

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, NOVEMBER 20, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 67

**SENATE**

WEDNESDAY, November 20, 2002

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

**PRAYER**

The Chaplain, Reverend PAUL KENNEDY, of Cardinal Dougherty High School, Philadelphia, offered the following prayer:

All powerful and everliving God, we do well to sing Your praise forever and to give You thanks in all that we do. You spoke a message to men and women, a message of peace, and taught us how to live as brothers and sisters. Your message took form in the vision of our fathers and mothers as they fashioned this nation where men and women might live together as one. This message lives on in our midst as a task for us to do today and as a promise for tomorrow.

We thank You for the blessings in the past, and for all that, with Your help, we must yet achieve. In the midst of conflict and division, we know it is You who turns our minds to thoughts of peace. Your Spirit changes our hearts; enemies begin to speak to one another, those who are estranged join hands in friendship, and nations seek the way of peace together.

Your Spirit is at work when understanding puts an end to strife, when hatred is quenched by mercy, and vengeance gives way to forgiveness. For this we should never cease to thank and praise You as we do now and forever. Amen.

The PRESIDENT. The Chair thanks Reverend Kennedy, who is the guest today of Senator Kitchen.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 19, 2002.

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**

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA  
ENERGY DEVELOPMENT AUTHORITY**

November 20, 2002

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 August 6, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

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

Mark S. Schweiker  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
MANSFIELD UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

November 20, 2002

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 September 30, 2002, for the appointment of Stephanie Moore, 40 Red Barbary Drive, Eters 17319, York County, Thirty-first Senatorial District, as a member of the Council of Trustees of Mansfield 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 Donald E. Abrey, Wyalusing, resigned.

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

Mark S. Schweiker  
Governor

## SMALL BUSINESS ADVOCATE

November 20, 2002

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 September 13, 2002, for the appointment of Norah Griffiths, 2304 Edgewood Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as Small Business Advocate, to serve until her successor is appointed and qualified, vice Bernard A. Ryan, Jr., Hummelstown, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL

November 20, 2002

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 August 20, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Maurice J. Cashman, Warren, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE CLARION COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 12, 2002, for the appointment of Michelle Bonsick, 1114 Quincy Circle, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Donald C. Gathers, New Bethlehem, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE CLARION COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice William F. Showers, Clarion, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE ELK COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 September 17, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Elk County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Richard E. Decker, St. Marys, deceased.

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

Mark S. Schweiker  
Governor

MEMBER OF THE FAYETTE COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 October 29, 2002, for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Thomas E. Trimpey, Connellsville, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE FRANKLIN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 26, 2002, for the appointment of Elizabeth Schehr, 65 Suffolk

Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Franklin County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Susan L. Saylor, Fayetteville, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 12, 2002, for the appointment of Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 September 17, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Jeanne K. Nash, Bradford, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 September 11, 2002, for the appointment of Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified, vice Karen R. Gelston, Bradford, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE MONROE COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 November 18, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Monroe County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Elizabeth W. Gaunt, Stroudsburg, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE SNYDER COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Judy A. Jones, Selinsgrove, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE VENANGO COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Norah Griffiths, 2304 Edgewood Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the Venango County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Creeta Y. Owens, Oil City, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WARREN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 16, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor has been appointed and qualified, vice Gregory Wozneak, Warren, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WARREN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Wanda C. Little, North Warren, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WESTMORELAND COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 12, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Westmoreland County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice John F. Kradel, Ligonier, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 October 16, 2002, for the appointment of Jennifer L. Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Jerome F. Fuhr, Tunkhannock, resigned.

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

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

November 20, 2002

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 29, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-3-11, to serve until the first Monday of January 2004, vice Edward A. Tibbs, resigned.

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

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

November 20, 2002

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 September 23, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Lehigh, Magisterial District 31-2-01, to serve until the first Monday of January 2004, vice Diane R. Jepsen, forfeiture of judicial office.

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

Mark S. Schweiker  
Governor

RECALL COMMUNICATION  
LAID ON THE TABLE

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 laid on the table:

MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER

November 20, 2002

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 June 25, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Melvin E. Horning, Hamburg, resigned.

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

Mark S. Schweiker  
Governor

### CORRECTIONS TO 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 BARBER EXAMINERS

November 20, 2002

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

Please note the nomination dated November 15, 2002, for the appointment of Gayle D. Mills (Public Member), 808 Derby Avenue, Camp Hill, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Barber Examiners, 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, vice Marilyn L. Painter, Pittsburgh, whose term expired, should be corrected to read:

Gayle D. Mills (Public Member), 808 Derby Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Barber Examiners, 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 Marilyn L. Painter, Pittsburgh, whose term expired.

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

November 20, 2002

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

Please note the nomination dated November 15, 2002, for the appointment of Keldeen Stambaugh, 15 North Paxtang Avenue, Harrisburg, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until February 8, 2003, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Paul J. Killion, Lemoyne, resigned, should be corrected to read:

Keldeen Stambaugh, 15 North Paxtang Avenue, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until February 8, 2003, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Paul J. Killion, Lemoyne, resigned.

#### MEMBER OF THE STATE BOARD OF EDUCATION

November 20, 2002

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

Please note the nomination dated October 23, 2002, for the appointment of Wallace H. Nunn, 1650 Market Street, 45th Floor, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified, should be corrected to read:

Wallace H. Nunn, 1030 Mason Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified.

#### MEMBER OF THE HEALTH POLICY BOARD

November 20, 2002

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

Please note the nomination dated May 15, 2002, for the appointment of Phil Dymond, 1302 Ridgeview Drive, Latrobe, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Jeffrey D'Ambrosio, Chester Springs, whose term expired, should be corrected to read:

November 15, 2002, Phil Dymond, 1302 Ridgeview Drive, Latrobe, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Jeffrey D'Ambrosio, Chester Springs, whose term expired.

#### MEMBER OF THE PENNSYLVANIA PUBLIC TELEVISION NETWORK COMMISSION

November 20, 2002

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

Please note the nomination dated November 15, 2002, for the appointment of C. Chris Exarchos, 901 Pike Street Pike Street, PO Box 1027, Lemont 16851, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve until August 17, 2008, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Marian U. Fredman, State College, whose term expired, should be corrected to read:

C. Chris Exarchos, 901 Pike Street ~~Pike Street~~, PO Box 1027, Lemont 16851, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve until August 17, 2008, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Marian U. Fredman, State College, whose term expired.

#### 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 20, 2002

**HB 2741** -- Committee on Appropriations.

**BILL INTRODUCED AND REFERRED**

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

November 20, 2002

Senators M. WHITE, MADIGAN, MUSTO, TARTAGLIONE, LEMMOND, THOMPSON, KUKOVICH, KITCHEN, MOWERY, TOMLINSON, HOLL, LAVALLE, MELLOW, HELFRICK, BRIGHTBILL, JUBELIRER, STOUT, WAGNER, GERLACH, MURPHY, WENGER and ORIE presented to the Chair **SB 10**, entitled:

An Act providing for water resources planning and for administration and enforcement relating thereto.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 20, 2002.

**BILL SIGNED**

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

**SB 1459.**

**REPORTS FROM COMMITTEES**

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

**HB 2892 (Pr. No. 4557)**

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; and further providing for period used in computation of tax and for tax payment.

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

**SB 1365 (Pr. No. 2412) (Amended) (Rereported)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, defining "arts council," "eligible entity" and "pecuniary interest"; and further providing for the definitions of "eating place" and "restaurant," for bonds required of members and secretary, for board and enforcement bureau subject to State ethics and adverse interest acts, for wine marketing, for when sales may be made at Pennsylvania liquor stores, for sales by Pennsylvania liquor stores, for applications for hotel, restaurant and club liquor licenses, for issuance of hotel, restaurant and club liquor licenses, for sales by liquor licensees, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers' licenses, for malt and brewed beverages (excluding manufacturers), for malt and brewed beverages retail licenses, for application for distributors', importing distributors' and retail dispensers' licenses, for prohibitions against the grant of licenses, for retail dispensers' restrictions on purchases and

sales, for hearings upon refusal of licenses, renewals or transfers, for renewal of licenses, for revocation and suspension of licenses, for local option and for exchange of certain licenses; providing for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee; further providing for renewal of amusement permit, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for unlawful advertising, for limited wineries and for business hours.

**HB 1553 (Pr. No. 4661) (Amended) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for classes of licenses, for learners' permits, for identification card, for notice of change of name or address, for footrests and handlebars on motorcycles and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps and for scope and application of provisions relating to size, weight and load.

**HB 1696 (Pr. No. 4583) (Rereported)**

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, further providing for transfer of funds for purposes of State forests.

**HB 1804 (Pr. No. 4006) (Rereported)**

An Act providing for pooled trusts for persons with disabilities.

**HB 2196 (Pr. No. 4662) (Amended) (Rereported)**

An Act providing for education for parents on what constitutes shaken baby syndrome and the physical impairments that can result from shaken baby syndrome; and establishing the Shaken Baby Syndrome Education and Prevention Program.

**HB 2599 (Pr. No. 4589) (Rereported)**

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for definitions, for licensing, for sanctions, for administration, for records, for contracts, for assignments, for insurance, for finance costs, for refinancing, for default, for repossession and redemption, for prohibited charges, for exemptions and for penalties.

**HB 2644 (Pr. No. 4604) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amending and adding provisions relating to the Thaddeus Stevens College of Technology; making a repeal; and making editorial changes.

Senator LEMMOND, from the Committee on State Government, reported the following bills:

**SB 1562 (Pr. No. 2334)**

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey certain vacant land situated at the southeast intersection of Arsenal Boulevard and North Cameron Street in the Seventh Ward of the City of Harrisburg, Dauphin County.

**HB 851 (Pr. No. 4656) (Amended)**

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility, for applications to become a notary public, for application for reappointment, for resignation and for change of residence, for oath of office, bond and recording, for registration of notary's signature and fees, for notarial seal, for electronic notarization, for register and copier of records, for power to administer oaths, affirmations, certain writings relating to commerce, depositions, affidavits and certain writings relating to land, for fees of notaries public, for rejection of application and for surrender of seal; providing for revocation of commission for certain personal checks and for regulations; making editorial changes; and making repeals.

**HB 2674 (Pr. No. 4657) (Amended)**

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities and for time for awarding contract; and making repeals.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Mr. President, I request legislative leaves for Senator Greenleaf and Senator Punt.

The PRESIDENT. Senator BRIGHTBILL requests legislative leaves for Senator Greenleaf and Senator Punt. Without objection, those leaves are granted.

**LEAVE OF ABSENCE**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS OUT OF ORDER**

Without objection, the bills on today's Calendar were called out of order by Senator BRIGHTBILL, as Special Orders of Business.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1559 (Pr. No. 2331)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, and imposing Project 500 restrictions on other land owned by the Borough of Royalton, Dauphin County.

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-49**

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

**NAY-0**

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

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

**SB 1583 (Pr. No. 2373)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Uniontown Area School District, certain lands and building situate in the City of Uniontown, Fayette County.

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-49**

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	

Gerlach  
Greenleaf

Mowery  
Murphy

Stout  
Tartaglione

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR SHIRLEY M.  
KITCHEN PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, today we have members of the student council from Cardinal Dougherty High School. They are Lauren Keeley, Daniel Foley, Melanie Vega, Walter Fortson, Jeanine Delgado, Dominic Jefferson, and Abigail Richardson. I would like for us to give them our warm welcome.

The PRESIDENT. Would the guests of Senator Kitchen kindly rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

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

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

Senator O'PAKE. Mr. President, it is my honor to introduce to the Senate the State Champion Brandywine Heights Area High School Girls' Volleyball Team. This team won the PIAA Class AA State Championship in volleyball. They defeated two defending State champions in the semi-final and the final rounds to win their first ever State title. They are here with their coach, Mike Pienta, and several assistant coaches and school officials. The young lady champions are in the gallery, and I would like the Chair to extend its usual warm welcome to them.

The PRESIDENT. Would the guests of Senator O'Pake please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**GUESTS OF SENATOR CHARLES W.  
DENT PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Mr. President, it is a real honor for me to introduce my guests. Every year I have the opportunity to play in the cystic fibrosis charity tennis event, and it is a wonderful occasion. Through that, I have gotten to know the Albert family, and here today are Paul Albert and his parents, Charles and Pauline, and Paul's sister, Jane Rucci. The Albert family has been touched by cystic fibrosis, as have so many other families throughout our Commonwealth, so I would like the Senate to kindly extend to them a very warm welcome.

The PRESIDENT. Would the guests of Senator Dent please rise so the Senate may welcome you.

(Applause.)

Senator DENT. Mr. President, I also want to introduce my other intern. I introduced one on Monday, and I would like to introduce Glen Fry today. He is a senior from Florida who attends Lehigh University, and he is in the gallery.

The PRESIDENT. Would the other guest kindly rise.

(Applause.)

**GUEST OF SENATOR CONSTANCE H.  
WILLIAMS PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Mr. President, I would like to introduce today a guest Page, Marlin Foreman, who is a sophomore at Susquehanna Township High School. He is a member of the school's Youth in Government Club, Key Club, and Amnesty International. Welcome, Marlin.

The PRESIDENT. Would the guest Page kindly rise.

(Applause.)

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

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

Senator O'PAKE. Mr. President, I also have a guest Page here. He is a junior at Wilson Area High School, a member of the soccer team, and an excellent student who is interested in a career in politics, Kirk Haldeman.

The PRESIDENT. Would the guest of Senator O'Pake please rise.

(Applause.)

**GUEST OF SENATOR ROBERT M.  
TOMLINSON PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I am pleased to introduce a friend, colleague, constituent and businessman from Northampton Township who is here visiting with me today. He is very active in the community in many volunteer capacities, but one that is very important is he is the president of the Delaware Valley Philharmonic Orchestra. So I would like to introduce Don George, a good friend of mine who is visiting in the Senate of Pennsylvania today.

The PRESIDENT. Would the guest of Senator Tomlinson please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**GUESTS OF SENATOR GIBSON E.  
ARMSTRONG AND SENATOR ROBERT M.  
TOMLINSON PRESENTED TO THE SENATE**

The PRESIDENT. The Chair once again recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, also, I would like to introduce a constituent of Senator Armstrong's from York



County. He is a teacher in Red Lion, and his father was my football coach in college. He is Steve Mitten, who is here today visiting Senator Armstrong and myself, with his three children.

The PRESIDENT. Would the guests of Senator Armstrong and Senator Tomlinson please rise so we may welcome you to the Senate.

(Applause.)

### SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators KASUNIC, MELLOW, JUBELIRER, BRIGHTBILL, ARMSTRONG, BODACK, BOSCOLA, CONTI, CORMAN, COSTA, DENT, EARLL, ERICKSON, FUMO, GERLACH, GREENLEAF, HELFRICK, HOLL, HUGHES, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, LOGAN, MADIGAN, MOWERY, MURPHY, MUSTO, O'PAKE, ORIE, PICCOLA, PILEGGI, PUNT, RHOADES, ROBBINS, SCARNATI, SCHWARTZ, STACK, STOUT, TARTAGLIONE, THOMPSON, TOMLINSON, WAGNER, WAUGH, WENGER, D. WHITE, M. WHITE, A. WILLIAMS, C. WILLIAMS and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 307**, entitled:

A Resolution commending the heroic and unyielding efforts of those persons involved in the rescue of the coal miners trapped at Quecreek, Somerset County, July 24 through 27, 2002.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair is pleased to recognize, for remarks on the resolution, the author of the resolution, Senator Kasunic.

Senator KASUNIC. Mr. President, July 24, 2002, started out like any other summer day in Pennsylvania, a beautiful morning, a beautiful day. That morning, the miners were doing their usual things around their homes, cutting the grass, getting things prepared, tending their gardens and such, preparing for the afternoon shift at the Quecreek Mine in northern Somerset County. Little did they know that their lives would change forever.

Their life-and-death struggle to survive a mine flood at the Quecreek Mine over a 3-day period will never, never be forgotten. As the world watched and prayed for these trapped miners, gritty and determined rescue workers and volunteers worked feverishly day and night to save them.

Mr. President, Quecreek is a story of raw courage and undaunted faith in the face of hope against hope and struggle to survive. It began when 70 million gallons of water crashed through a wall, trapping 9 miners in a crosscut more than 240 feet below ground. For the next 77 hours, while the miners clung to each other, determined to survive or perish together, hundreds of rescue workers did all they could to free them. Another constituent of mine, Joseph Scaffoni, a deep mine specialist with the State Department of Environmental Protection, put his 32 years of mine knowledge and experience to work in this rescue attempt. Rescuers painstakingly managed to drill a 5-inch hole to pump in compressed air. Strategies were to maintain the air

pressure and pump the mine clear of water, and this had to be done very carefully, but it also had to be done quickly, and it had to be executed in a timely fashion.

Over 200 drillers, construction workers, emergency personnel, and government representatives stayed onsite, ready to spring into action as needed. Despite seemingly devastating setbacks, like a broken drill bit during the first attempt to dig down, the rescue operation continued at full throttle with even more determination. Demonstrating the kind of hands-on leadership that will likely define his 2 years as Governor, Governor Mark Schweiker saw to it that the rescue attempt had every State resource available to the men and women who were trying to perform this rescue attempt. Going beyond that, our Governor remained on the site night and day, reassuring the families, seeing to it that all possible resources were at work, and symbolizing our common resolve. Quecreek will always be something that Governor Schweiker can reflect on proudly.

Mr. President, people from the mining communities in southwestern Pennsylvania are a tough breed. There is no question about it, no doubt about it. Back there in western Pennsylvania, all of us have family or friends who are or were miners. Knowing these people so well, I can assure you that nothing was going to stop these men from surviving, or the rescue workers from saving them. Indeed, Quecreek is a story of courage, a story of hope, a story of never, never giving up, and a story about beating the odds. I am proud to serve as Senator for the miners, and the people who took part in that courageous attempt to rescue these men.

### QUECREEK MINERS PRESENTED TO THE SENATE

Senator KASUNIC. Mr. President, I am privileged to welcome these very special guests who are with us today, and at this time I would like to introduce the Quecreek Nine who are here, and if they would, as I call their names, would they please rise: Harry Blaine Mayhugh, John Unger, Thomas Foy, Randy Fogle, John Phillippi, Ronald Hileman, Dennis Hall, Robert Pugh, and Mark Popernack.

(Applause.)

Also with us today are several of the nine miners who managed to wade through neck-high waters to safety just in time, reaching the portal to get out of the mine when the flooding first began, saving their lives. With us today are Barry Carlson, Dave Petree, Ryan Petree, Frank Stewart, and Larry Summerville.

(Applause.)

Unfortunately, Doug Custer, Wendell Horner, Joe Kostyk, and Ron Schad were unable to be here with us today.

Mr. President, these are 18 men who went into the depths of the earth for a day's work on a summer's night last July. They emerged from a harrowing mine flood, knowing a little bit more about themselves and having a greater appreciation for those who care about them. Most of all, I think they came to realize that the cold and desperate darkness that captivated them paled in comparison to the glowing spirit and the unyielding faith that strengthened those who toiled for their rescue from above.

Mr. President, I present to you the 18 miners from Quecreek. That fateful day was a day that we in Somerset County rejoiced, because as you all know, just a few short miles from the site of

this mine rescue attempt, Flight 93 crashed. I believe it was within 3 miles of where this happened. The people of Somerset County, in addition to the men and their families, were feeling quite depressed over that, and now this other tragic event, or would-be tragic event, was taking place and unfolding in front of their eyes, and you can imagine the feelings of the families and the people of Somerset County. The rescue breathed new life into the people of Somerset County and gave them a spirit of well-being and feeling good about themselves, because there were some guilt feelings after the crash of Flight 93.

Mr. President, in addition to these men, I also have a couple of other people I would like to introduce who are in the gallery. Mr. John Weir from the Black Wolf Mining Company is with us today. John, would you please rise.

(Applause.)

Also, we have Mr. William Arnold, who unselfishly offered access to his farm for the rescue attempt and for the efforts. Bill.

(Applause.)

Mr. President, I would also like to welcome the family members and the friends of the miners who traveled here from Somerset County to be with us today, and with that, Mr. President, I close my remarks, and I ask this body for a unanimous vote on the passage of the resolution.

Thank you very much.

(Applause.)

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

Senator O'PAKE. Mr. President, it is days like this that make us all aware of our own mortality. Not too many months ago these brave young men stared death in the face, and they were victorious. I am sure there were many thoughts that went through their heads as the water kept coming up to their eyeballs just about, and I am sure that it was a recognition of and a deep faith in the Eternal Maker that brought them through.

So I think we should salute them, and, boy, we are always glad to see guests here, but we are really glad to see these young men for what they have been through. My dad, of course, way before I was born, was also a miner in Schuylkill County. He got out, came to Reading, thank God, and I was born, but the dangers still inherent in this very valuable occupation are something that we should all take note of and appreciate.

So to these young men, and by the way, on Sunday night an ABC movie will capture their story. I do not know if any of them are going to play themselves, but some of them should. One guy said he would do all the pub scenes. But we are very, very thankful that they are here. We are thankful that God took care of them. We certainly commend the heroic efforts of our Governor Mark Schweiker, who captured the appreciation of the whole nation for the way that was handled. We especially want to thank those who were part of the rescue effort, because that involved a lot of sacrifice, persistence, skill, also the fear of the unknown in many ways.

So men, thank you, on behalf of all of us in Pennsylvania. We are very, very proud of you and we are very glad that you are here to tell this story. Hopefully, everyone in Pennsylvania will show their appreciation for real profiles in courage.

Thank you, Mr. President.

The PRESIDENT. The Chair has been asked to offer a few remarks, and I will keep them brief. With the permission of the Senate, I will do it from here.

I think these men represent all of Pennsylvania in the sense of what Pennsylvanians have stood for, how tough they are, and how many difficult times we as Pennsylvanians have come through, whether it be through our grandparents, our parents, our brothers, our sisters, whatever the case may be. I come from a railroad town. I know the difficulties that industry has suffered. Many of you in western Pennsylvania and southeastern Pennsylvania come from steel towns, and we know how difficult it has been for that industry. And of course the mining industry, which is certainly not the mining industry of our fathers or our grandfathers, and I had some mining in my district as well. But the toughness, the commitment, the desire to do that kind of work has never ceased to be a part of Pennsylvania, and I suspect it is because Pennsylvanians truly represent a melting pot of America. They came from all over. My grandparents came from eastern Europe and they came from western Europe. I know the stories I used to listen to of my grandfather coming over on the boat and going back and coming back again, and we all have stories to tell. But the toughness of America and the toughness of Pennsylvania is made up of a microcosm of what happened at Quecreek. You men, I believe, represent all that is good about Pennsylvania and all that is good about America. You represent our history.

As we look at high-tech industries, we know that the information highway is the industry of the future. We look at Silicon Valley and we want to be able to bring to our districts those kinds of jobs, and they get all the publicity. But we have to remember that there is still mining in Pennsylvania, there is still a railroad industry in Pennsylvania, and there are still remnants of the steel industry in this great Commonwealth of ours.

These men represented hope and they represented courage. Perhaps the most important thing I think, if I might be a little presumptuous, they represented teamwork, because by standing together, by holding each other, by never giving up, by really caring for one another and loving one another, they survived. And, folks, that is the name of the game, survival, and they survived. And how proud we are of what you have done, of the commitment in your heart, of the prayers that you gave. And to Governor Schweiker, who was our communicator, to Dave Hess from the Department of Environmental Protection, whose organization performed at the highest level, to the community that pitched in, teamwork was the name of the game that night. Without teamwork, I am not sure anybody would have survived, and I think all of us are extremely proud today of what you have done and what you represent. As I said, you represent the toughness of all Pennsylvanians and how we have survived in the most difficult of times.

And if I might, Randy Fogle, I would invite you to come up and say a few words. This may be the toughest thing you have to do yet, but I think this body would enjoy hearing from you. If you would take the podium, and let us welcome Randy Fogle to the podium.

(Applause.)

Mr. FOGLE. Yeah, this is something I am not very used to, but the thing is, and a lot of it reminds me that we have so much

to thank people for and everything that got us out of where we were, but so much does fall back on the teamwork and God and everything else. God was the main thing for us, but I can remember what one of the guys asked me the night that it happened, because we knew how major the accident was and we realized what it was going to take to get us out. And nobody could understand where something like the big pumps that we got or the drilling that took place to get us out would come from, or anything like that. The one thing that I told them was that if you have the resources of the United States of America, I said anything can and will be done to get us out of the spot we were in, and that is what they went with. I was the section foreman of the crew, and the crew that was with me, the guys, they did a fine job, everybody stayed with what they believed in. We did all we could to get out, everything possible, and we could not, so then we had to rely on people from the outside to get us, which we did. And that is what we left it to, God and everybody else who got us out, and that is who we want to thank the most. That is all it was about.

Thank you.

(Applause.)

The PRESIDENT. Randy, you made us all proud again. You did a great job.

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

The PRESIDENT. All those in favor of the resolution kindly rise and give your approval.

(Whereupon, the Senate en bloc stood in unanimous support of the resolution.)

The PRESIDENT. The resolution is unanimously adopted.

Thank you for being here, and thank you for representing all that is good about Pennsylvania. We are extraordinarily proud of you.

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider House Bill No. 2741, the Committee on Aging and Youth to consider House Bill No. 2860, and the Committee on Law and Justice to consider House Bill No. 2574.

**RECESS**

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

Senator BRIGHTBILL. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus, which will begin immediately.

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

Senator O'PAKE. Mr. President, I request a Democratic caucus to begin immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses in their respective caucus rooms, without objection, the Senate will stand in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Mr. President, I ask for legislative leaves for Senator Holl and Senator Madigan.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Holl and Senator Madigan. Without objection, those leaves are granted.

**ANNOUNCEMENT BY THE PRESIDENT**

The PRESIDENT. For the information of the Members, I want you to know I have ordered in pizza. I hope that satisfies your appetite, because that is about all we can do.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**HB 1686 CALLED UP OUT OF ORDER**

**HB 1686 (Pr. No. 4603)** -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1686 (Pr. No. 4603)** -- 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 local library use of incentive for excellence funds.

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-49**

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance

Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	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 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.

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator Fumo, and Senator O'Pake.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Bodack, Senator Fumo, and Senator O'Pake. Without objection, those leaves are granted.

**THIRD CONSIDERATION CALENDAR RESUMED**

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

**SB 1015 and SB 1339** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1569 (Pr. No. 2393)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for counterterrorism planning, preparedness and response; imposing powers and duties on the Pennsylvania Emergency Management Agency, the Department of Health, counties and municipalities; and providing for the organization of various response teams.

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 PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I would like to interrogate the maker of the bill.

The PRESIDENT. Senator Orie wishes to interrogate the sponsor of the bill. Senator Tomlinson indicates he is willing to be interrogated. You may proceed.

Senator ORIE. Mr. President, on page 4, the definition of regional counterterrorism task force appears, and it says it is "A complement of Federal, State, county and municipal emergency management, health, law enforcement, public safety...." My concern would be that right now there are 67 Pennsylvania sheriffs, one in each county, and over 2,000 full-time or part-time deputies. Would the definition under law enforcement include the Pennsylvania sheriffs and their deputies?

Senator TOMLINSON. Yes, Mr. President, it is the intent of this bill to codify what is already in existence, and already in existence the sheriffs do participate in these organizations. They do participate under the law enforcement category of those agencies that do support the counterterrorism task force. So, yes, clearly, probably 67 percent of all the sheriffs' departments in the State of Pennsylvania do participate now, and it is clearly our intent to include any other sheriffs' departments that would like to participate.

Senator ORIE. Just one other question, Mr. President. Under the term "county" that is described on page 3, lines 27 to 28, it defines county as a municipality or municipal government. Does that in any way affect sheriffs or deputy sheriffs from participating in the regional counterterrorism task force?

Senator TOMLINSON. Mr. President, no. Again, sheriffs already do participate in the counterterrorism task force, and there was no intent, because of that definition of county or municipality, to exclude sheriffs. Again, we want the sheriffs' departments to participate as law enforcement agencies, along with the police, municipal police, county police, the district attorney's office, any of those agencies that are going to participate. We welcome and want the sheriffs' departments to participate also.

Senator ORIE. I thank the gentleman. I have no further questions, Mr. President.

Thank you.

And the question recurring,  
Shall the bill pass finally?

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

YEA-49

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earl	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER

HB 204 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 235 (Pr. No. 4645) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for unauthorized publication of name or likeness; and establishing a right of action.

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-49

Table listing names of senators who voted 'YEA' for HB 235, including Armstrong, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Fumo, Gerlach, Greenleaf, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Orie, Piccola, Pileggi, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., and 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 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.

BILLS OVER IN ORDER

SB 362, SB 374 and SB 451 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 463 (Pr. No. 2355) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, requiring the establishment of a mandatory boater education program; and fixing additional fees.

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-48

Table listing names of senators who voted 'YEA' for the bill amending Title 30, including Armstrong, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Fumo, Gerlach, Greenleaf, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Orie, Piccola, Pileggi, Punt, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, Williams, Anthony H., Williams, Constance, and Wozniak.

NAY-1

White, Mary Jo

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.

SB 709 (Pr. No. 796) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance and for driving under the influence of alcohol or controlled substances.

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-49

Table listing names of senators who voted 'YEA' for the bill amending Title 75, including Armstrong, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Musto, O'Pake, Orie, Piccola, Pileggi, Punt, Rhoades, Robbins, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, and Williams, Anthony H.

Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

**SB 806** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

**HB 930, SB 962, HB 974 and HB 976** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1053 (Pr. No. 1312)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the limited right of jurors to take notes.

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-49

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

NAY-0

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

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

BILLS OVER IN ORDER

**SB 1394, SB 1395 and HB 1401** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1421 (Pr. No. 2382)** -- The Senate proceeded to consideration of the bill, entitled:

An Act protecting the free exercise of religion; and prescribing the conditions under which government may substantially burden a person's free exercise of religion.

On the question,  
Will the Senate agree to the bill on third consideration?

SCHWARTZ AMENDMENT A5805

Senator SCHWARTZ offered the following amendment No. A5805:

Amend Sec. 4, page 3, line 23, by inserting after "is": in furtherance of the protection of public health or safety or

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

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Madam President, I rise to ask for consent on this amendment. We have gone through a variety of different amendments, and I want to first acknowledge that the sponsor of the legislation has really worked to make some changes in this legislation to accommodate many of the concerns that I and my colleagues and many people in the public have to different interest groups. The concern about this legislation is that in the interest of protecting the rights of religious institutions of any kind in this Commonwealth, it will mean that they will not comply with a variety of health and safety standards, particularly as they are under contract to the State. I do not believe this is truly--well, I will not speak to the intention of the bill and I apologize for that, but the concern is, of course, that we do seek to require organizations and institutions, including religious institutions, not to interfere with the practice of religion, but in fact, particularly in situations where there are public health and safety concerns, we ask them to comply with those health and safety concerns, and as we have seen, there are a variety of exceptions in the legislation, and that is a good thing. There is an exception to the Public Welfare Code and organizations that might be conducting services or programs under the Public Welfare Code. The problem is that it may be too narrow. There may be services that are not covered under the Public Welfare Code that are covered under the Agriculture Code, or there may

be health and safety concerns that are covered in procurement law, or there may be health and safety concerns that are covered in our fair housing laws, or concerns, again, there were some provisions around the Criminal Code. But it is not clear that it covers regulations, for example, of cemeteries or of autopsy requirements or of requirements within our public school system. And, Madam President, I do not believe that we want to create a conflict, either in law or in practice, between the practice of religion or the functioning of religious institutions and the health and safety of the public.

And so I have what I believe is a fairly straightforward amendment which does not interfere with, I believe, the overriding intent of the legislation that in fact provides, and it really is one line that says that it cannot interfere with, if there is a protection of public health or safety, that it would have to apply even to religious institutions, and I think this goes a long way when we are talking about children under the care of, say, a child care facility. And, again, I understand that the maker has tried to relieve that, but it may have to do with workers in workplace settings that are not exempt. Again, it may have to do with housing regulations, safety regulations, land use regulations, and there is just no way that we could actually, if we stood here all day, or if the sponsor of the legislation wanted to say, okay, Senator Schwartz, I agree with you. That is not what I intended. I am going to create an exception. Every time he has done that, and truthfully, he has done that five or six or seven times, there is another example of a way that has not yet been exempt from this law, which makes me, I will tell you, Madam President, very concerned that this law has been drafted far too broadly, and this is not at all what the title of the legislation says, that it is not about the protection of religious freedom because that is not what this is about, that is protected in a lot of other ways. This is a way to have religious institutions that are engaged in other kinds of services and programs that bring the public in, that they will not have to comply with the whole host of State laws and State regulations and local laws and regulations that we pass in order to protect the safety of the citizens of Pennsylvania. And we should not create a conflict in law or in practice between all those laws that we try to pass with great recognition of diversity of who we are in this Commonwealth and the recognition and strength and the protections that our Federal Constitution gives to the practice of religion to create that kind of conflict in law, I think, Madam President, puts us and the Commonwealth of Pennsylvania in a very bad place.

So I ask very simply that we pass this amendment, at the minimum, just because it is not included in the exceptions that we cover at least the protection of the health and safety of the citizens of Pennsylvania and do not put any of our children or any of our citizens in jeopardy.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, I would oppose the amendment offered by Senator Schwartz. This is the first time we have seen it. We have seen other amendments, but this is the first time we have seen this, although, frankly, it is not hard to understand.

Madam President, health and safety are a compelling State interest. Case after case after case has stated that. The bill already provides an exception for public health and safety specifically. This amendment is absolutely not needed, and I urge the Members of the Senate to reject this amendment for the very reason that it is absolutely not needed.

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

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

YEA-6

Costa Hughes	Kitchen Kukovich	Schwartz	Williams, Constance
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NAY-43

Armstrong	Greenleaf	Musto	Tartaglione
Bodack	Holl	O'Pake	Thompson
Boscola	Jubelirer	Orie	Tomlinson
Brightbill	Kasunic	Piccola	Wagner
Conti	LaValle	Pileggi	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Logan	Rhoades	White, Donald
Earll	Madigan	Robbins	White, Mary Jo
Erickson	Mellow	Scarnati	Williams, Anthony H.
Fumo	Mowery	Stack	Wozniak
Gerlach	Murphy	Stout	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

On the question,  
Will the Senate agree to the bill on third consideration?

HUGHES AMENDMENT A5894

Senator HUGHES offered the following amendment No. A5894:

Amend Bill, page 7, by inserting between lines 16 and 17:  
Section 7. Civil rights.

(a) No defense to civil action or criminal prosecution.—Except as provided in subsection (b), this act does not establish or eliminate a defense to a civil action or criminal prosecution under a Federal, State or local civil rights law.

(b) Other applicability.—This act is fully applicable to claims regarding the employment, education or volunteering of those who perform duties, such as spreading or teaching faith, performing devotional services or internal governance, for a person.

Amend Sec. 7, page 7, line 17, by striking out "7" and inserting: 8  
Amend Sec. 8, page 7, line 28, by striking out "8" and inserting: 9

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Madam President, as I said before, very simply, very simply, this quite noncontroversial amendment

clarifies that the act may not be used to circumvent Federal, State, or local civil rights laws, that the current civil rights laws that are currently in place would not be circumvented by this act. There, of course, would be an exception for the employment, education, or volunteering of those who are clergy or otherwise performing devotional services, who may be religious teachers, who are involved in the internal governance of a church or religious organization.

Madam President, this amendment is nearly identical to the civil rights exception in the Texas Religious Freedom Restoration Act, which was signed into law by then-Governor George Bush in June of 1999. Again, Madam President, this is extremely noncontroversial. It keeps current civil rights laws in place, it mirrors what was done in Texas in 1999 almost to the exact letter, and I ask for an affirmative vote by the Members.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, I urge the Members to reject the amendment offered by Senator Hughes. This is similar to an amendment I think that was offered in committee by Senator Kukovich. As I indicated then and I indicate now, I do not think it is appropriate to compare civil rights and religious freedom. One is a protected First Amendment protection, the other is not. The amendment carves out another exception to the application of the Religious Freedom Protection Act.

Madam President, I suggest that it is unnecessary and, frankly, dangerously attempts to provide religious liberty protection to churches only, and for very narrow reasons. It attempts to apply to Federal law something the State cannot do. It refers to criminal prosecution improperly since there is already language that addresses certain categories of criminal conduct.

Senator Hughes argues that this is the same as the Texas law, and I suggest that is absolutely not the case. Texas law relates to State law, not local law. It also applies broadly to religious organizations, not just churches. Additionally, the Texas law is far more complete in a number of respects not included in Senate Bill No. 1421, and therefore moderates the effect of any civil rights provision. There is some language that perhaps would be applicable in another bill, but I do not think it should apply in this law.

Madam President, I do not think I have to stand up here and explain my position on civil rights. I have had the opportunity on this floor time and time again to vote for civil rights legislation, and I will continue to do so and stand up for those groups certainly when legislation calls for it. I do not believe it belongs in this bill, and I am very comfortable opposing this amendment because of that, and I ask that the Members reject this amendment to Senate Bill No. 1421.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I do think that what Senator Hughes is trying to do is very appropriate, and I say that because recently we have seen around the country lawsuits being filed where individuals have asserted that certain discriminatory actions are protected because they are merely acting according to their religious beliefs. Those religious beliefs may be very

different than what we view as religious beliefs by the major Catholic, Protestant, and Jewish religions. These defendants claim that they are justified in terminating employees' positions, discriminating against people and consumers in a number of ways because they think or act or dress or do things differently. That is not American. Even though the Texas bill to which both Senator Hughes and Senator Jubelirer referred is somewhat different from this act, the language of Senator Hughes' amendment is similar, if not identical, to the protection of civil rights that was put in the Texas bill. I cannot believe that even though the Texas bill is more comprehensive, if they can move to protect civil rights, we cannot.

I have no question whatsoever about the maker of this bill and his stand on freedom of religion and civil rights. That is not the issue. The issue is, especially late in the evening in a lame duck Session, moving a bill like this when we know it will have unintended consequences, and I know that if this bill passes without Senator Hughes' amendment, there is going to be a time when we will be back on this floor trying to address problems that are discriminatory in nature, that have violated people's civil rights, and not one person on this floor wants do that. But in essence, if we cannot at least accept this amendment, we collectively will be doing that in the future. We cannot allow those unintended consequences to occur.

I think it is certainly reasonable to accept Senator Hughes' amendment, and I ask for an affirmative vote.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Madam President, if I may just read a brief quote offered by the prime sponsor of the Texas Religious Freedom Restoration Act in his testimony before the United States Senate. And I quote it, Madam President, because the language we have here is almost, to the letter, an exact replication of what was done in Texas, and this is his quote: "Early on, I saw that the model 'Religious Freedom Restoration Act' language left open a possibility that the act could be used to get around Texas civil rights laws. ...clearly, the intended purpose of this bill was not to weaken civil rights laws. ...I wanted to pass a strong act in Texas, but not one that would rewrite Texas civil rights laws. So I added language clarifying that the act neither expanded nor reduced a person's civil rights under any other law. That language drew no objection initially. But later, some [people] argued that to completely move civil rights out from under the [act] might imply that even a religious organization could not use religion as a criteria in hiring - an exemption that is included in...federal law. So [those people] helped craft language to apply [the act] to the special [hiring] circumstances of religious organizations."

So that is what we are doing here, Madam President. It is not very complicated. It is making sure that civil rights laws that are in place and the role of civil rights laws that are in place are protected so that we do not ever have to, as Senator Kukovich said earlier, come back to this General Assembly again and revisit this issue as a result of some unintended consequence. By passing this legislation without this amendment, if someone in the community does something that impedes on the civil rights of a local person, we will have to revisit the issue all over again. If we can just ask for the simple protection of civil rights laws to



remain intact, then we will not have to be here revisiting this issue. We can address the matter now, just like our good brothers and sisters and our friends in Texas did in 1999 when then-Governor and now President George W. Bush signed this exact legislation into law. That is all we are asking for, Madam President.

Thank you very much.

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, I request a temporary Capitol leave for Senator Rhoades.

The PRESIDING OFFICER. Senator Jubelirer requests a temporary Capitol leave for Senator Rhoades. Without objection, that leave is granted.

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

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

YEA-17

Costa	LaValle	Stack	Williams, Constance
Hughes	Logan	Stout	Wozniak
Kasunic	Mellow	Tartaglione	
Kitchen	Musto	Wagner	
Kukovich	Schwartz	Williams, Anthony H.	

NAY-32

Armstrong	Erickson	Mowery	Robbins
Bodack	Fumo	Murphy	Scarnati
Boscola	Gerlach	O'Pake	Thompson
Brightbill	Greenleaf	Orie	Tomlinson
Conti	Holl	Piccola	Waugh
Corman	Jubelirer	Pileggi	Wenger
Dent	Lemmond	Punt	White, Donald
Earll	Madigan	Rhoades	White, Mary Jo

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

On the question,  
Will the Senate agree to the bill on third consideration?

C. WILLIAMS AMENDMENT A5804

Senator C. WILLIAMS offered the following amendment No. A5804:

Amend Sec. 6, page 7, line 4, by removing the comma after "Code" and inserting a period

Amend Sec. 6, page 7, lines 4 through 7, by striking out "which prevents the" in line 4 and all of lines 5 through 7

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

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Montgomery, Senator C. Williams.

Senator C. WILLIAMS. Madam President, what my amendment would do is amend section 6, page 7, line 4, which would just say that the exemption to this would be any provision of the Public Welfare Code.

I am doing this, Madam President, because health and safety are not defined terms and a religious daycare provider could argue that the following issues are not health and safety but classroom management, education qualifications for the staff, staff-to-child ratios, and group sizes. And as you all know, all of these things can be very important to the health and safety of young children, especially group size. If we do not watch what happens, we certainly do not want one person in a room looking after 20 3-year-olds. That would endanger, I fully believe, the health and safety of a child. So I think that in order to protect our children and in order to receive State funding, I think we need to keep the Public Welfare Code as it is.

Thank you. I urge a "yes" vote on this.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, once again, this amendment appears to be seeking to provide an exception for health and safety. We put an exception for health and safety in the bill, specifically knowing that was a very important part of the bill. An amendment to provide that the Religious Freedom Act would not apply to all aspects of the Public Welfare Code, frankly, extends far beyond matters particularly of interest to the executive branch concerning endangerment of health and safety, which as I indicated are already addressed in the bill. This amendment would apply to all types of facilities and benefit programs that can be used, frankly, to mandate ethically objectionable services, programs, standards, and policies.

Madam President, I urge the Members to reject the amendment offered by Senator C. Williams. It is not necessary, it broadens it, and, frankly, would probably make it unworkable.

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

The yeas and nays were required by Senator C. WILLIAMS and were as follows, viz:

YEA-12

Costa	Kitchen	Logan	Stout
Hughes	Kukovich	Musto	Williams, Constance
Kasunic	LaValle	Schwartz	Wozniak

NAY-37

Armstrong	Gerlach	Orie	Tomlinson
Bodack	Greenleaf	Piccola	Wagner
Boscola	Holl	Pileggi	Waugh
Brightbill	Jubelirer	Punt	Wenger
Conti	Lemmond	Rhoades	White, Donald
Corman	Madigan	Robbins	White, Mary Jo
Dent	Mellow	Scarnati	Williams, Anthony H.
Earll	Mowery	Stack	
Erickson	Murphy	Tartaglione	
Fumo	O'Pake	Thompson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

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

On the question,  
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, if the Senate will indulge me for a few minutes.

Madam President, when we take the oath of office and swear to uphold the Constitution, each and every one of us renews our commitment to religious freedom, one of the bedrock principles of our nation, so Pennsylvanians might indeed be surprised that we must act further to protect religious freedom in our Commonwealth. The hard reality is that this bill is made necessary by a worrisome increase in antireligious sentiments and actions. Federal court decisions disrupted the balance that had been in place for decades. Now Congress and the States are working to re-establish the level of protection that religious freedom should enjoy under the Constitution. It is noteworthy that while Pennsylvania's diverse religious groups have divergent views on many issues, this issue has brought them together. This is not an issue of one faith; it is a matter that has significance for all faiths. This is not just a philosophical debate. Rather, there is urgency because of discriminatory situations that are standing in the way of the appropriate practice of religion. Despite Pennsylvania's tradition of religious diversity and a tremendous history of religious institutions being community cornerstones, there are appalling and disheartening antireligious trends. In parts of our Commonwealth, places of worship are being treated as locally unwanted land uses. Churches are faulted for helping the underprivileged. They are faulted for holding traditional ceremonies and rights of religious passage. They are faulted for adding membership and adding services. Somehow in this contrarious thinking, these commendable functions are viewed as community conflicts instead of the community strengths most believe them to be. This bill is simple and direct in its purpose. If State or local government is to burden the exercise of religion, there must be a compelling interest involved, and the method for asserting that interest must be the least restrictive possible. This is by no means a blanket protection, for there are specified areas of health and safety where the compelling interest is directly acknowledged.

Because of some of the vile commentary directed at this bill, it is also necessary to reaffirm what the protection of religious freedom does not do. It does not shelter those who commit criminal acts. We have tried, through amendment, to make crystal clear that this bill does not provide any defense for those committing criminal acts, nor does it short-circuit the debate over health and safety provisions for facilities run by religious groups or condone any of the other wild contentions outside groups have

concocted in their single-minded desire to kill this legislation. Efforts to discredit this legislation are seen in position papers, letters, and even e-mails that contain accusations out of proportion and, frankly, beyond reason. One commentary suggested that the terrorist attacks on September 11 are a reason to derail this bill. I do not understand where some such antireligious zeal comes from, but I very much understand that if we do not make a stand here, we will continue to see intolerance and intrusion increase. We cannot let that happen. Pennsylvanians can get assurance that this measure was bipartisan in its inception, has extensive, extensive bipartisan sponsorship, and I want to recognize Senator Mellow who helped with his staff working with my staff as we worked through this process over many years, and it now evidences bipartisan support and Senate passage.

Protecting religious freedom is faithful to the intent of our nation's Founders, is consistent with decades of practice and experience, and is necessary to ensure the free exercise of religion in the future. This bill will be an essential and worthy law for Pennsylvania and for Pennsylvanians, and I urge an affirmative vote on this most significant piece of legislation, which I might point out is not being done in a lame duck Session and put together quickly. It has taken years to put this together. We are just really hoping that the stars are in the right alignment now, and I believe they are, that we can pass this bill tonight and send it over to the House of Representatives.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, first, I would like to congratulate Senator Jubelirer for the work that he has done, along with his staff, and I think, Madam President, when you look at what has taken place with Senate Bill No. 1421, it shows exactly what can be accomplished when there is a very sincere interest in working together on a bipartisan basis to provide for the type of religious freedom that I believe the Constitution of the United States provided for. Madam President, the Constitution of the United States enumerates certain freedoms to be cherished above all others. The freedom of speech, religion, and assembly have been recognized as inherent freedoms in the American way of life. Because it is impossible to have absolute freedom of speech, you cannot yell "fire" in a crowded movie theater, or an absolute freedom of religion, you cannot perform human acts of sacrifice in the name of religion.

The protection of these freedoms has been governed by compelling State-interest standards. Under this standard, if a State was going to burden speech or religion, it had to show a compelling reason for doing so, and the law would have to be narrowly tailored to further that compelling interest. This would be determined by an objective third party, a judge. The standard has been applied fairly for most of our lifetimes. During that time, a religious group has never been afforded automatic protection under the compelling State-interest standards, Madam President. The compelling State-interest standards were abandoned by a narrow majority of the Supreme Court in a 1990 decision. In 1993, under the sponsorship of two United States Senators from opposite sides, Senator Kennedy and Senator Hatch, a Federal law was passed to reinstate the test and make laws that burdened religious liberties subject to it.

In 1997, the court accepted the congressional action as it applied to Federal laws but said it would not apply to State laws. Instead, States seeking similar protection, religious liberties would have to pass their own laws. Eleven States, Madam President, have already adopted a Religious Freedom Protection Act. The intent that Senator Jubelirer and I had in Senate Bill No. 1421 was to pass a law similar to the Federal bill which would restore the compelling State-interest test within the Commonwealth and make it applicable to all State laws that substantially burden religious liberties. We want to do it now in Pennsylvania. The State has always supported religious liberty, and we should tonight pass Senate Bill No. 1421. This issue has been around for more than 3 years. It has received wide bipartisan support with 28 sponsors in this Chamber alone and has been subject to compromise leading to the most recent version, which is ready for this action.

Madam President, it is also very important to note that the bill has received the same very strong bipartisan support in the House of Representatives by its leadership through its sponsorship. Madam President, I urge an affirmative vote. It is time to vote for religious liberty, and I urge, Madam President, an affirmative vote.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Just briefly, Madam President. It is obvious which direction this vote is going in, and it is clear that the title and potential intent of the bill is riding the interest of everyone wanting to vote for it. Let me make it very clear to my colleagues, and certainly to put on the record, that I feel very strongly about the practice and freedom of religion that we have in this country. I feel myself to be a religious and observant person, and I feel very strongly that one of the protections that we have in this country is not only the practice of religion, but then to not recognize that we live also in a civil society and that we have expectations and rules for each other that we are compelled to observe. And this is not about the title and the rhetoric around the Religious Freedom Protection Act, but it is really about the details in this legislation. It is about the fine print.

And again, I do want to recognize that the sponsors of the legislation have added exceptions in the last few days, mostly at the insistence of those he said who are raising objections from outside or inside the body. And he has added six or seven exceptions to this legislation, which are very significant exceptions, which recognize that there is a need for us to recognize the compelling State interest in protecting the health and safety in certain circumstances, and in protecting, certainly, some of the laws around our criminal justice system, protecting some of the laws around abused children, and some of that language has been added. But in our haste to do this, in our haste to acknowledge and support the freedom and practice of religion, we cannot nor should we risk the civil society that we live in, and to create the kind of litigation that may come from the details of this bill, where it is not all clear what the expectations would be or could be of our religious institutions, and as I have mentioned before, whether it is in the practice of running child care centers or of having a cemetery or building a new religious school or in building a road, or in any of the other land use issues that we may

have, and this should be up for some debate. It should not be that religious institutions are exempt from having to engage in that kind of civil debate in a way that reaches, hopefully, a resolution that allows the practice of religion, but also at the same time protects the interest of citizens in the Commonwealth. So I find it astounding in some ways that my colleagues would not want to create a broader exception for public health and safety. I do hope, as I often warn my colleagues, that we do not have to come back and say that some outrageous situation that we could have predicted, that we have lifted the requirement on a religious institution or affiliated religious institution, and there was not the protection of our children in a child care center or in a school, or there was not the compliance with some of our land use planning or the protection of some of our historic sites, or the protection of any of the kind of rules that govern local or State communities. We really do not want to come back and have to say, gee, I did not think of that one, and I am sorry that our sponsor did not add that exception when we were thinking of them. There could be a dozen other exceptions and we did not add them.

So, Madam President, I want to go on record as being strongly in favor of the practice of freedom of religion in the State, but we also know when religion interferes with civil society, as it has around the world, and terrorism was mentioned, when we see in the name of religion terrible actions taking place against Americans and people around the world, for us to stand up and say that we have to protect religious freedom at all costs is not really what I believe Pennsylvanians or Americans believe. They want to practice their religion, they want their privacy and freedom to do so, but they also want each of us to be responsible, respectful neighbors and to live safely in this community. And I think that there is great risk in this legislation, and I am sorry that we could not get the details right, because I believe that this is one time where the fine print could come back to haunt us.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-46

Armstrong	Greenleaf	Murphy	Tartaglione
Bodack	Holl	Musto	Thompson
Boscola	Jubelirer	O'Pake	Tomlinson
Brightbill	Kasunic	Orie	Wagner
Conti	Kitchen	Piccola	Waugh
Corman	Kukovich	Pileggi	Wenger
Costa	LaValle	Punt	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	

#### NAY-3

Hughes	Schwartz	Williams, Constance
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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 present said bill to the House of Representatives for concurrence.

SB 1515 (Pr. No. 2399) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of harassment and stalking; and making conforming amendments to Titles 5, 18, 23 and 42.

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-49

Table listing names of Senators in support of SB 1515, including Armstrong, Holl, Musto, Thompson, Bodack, Hughes, O'Pake, Tomlinson, etc.

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.

SB 1526 (Pr. No. 2250) -- 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 criminal victim aid good Samaritan civil immunity.

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-49

Table listing names of Senators in support of SB 1515, including Armstrong, Holl, Musto, Thompson, Bodack, Hughes, O'Pake, Tomlinson, etc.

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 TEMPORARILY

SB 1539 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1552 (Pr. No. 2361) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, adding a definition; and further providing for selection of project and allocation.

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-49

Table listing names of Senators in support of SB 1552, including Armstrong, Holl, Musto, Thompson, Bodack, Hughes, O'Pake, Tomlinson, etc.

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.

**SB 1553 (Pr. No. 2286)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

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-49**

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

**NAY-0**

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

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

**SB 1579 (Pr. No. 2400)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

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-49**

Armstrong	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Orie	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wozniak
Fumo	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

**NAY-0**

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

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

**BILLS OVER IN ORDER**

**HB 2055, HB 2131 and HB 2229** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**HB 2302 (Pr. No. 4585)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1993 (P.L.38, No.11), known as the Department of Environmental Resources Agricultural Advisory Board Act, further providing for establishment of board; and making editorial changes.

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

**BILLS OVER IN ORDER**

**HB 2444, HB 2593 and HB 2725** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**HB 2863 (Pr. No. 4339)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Keystone Building as the K. Leroy Ivis Office Building.

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

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1742 and HB 2595 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 339, HB 417, SB 591, HB 591, HB 731, HB 796, HB 823, HB 967, HB 1043, HB 1285, HB 1448, SB 1458, SB 1517, SB 1518, SB 1525, SB 1580, HB 1700, HB 1898, HB 1900, HB 2015, HB 2183, HB 2296, HB 2307, HB 2402, HB 2424, HB 2778 and HB 2780 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SB 1539 CALLED UP

SB 1539 (Pr. No. 2267) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL LAID ON THE TABLE

SB 1539 (Pr. No. 2267) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for law enforcement officer residency requirements.

On the question, Will the Senate agree to the bill on third consideration?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Erickson.

Senator ERICKSON. Madam President, I move that Senate Bill No. 1539 be laid on the table.

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

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

YEA-33

Table listing names of senators who voted 'YEA' for SB 1539, including Armstrong, Hughes, Musto, Wagner, Bodack, Kasunic, O'Pake, Wenger, Brightbill, Kitchen, Piccola, White, Donald, Corman, LaValle, Pileggi, White, Mary Jo, Costa, Lemmond, Robbins, Williams, Anthony H., Earll, Logan, Schwartz, Williams, Constance, Erickson, Madigan, Stout, Fumo, Mellow, Thompson, Gerlach, Mowery, Tomlinson.

NAY-15

Table listing names of senators who voted 'NAY' for SB 1539, including Boscola, Holl, Ori, Tartaglione, Conti, Jubelirer, Rhoades, Waugh, Dent, Kukovich, Scarnati, Wozniak, Greenleaf, Murphy, Stack.

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

The PRESIDING OFFICER. Senate Bill No. 1539 will be laid on the table.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider executive nominations.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Chamber.

The PRESIDING OFFICER. For a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules room at the rear of the Chamber, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 1365 (Pr. No. 2405) -- 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, defining "arts council," "eligible entity" and "pecuniary interest"; and further providing for the definitions of "eating place" and "restaurant," for bonds required of members and secretary, for board and enforcement bureau subject to State ethics and adverse interest acts, for wine marketing, for sales by Pennsylvania liquor stores, for applications for hotel, restaurant and club liquor licenses, for issuance of hotel, restaurant and club liquor licenses, for sales by liquor licensees, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers' licenses, for malt and brewed beverages (excluding manufacturers), for malt and brewed beverages retail licenses, for application for distributors', importing distributors' and retail dispensers' licenses, for prohibitions against the grant of licenses, for retail dispensers' restrictions on purchases and

sales, for hearings upon refusal of licenses, renewals or transfers, for renewal of licenses, for revocation and suspension of licenses, for local option and for exchange of certain licenses; providing for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee; further providing for renewal of amusement permit, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for unlawful advertising, for limited wineries, for distilleries and for business hours.

On the question,

Will the Senate agree to the bill on third consideration?

#### PICCOLA AMENDMENT A6018

Senator PICCOLA offered the following amendment No. A6018:

Amend Sec. 32 (Sec. 493.1), page 58, lines 9 through 21, by striking out all of said lines and inserting:

(b) A municipality may file an application with the board to consider an exemption from the board's regulations regarding amplified music being heard off the licensed premises for all the licensees within an identifiable area in the municipality with a concentrated number of licensees. Prior to submitting an application, the municipality shall adopt a local noise ordinance and a resolution adopted by its governing body confirming support of the application, citing the noise ordinance and their intention to enforce the ordinance in place of the board's regulations. Upon receipt of an application, including a copy of the noise ordinance and resolution, the board shall hold at least one public hearing on the application. The hearing may be held before a hearing examiner. The hearing shall take place within the identified area and must comply with all requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings). Within sixty days after receipt of the application, the board shall, in its discretion, approve or disapprove the application for an exemption in its entirety or may approve an area more limited for which the exemption will be granted. There shall be a right to appeal to the court of common pleas in the same manner as provided by this act for appeals from refusals to grant licenses.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would like to have an explanation by the maker of the amendment.

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

Senator PICCOLA. Mr. President, the way the bill is written now would automatically take municipal noise ordinances and have them enforced with respect to bars and taverns, and the LCB would no longer enforce their own noise ordinance. This is a modification of that, but before the municipality can enforce its own noise ordinance, they would have to go through a process which would include public input to adopt such an alternative noise ordinance for a specific section of the municipality in which they want to have it applied, and then after they have adopted that new ordinance by resolution, apply to the Liquor Control Board for approval. If they receive the approval of their application, then the city or the municipality would be able to enforce that ordinance and the LCB would no longer enforce their own noise ordinance in that particular area.

The reason that I have offered this amendment is because I have a concern about nuisance bars, and violations of the noise standards of the LCB is oftentimes a major component in attempting to shut down these nuisance bars. So before we take away the power of the LCB from enforcing the noise ordinance or the standards they have adopted, I want that municipality to go through a public process to make sure the people of that municipality understand that they are going to have to go to the municipality for the enforcement of the noise ordinance, and that the LCB will not have that authority, making it perhaps a little more difficult to shut down a nuisance bar in that area.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, we are fine with the amendment.

Thank you.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

#### CONTI AMENDMENT A6016

Senator CONTI offered the following amendment No. A6016:

Amend Title, page 1, line 24, by inserting after "marketing,": for when sales may be made at Pennsylvania liquor stores,

Amend Sec. 4, page 7, lines 3 through 30; pages 8 through 10, lines 1 through 30; page 11, lines 1 through 24, by striking out all of said lines on said pages

Amend Sec. 5, page 11, line 25, by striking out all of said line and inserting:

Section 4. Sections 215(c) and (d), 304 and 305(d) and (h) of the Amend Sec. 5, page 12, by inserting between lines 17 and 18:

Section 304. When Sales May Be Made at Pennsylvania Liquor Stores.—[Every] (a) Except as provided for in subsection (b), every Pennsylvania Liquor Store shall be open for business week days, except legal holidays or any day on which a general, municipal, special or primary election is being held, during such hours as the board, in its discretion, shall determine: Provided, That the Pennsylvania Liquor Stores in the case of a special election for members of the General Assembly or members of the Congress of the United States, when such special election is held on other than a primary, municipal or general election day, shall be open in those Legislative or Congressional Districts as though the day were not a special election day. The board may, with the approval of the Governor, temporarily close any store in any municipality.

(b) Certain Pennsylvania Liquor Stores operated by the board shall be open for Sunday retail sales between the hours of noon and five o'clock postmeridian, except that no Sunday sales shall occur on Easter Sunday or Christmas day. For a two-year time period following the effective date of this subsection, the board shall open up to ten per centum of the total number of Pennsylvania Liquor Stores at its discretion for Sunday sales as provided for in this subsection. At the expiration of the two-year time period, the board shall conduct a review and determine whether the stores shall be closed or whether additional stores shall be opened for these Sunday sales. The board shall submit yearly reports to the Appropriations and the Law and Justice Committees of the Senate and the Appropriations and the Liquor Control Committees of the House of Representatives summarizing the total dollar value of sales under this section.

Amend Sec. 7, page 13, lines 24 through 30; page 14, lines 1 through 30; page 15, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 8, page 15, line 11, by striking out "8" and inserting:

5 Amend Sec. 9, page 17, line 22, by striking out "9" and inserting:

6 Amend Sec. 10, page 20, line 25, by striking out "10" and inserting:

7 Amend Sec. 11, page 22, line 25, by striking out "11" and inserting:

8 Amend Sec. 12, page 24, line 3, by striking out "12" and inserting:

9 Amend Sec. 13, page 29, line 25, by striking out "13" and inserting:

10 Amend Sec. 14, page 30, line 27, by striking out "14" and inserting:

11 Amend Sec. 15, page 31, line 24, by striking out "15" and inserting:

12 Amend Sec. 16, page 36, line 17, by striking out "16" and inserting:

13 Amend Sec. 17, page 38, line 26, by striking out "17" and inserting:

14 Amend Sec. 19, page 41, line 17, by striking out "19" and inserting:

15 Amend Sec. 20, page 42, line 2, by striking out "20" and inserting:

16 Amend Sec. 21, page 42, line 15, by striking out "21" and inserting:

17 Amend Sec. 22, page 44, line 24, by striking out "22" and inserting:

18 Amend Sec. 23, page 46, line 15, by striking out "23" and inserting:

19 Amend Sec. 24, page 50, line 2, by striking out "24" and inserting:

20 Amend Sec. 25, page 50, line 15, by striking out "25" and inserting:

21 Amend Sec. 26, page 50, line 22, by striking out "26" and inserting:

22 Amend Sec. 27, page 51, line 29, by striking out "27" and inserting:

23 Amend Sec. 28, page 51, line 30, by striking out "28" and inserting:

24 Amend Sec. 29, page 52, line 28, by striking out "29" and inserting:

25 Amend Sec. 30, page 54, line 11, by striking out "30" and inserting:

26 Amend Sec. 31, page 56, line 26, by striking out "31" and inserting:

27 Amend Sec. 32, page 58, line 3, by striking out "32" and inserting:

28 Amend Sec. 33, page 58, line 22, by striking out "33" and inserting:

29 Amend Sec. 34, page 59, line 2, by striking out "34" and inserting:

30 Amend Sec. 35, page 59, line 27, by striking out "35" and inserting:

31 Amend Sec. 36, page 60, line 24, by striking out "36" and inserting:

32

On the question,

Will the Senate agree to the amendment?

#### A.H. WILLIAMS AMENDMENT A6023 TO A6016

Senator A.H. WILLIAMS offered the following amendment No. A6023 to A6016:

Amend Amendments, page 1, lines 1 through 3, by striking out all of said lines

Amend Amendments, page 1, line 9, by striking out ", 304"  
Amend Amendments, page 1, lines 11 through 35; page 2, lines 1 through 5, by striking out all of said lines on said pages

On the question,

Will the Senate agree to amendment A6023 to amendment A6016?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Mr. President, the first amendment talks about removing the language which relates to allowing Sunday sales. It is very basic to me that while there are many Pennsylvanians who drink responsibly, obviously, the chairman of the Liquor Control Board agrees with all of us, me in particular, that we should do all that we can possibly do to curb drunk driving, and that is why we are moving legislation that will reduce the allowable consumption of liquor within one's body. And if we are doing that, and he has spoken publicly, documented it within a publication as we speak today, that he believes that we should do all that we can possibly do, and I imagine all of us will vote for it because it is the right thing to do. We are all going to vote for reducing the allowable level of alcohol in the body. It sort of confuses me that we are going to now add another day where we can buy alcohol. It is called an oxymoron, or are we just morons? I am not sure which one is true. But for those who understand the nature of this, yes, I understand a stroll to one's liquor store on Sunday so we can buy Chardonnay for our turkey is a nice luxury to have. It is not a necessary luxury to have. There are parts of Pennsylvania where people have problems, major problems, when it comes to the consumption of alcohol on the other 6 days of the week.

I think we have compromised enough as a society. I think we have compromised enough as a State. I think we understand that there are those who can responsibly drink and there are those who can responsibly hold alcohol, and we also know that there are too many places where people cannot. I do not understand why we would add the Lord's day to that list where we need to consume alcohol. So from my perspective, my limited perspective, I think that language that relates to supporting the consumption of alcohol and adding another day will not work. And I understand all the plans that say, you know, not all the liquor stores in the State of Pennsylvania will participate, this is a pilot program. I want to tell you also that the folks at the LCB will tell you this is a pilot program so they can demonstrate that this will work. In order to do that, they are going to pick the most profitable stores. Some of those most profitable stores are in places where they should not be. We will allow them to remain open.

So I humbly submit my amendment that will remove any language that would allow Sunday sales, and I encourage every responsible Member of this Chamber to understand that while they may be responsible consumers and may add revenue to the bottom line, every special interest outside this Chamber needs to witness the fact, the harsh reality, that Sunday sales, the additional day is not something that is positive, it is nothing I want to explain to my children, and I hope that they would not do that to theirs.

Thank you, Mr. President.



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

Senator CONTI. Mr. President, I certainly share my colleague's concern about the alcohol awareness aspects of this issue and drunken driving, and I think he makes some very good points. But the gentleman also needs to bring up the most important point, that this is wonderfully Pennsylvanian in its nature, because it is a very deliberate and incremental continuation of the modernization of our State Stores. So we are doing a pilot project, no more than 10 percent of the stores, and they will be open from 12 to 5 on Sundays, not on Easter or Christmas, and at the end of 2 years, we will assess the impact of this fiscally, and also from a public safety and alcohol awareness position.

So I understand the position of my colleague, but I respectfully ask for a "no" vote on this amendment to the amendment.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to amendment A6023 to amendment A6016?

The yeas and nays were required by Senator A.H. WILLIAMS and were as follows, viz:

YEA-23

Armstrong	Kukovich	Orie	Schwartz
Brightbill	LaValle	Piccola	Stout
Costa	Lemmond	Punt	Waugh
Hughes	Logan	Rhoades	Wenger
Kasunic	Madigan	Robbins	Williams, Anthony H.
Kitchen	Mowery	Scarnati	

NAY-26

Bodack	Fumo	Musto	Wagner
Boscola	Gerlach	O'Pake	White, Donald
Conti	Greenleaf	Pileggi	White, Mary Jo
Corman	Holl	Stack	Williams, Constance
Dent	Jubelirer	Tartaglione	Wozniak
Earl	Mellow	Thompson	
Erickson	Murphy	Tomlinson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to amendment A6016?

A.H. WILLIAMS AMENDMENT A6024 TO A6016

Senator A. WILLIAMS offered the following amendment No. A6024 to A6016:

Amend Amendments, page 1, line 28, by inserting after "except": in cities of the first class and

Amend Amendments, page 1, line 32, by inserting after "Stores": not located in cities of the first class

Amend Amendments, page 1, line 35, by inserting after "stores": not located in cities of the first class

On the question,

Will the Senate agree to amendment A6024 to amendment A6016?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Mr. President, I respect this Chamber's desire for this pilot program to go forward. I understand that, but I want to be very clear: This amendment speaks to Philadelphia County singularly, and anyone who has traveled the streets of Philadelphia understands that there are many unfortunate communities. The revenues we gain there cannot counterbalance the moral conflict you must face on an almost daily basis when we have State Stores which are responsibly run by clerks and managers. But I will tell you, I have talked to clerks and managers from those stores and communities which have been ravaged by drugs and alcohol. They do not feel proud of what they do. They certainly are able to provide for their families, but they cannot resolve the social conflict that is within those communities. I ask the Members of this Chamber, if they want the pilot program to continue, I want to be clear that the people who are inundated with this problem 6 days a week do not need it on Sunday. My grandmother, who uses public transportation to get to work, does not need to see someone asking her for a nickel so they can go to a State Store on Sunday. There is no resolution for that. There is no program that can be designed to get around it.

I want to tell you that when you design a pilot program where 10 percent of the stores are going to be used, they will use the most profitable stores so they can expand the program. That is why we will come back and revisit it. No one would design a program for failure. No one would have a pilot program that would not work. And so therefore, clearly, a number of stores in Philadelphia County, and I want to tell you, I know where some of the most profitable stores are, they are in some of these communities we are talking about which have been ravaged by drugs and alcohol. And if we have a fiber of compassion within us tonight, we have to consider this conflict. So while I respect the fact that they think this is a program which should go forward, and I respect the fact that there are communities where it might in fact work, I ask my colleagues to not put this on Philadelphia County, which has too many neighborhoods which cannot responsibly use a program such as this.

So the amendment to the amendment simply does not allow for the LCB to have this pilot program operate within Philadelphia County, and I think that is a minor request of a major progressive program that this body wants to go forward.

Thank you, Mr. President.

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

Senator CONTI. Mr. President, once again I understand my colleague's concerns about the city of Philadelphia. I just think it is very important for the pilot project to include Philadelphia. The key location of Philadelphia next to some of our bordering States would certainly be an enhancement and I think a necessity in the program. So I once again have to respectfully disagree with the argument that was made, and I respectfully ask for a negative vote on this amendment also.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Mr. President, I would simply ask the gentleman who was speaking to this end, that if we could actually bring photographic evidence of people who clearly are inebriated on Sundays and those who may have an alcoholic problem before the LCB within that 2-year period of time, would he be willing to come to this floor and say that we should change this program? Because I want to tell you, Mr. President, we do not have 2 years of misery to go through for these people. They do not. And while I respect income, and I think revenue is important, I do not think he wants to do it at the dignity of some neighborhood where somebody is urinating on a lawn, traversing down a street where a child may see somebody falling apart because they are drunk. I want to tell you, Mr. President, we have those photos. We are not going to have to wait 2 years to do it. But if the gentleman wants us to go forward, will he stand up with me and say we need to end this program in Philadelphia County?

The PRESIDENT. Is that in the form of interrogation, Senator Williams?

Senator A.H. WILLIAMS. That is in the form of interrogation and a question, Mr. President.

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

Senator CONTI. Mr. President, I think my response to that would be I am available as chairman of the Senate Committee on Law and Justice and as his colleague in this wonderful assembly to work with him at all times on the issues he may have in his neighborhoods Monday through Sunday. So I would be very happy to work with the gentleman on the issues that he may have in some of his neighborhoods. I am aware of them. The gentleman knows where I reside, so I am aware of some of the issues he is bringing up, and I would be happy to work with him in any fashion when he gives me a call.

Senator A.H. WILLIAMS. Does that mean, Mr. President, that we can take that to be a "yes" or a "no?" Working with me is sort of like saying I am half pregnant. I do not think he can do that. He is either for it or against it, and I will accept either one. I do know where he resides and, frankly, it is not where I reside, and the problem I speak of is where I reside and not where he resides. There are certainly places I can go where he resides and I imagine when a person finishes church, they are going to get in their car, take their kids, go to the State Store down the street, buy a nice bottle of Chardonnay, get a nice piece of roast beef, and have a nice Sunday dinner. Where I am talking about, this guy is looking for Thunderbird and Ale Stock. I do not think that is what we want to promote here. So I am simply saying, if he does not believe me and he needs a pilot program to prove it, I will bring the evidence back and we can all jointly say, hey, this is out of control. Let us stop it in Philadelphia County, and I am simply asking for a "yes" or a "no."

**POINT OF ORDER**

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

Senator BRIGHTBILL. Mr. President, I understand the Senator's point of view and respect his point of view very much. In fact, I voted "aye" on the first amendment, which means I would have voted not to have Sunday sales.

Mr. President, I object as a point of order. I think the interrogation is just a little more personal than perhaps it ought to be. I think the gentleman, Senator Conti, replied that he would be happy to work with Senator Williams, as we all would, if this program moves forward, and I do not want to heighten this debate in any way, but I would just object to the sort of personal nature of the interrogation, referencing where he lives and where Senator Conti lives. And I say that very respectfully because I know the gentleman very well and I know the passion that he is speaking with and the concern that he has for his community on this issue

Senator A.H. WILLIAMS. Mr. President, I apologize to the gentleman, and I certainly did not mean to personalize the debate, because that is not what we do here. But, nonetheless, it is personal to me, and it is personal from the nature that I, unfortunately, have to see the misery which is surrounded by affluence, and I think all of us have to recognize that. I do not think anybody in this Chamber intentionally would want to draw revenues and generate a positive program out of a miserable situation. That is why we have limitations and boundaries, and so that is why I respectfully ask for more than his support but actually an affirmation of genuine commitment for action when we discover something is not working. So that was the nature of my comment and request. If we do not want to respond in a direct way, I understand that and will respectfully move on and close the debate.

The PRESIDENT. Senator Conti, do you wish to respond at this point?

Senator CONTI. Mr. President, nothing further than what--

The PRESIDENT. Senator Williams, let me just attempt to quasi-rule here. I think he really did answer your question in the sense that he said he would join with you. He does not have to respond to an interrogation. I frankly think you have made your point very, very well, and I think the issue is clearly before us. And if there is nothing further, I think we are ready to vote on your amendment.

Senator A.H. WILLIAMS. Mr. President, that is fine.

And the question recurring,

Will the Senate agree to amendment A6024 to amendment A6016?

The yeas and nays were required by Senator A.H. WILLIAMS and were as follows, viz:

YEA-8

Costa	Kitchen	Orie	Schwartz
Hughes	Madigan	Punt	Williams, Anthony H.

NAY-41

Armstrong	Greenleaf	Musto	Tomlinson
Bodack	Holl	O'Pake	Wagner
Boscola	Jubelirer	Piccola	Waugh

Brightbill	Kasunic	Pileggi	Wenger
Conti	Kukovich	Rhoades	White, Donald
Corman	LaValle	Robbins	White, Mary Jo
Dent	Lemmond	Scarnati	Williams, Constance
Earll	Logan	Stack	Wozniak
Erickson	Mellow	Stout	
Fumo	Mowery	Tartaglione	
Gerlach	Murphy	Thompson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to amendment A6016?

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

Senator ARMSTRONG. Mr. President, I would like to interrogate the maker of the amendment.

The PRESIDENT. Senator Conti, Senator Armstrong wishes to know if you will stand for interrogation.

Senator CONTI. Mr. President, I will.

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

Senator ARMSTRONG. Could the gentleman tell me, Mr. President, who is requesting the expansion of the sale of alcohol, particularly on Sunday?

Senator CONTI. Mr. President, it is an idea that has been around for some time, and I think it has some merit. There was some activity earlier this week within this building that led us to get to this point this evening, but I think it is safe to say that it is part of, as I mentioned earlier, the modernization attempt by the Liquor Control Board.

Senator ARMSTRONG. Mr. President, are the salesclerks or the employees of the State Stores, are they involved with this at all? Are they in favor of this expansion?

Senator CONTI. Mr. President, we have about a 50-50 split on that, and if the gentleman will give me a moment, I will get out the exact one association. The UFCW-1776 is in favor of it, the UFCW-23 opposes it, as does the ISSU.

Senator ARMSTRONG. I have no further questions, Mr. President.

Mr. President, in all my years up here, and I talked to other Senators, I do not know of one constituent who has called me and said they need the State Stores to be open on Sunday, but perhaps other Senators have. I do not know. No one has ever approached me. I have never gotten a letter or any requests that we need Sunday sales. So I do not think our constituents are requesting this. It is a shame that the one enterprise the State of Pennsylvania owns, the State Stores, that they now have to be open on Sunday, and the one thing we do not need in Pennsylvania or anywhere is more consumption of alcohol. I think it is a bad amendment, and I urge a "no" vote.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Mr. President, if I might, I would like to generally interrogate the maker of the amendment, not personally.

The PRESIDENT. Senator Conti, would you stand for interrogation?

Senator CONTI. Yes, I will, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Mr. President, I have heard a couple of times tonight the comment that this is going to modernize our State Store system. I would like to understand how Sunday sales further increases the modernization of the State Store system.

Senator CONTI. Mr. President, simply the availability. People in our surrounding States have the ability. Therefore, those of us who live close to, and a vast portion of Pennsylvania certainly lives within a ride of our surrounding States, it is available in other States, so we just think that this is something Pennsylvania residents would enjoy and are entitled to.

Senator A.H. WILLIAMS. I ask, Mr. President, if the term "modernization" can be replaced with "convenient" or "accessible," more common in its nature. "Modernization" tends to mean advancement, which relates to technological kinds of things, productivity kinds of things. It is an economic term as well as a technological term. I am still kind of confused about "modernization" as it is being used in this representation, so if the gentleman could further define that for me, then I could sort of elaborate where I am coming from.

Senator CONTI. Mr. President, if the gentleman wants me to agree to his term "convenient," the gentleman's characterization as far as helping the residents of Pennsylvania, if the gentleman does not like the term "modernization," I guess we will agree to that.

Senator A.H. WILLIAMS. Mr. President, thank you. That concludes my brief period of interrogation.

Mr. President, when I was growing up, whenever I was in trouble, my grandmother would frequently use the phrase, "If they walked off a bridge, would you walk off a bridge behind them?" I am sure many of our parents and grandparents said something in common. Because some other States have chosen to open up their liquor stores, and by the way, we are bordered by a couple of States that have privatized liquor distribution methods, they do not all have State Store methods. And frankly, I do not even know if any of the ones that do border us have State Store methods. So us following them is not necessarily a logical extension of modernization. It certainly is making it more accessible for the consumption of alcohol, and I have not heard tonight how we reconcile our legislative desire and drive to reduce the consumption of alcohol or the level of alcohol that one can have in their body, thereby reducing the tragedies on the roads and then opening up another day in which we can actually consume more alcohol. I have not heard that. And while I do understand that many Members voted against the Philadelphia portion, because I think, frankly, their statement is they do not want to have it at all, hopefully I can lean upon a few hearts here. I guess only three.

To suggest that if you can see fit that the logic that you are going to vote for the reduction in the consumption of alcohol of an individual does not comport with the desire to open another day, then you might find it fit to not support this particular amendment. I do think that the other provisions that are consumed in this legislation do modernize the system which we have in Pennsylvania. This provision simply increases the possibility of alcohol consumption by consumers across the

Commonwealth. It certainly generates more revenue, it certainly generates the possibility and the statistical percentages of someone driving drunk, and possibly creates more tragedy. I do not think it does anything relevant for a civilized Pennsylvania or a civilized society, and therefore I ask those Members who certainly supported the original perspective on cutting out Sunday sales to continue to do so.

Thank you, Mr. President.

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

Senator LOGAN. Mr. President, I would like to interrogate the maker of the amendment.

The PRESIDENT. Senator Conti, would you agree to be interrogated?

Senator CONTI. Yes, Mr. President.

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

Senator LOGAN. Mr. President, I believe the number is 650 stores. Is that the number of liquor stores we have?

Senator CONTI. Mr. President, that is roughly the number I have always understood.

Senator LOGAN. Mr. President, according to the legislation, is it 10 percent of those stores?

Senator CONTI. Mr. President, up to 10 percent. It may not be 10 percent. It is up to the discretion of the board, so it will be up to 10 percent.

Senator LOGAN. Mr. President, discretion of the board is a little vague, and I think that is what is concerning some of us who might have some of those quote, unquote, "more profitable" stores in our district. So my concern is, if this legislation is passed, what mechanism will the board use to pick up to 10 percent of the stores? Do they have a formula, do they have something in place right now to pick up to 10 percent of the stores?

Senator CONTI. Mr. President, I am not aware of the particulars of the direction of the board. Let me say, though, we have purposely left this to the discretion of the board. I certainly did not want to engage in a debate tonight with a map and location of up to 10 percent of these stores, so this is purposely drawn to be at the discretion of the board, and I imagine there can be an ongoing dialogue between the Senate Committee on Law and Justice and the board to review their proposal of where the stores would be.

Senator LOGAN. Mr. President, but do you not think it would be helpful for the individual Members who have concerns to have some sort of mechanism put in place? We cannot, with any sense here, say there is going to be 5 percent in Philly and 5 percent in Pittsburgh or Erie or Scranton or Harrisburg. I mean, what we are left here is using our only thought process of, if this is going to be a pilot program for 2 years, they are going to pick the most profitable stores, and the most profitable stores are in some of our disadvantaged communities. And I hate to be throwing labels like that on communities and some of the items that Senator Williams brought up, but we are leaving a lot to the discretion of the board, and that is unfortunate for us who have to vote on it. Would it not be better to put some sort of mechanism in place so we can make an informed decision on this?

Senator CONTI. Mr. President, my response to that would be I think the proper interrogation this evening would be just on the merits of the issue before us and the actual words in the proposed legislation. I think I have already described to the gentleman that it is at the discretion of the board, so I think this is something approaching asking for an opinion from me, and let me just say that based upon his concerns, should this amendment be successful this evening and should this bill be successful prior to the end of this Session, the gentleman is a strong Member of the Senate Committee on Law and Justice, and if he would like to bring forward a proposal to further control and work on the placement of these stores, up to 10 percent of them, he would be welcome to do so.

Senator LOGAN. Mr. President, could we just be at ease for a second?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

#### MOTION TO TABLE AMENDMENT A6016

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

Senator LOGAN. Mr. President, so that we can have at least what I think should be some discussion in the Committee on Law and Justice where we try to find out about that 10 percent, what is the formula, what is the mechanism to get that, I believe what I heard up there, and you have to remember there was the Parliamentarian and five or six attorneys, and I am a nonattorney, so I am not quite sure if I understood all that was being said, but at this time I make a motion to table the amendment.

The PRESIDENT. Let me clarify the motion, and I think the Members need to understand this motion. The motion to table the amendment, which is not debatable in effect under Mason's rules, tables the entire bill. So if you vote to table this amendment, you in effect are voting to table the entire bill.

The Chair recognizes the gentleman from Allegheny, Senator Logan.

Senator LOGAN. Mr. President, if this motion carries. That is not the intent of the motion. The intent of the motion to table is to table the Sunday sales section so that we can have more discussion.

The PRESIDENT. I understand what you are saying, but if the Members vote to table this amendment, that tables the whole bill.

Senator LOGAN. Correct, Mr. President, I am not debating that, but I am saying that is not the intent. The intent of the motion is--

The PRESIDENT. It may not be the intent, Senator, but it is the result.

Senator LOGAN. Mr. President, I understand the consequence of it, but the intent of it is not to table the entire bill but to table the Sunday sales section.

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

Senator BRIGHTBILL. Mr. President, could we stand at ease.

The PRESIDENT. The Senate will stand at ease.

(The Senate was at ease.)

## MOTION WITHDRAWN

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

Senator LOGAN. Mr. President, I respectfully request to withdraw my motion to table.

The PRESIDENT. Senator Logan withdraws the motion to table.

The Chair recognizes the gentleman from Allegheny, Senator Logan.

Senator LOGAN. May I, once again, interrogate the maker of the amendment?

The PRESIDENT. Senator Conti, would you stand for brief interrogation? He indicates he will.

Senator LOGAN. Mr. President, to move the process forward, I know it is late, it is 10 o'clock, I ask the gentleman, Senator Conti, the chairman of the Committee on Law and Justice, if there will be a hearing put in place so that we may sit and meet with the board members of the LCB and others who may be affected by this so that we may try to pull out of them the mechanism, the formula, whatever they are going to use for that 10 percent? Can we have a public hearing, a meeting, a discussion to try to get that done?

Senator CONTI. Mr. President, I thought I already expressed my desire to work with the Senate on this matter, and I certainly will be willing to hold a hearing to further discuss this with him.

Senator LOGAN. Mr. President, I apologize. There is some background noise and the gentleman probably did. I have no further questions.

And the question recurring,

Will the Senate agree to amendment A6016?

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

Senator WAGNER. Mr. President, I rise in support of the amendment, and at the same time I am very sensitive to many of the comments of my colleagues, especially my colleagues on this side of the aisle who are very concerned about an expansion of the liquor system.

Mr. President, we have one of two State-controlled liquor distribution systems in America, the LCB here in Pennsylvania. Many States have privatized their liquor system and in the process have made liquor much more available, especially to young people and especially to people who are intoxicated or nearly intoxicated. Mr. President, that has not happened in Pennsylvania, nor do I think it will happen with this amendment.

Mr. President, with this amendment, the way I read it, it makes the LCB system a more consumer-friendly system to the public in Pennsylvania, and in the process keeps the system in place and does other things. During the brief recess that we had here, I had the opportunity to read certain portions of the bill, and I would just like to read one aspect of the legislation which I am sure will be finally voted on here. In addition to what we are doing in the amendment, Mr. President, the board will be able to sell corkscrews and wine sleeves at Pennsylvania liquor stores. That is how restrictive we are in Pennsylvania, and that is precisely what the public does not want. They want a more

consumer-friendly system, and that is basically what is being proposed here. I have had people in my office in the last 2 days lobbying against this amendment, primarily people who work within the system, and I respect their opinion. And I respect the public's opinion who think expanding the hours is detrimental to Pennsylvania. But at the same time, I know and the Chair knows and everyone in this room knows that the issue of privatization is an issue that has been around in this Chamber and in this building for three decades. And the reason why privatization has been around is that people have said that the LCB system is not consumer-friendly and it needs to become more consumer-friendly. Well, I am a strong supporter of the State Store System because it restricts alcohol to young people and to people who have been drinking. People do not go into State Stores unless they are 21 years of age. I never did, and I am sure many young people today are frightened to go into a State Store when in fact they will go into a tavern or a beer distributor. I want to keep that system in place. That is one of the reasons why I am supporting this amendment, because this amendment is a more consumer-friendly amendment that in fact encourages the LCB system to be a better system.

Thank you.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Rhoades, and his temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to amendment A6016?

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

Senator RHOADES. Mr. President, I wish we were considering an amendment dealing with keg tags as we have in Senate Bill No. 222, or compliance checks as we have in House Bill No. 850, but we are dealing with really another opportunity by adding another day or at least 5 hours, whatever that will do, to provide more alcohol. If you want that, that is fine and dandy, but I think one of the things we have to be consistent and fair about this. And as I sat and thought that we are going to open liquor stores from 12 to 5, well, if I have a liquor license and a restaurant, at least 50 percent of my sales must be in food for me to be able to sell on Sundays. If I own a bar and I want to sell food and I want to sell liquor on Sunday, 50 percent of my sales must be in food. But if I own a bar and I do not sell up to 50 percent in food, I have to be closed on a Sunday. If I am a distributor, I have to be closed on Sunday. I find a great discrepancy in there and a lack of consistency in saying we are going to do it in one case but we are not going to do it in another. I think one thing is, I do not know what kind of message we are sending out here, but I do not think it is either consistent or fair or even necessary.

Thank you, Mr. President.

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

Senator ARMSTRONG. Mr. President, beer distributors are not open on Sunday, bars are not open on Sunday, and now this

particular bill, Sunday sales, was not even on the radar screen a week ago according to the maker of the amendment, not a week ago. It just started surfacing. We had no hearings, no discussion, no public input, but a high-powered lobbying firm was hired by the liquor companies to push this. They came around and visited all of us, and now a week later we are voting on it. Very strange.

And the question recurring,  
Will the Senate agree to amendment A6016?

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

## YEA-26

Bodack	Fumo	Musto	Wagner
Boscola	Gerlach	O'Pake	White, Donald
Conti	Greenleaf	Pileggi	White, Mary Jo
Corman	Holl	Stack	Williams, Constance
Dent	Jubelirer	Tartaglione	Wozniak
Earl	Mellow	Thompson	
Erickson	Murphy	Tomlinson	

## NAY-23

Armstrong	Kukovich	Orie	Schwartz
Brightbill	LaValle	Piccola	Stout
Costa	Lemmond	Punt	Waugh
Hughes	Logan	Rhoades	Wenger
Kasunic	Madigan	Robbins	Williams, Anthony H.
Kitchen	Mowery	Scarnati	

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

**The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.**

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

## MELLOW AMENDMENT A6009

Senator MELLOW offered the following amendment No. A6009:

Amend Sec. 5, page 11, line 25, by striking out "and 305(d) and (h)"

Amend Bill, page 12, by inserting between lines 17 and 18:

Section 6. Section 305(d) and (h) of the act are amended and the section is amended by adding a subsection to read:

Amend Sec. 5 (Sec. 305), page 12, by inserting after line 30:

(i) Notwithstanding any other provision of law to the contrary, the Secretary of Revenue shall permit the board to operate and maintain Pennsylvania lottery machines in all Pennsylvania liquor stores, and the board shall require the placement of at least one such machine in every store.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, my amendment is very simple. It deals with establishing a Lottery machine in our 650 liquor stores in Pennsylvania. Madam President, I believe that the spirit in which Senate Bill No. 1365 was just amended is the proper spirit in which to do business in Pennsylvania, because it will give us the opportunity, by adding that amendment, to increase the business that we have in Pennsylvania with regard to the sale of spirits.

Madam President, what my amendment does is it also gives us the opportunity to increase revenues for our prescription drug program. It has been stated over and over that if we in Pennsylvania make more retail outlets available in Pennsylvania for the purpose of selling Lottery tickets, we could add substantial amounts of money to the PACE prescription program, which then can be used to provide for more benefits for senior citizens at no cost to the Commonwealth of Pennsylvania.

Madam President, the State of Massachusetts, with less than half of the population that we have in Pennsylvania, produces over a billion dollars more in total Lottery revenue sales for the purpose of providing services for the people of the State of Massachusetts. Madam President, if we would expand the number of retail outlets in Pennsylvania, we could make more benefits available to older Pennsylvanians. It is something that we must do. Pennsylvania as a retailer, based on population ratios for States that have lotteries, there are 39 States in the United States that have lotteries and there are 36 States that have greater retail outlets than we have right here in Pennsylvania. If we could start to add additional retail outlets in Pennsylvania, it would mean that we would have more revenue taken in by the Lottery program for the purpose of providing benefits for senior citizens.

Madam President, we have tried over and over for the last several years to do something with the income eligibility, but we have not been able to do that. We have tried for the last several years to add a FAIRx proposal to our Lottery sales, which would not cost the taxpayers of Pennsylvania any money, but we have not been able to do that. Madam President, we have the opportunity here tonight to extend to the 650 liquor stores in Pennsylvania the opportunity to sell Lottery tickets. In doing so, we would not have to do what we do to the retail outlets in Pennsylvania. We would not have to worry about paying the liquor store a 5-percent commission, which retail outlets get paid, and we would be able to guarantee that we would collect 100 percent of our sales. It is a win-win situation for all the people of Pennsylvania. It makes more money available to provide for prescription drugs for senior citizens at absolutely no cost to the taxpayers of Pennsylvania.

I ask for an affirmative vote on the amendment.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Madam President, far be it from me, one who is very much concerned about revenues coming into the coffers of the Commonwealth of Pennsylvania, and I certainly want to improve the revenue flow, but I think we ought to proceed with very much caution on this particular suggestion. I think we ought to look very carefully at it, because we have a network of volunteer mom-and-pop organizations out there who are selling Lottery tickets now, and I think we have to look at

what adding a new group of retail sales out there in our liquor stores will do to the sales that are now being handled by the private sector.

So I think that while it may be a good idea, I would like to have a little bit more information on it before I vote on that. It may be a good idea, Madam President, but I am very concerned about the overall effect of expanding the number of Lottery outlets by the number of liquor stores there are in Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, a point of clarification on what was said by Senator Thompson. He said that the stores that handle the Lottery are volunteers. I would like to share with the gentleman that these are not volunteers, they get paid for handling the Lottery in Pennsylvania. They are able to deduct 5 percent of their total revenues of the sale of the Lottery to pay for their expenses and to pay for a profit to that establishment, quite different than being a volunteer, who does not get paid. They are not volunteers, and they receive revenue on the part of the Commonwealth.

If we are sincere in expanding the PACE program on income eligibility at no cost to the Pennsylvania taxpayer, then this gives us the opportunity this evening to do what we told people throughout this Commonwealth in the last election that we are prepared to do. We can expand the retail outlets in Pennsylvania by 650 stores tonight just by giving the liquor stores in Pennsylvania, which are under our direction and control and under control of the Liquor Control Board, the opportunity to sell Lottery tickets in Pennsylvania. We are one of the few States that does not allow this to happen. We do not have to worry about paying the State a 5-percent commission on their own money. We do not have to worry about collecting one dime that we might, for some reason in some case, not receive. We have stores today that sell Lottery tickets and they do not remit their money to the Commonwealth of Pennsylvania. And the gentleman, because of his position as chairman of the Senate Committee on Appropriations and his interest in revenues for the Commonwealth, this is something that he should be totally in favor of. Because as we talk tonight, there are Lottery outlets in Pennsylvania that because they are not bonded and do not have to be by the Commonwealth after 1 year of selling a Lottery ticket, they have Lottery tickets delivered to their place of business. They sell Lottery tickets on a 120-day float, which is a 4-month float. By the time the Lottery Commission finds out that they have gone out of business, they have already sold all of their tickets, they have collected their money, and they have not remitted their money to Harrisburg. If we take advantage of our liquor stores and the system that we have put in place for the protection of the sale of alcohol and we sell Lottery tickets through our liquor stores, we do not have to worry about bonding, we do not have to worry about paying a 5-percent commission to those stores. We do not have to worry about one dime that has been collected on the sale of Lottery tickets to fall into somebody's cigar box where their taxes are not being paid and the money is not being remitted, and we can increase eligibility to our senior citizens who are in so dire need. Many of them have to make the choice today between buying their medicine or buying food because they do not qualify for the

PACE prescription program, and we can take care of that program right here tonight. It has nothing to do with volunteers or the private sector in Pennsylvania. It has all to do with one thing: are we in favor of expanding the PACE program for the purpose of providing benefits for the senior citizens in Pennsylvania or are we going to hide behind some kind of cockamamie statement by saying volunteers take care of the program in the State of Pennsylvania and we should not interfere?

Tonight, if we are interested in the senior citizens of Pennsylvania, we could do the job at no cost to the taxpayers of Pennsylvania, and I urge an affirmative vote on the amendment.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Madam President, I might have misspoke by using the word "volunteers," because I think each one of these individuals volunteer by paying a license fee to sell Lottery tickets. If there is a problem with collection of the Lottery proceeds, then I think we ought to go after those as well. Let us not just add on to the revenues without making sure that the revenues that are not coming in are being collected properly. This is not a question right now about the senior citizens drug and prescription program, this is a question about Lottery tickets, as far as I am concerned, and I ask for a negative vote.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, is that in the form of interrogation?

The PRESIDING OFFICER. Excuse me, Senator?

Senator MELLOW. Madam President, was that stated to me in the form of interrogation? Because if it is, I know I have already spoken two times on the issue, but I would love to be able to rebut the gentleman if it was.

The PRESIDING OFFICER. The gentleman did not request to interrogate. He simply clarified his earlier floor remarks.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, if I speak for the third time, is the Chair going to rule me out of order?

The PRESIDING OFFICER. Only if someone objects, Senator.

Senator MELLOW. Madam President, my microphone was turned off a year ago, so you might just as well rule me out of order. The Presiding Officer did not, but my microphone was turned off just a year ago on this same issue, so if the Chair wants to rule me out of order, I guess the Chair can do that.

The PRESIDING OFFICER. Senator, if a Member objects, the Chair would have to rule you out of order. If there is no objection, you may proceed. Does the Chair hear an objection? You may proceed.

Senator MELLOW. Thank you very much, Madam President.

Madam President, the bottom line of the issue here is we have an opportunity this evening to make more money available to help senior citizens in Pennsylvania by expanding the number of retail outlets in Pennsylvania by 650 stores where we can collect 100 percent of the Lottery sales and we do not have to pay the 5-percent commission. The retail outlets today receive a 5-percent commission to be paid for their services for selling Lottery

tickets, and I have absolutely no problem with that. Furthermore, Madam President, this Chamber should be well aware of the fact, well aware of the fact that we have many stores in Pennsylvania that are going out of business. They are closing their doors. They are selling the Lottery tickets before they are going out of business, and the Pennsylvania Lottery is not collecting the money, because there is no bonding requirements after someone has had a Lottery for 1 year.

Not to believe these things is to put your head in the sand and not believe there is a problem with what is taking place with prescription drugs, and we have been talking about this on the floor of the Senate. It was first introduced by Senator Costa to try to expand the program with regard to the Lottery through FAIRx, and all we heard over and over was they were going to study the issue and it will cost the taxpayers more money. Well, this gives us the opportunity and not cost the taxpayers one dime tonight and expand the Lottery to an additional 650 stores so that we can make benefits available to the senior citizens of Pennsylvania, the greatest generation of Americans. How can we turn our backs on them this evening? All it takes is an affirmative vote. It does not cost the taxpayers or this Chamber one dime. It just expands the outlets of stores that we as government control. It seems to be a "no-brainer." It is an oxymoron not to vote for the proposal, unless we are trying to protect some interest of some private entrepreneur who is not in this building this evening but is being represented by special interests at the expense of our senior citizens. It is unfortunate that we cannot pass an amendment to benefit the senior citizens tonight at no expense to the taxpayers.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I rise to recognize the merits of the Democratic Leader's arguments. We certainly want to increase Lottery sales, we certainly want to increase the benefits available to senior Pennsylvanians. I think this evening is just a time of discussion of is this the right time and is this the right place? So I totally agree with his merits. Normally, these issues go through our Committee on Aging or our Committee on Finance, and I think they would be the more appropriate venue, so I am not going to get up this evening and urge Members to vote one way or another. I think they have to vote their district and conscience with this one, but it is with a heavy heart that I am going to vote "no" at this time because I do not feel it is the appropriate time or the appropriate place. But I will offer my committee once again, the Senate Committee on Law and Justice, to participate with the Committee on Aging or the Committee on Finance for any further discussions on this very important issue.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, when they say it is not going to cost the taxpayers anything, I think it costs about \$5,000 to put a machine in and run the wires. So when I multiply \$5,000 by 650, I think that is a few dollars, and somebody said something like we are spending \$3 million to \$4 million of public funds to put this in place. I think I would rather put that in the PACE program and see where we go from there.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Madam President, I think the point has to be reiterated that we have searched high and wide for a way to assist our seniors in the PACE program. We have waited on the almighty Federal government, and they have shirked their responsibilities, providing no assistance. We have offered ideas and concepts to group all prescription drug plans that the State provides and bring them together under one concept. Our dear Senator, Senator Costa, and the FAIRx program, and folks in various industries have said that is not the way to go. We have searched from one place to another. We have had special commissions analyze the issue of how we can assist our senior citizens, high and low, day after day, week after week, month after month, year after year. And here it is presented to us in a short timeframe, in a short fashion on a bill which is fast-tracked and ready to get signed by the Governor, this legislation is fast-tracked, ready to go. The concept came up a week ago, and now here we are at 10:28 with only 3 or 4 more days left of Session work to handle before we adjourn, and here we are. If not now, Madam President, when? If not now, when?

We can add 650 machines on the table in place, in reputable businesses that we the State of Pennsylvania control. We control these businesses, they belong to us, 650 new machines, located in places where people spend money. So that means, Madam President, that we will be in a position with these machines, in places where people are drawn to, for the opportunity to purchase spirits and alcoholic beverages.

As my leader said a few moments ago, Madam President, it seems to be a "no-brainer." Nobody gets hurt by this concept. Nobody gets hurt. And in fact, Madam President, by the previous measure that was passed, we expand the opportunity by Sunday sales, we expand the opportunity for these locations, for these businesses, these places of business that the State owns, we expand the opportunity for folks to purchase their Lottery tickets. Here it is presented in front of us. No one gets hurt. No one gets penalized. No new tax dollars have to be spent. No taxes. We do not offend a certain industry because we are grouping everyone together, grouping our prescription plans together, like the FAIRx program that Senator Costa has so eloquently argued for for years now. We have waited on the Federal government, we have waited on the House of Representatives, we have waited on the Senate, we have waited for everyone else to come up with a solution, and no one has a solution. Well, here is a solution available for us now, Madam President. It does not hurt a soul, but it helps a whole lot of senior citizens in this Commonwealth. It provides additional support and resources for a whole lot of senior citizens who deserve us to take action now. If not now, Madam President, when? How long? How long? How long do we have to wait for some additional support to come to the aid of our seniors, those individuals, the greatest generation, those individuals who deserve us to act for them the most.

Thank you, Madam President.

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



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

**YEA-22**

Bodack	Kasunic	Musto	Wagner
Boscola	Kitchen	O'Pake	Williams, Anthony H.
Costa	Kukovich	Schwartz	Williams, Constance
Fumo	LaValle	Stack	Wozniak
Greenleaf	Logan	Stout	
Hughes	Mellow	Tartaglione	

**NAY-27**

Armstrong	Gerlach	Orie	Thompson
Brightbill	Holl	Piccola	Tomlinson
Conti	Jubelirer	Pileggi	Waugh
Corman	Lemmond	Punt	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Murphy	Scarnati	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

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

**CONTI AMENDMENT A6027**

Senator CONTI offered the following amendment No. A6027:

Amend Title, page 2, line 16, by striking out ", for distilleries"  
 Amend Sec. 35, page 59, line 27, by striking out ", 509 and 515" and inserting: and 509  
 Amend Sec. 35 (Sec. 515), page 60, lines 14 through 23, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, by unanimous consent, reported the following communications, and called from the table a certain communication from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
 ENERGY DEVELOPMENT AUTHORITY**

November 20, 2002

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 August 6, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

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

Mark S. Schweiker  
 Governor

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

November 20, 2002

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 June 25, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Melvin E. Horning, Hamburg, resigned.

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

Mark S. Schweiker  
 Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
 MANSFIELD UNIVERSITY OF PENNSYLVANIA  
 OF THE STATE SYSTEM OF HIGHER EDUCATION**

November 20, 2002

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 September 30, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Council of Trustees of Mansfield 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 Donald E. Abrey, Wyalusing, resigned.

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

Mark S. Schweiker  
 Governor

**SMALL BUSINESS ADVOCATE**

November 20, 2002

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 September 13, 2002, for the appointment of Norah Griffiths, 2304 Edgewood Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as Small Business Advocate, to serve until her successor is appointed and qualified, vice Bernard A. Ryan, Jr., Hummelstown, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL

November 20, 2002

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 August 20, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters, York County, Thirty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Maurice J. Cashman, Warren, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE CLARION COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 12, 2002, for the appointment of Michelle Bonsick, 1114 Quincy Circle, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Donald C. Gathers, New Bethlehem, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE CLARION COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Stephanie Moore, 40 Red

Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, as a member of the Clarion County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice William F. Showers, Clarion, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE ELK COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 September 17, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Elk County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Richard E. Decker, St. Marys, deceased.

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

Mark S. Schweiker  
Governor

MEMBER OF THE FAYETTE COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 October 29, 2002, for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Thomas E. Trimpey, Connellsville, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE FRANKLIN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 26, 2002, for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Franklin County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Susan L. Saylor, Fayetteville, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE JUNIATA COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 12, 2002, for the appointment of Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 September 17, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Jeanne K. Nash, Bradford, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 September 11, 2002, for the appointment of Samuel Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirteenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified, vice Karen R. Gelston, Bradford, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE MONROE COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 November 18, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Monroe County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Elizabeth W. Gaunt, Stroudsburg, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE SNYDER COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Snyder County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Judy A. Jones, Selinsgrove, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE VENANGO COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Norah Griffiths, 2304 Edgewood Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as a member of the Venango County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Creeta Y. Owens, Oil City, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WARREN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 16, 2002, for the appointment of Jennifer Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor has been appointed and qualified, vice Gregory Wozneak, Warren, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WARREN COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 6, 2002, for the appointment of Elizabeth Schehr, 65 Suffolk Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Wanda C. Little, North Warren, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WESTMORELAND COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 August 12, 2002, for the appointment of Amanda Pflugh, 820 Dartmouth Street, Apartment C-380, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as a member of the Westmoreland County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice John F. Kradel, Ligonier, resigned.

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

Mark S. Schweiker  
Governor

MEMBER OF THE WYOMING COUNTY  
BOARD OF ASSISTANCE

November 20, 2002

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 October 16, 2002, for the appointment of Jennifer L. Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Wyoming County Board of Assistance, to serve until December 31, 2002, and until her successor is appointed and qualified, vice Jerome F. Fuhr, Tunkhannock, resigned.

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

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

November 20, 2002

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 29, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-3-11, to serve until the first Monday of January 2004, vice Edward A. Tibbs, resigned.

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

Mark S. Schweiker  
Governor

DISTRICT JUSTICE

November 20, 2002

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 September 23, 2002, for the appointment of Maggie Baker, 308 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as District Justice in and for the County of Lehigh, Magisterial District 31-2-01, to serve until the first Monday of January 2004, vice Diane R. Jepsen, forfeiture of judicial office.

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

Mark S. Schweiker  
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 PRESIDING OFFICER. The nominations will be returned to the Governor.

### UNFINISHED BUSINESS REPORTS FROM COMMITTEES

Senator CONTI, from the Committee on Law and Justice, reported the following bill:

#### HB 2574 (Pr. No. 4664) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amending and adding definitions; deleting certain bonding requirements; further providing for application of certain law to the Pennsylvania Liquor Control Board and Bureau of Liquor Control Enforcement of the Pennsylvania State Police, for wine marketing, for retail sales, for license applications, for licensee sales and restrictions, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers' licenses, for public venue license, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages retail licenses, for application for distributors' and importing distributors' and retail dispensers' licenses, for distributors' and importing distributors' restrictions, for retail dispensers' restrictions, for hearings and appeals, for license renewal, for license revocation and suspension, for local option and for exchange of certain licenses; providing for surrender of certain licenses; further providing for unlawful acts, for rights of municipalities, for unlawful advertising and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

Senator MURPHY, from the Committee on Aging and Youth, reported the following bill:

#### HB 2860 (Pr. No. 4566)

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, extending eligibility for PACE and PACENET.

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

#### HB 2741 (Pr. No. 4624)

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, itemizing additional local and State bridge projects.

### SENATE RESOLUTIONS ADOPTED

Senator MADIGAN, by unanimous consent, offered **Senate Resolution No. 308**, entitled:

A Resolution designating November 20, 2002, as "Pennsylvania GIS Day."

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

Senators SCHWARTZ, HUGHES, C. WILLIAMS, LAVALLE, RHOADES, KUKOVICH, PUNT, BRIGHTBILL, COSTA, LOGAN, MUSTO, GREENLEAF, STOUT, TOMLINSON, TARTAGLIONE, ROBBINS, BODACK, STACK, ERICKSON, WAGNER, ORIE, KASUNIC, WENGER, KITCHEN, MOWERY, MELLOW, LEMMOND and CONTI, by unanimous consent, offered **Senate Resolution No. 309**, entitled:

A Resolution honoring the Pennsylvania State Education Association on its 150th anniversary on December 28, 2002.

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

### DISCHARGE PETITION

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

November 20, 2002

#### A PETITION

To place before the Senate the nomination of Emil A. Giordano, Esq., as Judge, Court of Common Pleas, Northampton County.

TO: The President 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 Emil A. Giordano, Esq., as Judge, Court of Common Pleas, Northampton County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto  
Robert J. Mellow  
Michael A. O'Pake  
Jack Wagner  
Richard A. Kasunic  
J. Barry Stout  
Vincent J. Fumo

The PRESIDING OFFICER. The communication will be laid on the table.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Murray and Libera Evans, Lee A. Butz and to the Family and Counseling Services of the Lehigh Valley by Senators Dent and Boscola.

Congratulations of the Senate were extended to Stephen Brown by Senator Earll.

Congratulations of the Senate were extended to Dr. Brent D. Glass by Senator Fumo and others.

Congratulations of the Senate were extended to the Greater Federation of Women's Clubs of Newtown Square by Senator Erickson.

Congratulations of the Senate were extended to Building Industries Exchange of Pottstown, Pottstown Elks Lodge No. 814 and to the TriCounty Area Chamber of Commerce of Pottstown by Senator Gerlach.

Congratulations of the Senate were extended to John Bickel and to Bruce R. Hall by Senator Holl.

Congratulations of the Senate were extended to Mary Votel and to Youth Development and Encouragement, Inc., of Philadelphia, by Senator Kitchen.

Congratulations of the Senate were extended to Eugene A. Matsook, Carl M. Harrison, Jr., and to Daniel J. Matsook by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Bernard Heider, Mr. and Mrs. Irwin Chrispell, Ellen Williams and to Patrick Anthony Newell by Senator Madigan.

Congratulations of the Senate were extended to Hugh J. McGowan, Sr., by Senator Rhoades.

Congratulations of the Senate were extended to Nick Forgione by Senator Stack.

Congratulations of the Senate were extended to Lionville Community YMCA and to the Upper Main Line YMCA by Senator Thompson.

### BILLS ON FIRST CONSIDERATION

Senator C. WILLIAMS. Madam 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 by voice vote.

The bills were as follows:

**SB 1562, HB 851, HB 2574, HB 2674, HB 2741, HB 2860 and HB 2892.**

And said bills having been considered for the first time,

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

### COMMUNICATION FROM THE GOVERNOR

#### APPROVAL OF SENATE BILL

The PRESIDING OFFICER laid before the Senate communication 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 834.**

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1243 and 1461**, with the information the House has passed the same without amendments.

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 2207**.

### BILLS INTRODUCED AND REFERRED

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

November 20, 2002

Senators STACK, MELLOW, O'PAKE, WAGNER, MUSTO, KITCHEN, COSTA, KUKOVICH, BOSCOLA, LOGAN,

ERICKSON, TARTAGLIONE, LAVALLE, HUGHES, KASUNIC and EARLL presented to the Chair **SB 1590**, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, providing for the definitions of "pharmaceutical marketer" and "pharmaceutical manufacturing company"; providing for annual expense report and for disclosure by pharmaceutical marketers; and imposing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 20, 2002.

Senators STACK, MELLOW, O'PAKE, WAGNER, MUSTO, KITCHEN, COSTA, KUKOVICH, BOSCOLA, LOGAN, ERICKSON, TARTAGLIONE, LAVALLE, HUGHES, KASUNIC and EARLL presented to the Chair **SB 1591**, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for definitions; providing for marketing cost disclosure; and imposing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 20, 2002.

Senators DENT, KITCHEN, LOGAN, ORIE, TARTAGLIONE and RHOADES presented to the Chair **SB 1592**, 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 payments under existing pension plans for service increments to pensions of police officers.

Which was committed to the Committee on FINANCE, November 20, 2002.

### BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President in the presence of the Senate:

**SB 1243, SB 1461 and HB 2207.**

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1365 (Pr. No. 2412)** -- 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, defining "arts council," "eligible entity" and "pecuniary interest"; and further providing for the definitions of "eating place" and "restaurant," for bonds required of members and secretary, for board and enforcement bureau subject to State ethics and adverse interest acts, for wine marketing, for when sales may be made at Pennsylvania liquor stores, for sales by Pennsylvania liquor stores, for applications for hotel, restaurant and club liquor licenses, for issuance

of hotel, restaurant and club liquor licenses, for sales by liquor licensees, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers' licenses, for malt and brewed beverages (excluding manufacturers), for malt and brewed beverages retail licenses, for application for distributors', importing distributors' and retail dispensers' licenses, for prohibitions against the grant of licenses, for retail dispensers' restrictions on purchases and sales, for hearings upon refusal of licenses, renewals or transfers, for renewal of licenses, for revocation and suspension of licenses, for local option and for exchange of certain licenses; providing for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee; further providing for renewal of amusement permit, for unlawful acts relative to liquor, alcohol and liquor licensees, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees, for unlawful advertising, for limited wineries and for business hours.

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-28**

Bodack	Erickson	Murphy	Thompson
Boscola	Fumo	Musto	Tomlinson
Brightbill	Gerlach	O'Pake	Wagner
Conti	Greenleaf	Pileggi	White, Donald
Corman	Holl	Rhoades	White, Mary Jo
Dent	Jubelirer	Stack	Williams, Constance
Earll	Mellow	Tartaglione	Wozniak

**NAY-21**

Armstrong	LaValle	Piccola	Waugh
Costa	Lemmond	Punt	Wenger
Hughes	Logan	Robbins	Williams, Anthony H.
Kasunic	Madigan	Scarnati	
Kitchen	Mowery	Schwartz	
Kukovich	Orie	Stout	

A constitutional majority of all the Senators having vote "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.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 806 CALLED UP**

**SB 806 (Pr. No. 1007)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL AMENDED**

**SB 806 (Pr. No. 1007)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for consent of the Senate required for certain gubernatorial appointments and for required information; making editorial changes; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A6039:

Amend Sec. 1 (Sec. 207.1), page 2, lines 7 through 18, by striking out "[two-" in line 7, all of lines 8 through 18 and inserting: two-thirds of the members elected to the Senate, appoint persons to fill the following positions:

(1) Vacancies in the offices of Attorney General, Auditor General and State Treasurer [and in any other elective office which he is authorized by law to fill when said law requires confirmation].

(2) Those members which he is authorized to appoint to the [Milk Marketing Board, the Pennsylvania Fish Commission, the Pennsylvania Game Commission, the] Pennsylvania Liquor Control Board[, the Pennsylvania Public Utility Commission] and the Pennsylvania Turnpike Commission.

Amend Sec. 1 (Sec. 207.1), page 3, line 20, by striking out "the Pennsylvania Liquor Control Board,"

Amend Sec. 1 (Sec. 207.1), page 3, lines 24 and 25, by striking out "the Pennsylvania Turnpike Commission,"

Amend Sec. 1 (Sec. 207.1), page 5, by inserting between lines 2 and 3:

(5.1) Vacancies in elective office, other than those set forth in subsection (c), which he is authorized by law to fill. The person appointed shall be of the same political party as the person who vacated the office.

Amend Sec. 4, page 6, lines 2 through 5, by striking out all of said lines

Amend Sec. 5, page 6, lines 12 through 14, by striking out all of said lines

Amend Sec. 4, page 6, line 18, by striking out "immediately" and inserting: in 60 days

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**ADJOURNMENT**

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Thursday, November 21, 2002, at 10:30 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:55 p.m., Eastern Standard Time.