

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MAY 2, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 30

SENATE

TUESDAY, May 2, 1995

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend JAMES GRUBB, of Grace United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

O God, as You anointed leaders and called prophets of old, lead us to recognize our true representatives and authentic leaders, men and women who love Your people and can walk with them, leaders who feel the people's pain and share their joys, who dream their dreams and strive to accompany them to their common goal. With Your spirit, empower and enlighten us to make our political system one that lives with a sensitivity and a heart to serve Your people and to bring glory to Your name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Grubb, who is the guest today of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 1, 1995.

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

COMMUNICATIONS FROM THE GOVERNOR

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD OF
LANDSCAPE ARCHITECTS**

May 1, 1995

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 April 13, 1995 for the appointment of Paula A. Vitz (Public Member), 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, as a member of the State Board of Landscape Architects, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Charles R. Eshleman, Annville, whose term expired.

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

THOMAS J. RIDGE
Governor

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

May 1, 1995

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 April 4, 1995 for the appointment of Michael D. Lieberth, 1504 Oak Street, Oakmont 15139, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice William D. Williams, Somerset, whose term expired.

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

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

MEMBER OF THE STATE REAL
ESTATE COMMISSION

May 1, 1995

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 15, 1995 for the appointment of Elizabeth J. W. Graf, 399 West Butler Pike, Ambler 19002, Montgomery County, Twelfth Senatorial District, as a member of the State Real Estate Commission, to serve for a term of five years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice John D. Neel, Pittsburgh, whose term expired.

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

THOMAS J. RIDGE
Governor

**CORRECTION TO NOMINATION
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

May 2, 1995

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

Please note the nomination dated March 21, 1995 for the appointment of Oscar E. Remick, Ph.D., 521 New Castle Street, New Wilmington 16143, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until his successor is appointed and qualified, should be corrected to read:

Oscar E. Remick, Ph.D., 521 New Castle Street, New Wilmington 16143, Mercer County, Twenty-first Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until his successor is appointed and qualified.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 11 and SB 12, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess adjournment.

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

REPORTS FROM COMMITTEES

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

SB 19 (Pr. No. 1057) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for proof of financial responsibility following an accident; and making an accident reportable if a driver is unable to provide financial responsibility information.

SB 80 (Pr. No. 1058) (Amended)

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring insurance companies to notify the Department of Transportation upon the lapse or cancellation of liability insurance held by an official vehicle inspection station.

SB 832 (Pr. No. 882)

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

HB 659 (Pr. No. 1795) (Amended)

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," further providing for increases in premium rates.

HB 710 (Pr. No. 782)

An Act amending the act of December 12, 1980 (P.L.1179, No.219), known as the Secondary Mortgage Loan Act, adding definitions; further providing for license requirements, for license applications, for license fees, for license powers, for records requirements, for limitations, for prepayment, for annual fees and for penalties.

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 858 (Pr. No. 1055) (Amended)

An Act providing for adoption of capital projects to be financed from current revenues of the Keystone Recreation, Park and Conservation Fund.

SB 972 (Pr. No. 1049)

An Act authorizing the Department of Environmental Resources to administer a grant program to promote the development, installation and demonstration of pollution prevention technologies or procedures which reduce, reuse or recycle hazardous substances; and establishing the Hazardous Substance Pollution Prevention Fund.

HB 272 (Pr. No. 1538)

An Act requiring the Department of Environmental Resources to conduct a study and issue a report of its tree harvesting practices in State forests.

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

SB 891 (Pr. No. 947)

An Act making appropriations to the Hahnemann University, Philadelphia.

HB 276 (Pr. No. 573) (Rereported)

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for limitations on the powers of cities of the first class.

HB 511 (Pr. No. 1796) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration, fees and inspection of farm vehicles and for surrender of license.

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

SB 287 (Pr. No. 294)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the taxation of annuity considerations.

SB 777 (Pr. No. 820)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the definition of "sale at retail"; exempting the sale of horses and certain services relating to horses in certain circumstances from the sales and use tax; and exempting feed and certain other equipment from the sales and use tax.

SB 950 (Pr. No. 1056) (Amended)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," reducing the rate of corporate net income tax and eliminating the additional surtax.

HB 39 (Pr. No. 1794) (Amended)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the Tax Reform Code of 1971, removing the \$500,000 cap on net loss deductions; providing for recovery of certain suspended losses; further providing for the taxation of annuity considerations; and providing for a limited tax amnesty program.

BILLS REREFERRED

Senator HART, from the Committee on Finance, returned to the Senate the following bills, which were rereferred to the committees indicated:

SB 777 -- Committee on Agriculture and Rural Affairs.

SB 287, SB 950 and HB 39 -- Committee on Appropriations.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Afflerbach, and temporary Capitol leaves for Senator Andrezeski, Senator Jones, Senator Kasunic, and Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests a legislative leave for Senator Afflerbach, and temporary Capitol leaves for Senator Andrezeski, Senator Jones, Senator Kasunic, and Senator Williams. The Chair hears no objection to the leave requests, and the leaves will be granted.

CALENDAR**SENATE RESOLUTION NO. 34,
CALLED UP OUT OF ORDER**

Senator LOEPER, without objection, called up out of order from page 3 of the Calendar, as a Special Order of Business, Senate Resolution No. 34, entitled:

A Resolution relating to maintaining the status quo of forces and training at Fort Indiantown Gap, Pennsylvania.

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

On the question,

Will the Senate adopt the resolution?

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR D. MICHAEL FISHER
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I have the pleasure today to introduce two students and their teacher, who are here with the Pennsylvania Association of Student Councils. The students and teacher come from Brentwood High School in my senatorial district. The students are Dana Larson and Erin Carwile, and their teacher is John Coles.

The PRESIDENT pro tempore. Would the guests of Senator Fisher who are in the gallery please rise so that the Senate may welcome you appropriately.

(Applause.)

**GUESTS OF SENATOR JAMES J. RHOADES
PRESENTED TO THE SENATE**

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

Senator RHOADES. Mr. President, I also have a young man here from Tri-Valley High School, Brent Donmoyer. Brent is a senior and will be attending Niagara University next year on an ROTC scholarship in nursing. He is also a member of the football and wrestling teams, and if anybody knows anything about wrestling, Tri-Valley has one of the best teams in the State. He is also here with a group, and I would appreciate it if the Senate would extend its usual warm welcome to them.

The PRESIDENT pro tempore. Would the guests of Senator Rhoades who are here in the gallery please rise so that the Senate may welcome you appropriately.

(Applause.)

**GUESTS OF SENATOR DAVID J.
BRIGHTBILL PRESENTED TO THE SENATE**

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

Senator BRIGHTBILL. Mr. President, we are pleased to have in the gallery today Mr. Len Olsen, who is principal of Blue Mountain Christian School; Mrs. Finocchiaro, who is a teacher at the school, and six students: John Rauch, Cynthia Finocchiaro, Robyn Frankenfield, Sara Fiddler, Angi Olesh, and Charity Saltzer. I had the good fortune of visiting the school recently and was most impressed by what I saw.

Could we give them the traditional warm welcome of the Senate of Pennsylvania.

The PRESIDENT pro tempore. Would the guests of Senator Brightbill who are here in the gallery please rise so that we may welcome you appropriately.

(Applause.)

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

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

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

Senator O'PAKE. Mr. President, also in the gallery today lobbying with the Pennsylvania Student Council lobbying group are some students and their faculty moderator from Governor Mifflin High School. They are members of the Student Council there. They are Chris Giovanis, Jimmie Wright, and their teacher, Miss Troutman. I would ask that the Senate recognize them.

Also, earlier today before we were in Session, Senator Brightbill and Senator Gerlach were pleased to host the Wyomissing High School State Soccer Champions and the Twin Valley State Cross Country Champions. They were here earlier, but they had to leave to get back for practice.

So in the gallery are Jimmie Wright, Chris Giovanis, and Miss Troutman from the Governor Mifflin Senior High School Student Council.

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

(Applause.)

**1994 COAL QUEEN
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, it gives me great pleasure this afternoon to be able to introduce a very special guest to the Senate of Pennsylvania.

As many of you know, for the past 41 years the King Coal Association of Carmichaels, Greene County, has held a Coal Queen Pageant in connection with the King Coal Show in order to select a young lady to represent the coal industry of Pennsylvania. The 1994 Coal Queen is with us this afternoon, and she is Miss Christina Reyes from Waynesburg, Greene County, which is located in the 46th Senatorial District.

I am also pleased to have Miss Reyes' parents, Dr. John and Lucinda Reyes, with us today in the Senate. The Coal Queen is also accompanied by the chairperson of the Coal Queen Pageant, Connie Shoaf, and her husband, Frank. I might add that this is like the 19th year in a row that Connie has escorted the Coal Queen here to Harrisburg. I told her she has seniority here now.

At this time I would like Dr. and Mrs. Reyes, and Mr. and Mrs. Shoaf to stand up and be recognized by the Senate.

The PRESIDENT. Would the guests of Senator Stout please rise.

(Applause.)

Senator STOUT. Miss Reyes is a senior at Waynesburg Central High School. This very lovely and talented young lady is very active in school affairs. She is a member of the National Honor Society, the Student Council, the Alpha Tri-Hi-Y, the

Spanish Club, the Lettermens Club, and the Ski Club. She will be attending the University of Notre Dame this fall, and besides all these school activities, she does volunteer work at the Greene County Memorial Hospital. This evening she will be honored at a dinner at the Maverick Restaurant hosted by the Pennsylvania Coal Association.

Mr. President, I would now like the Senate of Pennsylvania to welcome our Coal Queen, Christina Reyes, and give her an opportunity to address the Senate.

The PRESIDENT. Would the Coal Queen please step to the floor and address the assembly.

(Applause.)

Miss REYES. Good afternoon, everyone. My parents and I thank you for inviting us here today. It is an honor.

I am currently a senior at Waynesburg Central High School and soon to be a freshman at the University of Notre Dame this August. Majoring in chemistry, I intend to proceed to medical school, help keep America healthy, and provide health care to the elderly. This year seems to have gone so quickly because of my reign as Coal Queen and other activities and responsibilities as a goodwill representative of the coal industry.

Out of all the Coal Queen duties I have fulfilled, the most intriguing was the tour of New Warwick mine. It allowed me to see and appreciate the importance of the safety improvements of the coal mining industry. After the tour, I had a better understanding of this major industry and its impact on southwestern Pennsylvania. I was highly impressed with the technology and efficiency of the underground.

It has been a pleasure meeting with all of you. This is an experience I will never forget, and I thank you for making it possible, especially Senator Stout and his staff for taking such good care of me, for introducing me to Governor Ridge, and treating us to lunch.

Thank you.

(Applause.)

The PRESIDENT. The Senate thanks you.

GUESTS OF SENATOR DAVID W. HECKLER PRESENTED TO THE SENATE

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

Senator HECKLER. Mr. President, I am happy to inform the Senate that we have with us today three members of the Honor Card Program, a program to recognize academic excellence, sponsored by the Upper Bucks County Chamber of Commerce. They are from the Quakertown School District. With us in the gallery are Erica Maxwell, Trisha Slemmer, and Devon Taylor. They are accompanied and escorted today by Mrs. Ethel Setman from Milford Township, who is the strong right arm of Representative Clymer.

I hope you will join me in extending the Senate's usual warm welcome to these three scholars.

The PRESIDENT. Would our guests please rise.

(Applause.)

REMARKS BY THE CHAIR

The PRESIDENT. The Chair wishes to take a moment to thank the gentleman from Lebanon, Senator Brightbill, for acknowledging the presence of special guests from Blue Mountain Christian School.

Thank you, Senator.

RECESS

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

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:30.

The PRESIDENT. Senator Loeper requests that this Chamber move to recess for the purpose of a Republican caucus to be started immediately following my remarks.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I would inform the Members of the Democratic Caucus that we will have a caucus immediately upon recess in the caucus room at the rear of the Chamber.

The PRESIDENT. Senator Bodack encourages the Democratic Members to gather for their caucus discussion at the rear of the Senate Chamber, and the Senate stands in recess.

AFTER RECESS

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

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

April 17, 1995

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, Thomas W. Abell, 10 Cherry Street, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Robert M. Jones, Sr., Blossburg, whose term expired.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—15

Afflerbach	Jones	Schwartz	Tartaglione
Andrezeaki	Kasunic	Stapleton	Wagner
Belan	LaValle	Stewart	Williams
Bodack	Porterfield	Stout	

NAYS—35

Armstrong	Gerlach	Loeper	Robbins
Baker	Greenleaf	Madigan	Salvatore
Bell	Hart	Mellow	Shaffer
Brightbill	Heckler	Mowery	Shumaker
Corman	Helfrick	Musto	Tilghman
Dawida	Holl	O'Pake	Tomlinson
Delp	Hughes	Peterson	Uliana
Fisher	Jubelirer	Punt	Wenger
Fumo	Lemmond	Rhoades	

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

Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Regarding the temporary Capitol leaves for Senator Andrezeski, Senator Jones, Senator Kasunic, and Senator Williams, those leaves are cancelled.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave for Senator Robbins, who has been called from the floor.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Robbins. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Dawida, Senator Musto, and Senator O'Pake. Without objection, those leaves will be granted.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROGER A. MADIGAN
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bradford County, Senator Madigan.

Senator MADIGAN. Mr. President, it is my privilege to introduce a group of young people from North Rome Christian School in Bradford County, and their instructor, Danille Turisini. I am proud to have hosted them here today, and I understand you bent over backwards to spend time with them.

The PRESIDENT. Would the guests of Senator Madigan please rise so that the Senate may give you its usual warm welcome.

(Applause.)

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

SECRETARY OF HEALTH

February 27, 1995

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, Peter J. Jannetta, M.D., D.Sc., High Meadow Farm, Box 55, Rector 15677, Westmoreland County, Thirty-second Senatorial District, for appointment as Secretary of Health, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice Allan S. Noonan, M.D., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

SECRETARY OF EDUCATION

March 22, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eugene Welch Hickok, Jr., Ph.D., 127 Conway Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Education, to serve until the third Tuesday of 1999 and until his successor shall have been appointed and qualified, vice The Honorable Donald M. Carroll, Jr., Mechanicsburg, whose term expired.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nominations?

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I rise today to support the nomination of Peter J. Jannetta, M.D., to serve as Secretary of Health. He had extensive hearings with the Senate Commit-

tee on Public Health and Welfare. He was reported out by that committee, after the hearings, with a unanimous bipartisan vote.

Dr. Peter Jannetta is an internationally known neurosurgeon. He has been the head of the Department of Neurosurgery at the University of Pittsburgh Medical School since its inception in 1970. Dr. Peter Jannetta, as chairman of the department, has continued to demonstrate the uncanny ability to care for the clinical needs of his patients while successfully managing the complexities of this administrative position. Those who have known him for many years feel he will make a top-notch Secretary of Health.

Although Dr. Jannetta does not hold a formal degree in public health, he has assured us all that he realizes that public health is the major role of the Department of Health. I have the highest respect for someone who has the ability to operate on the brain, but I guess I would warn Dr. Jannetta that dealing with this legislature and dealing with that bureaucracy might be more tedious and more difficult some days than dealing with a human brain. I urge him to bring that department to where it ought to be in Pennsylvania State government, and I also encourage the Ridge administration to not treat the Department of Health as a foster child, which I believe previous administrations have done. It is a very vital department of State government. It is one that needs the financial support of the administration. We have a major role to play in making sure the people of Pennsylvania have high quality health care and understand how to utilize that health care cost effectively, how to live healthy lifestyles, and that public health is a major role in that.

I strongly recommend that all of my colleagues support Dr. Peter J. Jannetta as the next Secretary of Health.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, prior to taking the roll call, I would like to place Senator Williams on temporary Capitol leave.

The PRESIDENT. Regarding the leave of absence, that will be so noted.

And the question recurring,

Will the Senate advise and consent to the nominations?

REQUEST TO DIVIDE QUESTION

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

Senator MELLOW. Mr. President, I would like to have a division of the question where we will have two separate roll calls.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate advise and consent to the nominations?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I also rise to support the nomination of about-to-be Secretary Jannetta. I think in my years here in the Senate he is probably the first nominee for that job who I think has the courage, the wherewithal, and the independence to go over there and straighten out that department. I wish him well, and I hope that we would all join in supporting him in his efforts. I think that that department is long overdue for a revamping.

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

Senator FISHER. Mr. President, I, too, rise in support of the nomination of Dr. Peter Jannetta. In doing so, I would like to say that I think that Governor Ridge has, in his appointments to the key cabinet positions, brought an extraordinary group of people into State government, but I do not think that any one of them is any more extraordinary than Dr. Peter Jannetta, not only because of his qualifications, his unusual qualifications for this position in being a world-class neurosurgeon, as was mentioned by the gentleman from Venango, Senator Peterson, but also his willingness to come here under the circumstances in which he is coming, as an uncompensated Secretary of Health who will continue to keep his affiliation with the University of Pittsburgh Medical Center, to really do a job that needs to be done. To bring a fresh new look into the Department of Health is something that I think is very commendable. To be able in State government to go out and essentially get what amounts to a loaned professional, a loaned executive, to come to State government to help turn around a department is something I would hope we could do more of, whether it be in a Secretary position or in subcabinet positions, during this and perhaps subsequent administrations.

I found Dr. Jannetta to be a person who is not only bright and knows what needs to be done in the Department of Health, but he also recognizes the realities of the marketplace in health care across Pennsylvania and across the nation, and quite frankly, I think that is what it takes, to have somebody who cannot only shake up the Department of Health itself, but to have somebody who is willing to be part of some significant shake-ups in the way in which we deliver health care in Pennsylvania.

So I would join with the gentleman from Venango, Senator Peterson, and the gentleman from Philadelphia, Senator Fumo, and others, and urge hopefully strong bipartisan support for the nomination of Dr. Peter Jannetta to serve as the next Secretary of Health.

Thank you, Mr. President.

QUESTION DIVIDED

The PRESIDENT. The Chair recognizes Senator Loeper.

Senator LOEPER. Mr. President, I would simply request that we consider this nomination at this time and separate it from the nomination of Eugene Welch Hickok, Jr., for Secretary of Education.

The PRESIDENT. The Chair decides that it is divisible, and at this moment we will deal only with the nomination of Secretary Jannetta.

On the question,

Will the Senate advise and consent to the nomination of Dr. Peter J. Jannetta as Secretary of Health?

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

On the question,

Will the Senate advise and consent to the nomination of Eugene Welch Hickok, Jr., as Secretary of Education?

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

Senator RHOADES. Mr. President, I rise to support Dr. Eugene W. Hickok, Jr., for Secretary of Education. He is a distinguished and honored scholar. He is very accomplished. His list of publications is astounding, and his appearances before a number of groups dealing with educational issues across the Commonwealth I think speak for him and speak to many of the issues we will address.

His dynamic teaching manner precedes him, though. One thing I have found is that there are a number of his former students who now work in the Senate who speak extremely highly of his talent and his ability, and I think it is important that we have someone who recognizes what goes on in the classroom. Along with that, he has been a member of the Carlisle Area School Board, so he knows what it is and what is necessary to run a school.

And lastly, I would say that his children attend school in the Carlisle School District. So from the standpoint of an acting professional, to a school board member, to a parent, he knows firsthand what is going on. What impresses me most, though, is his dynamic, aggressive, and motivational manner, and I think this is what is going to be his strongest forte as we go about making changes in education.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I rise to raise some questions, not about the individual person. I do believe that the Governor generally has the right to appoint someone who agrees with him on the direction of education. I will vote for this confirmation, but I do want to say that my vote for this confirmation in no way should reflect or be cast as an endorsement as to where this Governor or this Secretary wants to take education policy in this Commonwealth. I believe, however, that that debate ought to happen around the issues, and there are numerous ones.

The Governor and the Secretary designee have talked at length about their commitment to parochial schools, to private schools, to the use of vouchers by parents to send children to any school in the Commonwealth. That sounds good in many ways. Many of us who care about basic education would rather that he expressed a commitment to improve the quality of public education across the Commonwealth. That will be a significant debate that I believe we will have within the next few weeks, whether we will use public dollars for parochial and private school education under basic education. There are many of us who are concerned about the use of vouchers to do that, and I want to make it absolutely clear that a vote by a number of us for this nomination is not a vote for the use of public dollars for vouchers for parochial or private schools.

Let me also say that the Secretary has raised issues around vague changes in the performance standards for which we hold our public schools, our school districts accountable. We have moved dramatically in this State towards performance standards, providing flexibility for our school districts. It was not easy to do that. It was controversial to do that. The Secretary has raised, in a vague way, that those standards might be reviewed and changed. I have some concerns about that vagueness and what that actually might mean to the school districts and do not necessarily endorse those changes, whatever they may be. He has been very vague about that.

Let me also say that we will need to have real conversation, real debate about funding, State funding for basic education and for higher education. And again, this Governor and this Secretary designee reflects some changes I am not at all comfortable with in redirecting our dollars, our funding, and not taking a serious look at the way the State ought to be providing support for all of our school districts, particularly our poor school districts, but for all of our school districts. I am sure that my colleagues hear the issues about property taxes and not wanting to raise property taxes. I believe we need to have that serious debate.

So this nominee, Mr. President, is someone who brings with him a direction in public policy that I am not wholly comfortable with by any means, but it is a direction that this Governor wants to move us in. So it is up to us, I believe, to work with this Secretary to move that direction more in support of public education, more in support of a serious State commitment for both basic and higher education. We ought to be having that discussion on this floor. It is up to us to be doing that.

I hope that we can work with the Secretary. He has pledged to work with all of us to improve the quality of education for all of our students. I hope that that commitment is there beyond the confirmation hearings, and I hope that we can work together to improve the quality of education and prepare our young people for the 21st century.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I thoroughly agree with the gentlewoman from Philadelphia, Senator Schwartz, that we should not vote on this confirmation based on whether we are for school vouchers or not. Although the Governor has made announcements to this effect, the nominee, Dr. Eugene Welch Hickok, Jr., is merely the messenger. He does not enact laws. The legislature enacts laws. He carries them out. The same way as I have criticized the Governor's budget because of the cutback on money for early intervention which will cost my county a million dollars, which means our school taxes have to go up, but that is not Dr. Hickok's fault. That comes from another source.

Now, there is one thing that I am sold on this gentleman for. When he came around to our offices, and later in the hearings of the Committee on Appropriations and elsewhere, I talked to him about drugs in our public schools. I talked to him about the fact that this drug culture has given rise to violence in our schools. This is a tremendous threat. This gentleman stands ready and willing to tackle these problems. I am voting "yes."

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I listened very closely to the gentlewoman from Philadelphia, Senator Schwartz, and I certainly agree with her position in the sense that we are not here to vote on an issue, we are here to vote on a nominee for the Governor's cabinet. And I might say, Mr. President, I believe that there are many, many important nominations that the Governor makes, but this may very well be the most important nomination he makes in his administration and it may be the issue that defines Governor Ridge and his stewardship of State government in the next 4 years.

Mr. President, I had the distinct pleasure of meeting with the nominee, and I believe that Secretary Hickok will bring a new dimension to the office of Secretary of Education. Yes, he is nontraditional; yes, he stands for change; and, yes, Tom Ridge took a long time before naming Gene Hickok to this most important position because it was important to him to find the person with whom he was comfortable, who understood what he was trying to do, who understood that the people of Pennsylvania on November 8, 1994, elected a Governor, a candidate for Governor, who campaigned on change and who is not going to deal with basic education in the traditional manner.

Let us not forget, though, Mr. President, as we look at the budget, that this administration has committed 124 million new dollars to public education, that this administration has shown its absolute commitment to public education and still says we

need to begin to make change. Why do they take this position? Very simply, because as the people of Pennsylvania know very well, and as the election results clearly showed, they want change. It is not going to come easily, and the devil is in the details. We have not seen the Governor's program in detail, but we know that not only is the Governor committed passionately to move his program forward when he announced it but that his Secretary of Education, I believe, will have the single-most difficult job in all of State government as he goes around this State, as he brings forth that program to Members of the Senate, to Members of the House, and tries to sell that program to the people.

If he sells it to the people and if Governor Ridge and his team do exactly that, then there is no question in my mind that there will be a response in this General Assembly. I hope that every Member of this General Assembly will keep an open mind. I get letters from my constituents, as all the Members do, saying I am for this and against that, and certainly the issue of choice is the most predominant buzzword in education today. It is new, it is change. But we do not know what that means yet until such time as the legislation is introduced, and I am sure it will be, and I say this, Mr. President, to Senator Schwartz and all others who say we need to have a debate: You can lay everything you have that we are going to have the most public debate that this General Assembly probably has ever had on any issue, and there will be an extensive public debate, and in the final analysis I hope that we can come together in the best interests not only of the taxpayers of Pennsylvania but of the parents of Pennsylvania and perhaps, most importantly, of the children of Pennsylvania, who are our most important responsibility, and the budget does indeed reflect that.

Having said that, Mr. President, I took a long way around to say that I believe that Gene Hickok is eminently qualified for the position. I think he is up to the challenge. I find that he is willing to listen, that he is committed, that he takes a lot of notes when he meets with Members of the General Assembly, and as he faces the greatest challenge of his life and he carries forth the position of this administration, I believe that he will make his mark in history and that he will have a very successful tenure if we, as Members of this Senate, and the Members of the House, give him the opportunity to do so.

Thank you, Mr. President and Members of the Senate, for the opportunity to make these remarks.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I am sure that the professor, Dr. Hickok, is probably a fine gentleman. In the few conversations that I have had with him, he came across as such, and I understand that in these confirmation processes we are supposed to be voting the person, the individual, and not necessarily an issue. But just to, Mr. President, dovetail on what the previous speaker said, there probably will not be any issue that will have more impact that this Senate will deal with in its current Session than the matter of school choice, tuition vouchers, however you want to name it.

And it came to me before our Committee on Education confirmation meeting, and at that particular meeting, given my personal perspective on that matter, which is no secret to anyone in this body, my opposition, that at some point the line has to be drawn. I voted "no" on confirmation and I will be voting "no" here at this moment, Mr. President, because it is a fundamental issue. It is just not one of those issues where we can vote on it and speak on it and just walk away and go on with business as usual. It is a fundamental issue, Mr. President. The line has to be drawn.

We cannot necessarily buy off public policy, and let me be clear when I say that. There may be significant increases in public education spending in this budget as this Governor has proposed, but there is also a significant proposal for a policy change. Money can go away. Policies are hard to effectuate change on. We change policy. In spite of additional funding for public education, this proposed change in public policy will possibly be in place.

And consequently, Mr. President, since this individual will be the point person for this Governor on this issue, I cannot in good conscience vote in any way, shape, or form to advance that issue. The confirmation here is an advancement of that issue. Consequently, Mr. President, I must offer a negative vote.

Thank you.

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

Senator MELLOW. Mr. President, I do not rise to oppose the Secretary designee. In fact, I will be voting for his confirmation, but I think it is very important for us to make a clarification. First of all, choice of education is not new. It has been around for quite a while. Secondly, I heard mentioned on several occasions that there has been a significant increase for public education. Mr. President, there might be an increase for public education at the levels of K through 12, but for higher education there is no increase in public education. And I know my phone has been ringing on and off, and I know I have received a tremendous amount of correspondence, including a number of petitions, especially from students who attend Penn State University, protesting the fact that although there might be additional money for public education dealing with secondary education, there is no new money dealing with public education for higher education.

Yes, I do believe that the Secretary of Education has his hands full, but one of the problems that concerns me is the phone call that I got from the news media today when they asked me if I would care to respond to the Governor's proposal with regard to choice. I told him I cannot respond to something that I have never seen, and we have not seen it, although we have been told that we have it. Yet the news media that called me today told me exactly what is in the Governor's proposal with regard to choice, talked about the transfer in public education from school to school and how it would have not as much of an impact on the choice with regard to private schools. I was absolutely amazed by it because I, for one, have never even seen the proposal, but for some reason the propaganda machine started to roll today and there are people out there

talking to the news media with regard to choice of education, so there will be a lot of things philosophically that the Secretary of Education and I are going to disagree on.

I do believe very strongly that Governor Ridge, the same way as Governor Casey and Governor Thornburgh and Governor Shapp before him, the four Governors with whom I have had the opportunity of serving, should have the opportunity to put his team in place, but that does not mean that once that team has been put in place that we then will be following the same philosophical agreement that they have, and, in fact, I would basically believe that with Mr. Hickok that many of us will not be following the same type of philosophical proposals that he would be advancing.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The record should reflect the return of Senator Williams, and that leave is hereby cancelled.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Heckler has been called from the floor, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Heckler. Without objection, that leave will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination of Eugene Welch Hickok, Jr., as Secretary of Education?

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

Senator WILLIAMS. Mr. President, would the Majority Leader stand for interrogation?

The PRESIDENT. Would the gentleman from Delaware, Senator Loeper, stand for interrogation?

Senator LOEPER. I will, Mr. President.

The PRESIDENT. Senator Williams, proceed.

Senator WILLIAMS. Mr. President, are we aware of any information that would allow a Secretary of Education to promote, promulgate, or put into place anything resembling school choice without legislative authority? Is there anything that he could do on his own that I am not aware of?

Senator LOEPER. Mr. President, I am not aware of anything that he would be able to do to implement a program of that type without legislative authorization.

Senator WILLIAMS. Thank you, Mr. President.

Mr. President if I could speak on the issue at hand, this confirmation. Mr. President, I, as of now, strongly oppose the choice concept. I have had an extensive interchange with all the parties pro and con, including religious leaders, and have seriously tried to see a point of view, but I have come to a conclusion that it is an issue that is fundamentally flawed.

Having said that, I have spoken with the Secretary, or proposed confirmer, and in all other respects I feel that he has

something to offer to the extent that he has philosophical positions on choice. What we do on that would depend on legislative authority. I strongly disagree with the Governor at this point on that issue as well, but I believe that the Governor is entitled to have appointees who reflect his point of view to a large extent. In this case, apparently he is in league with the Governor on this issue. I, therefore, will not vote against his confirmation merely because of that, because of an authority that is within the control of these legislative bodies and, of course, within the parameters of the general public.

And so I will vote in favor of the confirmation, wanting to make it distinctly clear that, as of now, I am a strong opponent of the choice proposals because I think it threatens the fundamental fabric of our public education system. I just wanted it to be clear that we always have had persons in cabinets, Democrats and Republicans, who have their own philosophies, but I do believe it is our fundamental responsibility to pass authority that reflects the policy that should govern this Commonwealth, and I do not believe that the confirmer or proposed confirmer has anything to do with that authority one way or another.

And the question recurring,

Will the Senate advise and consent to the nomination of Eugene Welch Hickok, Jr., as Secretary of Education?

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

YEAS—49

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Jones	Porterfield	Tilghman
Brightbill	Jubelirer	Punt	Tomlinson
Corman	Kasunic	Rhoades	Uliana
Dawida	LaValle	Robbins	Wagner
Delp	Lemmond	Salvatore	Wenger
Fisher	Loeper	Schwartz	Williams
Fumo			

NAYS—1

Hughes

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert L. Rubendall, Esquire, (Public Member), 41 Ridge Road, Halifax 17032, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas D. Nabors, Jr., Southampton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles T. Adams, 180 C Heisz Street, Edwardsville 18704, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1996 and until his successor is appointed and qualified, vice Margaret M. Jonas, Dingmans Ferry, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John L. Davies, Jr., 431 Sunnyside Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1997 and until his successor is appointed and qualified, vice Virginia F. Wade, Cambridge Springs, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles W. Pruitt, Jr., 300 Fox Chapel Road, Apartment 407, Pittsburgh 15238, Allegheny County,

Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1996 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

April 11, 1995

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, The Honorable Thomas B. Hagen (Voting Member), 5727 Grubb Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Andrew T. Greenberg, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

April 11, 1995

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, The Honorable Peter J. Jannetta (Voting Member), High Meadow Farm, Box 55, Rector 15677, Westmoreland County, Thirty-second Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Allan S. Noonan, M.D., resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

April 11, 1995

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, The Honorable Bradley L. Mallory (Voting Member), 1008 Country Club Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Karen A. Miller, Reading, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

April 11, 1995

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, The Honorable James M. Seif (Voting Member), 717 Gulph Road, Wayne 19087, Chester County, Nineteenth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Arthur A. Davis, Camp Hill, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

April 3, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Crowner, 11 East Fourth Street, Erie 16507, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Peter F. Arfaa, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan B. Kemenyffy, 4570 Old State Road, McKean 16426, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

March 21, 1995

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, Mario Mele, 1240 Pinetown Road, Fort Washington 19034, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until his successor is appointed and qualified, vice Carol R. Brown, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

March 21, 1995

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, Oscar E. Remick, Ph.D., 521 New Castle Street, New Wilmington 16143, Mercer County, Twenty-first Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

March 15, 1995

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, Frank A. Itgen, Jr., (Public Member), 922 Montgomery Avenue, C-2, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

March 15, 1995

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, Steven E. Kopp, 424 West Broadway, Red Lion 17356, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard Sciorillo, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

March 15, 1995

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, Camillo Micolucci, 987 Rocklyn Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

March 15, 1995

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 Vavro, 221 Glen Caladh Street, Pittsburgh 15207-1612, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Cosimo J. Sciortino, York, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

March 21, 1995

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, Nancy Marcus Newman, 1079 Baron Drive, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified, vice Susan Kelly-Dreiss, Hershey, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CHILDREN'S
TRUST FUND BOARD**

March 21, 1995

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, Margaret A. Tyndall, Ph.D., 1498 Sturdy Oak Drive, Pittsburgh 15220, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve until March 31, 1996, and until her successor is appointed and qualified, vice Alice Tuohy O'Shea, Esquire, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE CONSERVATION
COMMISSION**

March 30, 1995

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, Loren W. Lustig, 795 Stone Jug Road, Biglerville 17307, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 1998, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Walter R. Rossman, Ebensburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

March 30, 1995

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, Henry A. Hillegass, 219 West Pitt Street, Bedford 15522, Bedford County, Thirtieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until November 10, 1995 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Suzanne Faggioli, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carol T. Micciche, 3264 Back Run Road, Manheim 17545, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rita M. Spicer, Melrose Park, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE DELAWARE VALLEY
REGIONAL PLANNING COMMISSION**

March 30, 1995

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 S. Taylor, Esquire, 465 East State Street, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve until terminated, vice Thomas G. McCloskey, Esquire, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF DENTISTRY**

March 15, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan E. Calderbank, D.M.D., 43 Clinton Street, Greenville 16125, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Eli Stavisky, D.D.S., Clarks Summit, whose term expired.

THOMAS J. RIDGE
Governor

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

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly R. Brookes, 2 Concord Way, Chadds Ford 19317, Delaware County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Patrick Stapleton III, Esquire, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

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

March 21, 1995

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, William D. Davis, 1500 Ritchey Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice John J. Curran, Esquire, Orwigsburg, resigned.

THOMAS J. RIDGE
Governor

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

April 4, 1995

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, Denny Heindl, P. O. Box 146,

Ridgeway 15853, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Paul A. Weaver, Clarion, whose term expired.

THOMAS J. RIDGE
Governor

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

April 4, 1995

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, C. Richard Johnston, R. D. #1, Wayland Road, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

April 4, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry K. Thomas, Esquire, 914 West 52nd Street, Erie 16509, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

March 15, 1995

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, Gregory K. Jordan (Public Member), 1522 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ellen M. Coggins, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE HEALTH
FACILITY HEARING BOARD

March 21, 1995

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, Cornelia Swinson, 34 East Coulter Street, Philadelphia 19144, Philadelphia County, Fourth Senatorial District, for appointment as a member of the State Health Facility Hearing Board, to serve for a term of four years and until her successor is appointed and qualified, vice George S. Webster, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION

April 4, 1995

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, J. M. Adovasio, Ph.D., 4676 White Pine Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Constance Glott-Maine, Townville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

April 17, 1995

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, Nancy D. Kolb, Star Route #2, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Kurt D. Zwick, Allentown, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 4, 1995

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, The Honorable Kathleen A. Durkin, 757 Hawkeye Drive, Monroeville 15146, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 2001, and until her successor is

appointed and qualified, vice Miriam K. Bradley, North Braddock, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 4, 1995

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, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA INDUSTRIAL
DEVELOPMENT AUTHORITY

March 21, 1995

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, David E. Zuern, 6521 Pheasant Run, Fairview 16415, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1996, and until his successor is appointed and qualified, vice Ralph H. Evans, Mansfield, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

March 30, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard G. Stauffer, 595 Netzley Drive, Denver 17517, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Larry Ridenour, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF MEDICINE

March 21, 1995

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, Daniel B. Kimball, Jr., M.D., 1303 Orchard Road, Reading 19611-1437, Berks County, Eleventh Senatorial District, for appointment as a member of the State Board of Medicine, to serve until December 10, 1995 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph J. Trautlein, M.D., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

April 4, 1995

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, Wendell F. Holland, Esquire, 219 Curwen Road, Rosemont 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1999 and until his successor is appointed and qualified, vice Robert Hubbard, Jr., Harrisburg, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF EXAMINERS OF NURSING
HOME ADMINISTRATORS

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard R. Cessar, Jr. (Public Member), 1837 Vollmer Drive, Glenshaw 15116, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until March 17, 1996 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John B. Lewis, Blue Bell, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF EXAMINERS OF NURSING
HOME ADMINISTRATORS

March 21, 1995

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 H. Morrow, 1435 Meredith Lane, Blue Bell 19422, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not

longer than six months beyond that period, vice Barbara Afflerbach, Allentown, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

April 4, 1995

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 A. Ginsburg, O.D., 25 East Moreland Avenue, Hatboro 19040, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

April 4, 1995

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, Ray L. Kinch, O.D., 465 Caracas Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Janet E. Summers, O.D., Export, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

March 30, 1995

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, Daniel D. Dowd, Jr., D.O., 2858 Honey Valley Road, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John E. Dougherty, III, D.O., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY

March 30, 1995

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, Cynthia A. Baldwin, Esquire, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1997 and until her successor is appointed and qualified, vice Richard Trunka, Nemacolin, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY

March 21, 1995

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, Alvin H. Clemens, 907 Exeter Crest, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1997 and until his successor is appointed and qualified, vice The Honorable Chaka Fattah, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

March 21, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul R. Schleich, R. D. 6, Box 351, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael L. Murphy, Clarks Green, whose term expired.

THOMAS J. RIDGE
Governor

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

March 21, 1995

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, Jeffrey S. Blum, Esquire, 100 Denniston Avenue, Pittsburgh 15206, Allegheny County, Forty-third Senatorial District, for appointment as a Commonwealth Trustee of the University of Pittsburgh--of the Commonwealth System of Higher Education, to serve until October 5, 1997, and until his successor is appointed and qualified, vice James J. Flaherty, Esquire, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PODIATRY**

March 30, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stanley E. Boc, D.P.M., 12315 Medford Road, Philadelphia 19154, Philadelphia County, Fifth Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS**

February 13, 1995

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, Dorothy Childress, 4608 West Brightview Avenue, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for appointment as Commissioner of Professional and Occupational Affairs, to serve until superseded, vice Richard H. Utley, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD**

March 30, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel M. Sanzotto, Ed.D., 6122 Charing Cross, Mechanicsburg 17055-5201, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Public School Employees' Retirement Board, to serve until February 14, 1998 and until his successor is appointed and qualified, vice Winston J. Churchill, Jr., Esq., Birchrunville, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD**

March 30, 1995

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, Frederick C. Tecce, Esquire, 1025 Sentry Lane, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 1997

and until his successor is appointed and qualified, vice Albert R. Fondy, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
EXAMINERS IN SPEECH-LANGUAGE
AND HEARING**

March 30, 1995

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, Linda G. Trabucco, Esquire (Public Member), 212 Dorset Road, Devon 19333, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

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

March 30, 1995

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, Lou Bizzarro, 5657 Zuck Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

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

March 30, 1995

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, Frederick C. Laurenzo, 1700 Fieldcrest Road, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lee G. Kachel, whose term expired.

THOMAS J. RIDGE
Governor

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

March 30, 1995

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, Wesley R. Reohr (Public Member), 327 Allenview Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph H. Pavlak, Doylestown, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

March 30, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard G. Kiehl, R. D. #1, Box 1512, Zimmerman Hill Road, Clarendon 16313, Warren County, Twenty-fifth Senatorial District, for appointment as District Justice, in and for the County of Warren, Magisterial District 37-3-04, to serve until the first Monday of January 1996, vice Allan D. Carlett, resigned.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nominations?

NOMINATION TABLED

Senator SALVATORE. Mr. President, before we take this vote, I would like the nomination of Ray L. Kinch, which was read over the desk, to be tabled at this time. It appears on page 10 B.

The PRESIDENT. We are marking the record, Senator Salvatore. And the motion has been made concerning the State Board of Optometry and the tabling of Dr. Ray L. Kinch. Without objection, the nomination of Dr. Ray L. Kinch will be laid on the table.

And the question recurring

Will the Senate advise and consent to the nominations?

Senator SALVATORE. Mr. President, I ask for an affirmative vote for the rest of the names that were read over the desk.

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 933 – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 245 (Pr. No. 1003) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the maximum speed limit on certain interstate and other highways; and further providing for the use of speed timing devices.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT OFFERED

Senator HELFRICK offered the following amendment No. A2157:

Amend Sec. 2 (Sec. 3362), page 3, by inserting between lines 21 and 22:

(d) Action by secretary.—If the report required under subsection (c) shows an increase of 5% of the incidents of accidents and deaths as a result of the increased speed limit on any interstate highway, the secretary shall take the required action to revert the speed limit on that highway to the previous speed limit. Such action shall occur within 30 days.

Amend Sec. 2 (Sec. 3362), page 3, line 22, by striking out "(d)" and inserting: (e)

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, what my amendment does in subsection (d), "If the report required under subsection (c) shows an increase of 5% of the incidents of accidents and deaths as a result of the increased speed limit on any interstate highway, the secretary shall take the required action to revert the speed limit on that highway to the previous speed limit. Such action shall occur within 30 days."

Mr. President, from 1989 to 1993, speeding fatalities dropped by an average of 35 per year, and I think that is wonderful. I do not think now is the time that we should enact legislation which would increase those fatalities. I am not sure if that drop in fatalities was because of the 55 miles per hour speed limit or whether it was because we have the speed limit, the air bags, and other safety restraints. But certainly, this is not a time that we should be passing legislation without putting some kind of constraints in there to repeal that legislation if the fatalities increase. I would certainly suggest an affirmative vote for my amendment.

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

Senator BELL. Mr. President, I support the amendment but not for the reasons that the gentleman from Northumberland, Senator Helfrick, said. Anybody who thinks that traffic on the turnpike is not exceeding 55 miles per hour has not been on the turnpike. The average flow of traffic out there is about 70 miles an hour. I assume it is the same on the rural interstates. And this setting the speed limit at 65 miles per hour is not raising the speed limit, it is lowering it, because the State Police have assured the Committee on Transportation they will strictly enforce this proposed 65 miles per hour speed limit.

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

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

Senator CORMAN. Mr. President, reluctantly, I rise to oppose this amendment. I say reluctantly because I know how sincere the gentleman from Northumberland, Senator Helfrick, is in trying to assure us that we do not provide a speed on Pennsylvania highways that is unsafe, and if, in fact, we do, that we reverse that action. But, Mr. President, I submit to you that the mechanism is already available in the bill to provide for that. This bill provides a maximum speed of 65 miles per hour on those highways on which the Secretary of Transportation determines that we can go 65 miles per hour. We give him the authorization to go to 65 miles per hour on rural interstates and others that we call lookalikes that are freeways, and in fact on the turnpike in those areas that we believe it is safe enough to come up to a speed of 65 miles per hour.

Just as he is permitted to make that determination in those areas that are safe, when he receives the information gathered by the report that must be done 1 year after the speed has been increased, the Secretary could then change that posting and reduce it to a lower speed. I think rather than having one terrible accident that might involve a bus with a lot of people

injured which totally disrupts the statistics in saying statistically we have proven it is a bad highway, so therefore we are going to reduce it, I think we have to allow those kinds of discretionary decisions to be made by the Secretary of Transportation, rather than trapping the State and the Secretary in making a decision based on an arbitrary number of 5 percent.

So I would reluctantly urge a negative vote on this amendment. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I join the Majority chairman of the Committee on Transportation in opposing the amendment offered by the gentleman from Northumberland, Senator Helfrick. I know that he is very sincere about providing public safety in this proposed amendment, but it is really unnecessary. You heard the gentleman from Centre, Senator Corman, say that the legislation before us has a mechanism by which the Secretary can review the speed within 1 year after the report.

You know, many Pennsylvanians, and I will not say it is unanimous, but many Pennsylvanians have been waiting nearly 8 years in order for us to have a 65 miles per hour speed limit in Pennsylvania. We know what happened back in the mid-'70s during the energy crisis when the speed was lowered to 55 miles per hour, but our interstate system and our turnpike were built and designed to operate at 65 or 70 miles per hour. Now after 8 years the Federal government is allowing the States to do that. We are now on the threshold of that.

I believe that there are many reasons why accidents occur, and Senator Helfrick's amendment would take away and reduce it from 65 to 55 because of maybe one accident which may not necessarily have been caused by speed. It could have been caused by weather conditions or the condition of the driver, if the driver was DUI, the condition of the vehicle, and so forth. So there are many reasons besides speed that cause accidents on our highways, and you cannot totally blame that on the 65 miles per hour speed limit.

So I would urge the Members to reject Senator Helfrick's amendment and to pass our 65 miles per hour bill.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I hate to disagree with my colleagues, but my amendment says accidents and deaths as a result of increased speeds. That is what my amendment says. I realize there are other reasons why there are accidents. That should not be taken into consideration. Also, the gentleman from Centre, Senator Corman, says it is not necessary. What this amendment does is really enforces and says the Secretary shall take action if deaths and fatalities increase. If it is not necessary, then it is a nothing amendment, if fatalities do not increase. If the fatalities increase, then it is an important amendment. If the fatalities do not increase, then it is a nothing amendment. So I cannot see why anyone would object to it.

Mr. President, I tried to figure out exactly what this means, this increased speed limit. I live 55 miles from the Capitol. It takes me 1 hour to drive those 55 miles from my home. It will take me 54 minutes if this speed goes into effect. So if you

were to drive completely across the State, 300 miles, you are still talking about a savings of less than a half an hour. I do not know if it is worthwhile to trade those 6 minutes that I could save from my home to here to risk my life or to have some other driver hit me because of excessive speed and kill me. We have a responsibility here to protect the health and welfare of our constituents. I know it is not possible to protect the health and welfare of any individual, but it is possible to protect the health and welfare of that individual harming someone else.

I think it is a very important amendment and I think it is necessary. You know, it is ironic. Coming down from my district there is a billboard along the highway from an undertaker, and it says, please do not speed. What are you going to do with those couple of minutes you save when you are lying there in the grave? I think we should think about that seriously. If this amendment is not necessary, I would be very happy to see that it is not necessary, but if the deaths increase by any amount, it is very necessary, and I would urge everyone to support this amendment.

Thank you.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I would like to place Senator Bodack and Senator Williams on temporary Capitol leaves.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Bodack and Senator Williams. The Chair sees no objection, and the leaves are granted.

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

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

YEAS—21

Armstrong	Hughes	Madigan	Salvatore
Bell	Jones	Mowery	Schwartz
Delp	Jubelirer	O'Pake	Shaffer
Hart	LaValle	Peterson	Uliana
Helfrick	Lemmond	Rhoades	Wagner
Holl			

NAYS—29

Afflerbach	Fisher	Mellow	Stewart
Andrezeski	Fumo	Musto	Stout
Baker	Gerlach	Porterfield	Tartaglione
Belan	Greenleaf	Punt	Tilghman
Bodack	Heckler	Robbins	Tomlinson
Brightbill	Kasunic	Shumaker	Wenger
Corman	Loeper	Stapleton	Williams
Dawida			

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

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Porterfield.

The PRESIDENT pro tempore. Senator Mellow requests a temporary Capitol leave for Senator Porterfield. The Chair hears no objection, and that leave will be granted.

And the question recurring,
Will the Senate agree to the bill on third consideration?
Senator CORMAN offered the following amendment No. A2223:

Amend Sec. 4, page 6, line 14, by striking out "60" and inserting:
90

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 PETERSON offered the following amendment No. A2242:

Amend Sec. 2 (Sec. 3362), page 3, lines 22 through 26, by striking out all of said lines and inserting:

[(c)] (d) Penalty.—

(1) Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$35.]:

(i) \$40, plus a surcharge of \$10 payable to the State Treasurer for deposit into the Emergency Medical Services Operating Fund, for violating a maximum speed limit of 65 miles per hour, or

(ii) \$35 for violating any other maximum speed limit.

(2) Any person exceeding the maximum

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, the bill before us raises the fine on a speeding violation where there is a 65 miles per hour speed limit from the current fee of \$35 to \$50. My amendment does not change the total that the administration has asked for, but it does raise it to \$40 and then sets aside \$10 for the Emergency Services Fund. If you look at the Emergency Services Fund budget for this coming year, which has historically been at \$12 million, you will find that only \$7 million is available. The EMS fund that has been supported by fines in the past is running out of money. It has historically never generated the amount of money that was anticipated, but in the beginning built up a surplus. We have been giving the emergency service providers approximately \$12 million for training and equipment grants for the last 4 or 5 years. If we do not put some additional funding into that fund, this coming budget will only allow them \$7 million, and I think it will be

a tremendous loss to our emergency service providers who really provide a great service for us.

I ask my colleagues to support the amendment that would take \$10 of the increase in the fine and put it in our Emergency Medical Services Operating Fund.

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

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

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

BILL OVER IN ORDER

SB 468 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 511 (Pr. No. 535) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1981 (P. L. 234, No. 76), entitled "Donated Food Limited Liability Act," providing for wildlife donated as food.

On the question,
Will the Senate agree to the bill on third consideration?
Senator MADIGAN offered the following amendment No. A2245:

Amend Sec. 2 (Sec. 5.1), page 2, line 15, by inserting before "Wildlife": (a) Authorization—

Amend Sec. 2 (Sec. 5.1), page 2, by inserting between lines 17 and 18:

(b) Information.—The Department of Agriculture shall contract with a recognized, not for profit organization, registered with the Department of State, that will serve as program coordinator to make available information which shall include cooperating processors and charitable and religious organizations which will accept donations of wildlife. Processors and charitable and religious organizations may notify the program coordinator of their intention to participate in distribution of wildlife. The coordinator shall include them in its lists unless good cause otherwise exists.

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 619 (Pr. No. 998) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential mediation communications and documents.

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:

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS ON
SECOND CONSIDERATION AND RECOMMITTED

SB 885 (Pr. No. 1051) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator LOEPER, and agreed to, the bill

just considered was recommitted to the Committee on Appropriations.

SB 886 (Pr. No. 942) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated.

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

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

SB 887 (Pr. No. 943) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth;....," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated.

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

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

SB 888 (Pr. No. 944) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth;....," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated.

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

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

SB 889 (Pr. No. 945) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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

Upon motion of Senator LOEPER, and agreed to, the bill

just considered was recommitted to the Committee on Appropriations.

SB 890 (Pr. No. 1052) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania and Hahnemann University, Philadelphia.

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

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

SB 892 (Pr. No. 948) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Thomas Jefferson University, Philadelphia.

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

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

SB 893 (Pr. No. 949) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

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

SB 894 (Pr. No. 950) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

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

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

SB 895 (Pr. No. 951) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

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

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

SB 896 (Pr. No. 952) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia.

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

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

SB 897 (Pr. No. 953) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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

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

SB 898 (Pr. No. 954) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the Berean Training and Industrial School at Philadelphia.

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

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

SB 899 (Pr. No. 955) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

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

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

SB 900 (Pr. No. 956) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

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

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

SB 901 (Pr. No. 957) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

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

SB 902 (Pr. No. 958) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

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

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

SB 903 (Pr. No. 959) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

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

SB 904 (Pr. No. 960) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

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

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

SB 905 (Pr. No. 961) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

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

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

SB 906 (Pr. No. 962) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

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

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

SB 907 (Pr. No. 963) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

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

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

SB 908 (Pr. No. 964) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

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

SB 909 (Pr. No. 965) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

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

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

SB 910 (Pr. No. 966) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia.

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

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

SB 911 (Pr. No. 967) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

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

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

SB 912 (Pr. No. 968) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

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

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

SB 913 (Pr. No. 969) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

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

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

SB 914 (Pr. No. 970) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

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

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

SB 915 (Pr. No. 971) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

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

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

SB 916 (Pr. No. 972) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

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

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

SB 917 (Pr. No. 973) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

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

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

SB 918 (Pr. No. 974) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

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

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

SB 919 (Pr. No. 975) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

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

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

SB 920 (Pr. No. 976) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

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

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

SB 921 (Pr. No. 977) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

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

BILLS OVER IN ORDER

HB 247 and SB 290 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 294 (Pr. No. 304) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1992 (P. L. 810, No. 130), entitled "Pennsylvania Export Partnership Act," further providing for expiration.

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

SB 397 (Pr. No. 410) — The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of S.R.8001, S.R.0422 and S.R.4005 in Indiana County as Jimmy Stewart Boulevard.

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

HB 435 (Pr. No. 1045) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the disposal of personal property and for regulation of contracts.

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

HB 436 (Pr. No. 1046) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for the disposal of personal property and for general regulations concerning contracts.

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

HB 437 (Pr. No. 1047) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the disposal of personal property and for letting contracts.

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

BILLS OVER IN ORDER

SB 452, SB 453, SB 578, SB 654, SB 674, SB 689, HB 714 and SB 800 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 809 (Pr. No. 858) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for pedalcycle helmets for certain persons.

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

HB 846 (Pr. No. 934) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for pilotage rates.

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

HB 882 (Pr. No. 1049) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the acquisition of water and sewer utilities.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 276 (Pr. No. 573) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for limitations on the powers of cities of the first class.

On the question,
Will the Senate agree to the bill on third consideration?
Senator FUMO offered the following amendment No. A1468:

Amend Bill, page 2, by inserting between lines 10 and 11:
Section 2. In the event the terms of an existing collective bargaining agreement to which a city is a party provide less disability compensation for police officers and firefighters than would be paid under this amendatory act, the Commonwealth shall annually appropriate the additional funds necessary to comply with this amendatory act.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting:
3

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, House Bill No. 276 would basically intervene in the collective bargaining process in the city of Philadelphia and change the essence of a contract that was reached and agreed to by the city and its firefighters and policemen and would impose upon the city an unfunded mandate of some \$2.4 million a year.

Mr. President, what has occurred here is that while all other police and fire departments throughout this Commonwealth receive 100 percent disability when they are injured on duty, in Philadelphia, which is a Home Rule Charter city, they are exempt from that State law and, knowing that, they went into negotiations with their unions and, in fact, negotiated a contract which called for the payment of 80 percent of those benefits. It was said earlier that this bill merely brings Philadelphia police and firefighters into compliance with the rest of the State. Mr. President, it is a lot more complex than that. There is a long, involved union contract, and when the negotiations took place, the city knew that it was not obliged to pay 100 percent of those benefits. So, therefore, they negotiated for 80 percent there and in other areas gave their policemen and firemen other benefits that other police and firemen do not have around the Commonwealth, which are far more generous to our police and firemen.

For example, we have a legal fund in the city of Philadelphia for our police in which the city deposits \$20 per month per police officer to pay the legal bills of those police officers, similar to a medical plan. That is \$1.5 million a year that the city pays to its policemen for their legal fees. In addition, we have something in Philadelphia called the Law Enforcement Benefits Nonprofit Corporation, LEHB, I think it is. What this does is instead of the city paying directly for Blue Cross and Blue Shield for the policemen in the city of Philadelphia, the union demanded that the city pay LEHB this money and LEHB, in turn, would pay the Blue Cross and Blue Shield premiums. But, Mr. President, at the end of the year there is a reconciliation when Blue Cross and Blue Shield rebate back to LEHB a huge amount of money based on usage. In some years that money has been as high as \$5 million. That money does not revert back to the police, as it does in other boroughs and townships and cities when they pay such health benefits, but rather that money inures to the benefit of the police department, and, quite frankly, in past years that fund has been used to buy buildings, to pay lavish salaries to union officials, to pay health club dues, and things of that nature. So they were the things that the union wanted to protect when it went into negotiations for the 80 percent.

But no sooner was that collective bargaining agreement consummated when the police ran up here and said to their legislators, okay, now change the law and mandate that the city of Philadelphia give us 100 percent of that benefit. Now, Mr. President, I do not care if we do that. I think it would be a wonderful gift to give to our police and firefighters. The problem is that the city of Philadelphia's budget is in a tenuous balance. Ed Rendell has done a fantastic job in Philadelphia of bringing it back from the depths of depression. And what do

we say to the city of Philadelphia after we accomplish that and we are in a delicate basis? Well, now that you have that done we will stick an unfunded mandate on you because we are for police and firemen. We are all for police and firemen, but I thought the spirit of collective bargaining was that the Commonwealth did not intervene with local governments.

Mr. President, I want to quote from the Senate Journal of June 4, 1991, when we in this Chamber were considering the PICA legislation, which basically assisted the city of Philadelphia without any State funds in getting back on its fiscal feet. And I will not say who made these remarks, but I hope he remembers. It happens to be a Republican conservative Senator, one whom I respect greatly:

"Mr. President, I feel it is unconscionable to give Philadelphia a temporary solution to a major, major crisis. I think we owe it to the 12 million Pennsylvanians, the residents of Philadelphia, to solve this problem and let us solve it now. We are putting a Band-Aid on a gaping wound and we all know it. The more I read about this problem the sicker I become—the contracts, the sick pay, three-year salaries for injured on duty, absolutely no incentive to go back to work."

Going on further, "They just do not seem to care about finances at all. This is just one little example of the fiscal management in that city." Then he talks about Atlanta: "That is a city that is booming. They have problems just as similar as Philadelphia, but they have conventions, they have development, they have a vitality in that city that we are not even close to approaching. It is the same with Baltimore. Baltimore had similar problems. They got their waterfront, they developed it, they showed leadership down there. Why can we not do it in Philadelphia?"

Well, Mr. President, Philadelphia has done it. Philadelphia has turned the tide, the only major city in America to do so. It has come back from oblivion. Its waterfront is alive. It has gotten its union contracts under control. It has saved hundreds of millions of dollars through the leadership of a mayor who decided that it could no longer be Christmas at city hall. And what do we find is the first response to that responsible action? Another mandate, and a troubling mandate at that, one which intervenes in the collective bargaining process.

Mr. President, I want to quote from a letter that is dated May 2, 1995, which is today. I just received a faxed copy of this letter. It was not sent to me, but it was sent to an esteemed Member of this Senate. (*Reading:*)

The Honorable F. Joseph Loeper
Senatorial District 26
403 Burmont Road
Drexel Hill, PA 19028

Dear Joe:

As an elected official from Southeastern Pennsylvania, I am writing in opposition to House Bill 276, which would establish several ominous precedents for local governments in our region. First, the legislation effectively imposes an unfunded mandate on the City of Philadelphia, whose full fiscal recovery is important to its neighboring suburban counties. Second, the bill involves the state in the City's personnel policies and effectively overturns an existing labor contract, which surely should be matters decided by local officials. Finally, House Bill 276 sends the wrong signal to the nation's financial mar-

kets about the willingness of the state to continue cooperating with the City's efforts to achieve full fiscal recovery.

Philadelphia has made steady progress in putting its fiscal house in order over the last several years. Among other steps, the City has reformed employee benefit programs that were severely criticized for being excessively generous by many outside the City, including suburban officials and legislators. It would be ironic and extremely unfortunate if the City's progress was jeopardized by mandates imposed from outside its borders. We urge you to vote "NO" on House Bill 276.

Delaware County, as you know, is a Home Rule County, and as such must be concerned by the precedent this bill sets.

Your friend,

WALLACE H. NUNN
Delaware County Council

And that is a copy of a letter that was faxed to our Majority Leader, Senator Loeper, today by his good friend and mine, certainly no liberal by any stretch of the imagination, Wally Nunn.

Mr. President, this bill sends a horrible message throughout the Commonwealth of Pennsylvania unless we decide to change it, and that is why I offer the amendment that is before you today. It simply states that if we in Harrisburg are going to dictate labor conditions and overturn a labor contract in the city of Philadelphia, then we should put our money where our mouth is. We have already passed in this Chamber a number of times a constitutional amendment that would prohibit us from enacting local unfunded mandates without the money to fund them. Mr. President, unfortunately, they were unsuccessful in the House, but just recently I believe 18 or 19 Members of the Republican Caucus signed on to a bill to make that law. Mr. President, nothing could slap more in the face of the philosophy of that legislation than House Bill No. 276, unless it is amended with this amendment.

Mr. President, if you have any concern at all for the precedent of doing unfunded mandates, if you have any concern at all for local government's ability to get their labor contracts in order, if you have any concern at all for the sanctity of a collective bargaining agreement that has been reached and honored and signed, then you must agree with me and adopt the amendment that I offer today.

Mr. President, I would urge an affirmative vote so that this Senate would not send the wrong message to the millions and millions of Pennsylvanians who try to balance their budgets at home and who do not want interference from Harrisburg, as well as those local governments that are trying to survive under the adverse conditions of this economy.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Salvatore.

Senator SALVATORE. Mr. President, I am not a gifted orator like my colleague from the other side of the aisle, so I will be very brief.

Binding arbitration, to me, is not collective bargaining, and this was arrived at by binding arbitration, not by collective bargaining. We are not rewarding personnel, we are just restoring the rights of the police officers and firefighters who work so hard for us. In fact, Oklahoma City is an example of this.

All we are doing is restoring equity in Philadelphia. Their efforts are now parallel with efforts in other parts of the State. All we want is parity with the rest of Pennsylvania. The city of Philadelphia has always been responsible for the level of compensation for its police and firefighters. All we are saying is, let us have a level playing field for everybody. The State law says 100 percent. Binding arbitration, not collective bargaining, forced the police and firefighters to accept 80 percent. There is a difference between collective bargaining and binding arbitration, and that is why I oppose this amendment.

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

Senator BELL. Mr. President, the gentleman from Philadelphia, Senator Fumo, has pulled one of the oldest legislative tricks I have ever known: sweeten it so people will not vote for it. And he knew as he put his amendment in that the money is not in Harrisburg to pay that bill.

Now, here is the message I got, and I certainly hope some of the rest of you got: If we support Senator Fumo, we are sending the message to every policeman and fireman that if you are disabled in the line of duty, you only get 80 percent of your salary. If you are shot through the eye and paralyzed for life, 80 percent of your salary. That is the message that I would interpret from my vote if I supported Senator Fumo.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I really did not want to extend this debate, but I feel compelled to answer the last speaker. Mr. President, all we are saying in this amendment is that if this Commonwealth and this Senate want to mandate to the city of Philadelphia to change its collective bargaining agreement, we should pay the bill. You should put your money where your mouth is. It has nothing to do with setting a precedent that other people should not get 100 percent at their bargaining table. They should get 100 percent because that is what they bargained for.

And binding arbitration, Mr. President, is part of collective bargaining. I know some of you in here are lawyers and labor people and management people who have been in these types of situations. When you deal with a binding arbitration situation, you know the points that you are going to agree to and then you go to binding arbitration on the points that you do not. Both sides understand the rules of the game. What we are doing now is changing the rules of the game in the middle and the city is saying, okay, just pay me for your generosity.

Mr. President, this has nothing to do with that. And as far as money, as far as money, as of April 28, the Commonwealth has amassed a surplus of \$442 million. Okay? We have not even gone into budget negotiations. In fact, that is what this Caucus has said consistently, and it is going to get even bigger. The Governor's original projections were artificially small. Even he finally had to come out and admit to the numbers that were in his own Revenue Department, although he said we have to exercise discipline.

I would submit to my good friend, the gentleman from Delaware, Senator Bell, that with a surplus of \$442 million, we can easily afford to give the Philadelphia firemen and police-

men \$2.4 million of it, rather than let it sit in the piggy bank over in the Department of Revenue. I thought I was in a Chamber of conservative Republicans. I do not know what we are anymore. We do not want to spend, we do not want to give back, we want to save, we are not sure. We do not want collective bargaining, we want counties and cities to get their payrolls in order, but yet as soon as they do we want to overturn them. We are not for unfunded mandates, but as soon as it affects someone we like, we want to give somebody an unfunded mandate. Just tell me what the parameters are. Tell me what the philosophy of it is. You are making us all schizophrenic. Certainly Newt would vote for this amendment, believe me. He would be here leading the charge far more eloquently than I am.

Mr. President, I urge an affirmative vote on this amendment so that we can maintain some kind of semblance of consistency of philosophy in this Chamber.

Thank you, Mr. President.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Musto and Senator Heckler. Their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Andrezeski and Senator Mellow.

The PRESIDENT pro tempore. Senator Fumo requests temporary Capitol leaves for Senator Andrezeski and Senator Mellow. Without objection, those leaves will be granted.

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

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

YEAS—25

Afflerbach	Greenleaf	LaValle	Stapleton
Andrezeski	Heckler	Mellow	Stewart
Armstrong	Holl	Musto	Stout
Belan	Hughes	O'Pake	Tartaglione
Bodack	Jones	Porterfield	Wagner
Dawida	Kasunic	Schwartz	Williams
Fumo			

NAYS—25

Baker	Hart	Mowery	Shaffer
Bell	Helfrick	Peterson	Shumaker
Brightbill	Jubelirer	Punt	Tilghman
Corman	Lemmond	Rhoades	Tomlinson
Delp	Loeper	Robbins	Uliana
Fisher	Madigan	Salvatore	Wenger
Gerlach			

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

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

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

Senator LOEPER. Mr. President, I move that House Bill No. 276 go over in its order.

The PRESIDENT pro tempore. Without objection, House Bill No. 276 will go over in its order.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Robbins. His temporary Capitol leave is cancelled.

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 434 (Pr. No. 1059) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for petition for custody by grandparents.

SB 653 (Pr. No. 1060) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for wrongful death actions and for exceptions to governmental immunity.

SB 970 (Pr. No. 1047)

An Act amending Title 42 (Judiciary and Judicial Procedures) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account; and making a repeal.

Senator MADIGAN, from the Committee on Agriculture and Rural Affairs, reported the following bills:

SB 242 (Pr. No. 248)

An Act providing for subsidies for the purchase of multiperil crop insurance; establishing the Multiperil Crop Insurance Subsidy Fund and providing for its administration; conferring powers and duties upon the Department of Agriculture; and making an appropriation.

SB 509 (Pr. No. 533)

An Act relating to weights and measures; regulating the use and sale; providing for the inspection of weighing and measuring devices; regulating the sale and packaging of commodities; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; providing for certain standards, for testing and for the sale and packaging of certain commodities; providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold by weight; regulating the manufacture, sale, offering for sale, giving away and use of weights and measures and of weighing and measuring devices; providing for the approval and disapproval of such weighing and measuring devices; regulating the delivery of light fuel oil to domestic consumers; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

HB 397 (Pr. No. 417)

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for annual reports.

HB 844 (Pr. No. 1298)

An Act providing for Pennsylvania Turnpike farmers' markets; and conferring powers and duties on the Department of Agriculture and the Pennsylvania Turnpike Commission.

RECESS

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

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Loeper has requested that the Senate stand in recess for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Chamber. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

March 14, 1995

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 K. Bloom, 435 Woodcrest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2000, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Rhodes, Jr., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

NOMINATION LAID ON THE TABLE

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

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

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

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

**MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

April 28, 1995

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 April 11, 1995 for the appointment of Heather Schleicher (Alternate Member), 133 West Locust Street, Apartment C-9, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Michael J. Montgomery, Philadelphia, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE CRAWFORD COUNTY
BOARD OF ASSISTANCE**

April 26, 1995

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 April 13, 1995 for the appointment of Charlene Vlasnik (Republican), R. D. #5, Box 358, Meadville 16335, Crawford County, Fiftieth Senatorial District, as a member of the Crawford County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

SENATE RESOLUTION

**ENCOURAGING THE CONGRESS OF THE
UNITED STATES AND THE DEPARTMENT
OF DEFENSE TO MAINTAIN THE 911TH
AIRLIFT WING, MOON TOWNSHIP,
GREATER PITTSBURGH INTERNATIONAL
AIRPORT AIR RESERVE STATION**

Senators WAGNER, BELAN, LAVALLE, STOUT, BODACK, FISHER, STEWART and STAPLETON, by unanimous consent, offered the following resolution (**Senate Resolution No. 45**), which was read, considered and adopted:

In the Senate, May 2, 1995

A RESOLUTION

Encouraging the Congress of the United States and the Department of Defense to maintain the 911th Airlift Wing, Moon Township, Greater Pittsburgh International Airport Air Reserve Station.

WHEREAS, The Greater Pittsburgh International Airport Air Reserve Station in Moon Township (911th) has been recommended for closure by the Secretary of Defense and the 1995 Defense Base Realignment and Closure Commission; and

WHEREAS, The 911th Airlift Wing's presence in the Pittsburgh region of the State adds nearly \$62 million to the economy and serves 1300 reservists; and

WHEREAS, The 911th participated in military operations in the Persian Gulf, Bosnian Airlift, Somalia and Haiti and domestic relief efforts in response to Hurricane Hugo, Hurricane Andrew and air disasters; and

WHEREAS, The 911th is used as a base for emergency management operations for western Pennsylvania and other regional sites; and

WHEREAS, The 911th's strategic location, military worthiness, emergency preparedness and historical contributions demand reconsideration of the 1995 Defense Base Realignment and Closure Commission's decision to recommend closure; therefore be it

RESOLVED, That the Senate of Pennsylvania urge Congress, the Department of Defense and the Base Realignment and Closure Commission to immediately suspend any further effort to close the 911th Airlift Wing or reduce the training mission of that facility; and be it further

RESOLVED, That the Senate of Pennsylvania support maintaining the facility at the Greater Pittsburgh International Airport Reserve Station, Moon Township, Pennsylvania, and urge Congress and the Department of Defense to support the same; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress, to the Secretary of Defense and to each member of Congress from Pennsylvania.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Thomas G. Frame and to Saint Cecilia's Catholic Church of Coatesville by Senator Baker.

Congratulations of the Senate were extended to Nicholas DeBenedictis by Senators Holl and Greenleaf.

Congratulations of the Senate were extended to Floyd William Alston and to Samuel Staten, Jr., by Senator Jones.

Congratulations of the Senate were extended to Marc Morhack by Senator Kasunic.

Congratulations of the Senate were extended to Dr. Harry Propst and to Jean Sick by Senator Lemmond.

Congratulations of the Senate were extended to Golden Business Machines, Inc., of Kingston by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Lantz, Todd Crumb, Janene Miller and to Union Corners United Methodist Church of Towanda by Senator Madigan.

Congratulations of the Senate were extended to Marirose Grady, Kristi Hillard, Heather Hunsinger, Lisa Jones, Arlene Keller, Tiffany S. Kominski, Sarah E. Lantzsch, Tara Leap, Brook Lininger, Auliya C. Lovas, Kelly Madigan, Stephanie Morgan, Lynette Myles, Stephanie Patton, Shannon Richner, Erin Ann Driscoll, Janet Faux, Danielle Cadden, Amy West, Kate A. Szajkowski, Pebbles Stearns, Joey Lyn Stearns, Tiffany Spangenberg, Erica Snell, Elizabeth Snell, Charlotte Smith, Jessica J. Simmons and to Kristina M. Scranta by Senator Mellow.

Congratulations of the Senate were extended to Linda M. Newsome by Senator Mowery.

Congratulations of the Senate were extended to Jeremy Billman, Brian Zimmerman, Lewis N. Davis, Harrie Burdan, Corporal Morris W. Demsko, students of Conrad Weiser High School, Social Studies Department, of Robesonia and to Leadership Berks of Reading by Senator O'Pake.

Congratulations of the Senate were extended to the citizens of Elk Township, Warren County by Senator Peterson.

Congratulations of the Senate were extended to Joseph F. Kulhavick by Senator Rhoades.

Congratulations of the Senate were extended to Gertrude Sadel by Senator Salvatore.

Congratulations of the Senate were extended to Bill George by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Shaffer and to Mr. and Mrs. Charles W. Lewis by Senator Stapleton.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 19, SB 80, SB 242, SB 434, SB 509, SB 653, SB 832, SB 858, SB 891, SB 970, SB 972, HB 272, HB 397, HB 659, HB 710 and HB 844.

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

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

May 2, 1995

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 April 4, 1995 for the appointment of Ray L. Kinch, O.D., 465 Caracas Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Janet E. Summers, O.D., Export, whose term expired.

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

THOMAS J. RIDGE
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 3, 1995

1:00 A.P.M.	PUBLIC HEALTH AND WELFARE (public hearing on welfare reform)	Rooms 8EA&B East Wing
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WEDNESDAY, MAY 10, 1995

2:00 P.M.	LABOR AND INDUSTRY (public hearing to consider current laws and policies which affect the retention of jobs in Pennsylvania)	Room D-201 South Campus Community College Allegheny Cty
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THURSDAY, MAY 11, 1995

10:00 A.M.	LABOR AND INDUSTRY (public hearing to consider current laws and policies which affect the retention of jobs in Pennsylvania)	Erie City Council Chambers 626 State St. 1st Fl, Erie, PA
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WEDNESDAY, MAY 17, 1995

10:00 A.M.	AGING AND YOUTH (Public hearing to consider adoption issues)	W. Pottsgrove Municipal Bldg Pottstown, PA
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ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, May 3, 1995, at 10 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:13 p.m., Eastern Daylight Saving Time.