pipeline to New York harbor. They are a very important facility.

Now, I am going to reveal something. I walked the picket lines with my brothers of OCOW during one of the very bitter strikes, and these folks who are up here have done much to build Pennsylvania into being known as the oil refinery center of the eastern United States. Would the Senate give them its usual welcome.

The PRESIDENT. Would our special guests and fine members of the Pennsylvania workforce please stand so the Senate may welcome you.

(Applause.)

The PRESIDENT. We thank you for your effort in being with us today and for your energies.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus to convene immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4 p.m.

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

Senator O'PAKE. Mr. President, I, likewise, ask that the Senate Democrats meet in our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 4 p.m., this Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 647, Senate Resolution No. 115, and certain nominations.

CALENDAR

SB 544 CALLED UP OUT OF ORDER

SB 544 (Pr. No. 562) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 544 (Pr. No. 562) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge over the Susquehanna River in Clinton County as the Constitution Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earll	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	Wozniak

NAY-0

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

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

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator Williams.

The PRESIDENT pro tempore. Senator O'Pake requests temporary Capitol leaves for Senator Belan and Senator Williams. Without objection, those leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

HB 1692 CALLED UP OUT OF ORDER

HB 1692 (Pr. No. 2531) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 1692 (Pr. No. 2531) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales by liquor licensees, for special occasion permits and for wine auction permits; authorizing a multipurpose county-owned arena and convention center license and a national event permit; and further providing for breweries, for limiting number of retail licenses in each municipality, for transfer of licenses, for local option relating to special occasion permits, for granting of liquor licenses in certain municipalities, for unlawful acts relative to malt or brewed beverages and licenses, for employment of minors, for penalties for the sale of liquor or malt or brewed beverage without being licensed, for limited wineries; and for nuisances.

On the question,
Will the Senate agree to the bill on third consideration?
Senator EARLL offered the following amendment No. A4003:

Amend Sec. 12, page 23, lines 16 through 30, by striking out all of said lines and inserting:

Section 12. Section 505.2 of the act, amended June 18, 1998 (P.L.664, No.86) and December 21, 1998 (P.L.1202, No.155), is amended to read:

Section 505.2. Limited Wineries.--In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

(1) Produce alcoholic ciders, wines and wine coolers, subject to the exceptions provided under this section, only from fruits grown in Pennsylvania [in an amount not to exceed two hundred thousand (200,000) gallons per year].

(2) Sell alcoholic cider, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year.

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees.

(4) At the discretion of the board, obtain a special permit to participate in alcoholic cider, wine and food expositions off the licensed premises. A special permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed five (5) consecutive days. [A limited winery may not obtain more than five special permits in any calendar year.] The total number of days for all the special permits may not exceed twenty (20) days in any calendar year. A special permit shall entitle the holder to engage in the sale of alcoholic cider or wine produced by the bottle or in case lots by the permittee under the authority of a limited winery license. Holders of special permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at alcoholic cider, wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special permits shall be governed by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

For the purposes of this clause, "alcoholic cider, wine and food expositions" are defined as affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature and quality of Pennsylvania-produced alcoholic ciders and wines in conjunction with suitable food displays, demonstrations and sales. Alcoholic cider, wine and food expositions may also include activities other than alcoholic cider, wine and food displays, including arts and crafts, musical activities, cultural exhibits, agricultural exhibits and similar activities.

(5) Apply for and hold a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license to sell for consumption at the restaurant or limited winery on the licensed winery premises, liquor, wine and malt or brewed beverages regardless of the place of manufacture under the same conditions and regulations as any other hotel liquor license, restaurant liquor license or malt and brewed beverages retail license.

(6) (i) Secure a permit from the board to allow the holder of a limited winery license to use up to twenty-five per centum "permitted

fruit." not wine, in the current year's production. Each permit is valid only for the calendar year in which it is issued.

(ii) The fee for a permit to import and use permitted fruit shall be in an amount to be determined by the board.

(iii) The purpose of this section is to increase the productivity of limited wineries while at the same time protecting the integrity and unique characteristics of wine produced from fruit primarily grown in this Commonwealth. Prevailing climatic conditions have a significant impact on the character of the fruit. Accordingly, "permitted fruit" shall mean fruit grown or juice derived from fruit grown within three hundred fifty (350) miles of the winery.

(iv) The department is authorized to promulgate regulations requiring the filing of periodic reports by limited wineries to ensure compliance with the provisions of this section.

(v) This clause shall expire on December 31, 2004.

(7) The total production of alcoholic ciders, wine and wine coolers by a limited winery may not exceed two hundred thousand (200,000) gallons per year.

Amend Sec. 14, page 24, line 23, by striking out all of said line and inserting:

Section 14. This act shall take effect as follows:

(1) The addition of section 505.2(6) of the act shall take effect January 1, 2000.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

YEA-47

Armstrong	Hart	Mellow	Stapleton
Belan	Helfrick	Mowery	Stout
Bell	Holl	Murphy	Thompson
Bodack	Hughes	Musto	Tilghman
Boscola	Jubelirer	O'Pake	Tomlinson
Brightbill	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earll	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	Wozniak
Greenleaf	Madigan	Slocum	

NAY-1

Conti

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

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator THOMPSON offered the following amendment No. A4121:

Amend Title, page 1, line 18, by inserting after "permits": , for performing arts facilities

Amend Sec. 2 (Sec. 408.4), page 5, line 2, by inserting after "a": nationally accredited

Amend Sec. 2 (Sec. 408.4), page 5, lines 3 and 4, by striking out "accredited by the American Zoological and Aquarium Association and"

Amend Sec. 2 (Sec. 408.4), page 5, lines 27 through 29, by striking out "PENN'S LANDING," in line 27, all of line 28, "HALL COURTYARD" in line 29 and inserting: four sites approved by the board

Amend Sec. 5 (Sec. 408.15), page 7, line 20, by striking out "selected by" and inserting: designated by the governing body of

Amend Sec. 5 (Sec. 408.15), page 9, line 23, by striking out "special permit"

Amend Sec. 5 (Sec. 408.15), page 9, line 23, by inserting after "493(10)": except as it relates to lewd, immoral or improper entertainment

Amend Sec. 5 (Sec. 408.16), page 10, line 10, by striking out "PERMITTEE TO SELL" and inserting: sale of

Amend Sec. 5 (Sec. 408.16), page 10, line 15, by inserting after "THE" where it appears the third time: event held pursuant to the

Amend Sec. 5 (Sec. 408.16), page 10, line 23, by inserting after "SAFETY": , convenience

Amend Sec. 10 (Sec. 493), page 22, line 12, by striking out "law" and inserting: this act

Amend Sec. 11 (Sec. 494), page 23, line 7, by inserting brackets before and after "beer" and inserting immediately thereafter: malt or brewed beverages

Amend Sec. 11 (Sec. 494), page 23, line 10, by inserting brackets before and after "beer" and inserting immediately thereafter: malt or brewed beverages

Amend Sec. 12, page 23, line 16, by striking out "505.2(3)" and inserting: 505.2(2) and (3)

Amend Sec. 12, page 23, line 17, by striking out "IS" and inserting: are

Amend Sec. 12 (Sec. 505.2), page 23, by inserting between lines 21 and 22:

(2) Sell alcoholic cider, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year.

Amend Sec. 13 (Sec. 611), page 24, line 6, by striking out the bracket before "BUT"

Amend Sec. 13 (Sec. 611), page 24, line 6, by striking out "[OR"

Amend Sec. 13 (Sec. 611), page 24, line 8, by striking out the bracket before "THEREOF"

Amend Sec. 13 (Sec. 611), page 24, lines 9 through 11, by striking out "[IS NOT THE HOLDER OF THE LICENSE WHICH IS THE SUBJECT OF" in line 9, all of line 10 and "POSTS A" in line 11

Amend Sec. 13 (Sec. 611), page 24, line 19, by striking out the brackets before and after "IN VIOLATION OF THIS ACT,"

Amend Sec. 13 (Sec. 611), page 24, line 20, by striking out the bracket before "HE"

Amend Sec. 13 (Sec. 611), page 24, line 20, by striking out "[THE OWNER, LESSEE, TENANT OR OCCUPANT THEREOF"

Amend Sec. 14, page 24, line 23, by striking out "immediately." and inserting: as follows:

(1) The addition of section 408.16 of the act shall take effect May 1, 2000.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

RECESS

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator LOEPER.

Senator LOEPER. Mr. President, at this time I request a brief recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Game and Fisheries, and then a meeting of the Committee on Urban Affairs and Housing in the Rules room at the rear of the Senate Chamber. I ask all Members of those respective committees please report to the Rules room immediately.

The PRESIDENT pro tempore. For purposes of a meeting of the Committee on Rules and Executive Nominations to be held immediately, followed by a meeting of the Committee on Game and Fisheries, followed by a meeting of the Committee on Urban Affairs and Housing, all meetings to be held in the Rules Committee room to the rear of the Senate Chamber, the Senate will stand in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEES

Senator HELFRICK, from the Committee on Game and Fisheries, reported the following bill:

SB 1163 (Pr. No. 1437)

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

Senator EARLL, from the Committee on Urban Affairs and Housing, reported the following bill:

SB 1032 (Pr. No. 1473) (Amended)

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, relating to residential real estate transfers, providing for disclosures by sellers of residential real estate and for home inspections; and making a repeal.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 647 (Pr. No. 1446) (Rereported) (*Concurrence*)

An Act establishing a Uniform Construction Code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 115 (Pr. No. 1470)

A Resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans' Day, November 11, 1999.

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

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

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

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

November 3, 1999

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 July 12, 1999 for the appointment of Brian James Cawley, 1020 Kent Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Accountancy, to serve until May 13, 2001 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew B. Zelenkofske, Dresher, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, 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 COUNCIL ON AGING

October 13, 1999

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, Anneta S. Kraus, 116 West Pos-

sum Hollow Road, Wallingford 19086, Delaware County, Ninth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 4, 1999

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 J. Gibble, 524 Arrowhead Trail, Sinking Springs 19608, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Kevin M. O'Connor, Birchwood Hills, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD

September 28, 1999

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 A. Simmonds, M.D., 1811 Warren Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

July 23, 1999

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, Sheryle L. Long, 270 Beacon Road, Renfrew 16053, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her succes-

sor is appointed and qualified, vice Michael R. Keefer, Summersville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA ECONOMIC DEVELOPMENT
FINANCING AUTHORITY

September 30, 1999

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, Sandor Yelen, 650 Charles Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE FARM PRODUCTS
SHOW COMMISSION

October 5, 1999

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, Harry H. Bachman, 138 College Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE FARM PRODUCTS
SHOW COMMISSION

October 5, 1999

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, Beverly K. Gruber, 5265 Sell Road, New Tripoli 18066, Lehigh County, Forty-eighth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF MEDICINE

October 20, 1999

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 D. Hummer, Jr., M.D., 20 Guernsey Road, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Medicine, 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 Solomon C. Luo, M.D., Orwigsburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF
OCCUPATIONAL THERAPY EDUCATION
AND LICENSURE

May 26, 1999

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, Jerry Johnson, Ed.D., 118 N. Mole Street, Philadelphia 19102, Philadelphia County, First 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 Ruth L. Schemm, Ed.D., Chalfont, whose term expired.

THOMAS J. RIDGE
Governor

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

May 10, 1999

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, Martha A. King, 455 Sheldon Road, Valencia 16059, Butler County, Fortieth 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 2005, and until her successor is appointed and qualified, vice Mabel R. Paige, Ph.D., New Castle, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

September 30, 1999

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, Shirley J. Reed (Republican), 44 Elm Street, P.O. Box 392, Eldred 16731, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Judith Anne LeRoy, Bradford, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

September 30, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marcia H. Shuman (Republican), P.O. Box 135, Rixford 16745, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice George R. Tufts, Smethport, resigned.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 380 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 58 (Pr. No. 2116) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for extending the statute of limitations for dealing in proceeds of unlawful activities.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 242, HB 285 and SB 598 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 630 (Pr. No. 1226) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making repeals.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 708 and SB 767 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 800 (Pr. No. 1416) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; making an appropriation; and making repeals.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 842 and SB 958 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED

SB 997 (Pr. No. 1407) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; providing for nuisance abatement; and imposing penalties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A3898:

Amend Sec. 2, page 2, by inserting between lines 1 and 2: "Date of purchase." The closing date, or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

Amend Sec. 2, page 2, line 4, by striking out "county,"

Amend Sec. 3, page 2, lines 14 through 22, by striking out all of said lines and inserting:

(a) General rule.—Within 18 months of the date of purchase or longer subject to an agreement between the purchaser and the municipality, any purchaser of any building, structure or part of a building or structure known to have one or more substantial violations of municipal codes relating to building, housing, property maintenance or fire shall:

(1) bring the building, structure or that part of a building or structure into compliance with those codes; or

(2) with the written approval of the municipality, demolish the building or structure.

Amend Sec. 3, page 3, line 4, by inserting after "have": one or more

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

SB 1047 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1130 (Pr. No. 1382) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in Fayette County as the Point Marion Veterans' Memorial Bridge.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Madigan	Stocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earl	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	Wozniak

NAY-0

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

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

BILL OVER IN ORDER

HB 1268 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED

SB 670 (Pr. No. 1441) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the licensure and regulation of pediatric extended care centers in this Commonwealth.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MURPHY offered the following amendment No. A3984:

Amend Table of Contents, page 2, line 22, by striking out all of said line and inserting: Section 17. Penalty.

Amend Sec. 4, page 5, line 19 through 26, by striking out all of said lines and inserting:

(b) Exemption.--

(1) The following are not required to obtain a license under this act:

(i) A facility licensed under:

(A) Article IX or X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code; or

(B) Chapter 8 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(ii) A school district.

(2) An entity which is exempt under paragraph (1)(i) is not prohibited from obtaining a license under this act.

Amend Sec. 5, page 5, lines 28 through 30; page 6, line 1, by striking out all of lines 28 through 30, page 5 and "operation." in line 1, page 6

Amend Sec. 17, page 26, line 13, by striking out "LICENSE REQUIRED" and inserting: Penalty

Amend Sec. 17, page 26, line 21, by inserting after "license.": Except as set forth in section 4(b)(1), it is unlawful to operate or maintain a pediatric extended care center without first obtaining from the department a license authorizing such operation.

Amend Sec. 17, page 26, line 22, by striking out "Penalty" and inserting: Grading

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

Senator MURPHY offered the following amendment No. A4076:

Amend Sec. 3, page 4, line 20, by striking out "THE COMMONWEALTH OR AN" and inserting: An

Amend Sec. 6, page 7, lines 11 through 14, by striking out all of said lines and inserting:

First provisional \$500.

Second provisional \$700.

Third provisional \$900.

Fourth provisional \$1,100.

Amend Sec. 10, page 14, line 26, by striking out "INDIVIDUALS" and inserting: children

Amend Sec. 13, page 18, line 7, by inserting after "child's": parent or

Amend Sec. 15, page 21, line 5, by inserting after "PARENT": or legal guardian

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 1038 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 8 (Pr. No. 1450) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 3, 1992 (P.L.28, No.11), entitled Tuition Account Program and College Savings Bond Act, expanding the scope of the act; further providing for tuition account programs; and establishing scholarship programs.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

SB 300 (Pr. No. 1364) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; authorizing intergovernmental cooperation; further providing for various matters relating to comprehensive plans; and adding provisions concerning zoning ordinances and jurisdictional challenges.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 518 (Pr. No. 1040) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for face-to-face contact for high risk abused children.

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

BILLS OVER IN ORDER

SB 528, SB 847, HB 849, SB 850, HB 868, SB 1109 and HB 1445 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1848 (Pr. No. 2418) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a tax credit to employers who hire certain individuals; and making a repeal.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

ANNOUNCEMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. For the information of the Members, there are Supplemental Calendars still to come, and while we are waiting, we will take up any unfinished business.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Jack and Dolly Mulhearn, Ross Born and to David Shaffer by Senators Boscola and Dent.

Congratulations of the Senate were extended to Frank R. Schoendorfer by Senators Conti and Greenleaf.

Congratulations of the Senate were extended to Aaron D. Hawk by Senator Corman.

Congratulations of the Senate were extended to Pinebrook Services for Children and Youth of Allentown by Senator Dent.

Congratulations of the Senate were extended to Masontown Elementary School and to the A. L. Wilson Elementary School of Fairchance by Senator Kasunic.

Congratulations of the Senate were extended to SuperValu Incorporated of New Stanton by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. James E. Merrick by Senator Madigan.

Congratulations of the Senate were extended to John W. Clendenien by Senators Mowery, Punt, and Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. William Gelatka, Sophia J. Rossi and to Pennsylvania Senior Games of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to the Pennsylvania Association of Mutual Insurance Companies of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Stephen Vogus, Jr., by Senator Robbins.

Congratulations of the Senate were extended to Conrad J. Kraus, Jean C. Griswold and to Special Care and Griswold Special Care by Senator Schwartz.

Congratulations of the Senate were extended to Rudy A. Polaski, Donald R. DeVore, Monongahela Area Ministerial Association, C. J.'s Furniture and to Patterson Supply Company by Senator Stout.

Congratulations of the Senate were extended to Fearon Derry by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Harry W. Muncert, Jr., Mr. and Mrs. John Zahornetz, Mr. and Mrs. Hugh Hoover and to Mr. and Mrs. Jess Rollin by Senator Wozniak.

BILLS ON FIRST CONSIDERATION

Senator LEMMOND. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 1032 and SB 1163.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I rise today to relay a tragic incident that has befallen a young family in my area, an auto accident that resulted in the fatality of their young 2-year-old daughter. This accident occurred because the driver of a vehicle was attempting to place a phone call from his car phone. Before I get into the specifics of the incident, I wish to share with you some background since I am the prime sponsor of Senate Bill No. 1085, which attempts to address phone use in automobiles in the Commonwealth.

During our deliberations on the teen driving bill this spring, I drafted several amendments to that bill. I consider these amendments enforceable traffic safety amendments. The first would address the issue of trucks traveling 55 miles per hour in the righthand lane, and the second is an attempt to prohibit the use of hand-held mobile telephones while driving a vehicle. In the interest of moving the teen driving legislation, I withdrew those amendments at that time and over the summer introduced those bills as separate pieces of legislation, Senate Bills No. 1084 and 1085.

Upon the drafting of these amendments back in the spring, the wireless communication folks came to visit and voiced their opposition to my proposal. They offered to prepare a public education program that would be made available to all cell phone users in the Commonwealth, both new and current. I

agreed to review this proposal. It would have addressed not only cell phone use but also other activities taking place in a car, such as handling the radio, addressing eating in the car, reading a newspaper in the car, and all the distractions that can occur while driving a car.

As I said, I agreed to review these proposals. Months passed and they never came to see me. During the summer, after the introduction of my legislation, interest in this issue began to increase across the Commonwealth. Several municipalities in the nation have adopted bans on cell phones, one in Brooklyn, Ohio, specifically, and also just 6 months ago the city of New York banned cell phone use by cabbies in taxis. The community of West Chester here in Pennsylvania began to discuss a ban of cell phones, and at that time we shared with them that there was State legislation that could be reviewed here in the General Assembly.

When we returned in September, the same wireless communications coalition came to visit me again. They were stronger in number, and I want to share with you that they adopted a more recalcitrant and arrogant attitude toward the issue than before. They offered that this was a civil liberties issue and unless we would confront the issue of women applying makeup, salesmen eating hamburgers, the use of car radios, and the like, they would not be able to participate in any legislation along those lines. Lastly and most significantly, these companies said that there were no statistics or studies to back up the need for this legislation.

I expressed my disappointment to them at the time. I conveyed to them and to the chief executive officers of all the wireless communications companies in this Commonwealth my disapproval. These companies tend to focus their activities on signing us all up for the phone numbers. This is where they make their money. And in my humble opinion, I believe they then provide free inadequate and dangerous equipment in most cases, or ask us, the new consumer and the new customer of their company, to pay for substantial increases in the safety of the cell phones that we may use, particularly the hands-free models.

I do believe that an education awareness program is important, but I continue to stress my desire for better equipment, a minimum of hands-free cell phones in automobiles, and perhaps a total ban outright. Ironically enough, my next meeting with the wireless communications coalition people is tomorrow morning. I say ironically, because on election day, shortly after noon, a young family, Rob and Patty Pena, of Perkasie, Pennsylvania, experienced the tragic loss of their daughter, Morgan, in an accident. Patty and Morgan were returning home on familiar neighborhood roads. They were properly passing through an intersection when their vehicle was hit broadside in the rear door by another vehicle. The driver of that offending vehicle, by all accounts, is a fine member of our community, a volunteer fireman, to my understanding, who had run a stop sign while attempting to dial from his cellular phone. It is important to note the distraction involved since the gentleman driving is also a local resident and I assume once again had knowledge of the local roads. The man's vehicle struck Patty Pena's car causing significant head trauma to their daughter, Morgan. Heroic ef-

forts by emergency management and police on the scene and by doctors and nurses in the hospital could not save Morgan. I would also like to mention at this time that cell phones, portable cell phones were used to summon these emergency management people to the scene of the crime. This is not an easy issue to address.

Several days later, on Friday, I received a call from Patty and Rob Pena when they learned that I, their State Senator, had introduced legislation to address this matter. I went to the Pena home in Perkasie. It was a most difficult visit, as I became witness to the unconscionable grief that they are experiencing due to the loss of their daughter. Patty Pena is a very special person. She is an alternative education teacher who taught the toughest of the tough students, and upon the birth of her daughter a few years ago, moved from alternative education to day care. On the Friday before the accident, she resigned from her job to be a full-time mom to her daughter, Morgan, and to raise a family in Perkasie, Pennsylvania.

After my visit on Friday, I issued a press release, with the approval of the Pena family, that I would like to briefly read. (*Reading:*)

The Pena family has experienced a terrible tragedy as the result of this accident, and my condolences and prayers are with them as they try to deal with the death of their daughter, Morgan. I met with the family, and as a parent myself, words are insufficient to express the unbearable grief they are experiencing now.

According to police, a motorist who was distracted while using a cellular phone caused this accident. While the cellular phone issue takes on greater importance as a result of this tragedy, out of respect for the Pena family I will not make further comment about the situation until I return to the Senate floor during our legislative session on Monday.

My thoughts are with the Pena family, and I ask their friends and neighbors in our region to keep them in their prayers during this difficult time.

Rob and Patty and their friends buried Morgan on Saturday morning.

I would like to publicly comment on the sadly inopportune and inappropriate editorial in my hometown newspaper. As you may have heard, I expressed in the press release that I would not comment until Monday and I wanted the family to receive the privacy they so desperately sought as they buried Morgan over the weekend. This editorial was a breach of that privacy request, was very insensitive, and attempted to inject a legislative process at a time when our thoughts and prayers should have been with the Pena family.

As I begin to draw my remarks to a close, I wish to share with my friends and colleagues in the General Assembly that this has been a difficult weekend for me. While nothing I am feeling can approach the grief and remorse of the Pena family, I will always wonder, what if? What if I had been more strident in my dealings on this matter?

My emotions run something along the line of Peter Finch's award-winning portrayal in the movie "Network," in which I think many of you will remember he screamed at the top of his lungs out of a window in Manhattan that he was mad as hell and would not take it anymore. Well, that is the way I feel to-

day, Mr. President. I am really mad as hell and I am not going to take it anymore.

To the wireless companies in Pennsylvania, their chief executives and their government relations specialists, I say to you, here is your statistic. Here is the statistic of Morgan Pena. We do not need any more statistics. We never needed any statistics to begin with, did we?

The Pena family has already provided me with numerous reports. A report from the National Highway Traffic Safety Administration states that only three States - Minnesota, Michigan, and Oklahoma - track cell phone incidents in car accidents. A study was published in the New England Journal of Medicine in 1997 that was entitled, "Association Between Cellular Telephone Calls and Motor Vehicle Collisions." This study offers that a quadrupling effect of risk occurs during a brief phone call on a cell phone, whether hand-held or hands-free. The California Highway Patrol released a report entitled, "Effects of Cellular Telephone Use on Driver Behavior." Even our own Federal Department of Transportation has statistical data relating to cellular telephone accidents while driving.

Morgan Pena is not the only statistic in Pennsylvania. However, today she becomes the most compelling statistic in Pennsylvania. We have the reports. We have the statistics. It is now time to act.

I have now set the agenda for tomorrow's meeting with the wireless communications people. I have prepared a draft of Senate Bill No. 1085. This amendment will do three things. First, Pennsylvania must begin to track accidents related to distractions caused by cell phone use. Second, this amendment will require all drivers who attempt to use their cell phones while in the car to pull over, whether placing, receiving, or using a cell phone of any type in the car. Ten countries in Europe have adopted this law. The third and final point of this amendment will be a \$250 fine and three points against the driver who violates the provisions of this new law.

In closing, I respectfully seek the support of my colleagues in both Chambers of this General Assembly. I request the leadership of all four Caucuses to give this issue priority treatment and let us try to act on this issue before our holiday recess. I hope the Governor, the Lieutenant Governor, the administration, and bureaucrats of PennDOT can get behind this issue of enforceable traffic safety. I cannot stress to you enough the words "enforceable traffic safety," traffic safety that our fine men and women in law enforcement can enforce on the roads of Pennsylvania.

Having experienced a lawmaker's nightmare, a piece of proposed legislation now takes on a name. It is a commemorative piece of legislation for a deceased member of our community. Senate Bill No. 1085 is now Morgan's bill. It is my fervent hope that Morgan's bill will become Morgan's Act. Pennsylvania is known as deliberate and incremental in its adoption of legislation, and in most instances this is what we prefer. However, I say to you this has become an issue of grand significance of traffic safety. For a change I ask this General Assembly to let us lead the nation in this particular issue. It is time that the General Assembly of Pennsylvania holds hearings and enacts legislation to reduce the risk of future traffic accidents that are

caused by the distraction of cell phone use in cars. It is the very least that we can do for Rob and Patty Pena and for the memory of their wonderful and very special daughter, Morgan.

Thank you, Mr. President.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

November 8, 1999

HB 882 -- Committee on Education.

BILLS INTRODUCED AND REFERRED

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

November 8, 1999

Senators GREENLEAF, CONTI, EARLL, KUKOVICH, BOSCOLA, COSTA, KASUNIC, O'PAKE, TARTAGLIONE, TILGHMAN, TOMLINSON and WAGNER presented to the Chair **SB 1180**, entitled:

An Act providing for the creation of a Statewide program to support and guide public and private schools in this Commonwealth in the establishment of extended school day child-care programs for school-age children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an appropriation.

Which was committed to the Committee on AGING AND YOUTH, November 8, 1999.

Senators GREENLEAF, LEMMOND, BOSCOLA and KITCHEN presented to the Chair **SB 1181**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for policies for visitation by noncustodial parents.

Which was committed to the Committee on EDUCATION, November 8, 1999.

Senators GREENLEAF, BOSCOLA, COSTA, LEMMOND and SCHWARTZ presented to the Chair **SB 1182**, entitled:

An Act providing for the regulation of sellers of travel; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 8, 1999.

Senator LEMMOND presented to the Chair **SB 1183**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey oil, gas and mineral rights, including coal, that the Commonwealth possesses in a certain parcel of land situate in Canaan Township, Wayne County, Pennsylvania, to the United States of America and releasing certain restrictions on that land.

Which was committed to the Committee on STATE GOVERNMENT, November 8, 1999.

Senators ROBBINS, PUNT, KITCHEN, BELL, HELFRICK, WAGNER, TILGHMAN, LEMMOND, SALVATORE, SLOCUM, O'PAKE, KUKOVICH, EARLL, COSTA, BOSCOLA, WENGER, STAPLETON, RHOADES, STOUT, WOZNIAK, KASUNIC, TOMLINSON and WAUGH presented to the Chair **SB 1184**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "qualified resident"; and further providing for eligibility for educational assistance and for amount of educational assistance grants.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, November 8, 1999.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, NOVEMBER 9, 1999

9:30 A.M.	AGING AND YOUTH and FINANCE (joint hearing on Long Term Care)	Majority Caucus Rm.
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nomination of Terrance J. Fitzpatrick, Esq., to the Public Utility Commission)	Room 8E-B East Wing
10:30 A.M.	COMMUNICATIONS AND HIGH TECHNOLOGY (to consider Senate Bill No. 1077)	Room 8E-A East Wing
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 1097, 1103, 1134 and 1183; Senate Resolution No. 98; House Bill No. 1150; and the nomination of Katherine Holtzinger Conner to the State Civil Service Commission)	Rules Cmte. Conf. Rm.
11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 805)	Room 461 Main Capitol
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 639, 967 and 1098)	Room 8E-B East Wing
12:30 P.M.	APPROPRIATIONS (to consider Senate Bill No. 1003; and House Bill No. 1848)	Room 461 Main Capitol

WEDNESDAY, NOVEMBER 10, 1999

10:00 A.M.	INTERGOVERNMENTAL AFFAIRS (to consider Senate Resolution No. 112)	Room 461 Main Capitol
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MONDAY, NOVEMBER 22, 1999

9:30 A.M.	JUDICIARY (public hearing on Senate Bill No. 5, Tort Reform)	Room 8E-B East Wing
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WEDNESDAY, DECEMBER 1, 1999

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 552, 565 and 897; and House Bills No. 122 and 950)	Room 8E-B East Wing
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SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS

SB 647 (Pr. No. 1446) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Uniform Construction Code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 647?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 647.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, I rise in support of concurrence, but there were amendments made to this bill on October 25 in the House of Representatives. On November 3, I was at a polling place in one of my municipalities, and I was seriously criticized by an engineer for that municipality. He said, you people in the legislature are going to wipe out all the registrations of contractors within this borough. That will cost us a 4-mill tax increase. I told him, I do not think you know what you are talking about. But I find that in the original bill there was a provision under Chapter 5, section 501, which read, "The ordinance shall provide for reciprocal acceptance of a certificate of registration issued for a contractor or dealer by another municipality." That was stricken from this bill October 25, and I now call on whoever spread the information that the present bill contains that should correct the information they are giving out. In other words, in plain language, there is nothing in this bill that will prohibit a municipality from continuing to charge for the registration by plumbers and other contractors.

Thank you, Mr. President. I stand strongly behind the bill, as amended.

LEAVE OF ABSENCE

Senator LOEPER asked and obtained a leave of absence for Senator BRIGHTBILL, for the remainder of today's Session, for personal reasons.

And the question recurring,
Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I stand today to ask the Members of the Senate to concur in the amendments presented to us today by the House. Fellow Members, today we have the opportunity to take Pennsylvania forward into a much safer new millennium, and that is a word we have probably all used many times in the last several months as we make speeches and other things. We would not be keeping track with the times today if we did not talk about the millennium. As all of you are aware, the General Assembly and many others have worked for many years, first in the House, then in the Senate, back and forth it went, on bringing a statewide building code to Pennsylvania. Consumer protection, life safety, and reduced property damage has, I believe, always been the intent of this bill. A statewide building code has been an issue of importance for me personally for many years, in fact since I have been here in the General Assembly. As a volunteer firefighter for over 20 years, I really understand keenly and in a personal way the destruction and danger that we will be able to prevent by passing a uniform statewide building code in our State.

I also have a background in construction. My family has a building business, and I was always very proud of the fact that professional builders built to a standard very much like the one we are looking at here today. But there were those few shoddy builders, fly-by-nighters, if you will, probably one or two in each and every community. They were the ones who gave professional builders a black eye, and I believe every building project in our State should be the American dream, the Pennsylvania dream, not a shoddy nightmare. And this bill helps provide for a good experience when people are involved in a construction project.

But I have also supported the establishment of a statewide code simply as a citizen, as a resident, as a property owner. Nearly half of Pennsylvania's 2,600 or so municipalities do not have a building code. Pennsylvania is one of only a handful of States in our nation that does not have a statewide standard. Public safety and consumer protection are fundamental responsibilities of government. They are things which government owes all citizens. This legislation is, in my opinion, government living up to its fundamental responsibility to our citizenry.

There have been some questions, a couple just in the last few days, the last few hours for that matter as we get this close, and I would like to, just for the record, set straight a few. Probably the most important one that has been asked throughout this process deals with the question of whether or not this bill does in fact place a mandate on local municipalities and local governments, our townships and our boroughs. Will they be re-

quired when this law is signed to enact a local ordinance for a uniform statewide code? The answer to that question is, no. This bill does not require local municipalities to adopt an ordinance, period.

The second part of the question then is, how will this building code be enforced locally if the municipalities choose not to enact a local ordinance? I could go into a discussion about that and explain it all, but I am going to be brief. I think most of you have already read the bill. This again is for the record. The answer can be found in section 501, paragraph (e), beginning on page 24 of the bill, as you see it today. There is an enforcement method even in those municipalities that do not adopt an ordinance.

I would like to make a few more comments on the bill as it is before us today. Senate Bill No. 647 would require the Department of Labor and Industry to issue regulations establishing a statewide building code based largely on BOCA language, Building Officials and Code Administrators, and this bill balances the benefits of uniformity with the flexibility necessary to address local concerns. That has been a question all along. Significantly today, the amendments that we are here to consider, the amendments that were added in the House, keep the review of municipal ordinances local, and permanently grandfather stricter municipal codes, if enacted prior to July of last year. And I have to say that these were good additions.

I would like to just close by saying to you that many in here have been involved actually, but there were many others outside of the General Assembly involved in the process, for me it has been a 6-year process that produced this bill today. Notably, I would like to take the time to recognize the members of the fire and emergency services of our State. We have had hearings, we have had meetings, we have attended roundtable discussions and visited fire stations, and they have always been involved. They have always listed this the last couple of years as a top priority. Sometimes we were not on the same page, sometimes we were far apart, but here we are today supporting it together.

In addition, I would like to speak to the construction industry in Pennsylvania, home builders and large commercial builders. Once again, there have been times when we have been back and forth on pages, we were not always in sync, but for the most part this has been a process that involves support and understanding and cooperation all along the way, and today we are working together.

I would like to recognize the Eastern Paralyzed Veterans Association, the Pennsylvania Coalition for Citizens with Disabilities, and a newer organization known as Life and Independence for Today. All three of these groups represent folks with disabilities in our communities. It was interesting, I think, to note that these three groups were not always together, at least as far as the technical language contained in the bill, but they always were pulling in the same direction, that was to get a bill like the one that we have today that would provide for a law in the end that supports folks with disabilities and helps them as these buildings are being built and designed.

Finally, I would like to thank members of the Pennsylvania Association of Township Supervisors, the township commissioners, the League of Cities, and the other folks in our commu-

nities who represent municipalities as a whole, and I include our local officials in that discussion because they have been instrumental in this debate. When I say we have not always been on the same page, this is probably the group that has been the most difficult to capture and bring in, but the fact of the matter is, Mr. President, today we have support from these groups. And it may actually be a first in this entire debate, but we have them.

So after years of effort, we now approach the year 2000, ready to put into place a uniform statewide building code, and as I said at the outset, Pennsylvania is about to take a giant leap into a much, much safer new millennium. I ask for your concurrence today on Senate Bill No. 647.

Thank you very much.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, today I also rise briefly in support of concurrence in this piece of legislation. It seems ironic that I would be here today ready to vote on this bill. This is a piece of legislation that certainly has aged over the years and has taken a lot of time to get to this point, and Senator Waugh deserves a tremendous amount of credit for his Herculean efforts to get this bill to where it is today. Even some of its biggest advocates had given up on moving this bill this year, and through his patience and perseverance, we were able to have a piece of legislation that I believe strikes the balance of what we were looking for in this piece of legislation where we are going to provide the public safety requirements for home building in the future but also not infringe on a local government's rights.

I come from an area of the State that is very suspicious of new government regulations and more government laws being passed down to the local governments, but this one I believe does strike the balance where we are going to have a code that is going to give the homeowners some assurance that they will be buying a product, probably the largest investment they will ever make, and it is going to be a quality product, but at the same time allow that flexibility of local municipalities to have more stringent codes if they feel they need to and a process to appeal that right for a local municipality to infringe on to have higher codes, a process for the home builder and a process for the homeowner to appeal those high requirements. So it really strikes a balance to the point where not only are developers and home builders supporting this, but so are municipalities. And that is how you get to this final product where everyone is on board.

So I think Senator Waugh again deserves a lot of credit for his work. It is a piece of legislation that I think is long overdue, and I urge all my colleagues to concur today.

Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, just very briefly, I would also like to take this opportunity to commend the efforts of many Members of the Senate of Pennsylvania on the journey of this bill through the process until it finally got to where it is going to cross the finish line this afternoon. I particularly also would like to recognize the efforts of Senator Waugh in moving

this legislation forward, as well as Senator Tilghman and some of our other Members on both sides of the aisle who had dealt with this legislation for many years.

I believe we finally have before us a piece of legislation that the overwhelming majority of this body is able to support and really moves Pennsylvania forward, and I ask for an affirmative vote.

And the question recurring,
Will the Senate agree to the motion?

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

YEA-46

Armstrong	Hart	Mellow	Stout
Belan	Helfrick	Mowery	Thompson
Bell	Holl	Murphy	Tilghman
Bodack	Hughes	Musto	Tomlinson
Boscola	Jubelirer	O'Pake	Wagner
Conti	Kasunic	Piccola	Waugh
Corman	Kitchen	Punt	Wenger
Costa	Kukovich	Rhoades	White
Dent	LaValle	Robbins	Williams
Earll	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	
Greenleaf	Madigan	Stapleton	

NAY-1

Slocum

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1692 (Pr. No. 2613) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L. 90, No. 21), known as the Liquor Code, further providing for sales by liquor licensees, for special occasion permits, for performing arts facilities and for wine auction permits; authorizing a multipurpose county-owned arena and convention center license and a national event permit; and further providing for breweries, for limiting number of retail licenses in each municipality, for transfer of licenses, for local option relating to special occasion permits, for granting of liquor licenses in certain municipalities, for unlawful acts relative to malt or brewed beverages and licenses, for employment of minors, for penalties for the sale of liquor or malt or brewed beverage without being licensed, for limited wineries and for nuisances.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-43

Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Murphy	Stout
Bodack	Holl	Musto	Thompson
Boscola	Hughes	O'Pake	Tilghman
Conti	Jubelirer	Piccola	Tomlinson
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Waugh
Dent	Kukovich	Robbins	White
Earl	LaValle	Salvatore	Williams
Gerlach	Lemmond	Schwartz	Wozniak
Greenleaf	Loeper	Slocum	

NAY-4

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

SB 647.

ANNOUNCEMENT BY MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the Majority Leader, Senator Loeper.

Senator LOEPER. Mr. President, if I could have the attention of the Members for just one moment. Before I make the adjournment motion today, I would remind them that we will convene at 1 o'clock tomorrow, and the first order of business will be the memorial service for former Senator John Shumaker here in the Senate of Pennsylvania, so I ask all Members to please be present on the floor at 1 p.m. tomorrow.

ADJOURNMENT

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I move that the Senate do now adjourn until Tuesday, November 9, 1999, at 1 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:27 p.m., Eastern Standard Time.