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WEDNESDAY, JUNE 30, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 44

SENATE

WEDNESDAY, June 30, 2004

The Senate met at 3:10 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend PAUL A. LAUCHLE, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Would you join me in prayer.

We thank You, Almighty God, for Your healing power, for answers to prayer, and for reunions of this moment. We acknowledge You as a source of those blessings. Also, as we approach the celebration of our nation's birth and the rich heritage that is ours, it is fitting that we give You thanks and praise, because You are the ruler of all nations. You created a land rich in resources and set before the founders and pioneers of our nation and Commonwealth an opportunity beyond measure to build, starting here in Penn's Woods, a realm of justice, peace, and freedom that might be a blessing to all the world and its peoples.

We cannot congratulate ourselves for what we have done with Your creation and with these opportunities, but when we consider Your bounty and Your mercy and see afresh the dream and vision that You set before us, we cannot help but to rejoice in Your holy presence today.

Forgive our shortcomings and purify our hearts to know the truth that alone can set us free. Save us from injustice and oppression, from pride and arrogance, and from greed and self-centeredness. Help us to keep our focus on You, and in doing so, complete the work that is before this Senate body.

Give to each Member divine wisdom and real courage for the facing of this hour and the living of these days. Sustain these public servants physically, emotionally, and spiritually as they fulfill the responsibilities that they swore under oath to You, and in covenant with each other, to fulfill for the good of all the people of this Commonwealth. Give them insight, discernment, and an abundant amount of grace and patience. Help them to listen and to respond, and then to vote as persons of integrity, being faithful to the core values which are theirs.

We lift before You all the leaders of this great Commonwealth and nation. Bless them and these Senators as we lift this prayer in the name of the one who created us, redeemed us, and now empowers us for all the tasks and responsibilities before this

Chamber today. May we always remain one nation, under God. In the midst of all the many pressures of these moments, hear our humble plea in the name of our blessed Lord. Amen.

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

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 29, 2004.

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.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 29, 2004

HB 2316 -- Committee on Judiciary.

HB 2408 -- Committee on Labor and Industry.

HB 2668 -- Committee on Local Government.

ANNOUNCEMENT BY MINORITY LEADER

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

Senator MELLOW. Madam President, I am very proud to announce for the first time in a long time, with the return of Senator Stout and Senator Tartaglione, that we do not have any legislative leaves. Furthermore, Madam President, with the return of Senator Tartaglione today, the first vote in the Senate was to confirm a judge that she was interested in, and the first vote in the House was to pass one of her bills, Senate Bill No. 922, a child care bill. So, for a woman who has been back in the Senate for a very short period of time, she has done extremely well today. But, I am proud to say that we do not need any leaves.

CALENDAR

HB 2268 CALLED UP OUT OF ORDER

HB 2268 (Pr. No. 3119) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2268 (Pr. No. 3119) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing provisions relating to a permanent centennial exposition building in Philadelphia.

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-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus.

For the information of the Members, we will go over today's Calendar. My understanding is that there is an amendment being prepared to House Bill No. 2330 which is not ready as yet. We will talk about today's Calendar, primarily, in caucus, and I expect to return in about 30 or 40 minutes.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for a Republican caucus.

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

Senator O'PAKE. Madam President, I ask the Democrats to report to our caucus room immediately.

The PRESIDENT. Senator O'Pake asks the Democratic Members to report to their caucus room immediately.

Without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL RECOMMENDED

SB 1126 (Pr. No. 1600) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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

BILL OVER IN ORDER

SB 1096 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 1097 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 1147 (Pr. No. 1673) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A2782:

Amend Title, page 1, line 1, by inserting after "flag" where it appears the first time: , Commonwealth flag

Amend Sec. 1, page 1, line 7, by inserting after "American": , Commonwealth

Amend Sec. 2, page 2, by inserting between lines 5 and 6:

"Commonwealth flag." As described in section 1 of the act of June 13, 1907 (P.L.560, No.373), entitled "An act designating the official

flag of the Commonwealth of Pennsylvania, and describing the same; providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania; authorizing the Secretary of the Commonwealth to provide, and have deposited in the office of Secretary of the Commonwealth, a model of said flag, and making an appropriation therefor."

Amend Sec. 2, page 2, line 9, by inserting after "Guard": and POW/MIA flags

Amend Sec. 3, page 2, line 15, by inserting after "flag" where it appears the first time: , Commonwealth flag

Amend Sec. 3, page 2, line 20, by inserting after "flag": , Commonwealth flag

Amend Sec. 3, page 2, line 21, by striking out ", or both,"

Amend Sec. 3, page 2, line 25, by inserting after "a": Commonwealth flag or

Amend Sec. 3, page 3, line 1, by inserting after "a": Commonwealth flag or

Amend Sec. 3, page 3, line 5, by striking out all of said line and inserting: American flag, Commonwealth flag and military flag. The size of the American flag, Commonwealth flag

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator GREENLEAF offered the following amendment No. A2608:

Amend Sec. 2, page 2, lines 3 through 5, by striking out all of said lines and inserting:

"Association." Any unit owners association in a common interest community, including all condominium, planned community or cooperative associations, as defined in 68 Pa.C.S. §§ 3103 (relating to definitions), 4103 (relating to definitions) and 5103 (relating to definitions), or in any successor statute.

Amend Sec. 3, page 2, line 20, by striking out "the" where it appears the second time and inserting: one

Amend Sec. 3, page 2, line 21, by striking out "by a homeowner on that homeowner's property" and inserting: by a unit owner on that unit owner's property, but not on common elements in the community,

Amend Sec. 3, page 2, line 26, by striking out "reasonable"

Amend Sec. 3, page 2, line 27, by striking out "reasonable"

Amend Sec. 3, page 2, line 30, by striking out "reasonable"

Amend Sec. 3, page 3, line 2, by striking out "reasonable"

Amend Sec. 3, page 3, line 7, by striking out "reasonable"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

SB 1158 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 1487 and **HB 1912** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1965 (Pr. No. 2564) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of June 4, 1945 (P.L. 1191, No. 413), entitled "An act to authorize the Pennsylvania Post-War Planning Commission under certain conditions to enter into agreements with political subdivisions of this Commonwealth for the financing of plans and specifications for public works; and making an appropriation."

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-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2081 (Pr. No. 3424) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for early termination of housing rental agreement; and providing penalties.

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-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner

Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER TEMPORARILY

HB 2105 (Pr. No. 4072) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator CONTI offered the following amendment No. A2962:

Amend Title, page 1, line 17, by inserting after "for": general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania liquor stores, for

Amend Title, page 1, line 19, by inserting after "licensees": and for limited wineries

Amend Bill, page 3, by inserting between lines 17 and 18:

Section 2. Section 207(a) of the act, amended December 30, 2003 (P.L.423, No.59), is amended to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale and sell liquor, alcohol, corkscrews, wine and liquor accessories, trade publications, wine or liquor-scented candles and wine glasses in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the State Treasurer, or his designated deputy. The board shall buy liquor and alcohol at the lowest price and in the greatest variety reasonably obtainable.

Section 3. Section 305(f) and (h) of the act, amended July 17, 2003(P.L.63, No.15) and December 30, 2003 (P.L.423, No.59), are amended to read:

Section 305. Sales by Pennsylvania Liquor Stores.—***

(f) Every purchaser of liquor, alcohol, corkscrews, wine or liquor accessories, trade publications, wine or liquor-scented candles or wine glasses from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the price paid therefor and such other information as the board may prescribe. Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store.

(h) Every Pennsylvania Liquor Store shall sell gift certificates which may be redeemed for liquor. In addition, the board may sell corkscrews, wine and liquor accessories, wine or liquor-scented candles, trade publications and wine sleeves at Pennsylvania Liquor Stores.

Amend Sec. 2, page 3, line 18, by striking out "2" and inserting: 4

Amend Bill, page 4, by inserting between lines 28 and 29:

Section 5. Section 505.2 of the act, amended November 10, 1999 (P.L.514, No.47), December 9, 2002 (P.L.1653, No.212), December 16, 2002 (P.L.1806, No.221) and July 17, 2003 (P.L.63, No.15), is amended to read:

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

(1) Produce alcoholic ciders, wines and wine coolers, subject to the exceptions provided under this section, only from fruits grown in Pennsylvania.

(2) Sell alcoholic cider, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year. In addition, the holder of a limited winery license may purchase wine in bottles from another Pennsylvania limited winery if these wines undergo a second fermentation process. Such wine may be sold in bottles bearing the purchasing limited winery's label or the producing limited winery's label. Such wines, if sold by the board, may be sold by the producing limited winery to the purchasing limited winery at a price lower than the price charged by the board.

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees. If two or more limited wineries apply to operate an additional board-approved location in conjunction with each other, the wineries need only have one board-approved manager for the location, need only pay one application fee and need not designate specific or distinct areas for each winery's licensed area. Each limited winery must file an application for such an additional board-approved location, and such location shall count as one of the five permitted for each limited winery. Each limited winery is responsible for keeping only its own complete records. A limited winery may be cited for a violation of the recordkeeping requirements of sections 512 and 513 pertaining to its own records only.

(4) At the discretion of the board, obtain a special permit to participate in alcoholic cider, wine and food expositions off the licensed premises. A special permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed five (5) consecutive days. The total number of days for all the special permits may not exceed forty (40) days in any calendar year. A special permit shall entitle the holder to engage in the sale of alcoholic cider or wine produced by the bottle or in case lots by the permittee under the authority of a limited winery license. Holders of special permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at alcoholic cider, wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special permits shall be governed by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

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

(5) Apply for and hold a hotel liquor license, a restaurant liquor license or a malt and brewed beverages retail license to sell for consumption at the restaurant or limited winery on the licensed winery

premises, liquor, wine and malt or brewed beverages regardless of the place of manufacture under the same conditions and regulations as any other hotel liquor license, restaurant liquor license or malt and brewed beverages retail license.

(6) (i) Secure a permit from the board to allow the holder of a limited winery license to use up to twenty-five per centum permitted fruit, not wine, in the current year's production. Each permit is valid only for the calendar year in which it is issued.

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

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

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

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

(6.1) Sell wine or liquor-scented candles acquired or produced by the limited winery.

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

Amend Sec. 3, page 4, line 29, by striking out "3" and inserting: 6

Amend Sec. 4, page 5, line 9, by striking out "4" and inserting: 7

On the question,

Will the Senate agree to the amendment?

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

Senator BRIGHTBILL. Madam President, Can we go at ease?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

AMENDMENT WITHDRAWN

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

Senator CONTI. Madam President, I withdraw my amendment A2962.

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

Senator BRIGHTBILL. Madam President, I request that the bill go over temporarily.

The PRESIDENT. Without objection, the bill will go over temporarily.

HB 2330 and HB 2405 -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 2433 (Pr. No. 3732) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated funds.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOGAN offered the following amendment No. A2988:

Amend Sec. 1 (Sec. 703), page 4, line 27, by striking out "UNDER GENERAL APPROPRIATION ACTS"

On the question,

Will the Senate agree to the amendment?

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

Senator BRIGHTBILL. Madam President, we believe the amendment is agreed to, but I think if Senator Logan could give a quick explanation, it would be helpful. We did not caucus on it, and that is the reason.

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

Senator LOGAN. Madam President, this takes the reference to being a general appropriations bill out of it, so potentially down the road we might have another mechanism to fund the volunteer firefighters' grant program.

Senator BRIGHTBILL. Madam President, that is fine. Thank you.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2512 (Pr. No. 4229) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1984 (P.L.652, No.136), known as the Milk Producers' Security Act, further providing for definitions; providing for passage of title to milk; further providing for security bonds, for bonds, for the security fund and for new licenses; providing for review of security; and further providing for trusteeship, for prohibitions and violations and for penalties.

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 gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I rise to urge an affirmative vote on House Bill No. 2512. In mid-February of this year, I was contacted by a number of my dairy farmers who were concerned that their milk checks were not arriving on time, and as a result of that, fortunately, bankruptcies did not occur at that

time. I and many other Members were concerned about what our Milk Security Fund really did and what protection our dairy farmers had to be paid for their product.

I would like to thank the Milk Marketing Board and their staff, Senator Waugh and his staff, Representative Hershey and his staff in the House, and the Pennsylvania Association of Milk Dealers, with whom we worked closely to work out a compromise that requires that all new dealers will be required to post a 75-percent bond for 40 days of milk shipped, the average over the past year. It extends to the Milk Marketing Board the opportunity to increase bond requirements more than once a year if the volume or the price of milk handled by the dealer changes substantially. This is important to provide producers, our dairy farmers, with the same level of protection when milk prices are highly volatile. The Milk Marketing Board may also make a periodic review of the dealer's security and overall financial situation to determine if there is additional producer security required. This will help ensure that rapid changes to a dealer's financial status are not also exposing our dairy producers to additional risk. Dealers are required to petition the Milk Marketing Board in order to change their status and provide financial justification to the board. The board may require that fully bonded dealers who want to lower their bond and participate in the Milk Security Fund would have to meet certain minimum conditions, including more frequent payments to producers, making higher per hundredweight contributions to the Milk Security Fund, and providing a bond higher than 30 percent for 40 days of milk.

I would like to submit a letter for the record from the chairman of the Milk Marketing Board, and quote from the letter which states, and the questions were raised, "The key to implementing both of those provisions is to determine what exactly is 'the level of protection for producers contemplated by this Act.' The declaration of policy in section 2 of the Act states that '[i]t has been, and continues to be, the policy of this Commonwealth to protect producers and cooperatives against loss of payment for milk because of defaults by purchasers.'" In further clarification, "...it appears that the 'level of protection contemplated by this Act,' to 'protect producers and cooperatives against loss of payment for milk,' is 75% of the highest aggregate amount owed for milk for a 40-day period."

Madam President, we have a great farmland protection program in this Commonwealth, and many times it has been said that it preserves our farms. I believe that this legislation will help preserve our dairy farmers, and again, I encourage an affirmative vote.

Thank you, Madam President.

(The following letter was made a part of the record at the request of the gentleman from Bradford, Senator MADIGAN:)

Commonwealth of Pennsylvania
Milk Marketing Board

June 25, 2004

The Honorable Roger Madigan
286 Main Capitol Building
Harrisburg, PA 17120

Re: Pennsylvania Milk Producers' Security Act
Admendment A2571 to HB 2512

Dear Senator Madigan:

You asked that the Pennsylvania Milk Marketing Board review Senate Amendment A2571 to HB 2512 and tell you how we would interpret and implement it, in particular the amendment to section 3 of HB 2512.

We believe there are two crucial provisions in the amendment. The first provides that, when considering a petition from a non-vested milk dealer to participate in the security fund, the Board "shall require that the milk dealer provide adequate reason and documentation for the request and may hear testimony from all interested persons potentially affected by the request." The second crucial provision provides that, if the Board approves participation by a non-vested dealer in the security fund, "[t]o ensure the level of protection for producers contemplated by this act, the Board shall impose such conditions as it deems appropriate, including, but not limited to, the following minimum conditions: "higher per hundredweight contributions to the security fund, more frequent payments to producers, and filing a bond greater than 30% of the highest 40 day value owed to producers during the preceding 12 months.

The key to implementing both of those provisions is to determine what exactly is "the level of protection for producers contemplated by this Act." The declaration of policy in section 2 of the Act states that "[i]t has been, and continues to be, the policy of this Commonwealth to protect producers and cooperatives against loss of payment for milk because of defaults by purchasers." The Act as amended by HB 2512 also requires that milk dealers, with limited exceptions, file "a bond with the Board in an amount equal to a minimum of 75% of the highest aggregate amount owed by the milk dealer to all producers for a 40-day period during the preceding 12 months." Based on these two sections of the Act, it appears that the "level of protection contemplated by this Act," to "protect producers and cooperatives against loss of payment for milk," is 75% of the highest aggregate amount owed for milk for a 40-day period. So when evaluating a request by a non-vested dealer to participate in the security fund pursuant to Amendment A2571, and when deciding if the reason and documentation for that request were adequate, the Board would operate with the premise that the Act requires milk dealers to provide producer security equal to 75% of the highest 40-day value. Initially we would note that if we believe that the Act requires the 75% protection level, it is reasonable to assume that producers and cooperatives, as well as milk dealers, would also believe that the Act requires the 75% protection level. If a milk dealer who is providing the entire amount of that protection with a bond requested Board approval to participate in the security fund, at a minimum we would want to inform the producers shipping to that dealer that the basis for their security may change, and give those producers an opportunity to provide the Board with any information they may have relevant to the request (additional support for informing producers of such a request is found in section 5(b) of the Act, which provides that milk dealers shall notify all of their producers by July 1 of each year the financial basis on which their producer security is based).

The second, and perhaps more important, provision of the amendment requires the Board to impose terms and conditions on non-vested dealers who wish to participate in the security fund "to ensure the level of protection contemplated by this Act." Obviously, each dealer requesting to participate in the security fund would have its own individual circumstances. The Board believes that a combination of the conditions enumerated in the Act (and others not enumerated) could be crafted for each dealer to address its individual circumstances and provide a "level of protection" equal to 75% of the highest 40-day value. For instance, the best solution for one hypothetical dealer may be to require a 40% bond, weekly payments to producers, and \$0.04 per hundredweight contributions to the security fund. For another hypothetical dealer, the best solution, based on its circumstances, may be a 50% bond, thrice monthly payments to producers, and \$0.03 per hundredweight contributions to the security fund. The important thing to keep in mind is that the Board would carefully evaluate the circumstances surrounding each request and require whatever combination of conditions is necessary "to ensure the level of protection contemplated by this Act."

I trust that this information has been useful to you. We do, of course, remain at your service if you require any additional information.

Sincerely,

BOYD E. WOLFF
Chairman

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-50

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

NAY-0

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

Ordered, That the Secretary of the Senate 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.

SECOND CONSIDERATION CALENDAR

BILLS REREFERRED

HB 309 (Pr. No. 4151) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for release of information in confidential reports, for investigating performance of county agency, for annual reports to the Governor and General Assembly, for services for prevention, investigation and treatment of child abuse and for reports to Department of Public Welfare and coroner.

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

SB 357 (Pr. No. 1736) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the strengthening and enrichment of children and families by promoting safe, healthy and nurturing home environments, for the educational and supportive services of home visiting programs in this Commonwealth, for the Ounce of Prevention grant

program and for integrated community-based delivery of services; specifying program requirements; designating an oversight board; providing for responsibilities of the board and the Department of Public Welfare; specifying criteria for community program grant funding; requiring training and an independent evaluation process; and providing for quality assurance.

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

HB 835 (Pr. No. 3555) -- 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 scope of chapter relating to DNA data and testing, for the definitions of "DNA record" and "other specified offense," for DNA sample required upon conviction, delinquency adjudication and certain ARD cases and for expungement.

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 946 and HB 944 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 1002 (Pr. No. 1737) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

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

BILLS OVER IN ORDER

SB 1027, SB 1111 and SB 1112 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION, AMENDED

HB 1117 (Pr. No. 4144) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for railroad protection, railroad vandalism and interference with transportation facilities and for penalties.

On the question,
Will the Senate agree to the bill on second consideration?
Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A2836:

Amend Title, page 1, line 1, by striking out "Title" and inserting:
Titles

Amend Title, page 1, line 1, by inserting after "Offenses)": and 42 (Judiciary and Judicial Procedure)

Amend Title, page 1, line 5, by removing the period after "penalties" and inserting: ; and providing for railroad civil immunity.

Amend Sec. 1 (Sec. 3504), page 2, lines 24 through 30; page 3, lines 1 through 17, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 3504), page 3, line 18, by striking out "(d)" and inserting: (c)

Amend Bill, page 4, line 24, by striking out all of said line and inserting:

Section 2. Title 42 is amended by adding a section to read:
§ 8339.1. Railroad civil immunity.

(a) General rule.—A railroad carrier owes no duty of care to keep its railroad property safe for entry or use by any trespasser who enters upon any railroad property or railroad right-of-way or to give any warning to such trespasser entering or going on that railroad property of a dangerous condition, use or activity thereon.

(b) Exceptions.—Except as set forth in subsection (c), a railroad carrier shall not:

(1) Be presumed to extend any assurance to a trespasser entering or going on railroad property without the railroad carrier's consent that the railroad property is safe for any purpose.

(2) Incur any duty of care toward a trespasser entering or going on railroad property without the railroad carrier's consent.

(3) Become liable for any injury to a trespasser entering or going on railroad property without the railroad carrier's consent caused by an act or omission of such trespasser.

(c) Limitation.—Nothing in this subsection limits in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use or activity.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Trespasser." A person who enters onto property the person knows or should have known to be railroad property without any right, lawful authority or express or implied invitation.

Section 3. This act shall take effect in 60 days.

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1140 and SB 1161 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1186 (Pr. No. 1760) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 1014 in Cumberland County as the Senator John D. Hopper Memorial Bypass.

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

BILLS OVER IN ORDER

HB 1329, HB 1330, HB 1331, HB 1860 and HB 1861 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 2224 (Pr. No. 3827) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a Statewide registry of protective orders; further providing for protective orders, for notice on protective orders and for violation of orders; providing for civil protective orders; and making editorial changes.

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

BILL OVER IN ORDER

HB 2230 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2467 (Pr. No. 3519) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

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

STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUEST No. 1 of 2004, RESOLUTION A, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 9 of the Calendar, **State System of Higher Education Property Request No. 1 of 2004, Resolution A**, entitled:

Resolved, That State System of Higher Education Property Request No. 1 of 2004, transmitted by the State System of Higher Education under the Public School Code of 1949 to the General Assembly under date of June 29, 2004, which is incorporated herein by reference, be approved.

On the question,
Will the Senate adopt the resolution?

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

Senator BRIGHTBILL. Madam President, I move that the Senate adopt State System of Higher Education Property Request No. 1 of 2004, Resolution A.

On the question,

Will the Senate agree to the motion to adopt State System of Higher Education Property Request No. 1 of 2004, Resolution A?

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

YEA-50

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

NAY-0

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

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. All Members of the Committee on Finance, please report to the Rules room immediately.

The Senate will be at ease.

(The Senate was at ease.)

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2433 (Pr. No. 4246) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated 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-50

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

NAY-0

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

Ordered, That the Secretary of the Senate 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.

CONSIDERATION OF CALENDAR RESUMED

SB 1158 CALLED UP

SB 1158 (Pr. No. 1740) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 1158 (Pr. No. 1740) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for general powers of the Pennsylvania Liquor Control Board, for when sales may be made at Pennsylvania Liquor Stores, for sales by Pennsylvania Liquor Stores, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for renewal of licenses, for temporary provisions for licensees in armed service and for limited wineries.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CONTI offered the following amendment No. A2963:

Amend Sec. 7 (Sec. 505.2), page 17, lines 29 and 30, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

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

YEA-50

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

NAY-0

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

The PRESIDENT. The bill will go over as amended.

HB 2105 CALLED UP

HB 2105 (Pr. No. 4072) -- 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

HB 2105 (Pr. No. 4072) -- The Senate proceeded to consideration of the bill, entitled:

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator CONTI offered the following amendment No. A2962:

Amend Title, page 1, line 17, by inserting after "for": general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania liquor stores, for

Amend Title, page 1, line 19, by inserting after "licensees": and for limited wineries

Amend Bill, page 3, by inserting between lines 17 and 18:

Section 2. Section 207(a) of the act, amended December 30, 2003 (P.L.423, No.59), is amended to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

(a) To buy, import or have in its possession for sale and sell liquor, alcohol, corkscrews, wine and liquor accessories, trade publications, wine or liquor-scented candles and wine glasses in the manner set forth in this act: Provided, however, That all purchases shall be made subject to the approval of the State Treasurer, or his designated deputy. The board shall buy liquor and alcohol at the lowest price and in the greatest variety reasonably obtainable.

Section 3. Section 305(f) and (h) of the act, amended July 17, 2003(P.L.63, No.15) and December 30, 2003 (P.L.423, No.59), are amended to read:

Section 305. Sales by Pennsylvania Liquor Stores.—***

(f) Every purchaser of liquor, alcohol, corkscrews, wine or liquor accessories, trade publications, wine or liquor-scented candles or wine glasses from a Pennsylvania Liquor Store shall receive a numbered receipt which shall show the price paid therefor and such other information as the board may prescribe. Copies of all receipts issued by a Pennsylvania Liquor Store shall be retained by and shall form part of the records of such store.

(h) Every Pennsylvania Liquor Store shall sell gift certificates which may be redeemed for liquor. In addition, the board may sell corkscrews, wine and liquor accessories, wine or liquor-scented candles, trade publications and wine sleeves at Pennsylvania Liquor Stores.

Amend Sec. 2, page 3, line 18, by striking out "2" and inserting: 4 Amend Bill, page 4, by inserting between lines 28 and 29

Section 5. Section 505.2 of the act, amended November 10, 1999 (P.L.514, No.47), December 9, 2002 (P.L.1653, No.212), December 16, 2002 (P.L.1806, No.221) and July 17, 2003 (P.L.63, No.15), is amended to read:

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

(1) Produce alcoholic ciders, wines and wine coolers, subject to the exceptions provided under this section, only from fruits grown in Pennsylvania.

(2) Sell alcoholic cider, wine and wine coolers produced by the limited winery or purchased in bulk in bond from another Pennsylvania limited winery on the licensed premises, under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees, and to Pennsylvania winery licensees: Provided, That a limited winery shall not, in any calendar year, purchase alcoholic cider or wine produced by other limited wineries in an amount in excess of fifty per centum of the alcoholic cider or wine produced by the purchasing limited winery in the preceding calendar year. In addition, the holder of a limited winery license may purchase wine in bottles from another Pennsylvania limited winery if these wines undergo a second fermentation process. Such wine may be sold in bottles bearing the purchasing limited winery's label or the producing limited winery's label. Such wines, if sold by the board, may be sold by the producing limited winery to the purchasing limited winery at a price lower than the price charged by the board.

(3) Separately or in conjunction with other limited wineries, sell alcoholic cider, wine and wine coolers produced by the limited winery on no more than five (5) board-approved locations other than the licensed premises, with no bottling or production requirement at those additional board-approved locations and under such conditions and regulations as the board may enforce, to the board, to individuals and to brewery, hotel, restaurant, club and public service liquor licensees. If two or more limited wineries apply to operate an additional board-approved location in conjunction with each other, the wineries need only have one board-approved manager for the location, need only pay one application fee and need not designate specific or distinct areas for each winery's licensed area. Each limited winery must file an application for such an additional board-approved location, and such location shall count as one of the five permitted for each limited winery. Each limited winery is responsible for keeping only its own complete records. A limited winery may be cited for a violation of the recordkeeping requirements of sections 512 and 513 pertaining to its own records only.

(4) At the discretion of the board, obtain a special permit to participate in alcoholic cider, wine and food expositions off the licensed premises. A special permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed five (5) consecutive days. The total number of days for all the special permits may not exceed forty (40) days in any calendar year. A special permit shall entitle the holder to engage in the sale of alcoholic cider or wine produced by the bottle or in case lots by the permittee under the authority of a limited winery license. Holders of special permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at alcoholic cider, wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special permits shall be gov-

erned by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

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

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

(6) (i) Secure a permit from the board to allow the holder of a limited winery license to use up to twenty-five per centum permitted fruit, not wine, in the current year's production. Each permit is valid only for the calendar year in which it is issued.

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

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

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

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

(6.1) Sell wine or liquor-scented candles acquired or produced by the limited winery.

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

Amend Sec. 3, page 4, line 29, by striking out "3" and inserting: 6

Amend Sec. 4, page 5, line 9, by striking out "4" and inserting: 7

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

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

YEA-47

Armstrong	Greenleaf	Piccola	Thompson
Boscola	Hughes	Pileggi	Tomlinson
Brightbill	Jubelirer	Pippy	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kukovich	Rafferty	Wenger
Costa	LaValle	Rhoades	White, Donald
Dent	Lemmond	Robbins	White, Mary Jo
Earll	Logan	Scarnati	Williams, Anthony H.
Erickson	Madigan	Schwartz	Williams, Constance
Ferlo	Mowery	Stack	Wonderling
Fumo	Musto	Stout	Wozniak
Gordner	Orie	Tartaglione	

NAY-3

Kitchen	Mellow	O'Pake
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A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The bill will go over as amended.

SB 1097 CALLED UP

SB 1097 (Pr. No. 1567) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 1097 (Pr. No. 1567) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Senator LEMMOND offered the following amendment No. A2914:

Amend Title, page 1, line 3, by removing the period after "byway" and inserting: and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting: sections

Amend Sec. 1, page 3, by inserting between lines 4 and 5:

§ 8306. Designation of State Route 92 in Susquehanna County as a scenic byway.

(a) General rule.—Because of its outstanding scenic, historic, natural, recreational and archeological characteristics and qualities and because of opportunities for economic development and tourism and for conservation of the outstanding qualities along the road, State Route 92 in Susquehanna County from Lenox Township Segment No. 0130/0904 continuing to Jackson Township border Segment No. 0460/2408, and further continuing from the Susquehanna Borough Segment No. 0510/0747 and continuing to Oakland Borough Segment No. 0540/1702 is hereby designated as a scenic byway.

(b) Effect of designation.—No outdoor advertising device, as defined in section 3 of the act of December 15, 1971 (P.L.596, No.160), known as the Outdoor Advertising Control Act of 1971, may be erected:

- (1) within 660 feet of the nearest edge of the right-of-way; or
- (2) more than 660 feet from the nearest edge of the right-of-way, outside of urban areas, if the sign is visible from the main-traveled way of the scenic byway and the purpose of the sign is that its message be read from the main-traveled way of the scenic byway, except:

(i) the official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);

(ii) outdoor advertising devices advertising the sale or lease of the real property upon which they are located;

(iii) outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control;

(iv) directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131; and

(v) signs approved by the department designating the route as a scenic byway installed in accordance with department requirements.

(c) Public use maps.—All public use maps produced by the depart-

ment for travel, tourism and business interests shall give special identification of this route and briefly summarize that the General Assembly established the designation because of the outstanding scenic, historic, natural, recreational and archeological characteristics and outstanding qualities and opportunities for economic development, tourism and conservation of the sights along the route.

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

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

Senator KASUNIC offered the following amendment No. A2613:

Amend Title, page 1, line 2, by inserting after "Statutes,": further providing for distribution of funding; and

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. Section 1310 of Title 74 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:
§ 1310. Distribution of funding.

(c.1) Adjustments.—If a new local transportation organization or transportation company is established and meets the criteria of a Class 1 transit entity, Class 2 transit entity, Class 3 transit entity or Class 4 transit entity as such criteria is set forth in section 1310.1 (relating to supplemental public transportation assistance funding), the department shall make an appropriate adjustment in its calculation of the transit entity section 1310 share and 1310.1 share for each transit entity class to which such local transportation organization or transportation company shall be entitled. This determination shall include, but shall not be limited to, an appropriate adjusted based grant for that local transportation organization or transportation company and a determination of appropriate adjustments to class percentages or transit entity shares.

Section 2. Title 74 is amended by adding a section to read:
Amend Sec. 2, page 3, line 5, by striking out "2" and inserting: 3

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.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I need a Republican caucus, and I therefore ask that we recess to the call of the President pro tempore.

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

Senator O'PAKE. Madam President, did the Majority Leader call for a caucus?

Senator BRIGHTBILL. Absolutely, Madam President.

Senator O'PAKE. Madam President, then we will have to have a caucus as well. I ask all Democrats to report to our caucus room immediately.

The PRESIDENT. Senator Brightbill has called for a caucus and a recess to the call of the President pro tempore. Senator O'Pake asks for a Democratic caucus as well.

Without objection, the Senate will stand in recess to the call of the President pro tempore.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Education to meet imminently in the Rules room to consider House Bill No. 2726. Would all Members of the Committee on Education please report to the Rules room immediately.

CONSIDERATION OF CALENDAR RESUMED

HB 2330 CALLED UP

HB 2330 (Pr. No. 3251) -- 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 OVER IN ORDER

HB 2330 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

HB 2758 (Pr. No. 4224)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for fire company reduction and closure provisions for cities of the first class.

Senator EARLL, from the Committee on Finance, reported the following bills:

SB 1149 (Pr. No. 1675)

An Act amending the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco Settlement Agreement Act, further providing for requirements.

SB 1190 (Pr. No. 1769)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, extending the employment incentive tax credit.

SB 1192 (Pr. No. 1770)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth; and making a related repeal.

HB 2288 (Pr. No. 4248) (Amended)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing a career development tax credit.

HB 2472 (Pr. No. 3626)

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, adding and amending definitions; and further providing for borrowing limitations, for bond terms and conditions, for the Capital Debt Fund, for registration of bonds, for appropriation for and limitation on redevelopment assistance capital projects and for funding and administration of redevelopment assistance capital projects.

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

HB 1039 (Pr. No. 4230) (Rereported)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for Medicaid managed care organization assessments, for intermediate care facilities for the mentally retarded persons assessments, for administration of assessments by the Department of Public Welfare, for enforcement and for a report on certain pharmaceutical programs.

HB 2351 (Pr. No. 3279) (Rereported)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for retirement benefits of employees transferred to wastewater authorities.

HB 2521 (Pr. No. 4192)

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

HB 2654 (Pr. No. 4249) (Amended) (Rereported)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, reenacting and amending provisions relating to parking authorities and relating to taxicabs and limousines in cities of the first class; further providing for parking authority purposes and powers and special provisions in cities of the first class; providing for restrictions on parking authorities in cities of the first class; further providing for contract bids for parking authorities; further defining "limousine service"; making legislative findings as to taxicabs in cities of the first class; further providing, as to taxicabs in cities of the first class, for rates, for contested complaints, for driver certification, for budgets and fees, for certificates and medallions, for contested complaints, for wages, for regulations and for budget and fees; further providing, as to limousines in cities of the first class, for certificates of public convenience and for regulations; and making repeals related to allocation assessments against public utilities for regulatory expenses, to certificates of public convenience for taxicabs and to taxicabs in cities of the first class.

CONSIDERATION OF CALENDAR RESUMED**HB 2405 CALLED UP**

HB 2405 (Pr. No. 3381) -- 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 OVER IN ORDER

HB 2405 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SENATE RESOLUTION

Senators FUMO, MELLOW, O'PAKE, MUSTO, WAGNER, KASUNIC and STOUT offered the following resolution, which was read as follows:

In the Senate, June 30, 2004

A RESOLUTION

Discharging Committee on Finance from further consideration of House Bill No. 1321, Printer's No. 3134.

RESOLVED, That House Bill No. 1321, Printer's No. 3134, entitled "An act amending the act of October 6, 1998 (P.L.705, No.92), entitled, as amended, 'An act providing for the creation of keystone opportunity zones and keystone opportunity expansion zones to foster economic opportunities in this Commonwealth, to facilitate economic development, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration of geographic areas within this Commonwealth; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; and prescribing powers and duties of certain State and local departments, agencies and officials,' providing for expansion of existing improvement subzones; and further providing for business relocation," having been referred to the Committee on Finance on December 19, 2003, and the committee not having reported the same to the Senate for a period of over ten legislative days, the committee is discharged from further consideration thereof.

The PRESIDENT. The resolution will appear on the Calendar.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Hongkou District of China by Senator Armstrong.

Congratulations of the Senate were extended to Elizabeth Mae Curtis by Senator Dent.

Congratulations of the Senate were extended to Theola Myers, Virginia S. Ramey and to The National Association of Colored Women's Clubs & Youth Affiliates, Inc., of Philadelphia, by Senator Hughes.

Congratulations of the Senate were extended to the Horseshoe Curve of Altoona by Senator Jubelirer.

Congratulations of the Senate were extended to Russell Thompkins, Jr., by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Hopkins by Senator Logan.

Congratulations of the Senate were extended to Dr. Steven Alan Webber, Dr. Patricia Crist and to Kelsey McDonald by Senator Orie.

Congratulations of the Senate were extended to the Zembo Shrine of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Szuszczewicz by Senator Stack.

Congratulations of the Senate were extended to Adelmo G. Fini by Senator Stout.

Congratulations of the Senate were extended to The Intelligencer of Doylestown by Senator Tomlinson and others.

Congratulations of the Senate were extended to Project Succeed at Keystone Oaks High School of Pittsburgh by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. John Akins and to Mr. and Mrs. Robert McCoy by Senator D. White.

Congratulations of the Senate were extended to Victoria Lynn Bechtold by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Kris Rosenberg by Senator Orie.

BILLS ON FIRST CONSIDERATION

Senator TOMLINSON. 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 1149, SB 1190, SB 1192, HB 2288, HB 2472, HB 2521 and HB 2758.

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

PETITIONS AND REMONSTRANCES

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

Senator GREENLEAF. Madam President, I rise to speak on behalf of hundreds of thousands of citizens served by mass transit in southeastern Pennsylvania and by 73 other public transportation systems across the Commonwealth. Without a dedicated funding source, the future of mass transit in the Commonwealth of Pennsylvania is in serious jeopardy. We cannot allow the steady decline of systems that provide low-cost and necessary transportation to workers, students, tourists, and senior citizens. Mass transit relieves traffic congestion, reduces pollution, and serves those lacking other means of transportation. Transit systems provide jobs and get people to jobs. As an example, 70 percent of people who work in Center City Philadelphia rely on transit to get to work everyday. The loss of valuable public transportation systems would be economically devastating to the regions in which they operate and to the Commonwealth as a whole. Far from being a money pit, investment in the upkeep of transit systems is a winning proposition in the State's economic outlook. Capital dollars invested in SEPTA, for instance, have been shown to have an economic multiplier fact of \$6 for every dollar invested.

Along with 26 cosponsors of both caucuses, I introduce Senate Bill No. 1162 to increase the amount of dedicated funding to the State's financially strapped public transportation system by providing an additional 3.2 percent of the sales tax for mass transit. Currently, transit receives just 2.1 percent of the sales tax, and it is not enough. SEPTA raised fares in 2001 by \$32 million, and another fare increase would hurt riders and ridership. Cutting service would add to already intolerable traffic congestion, increased fuel use, and diminished air quality. As well as causing terrible problems for those who depend on the transit to earn a living, each SEPTA bus removed from its route means 40 new cars on the streets on a daily basis, and each train cut from service means 120 more cars.

Speaking as a board member of the State's largest transit system, I believe that SEPTA has taken all the steps possible to cut costs and reduce waste, but the fact remains that the system of transporting large numbers of citizens must be properly maintained and ensure safety and timely, quality service. Added to the normal cost of upkeep and maintenance are the security concerns that the nation currently faces, and it is easy to understand that maintaining service of 74 public transit systems in Pennsylvania is not a cheap proposition.

Finally, I would like to see this crucial issue addressed in the budget, and I respectfully direct your attention to Senate Bill No. 1162 and the need for the Commonwealth to provide a stable and sustaining funding source now to save the future of mass transit and for the sake of employers and workers, for senior citizens who need other means of transport, and for the general good and economy of this State. I would like to submit for the record remarks that detail the need and the history of mass transit, further demonstrating the State's obligation to provide necessary support.

Thank you, Madam President.

(The following prepared remarks were made a part of the record at the request of the gentleman from Montgomery, Senator GREENLEAF:)

I stand before you as the Representative of the Senate Republican Caucus to the Board of the Southeastern Pennsylvania Transportation Authority (SEPTA), appointed under the auspices of the Mass Transportation Act, Act 3 of 1994. SEPTA, an instrumentality of the Commonwealth, serves five counties in the Southeastern part of the State—Bucks, Chester, Delaware, Montgomery and Philadelphia.

SEPTA is extremely valuable to the region. It is a \$1.4 billion a year enterprise, about \$1 billion of that in operating expenses and the remainder in capital expenses. It provides almost a million rides a day to work, school, medical visits, tourist sites and other destinations. Nine thousand employees receive their income as employees of SEPTA. This fiscal year, \$256 million was spend with businesses in the five county area ranging from mom-and-pop caterers to major manufacturers. In the coming fiscal year, SEPTA intends to invest \$427 million in capital improvements providing jobs to many local residents. Capital dollars have been shown to have an economic multiplier affect of \$6 for every dollar invested. SEPTA benefits other local entities. For example, SEPTA is one of PECCO's largest customers.

I say all of this because I am describing a creation of the General Assembly and the Administration. In the early 1960s when private transit services across the country were going into bankruptcy, this body enacted legislation to create a public transit agency. We deemed such a service critical to the survival of the largest urban area in the State. It still is.

We also determined in 1991 that SEPTA should provide 50% of its operating budget out of system-generated revenue, including primarily

passenger fares and system advertising. Such a requirement would seem to presuppose a public source of funding for the remainder. This is a State entity. We devise, along with the administration, the State budget every year. And yet, what have we done? We have starved one of the largest transit systems in the nation to the point where it faces a \$70 million hole in its budget for the fiscal year beginning Thursday. We have underfunded transit so that if we fail to fix it this Session, more than \$140 million worth of service will be slashed in Southeastern Pennsylvania (remember that pesky 50% that comes out of the fare box—it means that money will be lost to the system as well when SEPTA tries to fill its deficit.)

The alternative is to raise fares to try to fill the gap. SEPTA raised fares by \$32 million in 2001. That increase was 11% for the City Transit Division and 13.5% for the commuter rail system. That followed a 7% fare increase in 1995 that yielded an additional \$15 million annually. SEPTA did not propose a fare increase this year to attempt to solve its deficit problem. The increase would have to be so large that it would provide negative returns due to loss of ridership. For thousands of middle and lower income residents of the five-county area, that would mean they would have no way to get to work, school, the doctor, church and family visits.

Nor has SEPTA proposed service cuts to solve the problem. Service cuts of the magnitude required would be massive. For those whose service would be cut, but who could afford an alternate, it would require the burden of car payments, insurance, fuel costs and maintenance for another vehicle, straining already tight family budgets. For those who already have access to an automobile as an alternative, it means substantially increased congestion and a substantial decline in regional air quality. Each SEPTA bus removed from the streets will result in up to 40 new cars on the road and each train car lost could add up to 120 new cars. It may even mean higher gas prices because of increased consumption. For every passenger SEPTA carries, it saves 1/2 the fuel that person would use if the trip were taken by car and 2/3 of the fuel that person would use in an SUV.

And once the new auto-commuters get to work, where will they park? Currently 70% of those employed in Center City Philadelphia take transit to work. A great deal of time has been spent this month in Harrisburg discussing whether downtown Philadelphia is "distressed" so that a major new office tower should benefit from tax abatements. There are two sides to that issue, but there would be no question whether downtown Philadelphia were depressed if adequate mass transit ceased to exist. Instead of building new buildings, Philadelphia will have to tear them down to put up parking lots.

Is SEPTA in this fiscal state due to mismanagement? Many of my colleagues have alleged that is the case over the years. It is most definitely not the case. As a board member, I attended SEPTA's meeting last Thursday. At that meeting, an outside auditor, performing a 5-year audit mandated by State legislation, reported that SEPTA's operating costs and fare box recovery were among the best in the country. Arlene Freiner, an auditor sent in last spring by Governor Rendell to take a look at SEPTA's expenses, confirmed that the deficit problems faced by SEPTA is the result of structural problems with the State funding mechanism. She indicated that SEPTA had used internal cuts, fare increases, minor service adjustments, and transfer of capital funds to operating uses to bridge the gap for a number of years. She worked with the authority to structure a 1-year solution for the fiscal year ending this week on the premise that a long-term funding solution be developed this year and put in place for fiscal year 2005. That time is here. We have to solve this problem soon.

The basic problem confronting SEPTA, and another 70 transit systems in Pennsylvania is underfunding by the State. In 1991, we passed a package of taxes designed to give transit a dedicated funding source for the first time. The taxes included a tax on tires, a car lease tax, a tax on car rentals, a periodical tax, and a piece of the Public Utility Realty Tax (PURTA). The taxes went into the newly created Public Transportation Assistance Fund (PTAF). Since that time, the periodical tax has been replaced by a tiny piece of the sales tax. PURTA has collapsed due to electric utility deregulation, been partially replaced by a piece of the Gross Receipts Tax and finally replaced by a piece of the sales tax last December.

The revenue estimates available at the time the PTAF was created, called for the cache of taxes to generate \$200 million in 1992. As of this

month, the revenue that will be available from all the sources is expected to be approximately \$173 million. If PTAF had reached \$200 million in 1992 and grown by 3% since then, SEPTA would have an additional \$67 million available. SEPTA's operating deficit is \$70 million. There would be no major problem.

In 1997, confronted with the certain decline and probable elimination of federal operating subsidy, the General Assembly passed and the Governor signed a bill to dedicate 1.22% of the sales tax to transit to bridge the gap created by the federal decline. However, the amount to go to transit was capped at \$75 million. There has been no growth in this source since then, a period of 7 years with static funding.

At the same time as the dedicated funding sources made available for transit failed to meet expectations or were frozen, the 10-year average increase in the State's general revenue contribution to operating costs grew by only an average of 1% per year. If those numbers are adjusted for inflation (even at the low rates we have experienced in the last several years) there is an actual decline in State support for public transportation.

Meanwhile, SEPTA, like all major employers, including the State, confronted skyrocketing health care costs and increased contributions to the pension fund due to stock price fluctuations. In addition, as a major user of fuel products and electricity, SEPTA has been even more affected by those price increases than most non-transportation entities.

Has SEPTA sat idly by waiting to be rescued? No. Since 1997, the authority has taken aggressive action to reduce operating budget costs while continuing to build and enhance service to the region. During this time, growth in operating expenses was successfully held to 2.4% while service increased 10%. Doing more with less has become standard SEPTA business practice. In fact, SEPTA has achieved overall savings of more than \$420 million. Specific actions have included reducing headcount by 1,133 administrative and hourly positions, reducing injuries and damage claims, implementing savings in the Workers Compensation program and cuts to materials and services costs not directly related to transit service routes.

So now, it is crunch time. SEPTA can realize no more significant cost savings internally without cutting into direct service provision. Further fare increases would be counterproductive. There is some sentiment in the SEPTA region to simply operate until the funds run out. That, however, would leave the region reeling and would be hard to reverse.

It is time for us to step forward and fulfill the implicit commitment made to this State entity. Senate Bill No. 1162 represents a proposal developed by SEPTA in conjunction with more than 70 other transit systems throughout the Commonwealth. This proposal is the Pennsylvania Public Transportation Association's (PPTA's) proposal. Clearly, the 25 senators who cosponsored the bill with me recognize the value of transit to their districts and the need to find a solution to stabilize them NOW.

The proposal calls for the dedication of an additional 3.2184% of the existing sales and use tax for capital and operating purposes. In addition, it has a small piece of funding for intercity rail services and for improvements to the Keystone Rail Corridor between Philadelphia and Harrisburg. The bill would accomplish two main goals. It would allow for the stabilization of service without annual operating crises, and it would provide some funds for "state of good repair" capital purposes, projects designed to assure the safe and reliable operation of the systems.

If we do not pass Senate Bill No. 1162, or something else with the same level of dedicated, predictable funding with growth potential this Session, we may not have another opportunity. The transit services throughout the State upon which local economies and our constituents depend may be gone. The services may have already been shut down, the employees laid off, and the lights turned off. We cannot afford to take that chance.

COMMUNICATIONS FROM THE GOVERNOR NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the

Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

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

June 30, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice The Honorable Clifford Allen, Edinboro, resigned.

EDWARD G. RENDELL
Governor

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

June 30, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until November 12, 2005, and until her successor is appointed and qualified, vice Ed Connor, Petersburg, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

June 30, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert T. McIntyre, 96 Arnold Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

June 30, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 17, 2004, for the appointment of Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

June 30, 2004

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

Please note the nomination dated May 17, 2004, for the appointment of Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert T. McIntyre, Scranton, whose term expired, should be corrected to read:

Lisa A. Watkins, 1220 Ricewynn Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, add to complement.

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 445, HB 550, HB 2524 and HB 2527**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 922**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 200**.

HOUSE BILLS FOR CONCURRENCE

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

June 30, 2004

HB 2636 and 2664 -- Committee on Transportation.

HB 2722 -- Committee on Judiciary.

HB 2726 -- Committee on Education.

BILL REPORTED FROM COMMITTEE

Senator **RHOADES**, from the Committee on Education, reported the following bill:

HB 2726 (Pr. No. 4113)

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

BILL ON FIRST CONSIDERATION

Senator **RHOADES**. Madam President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

HB 2726.

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

BILLS SIGNED

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

SB 200, SB 319, SB 751, SB 752, SB 922, HB 445, HB 550, HB 1937, HB 2268, HB 2378, HB 2522, HB 2523, HB 2524, HB 2525, HB 2526, HB 2527 and HB 2649.

ADJOURNMENT

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

Senator **BRIGHTBILL**. Madam President, I move that the Senate do now adjourn until Thursday, July 1, 2004, at 8:14 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.