

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

THURSDAY, JUNE 15, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 40

SENATE

THURSDAY, June 15, 1995

The Senate met at 11:30 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Let us pray.

We thank You, Creator God, that You made us with the capacity to express passion as we engage others in expressing our causes and concerns. That fervor has been expressed in this Senate, and we believe that in its totality it accrues to the common good of all the constituencies which this body serves. With confession that our endeavors to legislate are imperfect, we offer now our work to You and to our people, and we pray that You would empower all of us that we may be good and faithful stewards of our Commonwealth's budget.

And now, O God, increase our patience with each other, and bring us together in unity of purpose and goodwill toward one another as with the psalmist of old we lift our voices. How very good and pleasant it is when brothers and sisters live together in unity. It is like the precious oil on the head running down upon the beard of Aaron, running down over the collar of his robes. It is like the dew of Hermon which falls on the mountains of Zion. For there the Lord ordained his blessing-life forevermore.

Bless this body, O Lord, with both a zeal for principle and a spirit of unity. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 14, 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

NOMINATIONS REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 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, Matthew D. Carrafiello, Esquire, 2535 South 19th Street, Philadelphia 19145, Philadelphia County, Eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Louis G. Hill, mandatory retirement.

THOMAS J. RIDGE Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 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, Renee Cardwell Hughes, Esquire, 3355 Wiehle Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Nelson A. Diaz, resigned.

THOMAS J. RIDGE Governor

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 15, 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 17, 1995 for the appointment of Alexis Leslie Barbieri, Esquire, 501 West Mermaid Lane, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Louis G. Hill, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 15, 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 17, 1995 for the appointment of Amanda Cooperman, Esquire, 413 South Taney Street, Philadelphia 18146, Philadelphia County, First Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Berel Caesar, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 15, 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 17, 1995 for the appointment of Shelley Robin New, Esquire, 3421 Midvale Avenue, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Nelson A. Diaz, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, TRAFFIC COURT OF PHILADELPHIA

June 15, 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 17, 1995 for the appointment of Michael Gallagher, 6618 Elmwood Avenue, Philadelphia 19142, Philadelphia County, Eighth Senatorial District, as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 1996, vice The Honorable Lillian H. Podgorski, mandatory retirement.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 754, SB 859 and SB 862, with the information the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bills:

SB 754, SB 859 and SB 862.

SPECIAL ORDER OF BUSINESS
ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committees to meet during today's Regular Session: The Committee on Transportation will meet to consider House Bill No. 71; the Committee on Rules and Executive Nominations to consider certain nominations; and the Committee on Communications and High Technology to consider House Bill No. 961.

REPORTS FROM COMMITTEES

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

SB 635 (Pr. No. 1262) (Amended) (Rereported)

An Act authorizing the Department of Corrections, the Department of Public Welfare, county commissioners, boards of inspectors or other officials in charge of correctional facilities to establish inmate work force programs.

HB 39 (Pr. No. 2119) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the Tax Reform Code of 1971, further defining "processing" to include honey and certain vegetable processes; further providing for the application of sales and use tax to charges for telephone calls, video programming services, certain commercial printers and certain coupon redemption processes; further providing for licenses, enforcement and review; further defining "compensation" to exclude certain payments to foster parents from personal income taxation and for certain reports; further providing for the carryforward of losses and for the rate of corporate net income tax; increasing the capital stock value exemption; further providing for the taxation of annuity considerations; further providing for the imposition of gross receipts tax on railroads; increasing the total amount of credits under the Neighborhood Assistance Tax Credit provisions; extending the time period for credits under the Malt Beverage Tax; further providing for the inheri-

tance taxation of spouses and for spousal transfer; clarifying the status of certain commercial printers; providing for a limited tax amnesty program; and making repeals.

HB 247 (Pr. No. 2045) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of neglect of care-dependent person; further providing for insurance fraud; and further prohibiting prostitution.

HB 1400 (Pr. No. 2091) (Rereported)

An Act creating the Department of Conservation and Natural Resources consisting of certain functions of the Department of Environmental Resources and the Department of Community Affairs; renaming the Department of Environmental Resources as the Department of Environmental Protection; defining the role of the Environmental Quality Board in the Department of Environmental Protection; making changes to responsibilities of the State Conservation Commission and the Department of Agriculture; transferring certain powers and duties to the Department of Health and Human Services; and repealing inconsistent acts.

HB 1488 (Pr. No. 1737) (Rereported)

An Act amending the act of June 17, 1913 (P.L.507, No.335), referred to as the Intangible Personal Property Tax Law, further providing for a variable rate of taxation on the value of personal property.

HB 1639 (Pr. No. 2120) (Amended) (Rereported)

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for an indemnity bond.

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

SB 1074 (Pr. No. 1235) (Rereported) (Concurrence)

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), entitled "Public Official Compensation Law," further providing for compensation of the members of the Environmental Hearing Board.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Tilghman, and a temporary Capitol leave on behalf of Senator Mowery.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Tilghman, and a temporary Capitol leave for Senator Mowery. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Hughes, and Senator Wagner, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Andrezeski, Senator Hughes, and Senator

Wagner, and a legislative leave for Senator Williams. Without objection, those leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 1478 CALLED UP OUT OF ORDER

HB 1478 (Pr. No. 1727) -- Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1478 (Pr. No. 1727) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Treasury Department out of the Fish Fund for payment of general obligation debt service.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The temporary Capitol leaves of Senator Mowery and Senator Wagner, in light of their return to the floor, are hereby cancelled.

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

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

Senator RHOADES. Mr. President, we have with us in the gallery today two of my constituents and friends. As a matter of fact, Rob Crosswell was formerly one of my students when I taught in Pottsville. He and his wife, Debbie, are here. Rob is president of Coca-Cola Bottling in Pottsville, and I would appreciate it if the Senate would extend its usual warm welcome.

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

(Applause.)

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Andrezeski has returned to the floor, and his temporary Capitol leave is hereby cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

SB 886 CALLED UP OUT OF ORDER

SB 886 (Pr. No. 1238) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

NONPREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

SB 886 (Pr. No. 1238) -- 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 third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator MELLOW. Mr. President, Senate Bill No. 886 is the nonpreferred appropriation for the University of Pittsburgh. It is the second bill on the Calendar for consideration today with regard to nonpreferreds, and I am kind of sorry that the bills have been taken out of order, although I guess I can understand why the University of Pittsburgh was the first one to be considered, and that is meant, Mr. President, to try to put the Members of the Democratic Caucus who represent especially Allegheny County, but more importantly, those who have an interest in making sure that the University of Pittsburgh receives its appropriation, in a very difficult position.

We have communicated over and over that we are prepared, as Members of the Democratic Party here in the Senate, to cooperate with the Majority and to cooperate with the administration, and cooperation, Mr. President, goes both ways. The nonpreferred appropriation for today, the University of Pittsburgh, or if you start following the next one which I am sure is going to be called up will be Temple University or Penn State University or Lincoln University or Drexel, or whatever nonpreferred that we have, is going to take a two-thirds vote, which means at least 29 Republicans must vote for it and at least 5 Democrats must vote for it to come up with 34 votes.

I have indicated before that we do not have 34 votes today in the Senate because there are not 5 Democratic votes to make a two-thirds vote possible here in the Senate, whether it be for a nonpreferred appropriation, whether it be for the confirmation of an individual to a board or a commission or to the judiciary, or for whatever. We want to participate, Mr. President, we want to cooperate, we want to be players. We cannot be equal players, but in this particular regard at least 5 Democratic votes must be cast in the affirmative for a nonpreferred to take place. Unfortunately, in this particular case it is the University of Pittsburgh.

But, Mr. President, if I do not request a negative vote for today on this particular nonpreferred, my greatest fear is that the fact that we have not been receiving cooperation from the administration will continue, and, therefore, the Democratic Members of the Senate will have no input whatsoever into the budgetary process as we continue into the nonpreferred process, as we continue into the process with regard to the selection of judicial nominees and others. So for that reason, Mr. President, I would request a "no" vote on Senate Bill No. 886.

The PRESIDENT. The Chair would take this opportunity to make it clear that the Membership is rule bound to vote, however you may vote.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I rise to express real deep disappointment in what I just heard. I know that the gentleman from Lackawanna, Senator Mellow, as the Democratic floor leader, has just urged the Members of his Caucus to put up a negative vote against an appropriation for the University of Pittsburgh. Mr. President, I think this is indeed unfortunate. I would hope that the Members on the other side of the aisle, whether they be Allegheny County Members, whether they be Members from other counties in southwestern Pennsylvania, or whether they be from different parts of this Commonwealth, will not follow the request of Senator Mellow.

Why do I say this? I say this because last night in this Chamber and in the House of Representatives we passed the General Fund budget. Today, sometime today, it is my hope and the hope of the Members on this side of the aisle that we will pass a tax plan which will reduce taxes in Pennsylvania and help to improve the economic climate and the business climate in this State. Those two pieces are all part of the budget package which is before the General Assembly which we have to enact by June 30. Mr. President, the nonpreferred appropriations for the University of Pittsburgh, for Penn State,

for Temple, and the other nonpreferreds on our Calendar should not be held hostage in this process. In fact, there is nothing to hold them hostage for, because to the Members on the other side of the aisle, the budget is already beyond us. We acted on a General Fund budget last night. Most likely we are going to act on a tax plan today. There is no reason, there is no reason under the sun, Mr. President, that the Democrats and any Member of the Democratic Party should be playing politics with the moneys that are needed to help the students of Pennsylvania who are attending the universities of higher education, in this case the University of Pittsburgh. That is what this money is for. This is not to play the political games that are being played in this Chamber, but it is to help out one of the fine universities in our State and all across the nation, to be able to help out the students attending those colleges. It is also to be able to help out one of the finest medical centers in all of this nation at the University of Pittsburgh. It is also an appropriation to help out the teen suicide center at the Western Psychiatric Institute and Clinic, as well as the general appropriation for the Western Psychiatric Institute and Clinic.

Mr. President, using these bills for some kind of political leverage is not going to bring about the result that the gentleman from Lackawanna, Senator Mellow, is hoping for. Using these bills--

POINT OF ORDER

Senator MELLOW. Mr. President, point of order.

The PRESIDENT. For what purpose does the gentleman from Lackawanna, Senator Mellow, rise? State your point.

Senator MELLOW. Mr. President, first of all, on several occasions now the gentleman from Allegheny, Senator Fisher, has said that I am using this bill. His quote was that we are holding it as a hostage. He said that I want to make a point on some other bill. Mr. President, that has nothing to do with the merit of Senate Bill No. 886 and the fact that Senator Fisher himself voted against additional money for the University of Pittsburgh. I only hope that the gentleman would stay on the issue, and he does not have any idea what my motive is or what my reason may be other than what I just stated. I think it is unfortunate that he continues to refer to the fact that we are using a nonpreferred as a hostage.

The PRESIDENT. The Chair would encourage the speaker to continue.

Senator FISHER. Mr. President, being mindful of the rules of the Senate, let me just say that we recognize that non-preferred appropriations require a two-thirds vote, and we only have 29 votes. We probably need 5 votes from the other side of the aisle, unless we can get 5 Members to come over and become Members of this side of the aisle. Now, that is a proposition we would be interested in listening to.

But, Mr. President, if, in fact, the Minority Leader is asking his Members, and I think I heard correctly, I believe I heard correctly when he asked them, because his side of the aisle has not been part of the process, that they should cast a negative vote today. Now, I do not know what that means, but I have been around this General Assembly long enough to remember what happened in 1977 when the Members of the Democratic

side of the aisle in the House of Representatives specifically held the nonpreferreds hostage. Now, it seems to me that the request of Senator Mellow is strikingly similar to the plan that was undertaken at that time, and all I am saying is using the appropriation for the students of western Pennsylvania who attend the University of Pittsburgh and the students all across Pennsylvania who attend Penn State University to try to somehow become a part of a budget process which was already decided last night, not only does it not make any sense, but I believe it is clearly the wrong decision for the people of Pennsylvania.

Mr. President, I ask that the Members on both sides of the aisle look at this appropriation on its merits and make a decision on this appropriation bill, Senate Bill No. 886, and the other nonpreferred appropriation bills on their merits, and hopefully after having done that, we will have enough Members to be able to pass this nonpreferred appropriation for the University of Pittsburgh and to pass the nonpreferred appropriations for the other universities and the other bills that are on our Calendar.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, the gentleman from Allegheny, Senator Fisher, made some very strong statements with regard to what Members on this particular side of the aisle feel and what they want to do and why, in fact, I asked them today not to support Senate Bill No. 886, which is, again, a non-preferred appropriation for the University of Pittsburgh.

Mr. President, a few of the things that the gentleman from Allegheny, Senator Fisher, did not talk about I think bear reckoning on the floor of the Senate. First of all, in the meeting of the Committee on Appropriations that took place where this particular bill was reported from committee, there was a request by the Democratic Members of the Senate that an additional 2-percent increase be added for the University of Pittsburgh, added to their appropriation. Mr. President, Governor Ridge, having a \$500 million surplus--and this is, Mr. President, part of the budgetary process, I must inform the gentleman, although I am sure that he is aware of that--decided it was not in the best interests of the students of the University of Pittsburgh to give them more money. For some reason, we think it is important that they get more money.

Senator Fisher voted against a 2-percent increase for the University of Pittsburgh, and if memory serves me correctly from the days that I served as President pro tempore of the Senate, Senator Fisher is a member of the Board of Trustees at the University of Pittsburgh, appointed by the President pro tempore to represent, I would think, the Members of the Senate on the University of Pittsburgh Board. Now, Mr. President, we asked for an additional 2 percent. Senator Fisher and his Republican colleagues, on a party-line vote, voted against the students and the administration and the city of Pittsburgh and the county of Allegheny in not giving them the additional money. We do not think that is right.

We think it is important that if it is good enough to give Penn State University more money, it is good enough to give

Temple University more money and it is good enough to give Pittsburgh University more money and it is good enough to give Lincoln University more money, and on and on and on and on, and I want to inform him that that is part of the budgetary process. When they need five Democratic votes to bring about what you want, then they better have some consideration for what the Democratic Members of this Senate want, and it is obvious that they have no consideration for what we want, nor do they have any willingness to cooperate. Immediately they want to cut right through everything, and when we argue that we do not believe on the merits something should be passed, immediately they want to say that we are obstructionists, that we want to hold something as a hostage, that we want to return back to 1977 when Senator Fisher was not even a Member of the Pennsylvania State Senate. It is unfortunate that he would even say that, and if he wants the Democratic Members to cooperate and to participate--

Senator LOEPER. Point of order, Mr. President.

Senator MELLOW. If he wants the University of Pittsburgh to be funded at the proper level and give the 2 percent that we have asked for, we at that point in time will be prepared--

The PRESIDENT. Senator Mellow--

Senator MELLOW. --to add our 5 votes to make 34 votes possible for passage of this bill, and I ask for a negative vote.

POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

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

Senator LOEPER. Mr. President--

The PRESIDENT. Would the gentleman yield.

Senator Mellow, this Chair encourages proper debate and will channel it. Please be cooperative.

Senator Loeper.

Senator LOEPER. Mr. President, I rise for a point of order just to indicate that I believe that the gentleman from Allegheny, Senator Fisher, in his debate indicated he was a Member of the House of Representatives at the time, not a Member of the Senate.

And the question recurring,
Shall the bill pass finally?

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

YEAS—29

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

NAYS—21

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

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

RECONSIDERATION OF SB 886

BILL OVER IN ORDER ON FINAL PASSAGE

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

Senator LOEPER. Mr. President, I move that the vote by which Senate Bill No. 886 was defeated be reconsidered and that Senate Bill No. 886 go over in its order.

The motion was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 886 will go over in its order on final passage.

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

THIRD CONSIDERATION CALENDAR

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

HB 39 (Pr. No. 2119) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the Tax Reform Code of 1971, further defining "processing" to include honey and certain vegetable processes; further providing for the application of sales and use tax to charges for telephone calls, video programming services, certain commercial printers and certain coupon redemption processes; further providing for licenses, enforcement and review; further defining "compensation" to exclude certain payments to foster parents from personal income taxation and for certain reports; further providing for the carryforward of losses and for the rate of corporate net income tax; increasing the capital stock value exemption; further providing for the taxation of annuity considerations; further providing for the imposition of gross receipts tax on railroads; increasing the total amount of credits under the Neighborhood Assistance Tax Credit provisions; extending the time period for credits under the Malt Beverage Tax; further providing for the inheritance taxation of spouses and for spousal transfer; clarifying the status of certain commercial printers; providing for a limited tax amnesty program; and making repeals.

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

RULE XIII SUSPENDED

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

Senator LOEPER. Mr. President, I move that Rule XIII, section 13, be suspended insofar as it requires that a bill rereported from committee as amended may not be considered

until it has appeared on the Senate Calendar for 2 legislative days, so that the Senate can proceed to final passage of House Bill No. 39.

The PRESIDENT. Senator Loeper moves that Senate Rule XIII, section 13, be suspended for the purpose of considering House Bill No. 39 this afternoon, and the Chair respectfully reminds the Members that this motion is not debatable.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hughes has returned to the floor, and his temporary Capitol leave is cancelled.

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

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

Senator MELLOW. Mr. President, for the Members of the Senate, would you kindly frame the question as to what an "aye" vote means and what a "no" vote means.

The PRESIDENT. An "aye" vote is to suspend the rules, and a "no" vote, obviously, is to continue in conventional style.

Senator MELLOW. Mr. President, I have some concern about the possibility of being able to deal with the bill later. Because of that, we do want to offer amendments and I guess we are not going to have the opportunity, and for that reason I would ask for a "no" vote on suspension of the rules.

The PRESIDENT. And that has been heard by the Membership. Thank you, Senator Mellow.

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

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

YEAS—29

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

NAYS—21

Afflerbach	Hughes	Musto	Stewart
Andrezski	Jones	O'Pake	Stout
Belan	Kasunic	Porterfield	Tartaglione
Bodack	LaValle	Schwartz	Wagner
Dawida	Mellow	Stapleton	Williams
Fumo			

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

The PRESIDENT. Rule XIII has been suspended.

Senator MELLOW. Mr. President.

Senator LOEPER. Mr. President.

Senator MELLOW. Mr. President.

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

Senator MELLOW. Mr. President, I asked to be recognized first.

Senator LOEPER. Mr. President.

The PRESIDENT. Senator Loeper.

Senator LOEPER. Thank you, Mr. President.

Senator MELLOW. Mr. President, I asked if I could be recognized first.

PREVIOUS QUESTION MOVED

Senator LOEPER. Mr. President, I move the previous question.

Senator MELLOW. Mr. President, I asked if I could be recognized. The Chair ignored me.

The PRESIDENT. Senator Loeper has moved the previous question. Is there a second?

Senator DELP. Mr. President, I second the motion.

Senator SHAFFER. Mr. President, I second the motion.

Senator SALVATORE. Mr. President, I second the motion.

Senator WENGER. Mr. President, I second the motion.

The PRESIDENT. There are four seconds: Senator Delp, Senator Shaffer, Senator Salvatore, Senator Wenger.

On the question,
Shall the main question now be put?

Senator MELLOW. Mr. President, I asked to be recognized and the Chair ignored me before Senator Loeper was recognized.

Mr. President, we would like to be at ease for a moment, if that is possible.

The PRESIDENT. The Clerk will proceed with the roll call.

Senator MELLOW. Mr. President, I asked to be recognized before. You can shut my microphone off now.

And the question recurring,
Shall the main question now be put?

(During the calling of the roll, the following occurred:)

Senator MELLOW. Mr. President, is this the new administration? The microphone has been shut off nine times already.

The CLERK. Senator Fumo.

Senator FUMO. Mr. President, I voted already once. If you are not going to pay attention to me, that is not my problem. I have already voted.

The PRESIDENT. Would you kindly repeat your vote?

Senator FUMO. Mr. President, I voted "no," and I wish you would pay attention next time.

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

YEAS—29

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

NAYS—21

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

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

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

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

On the question,
Shall the bill pass finally?

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

YEAS—44

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

NAYS—6

Fumo	Jones	Tartaglione	Williams
Hughes	Mellow		

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

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

The PRESIDENT. The vote on final passage--

Senator MELLOW. May we be at ease before you announce the vote, Mr. President?

Senator LOEPER. Mr. President.

The PRESIDENT. Gentlemen, I expect you to yield and allow me to complete the process. The vote on final passage is "ayes," 44; and "nays," 6.

Senator Mellow, before you comment, Senator Loeper's light was on before your remarks.

Senator Loeper.

Senator MELLOW. Mr. President, my light was on before his remarks the last time and it did not mean anything.

RECESS

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

Senator LOEPER. I move, Mr. President, that the Senate do now recess until 3:30 p.m. for the purpose of a Republican caucus to begin immediately in the first floor caucus room.

Senator Corman, maybe after we have caucus we will come back for an off-the-floor meeting.

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

Senator MELLOW. Mr. President, you can recognize me now, I have nothing to say. When I wanted to say something, you did not recognize me.

And you can clap all you want, folks. The blight is on you.

The PRESIDENT. Senator Mellow, the Chair has attempted to bring about restrained debate. Last night I thought went beyond what we expected. For that purpose, at this moment I feel my patience is being tried. Senator Mellow, if you have something that you wish to add that is constructive, the Chair will permit it. Is there a caucus?

Senator MELLOW. Mr. President, I asked for recognition prior to Senator Loeper's move to shut off debate. You know my light was on first. All I wanted was a very brief moment to discuss it with my Caucus, and you did not recognize me.

The PRESIDENT. Senator Mellow, do you wish to make an announcement to your Membership?

(No response.)

The PRESIDENT. For the purpose of a Republican caucus, with the intention of returning at approximately 3:30 p.m., the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Dawida, Senator Belan, and Senator Fumo.

And I appreciate the recognition.

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 1170 CALLED UP OUT OF ORDER

HB 1170 (Pr. No. 1302) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1170 (Pr. No. 1302) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezski	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator O'Pake.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator O'Pake. Without objection, that leave will be granted.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR J. BARRY STOUT
PRESENTED TO THE SENATE**

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

Senator STOUT. Mr. President, Members of the Senate, it gives me a great deal of pleasure this evening to have four very special people in my life visiting Harrisburg today, and they are in the gallery. They are my daughter, Lori Jansante, her husband Dion, and their two children, Darren and Jason. I might add that Lori is the second of my six children. She grew up in the 1970s and 1980s and this is the first time she has been in Harrisburg during June to witness and see the budget process. She always wondered what happened to her father in June when he disappeared for 3 or 4 weeks.

My grandchildren, I do not know if they are much interested in what is going on here on the Senate floor this evening, I think they are in anticipation of enjoying Hersheypark tomorrow, but I would appreciate it if the Senate would offer its usual warm welcome to the Jansante family.

The PRESIDENT. Would our guests please rise.
(Applause.)

The PRESIDENT. And the Chair thanks the distinguished gentleman from Washington County.

THIRD CONSIDERATION CALENDAR RESUMED

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

SB 885, SB 887, SB 888, SB 889, SB 890, SB 892, SB 893, SB 894, SB 895, SB 897, SB 902, SB 903, SB 906, SB 910, SB 912, SB 913, SB 914, SB 915, SB 916, SB 917, SB 918 and SB 919 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**NONPREFERRED APPROPRIATION BILLS
OVER IN ORDER**

SB 815, SB 896, SB 898, SB 899, SB 900, SB 901, SB 904, SB 905, SB 907, SB 908, SB 909, SB 911, SB 920 and SB 921 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**PREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION AND FINAL PASSAGE**

HB 1476 (Pr. No. 1725) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Commerce to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

BILLS OVER IN ORDER

SB 316, SB 355 and SB 476 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 511 (Pr. No. 2046) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles exempt from registration, for multipurpose dealer registration plates and for surrender of license; providing for property valuation services; and further providing for farm vehicles, for periodic inspection of vehicles and for operation of vehicles without inspection certificates.

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

HB 511 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 511, Printer's No. 2046, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT. The bill will be placed on the Calendar.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 598, SB 633 and SB 652 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

HB 701 (Pr. No. 2089) — 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, providing for adoption of

property maintenance regulations and standard codes; eliminating provisions for milk inspection; and further providing for the manufacture and purchase of electricity.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ROBBINS offered the following amendment No.

A3743:

Amend Sec. 2 (Sec. 2471), page 5, line 7, by inserting after "ELECTRICITY.—": (a)

Amend Sec. 2 (Sec. 2471), page 6, by inserting between lines 4 and 5:

(b) Any borough which is manufacturing or purchasing electricity for the use of its inhabitants on July 1, 1995, shall be exempt from the provision of subsection (a) which requires that before any borough shall construct an electric light plant, or purchase the property of any person, copartnership or electric light company, and incur debt for any of such purposes, the question of increase of the borough debt for such purposes shall first be submitted to the qualified voters of the borough in the manner provided by law for the increase of indebtedness of municipal corporations. A borough to which the exemption provided by this subsection applies shall, however, incur debt for the construction of an electric light plant, or the purchase of the property of any person, copartnership or electric light company in accordance with and to the extent permitted by the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act."

Amend Sec. 3, page 6, line 5, by inserting after "OF" where it appears the first time: subsection (a) of

On the question,

Will the Senate agree to the amendment?

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

Senator BODACK. Mr. President, on the amendment, I rise to support the gentleman from Mercer, Senator Robbins, in his attempt to secure an affirmative vote, and precisely, Mr. President, I do that because this amendment allows the continued operation and expansion of municipal electric systems in 34 boroughs throughout our State. It allows the locally elected officials of those boroughs the continued opportunity to provide safe and efficient electric service to their residents. They do so with a tremendous financial benefit to their communities by way of lowering taxes and also utility rates.

Mr. President, the passage of this modification should also help to convince us that there is no need for the legislation as proffered by the gentlewoman from Allegheny, Senator Hart, in the amendment she offered on Monday of this week. At a time when the Federal government, through its laws and regulations, is promoting increased competition for lowering electric rates, we should not be throwing up unnecessary obstacles such as we heard earlier in the week to thwart such competition.

I would urge an affirmative vote on this amendment as an affirmation of our support for the 34 municipal electric systems that are currently in operation throughout our State which are providing safe, efficient, and low-cost electric service. I would also ask then, Mr. President, that we consider the adverse consequences of the remaining bill as it relates in particular to the borough of Tarentum in Allegheny County and other boroughs that may wish to pursue the establishment of their own municipal electric systems in the future.

Thank you, Mr. President, and I compliment all the Senators who are doing all they can to protect their units in their districts.

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

The PRESIDENT. Without objection, House Bill No. 701 will go over in its order as amended.

BILLS OVER IN ORDER

SB 712, SB 775, SB 776, HB 1032, SB 1052, HB 1085 and HB 1086 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1095 (Pr. No. 1220) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

SB 1098 (Pr. No. 1231) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," providing for the Zoological Enhancement Fund and for transfers from the Motor License Fund.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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.

HB 1238 (Pr. No. 2084) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, revising provisions relating to annuitants of the Public School Employees' Retirement System or the State Employees' Retirement System who return to school service or State service; increasing annuitant membership on the Public School Employees' Retirement Board; and making a repeal.

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—48

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

NAYS—2

Afflerbach

LaValle

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

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

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

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS**

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1074 (Pr. No. 1235) - The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), entitled "Public Official Compensation Law," further providing for compensation of the members of the Environmental Hearing Board.

Senator LOEPER. Mr. President, I move that the Senate nonconcur in the amendments made by the House to Senate Bill No. 1074, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

RECESS

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

Senator LOEPER. Mr. President, at this point in our day I would ask for a very brief recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Communications and High Technology, and followed by a meeting of the Committee on Transportation, all to be held in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Communications and High Technology, and finally, a meeting of the Committee on Transportation, all to be held in the Rules room at the rear of this Chamber.

For purposes of these meetings, the Senate stands in recess.

AFTER RECESS

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

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

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

**MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION**

June 7, 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 May 19, 1995 for the appointment of Robert S. Mirin, Esquire, 8150 Derry Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1999, and until his successor is appointed and qualified, vice Gregory J. Celia, Jr., Lancaster, whose term expired.

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

THOMAS J. RIDGE
Governor

JUDGE, TRAFFIC COURT OF PHILADELPHIA

June 15, 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 17, 1995 for the appointment of Michael Gallagher, 6618 Elmwood Avenue, Philadelphia 19142, Philadelphia County, Eighth Senatorial District, as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 1996, vice The Honorable Lillian H. Podgorski, mandatory retirement.

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

THOMAS J. RIDGE
Governor

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

June 15, 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 17, 1995 for the appointment of Alexis Leslie Barbieri, Esquire, 501 West Mermaid Lane, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Louis G. Hill, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 15, 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 17, 1995 for the appointment of Amanda Cooperman, Esquire, 413 South Taney Street, Philadelphia 18146, Philadelphia County, First Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Berel Caesar, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 15, 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 17, 1995 for the appointment of Shelley Robin New, Esquire, 3421 Midvale Avenue, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Nelson A. Diaz, resigned.

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. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

May 19, 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, Benjamin F. Ellis, Jr., 6702 Wayne Avenue, Philadelphia 19119, Philadelphia County, Fourth 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 Juan A. Rosado, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

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

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, Samuel S. Bruner, 422 Park Avenue, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Paulette M. Vandzura, Portage, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF CLAIMS

May 18, 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 C. Clipper, 41 Foxanna Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 2002 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

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, Stephen H. Franklin, 14 Westwind Drive, Lemoyne 17043, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 179, approved December 18, 1992.

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, Jeff Brookes, 9752 Lindsay Avenue, Pittsburgh 15237, Allegheny County, Fortieth 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 his successor is appointed and qualified, vice Wayne C. Gorell, Indiana, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

May 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, Nicholas P. Muller, 9753 Lindsay Road, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Raymond P. McGinnis, Williamsport, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

May 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, Sean R. Ryan, 130 South Broad Street, Perkasie 18944, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Mary Ann Stewart, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

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

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, Rose Blecker, 202 Erford Road, Camp Hill 17011, Cumberland County, Thirty-first 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 Robert B. Von Drach, Ed.D., Willow Grove, deceased.

THOMAS J. RIDGE
Governor

VICTIM ADVOCATE

May 10, 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, Mary Achilles, 4155 Mountain View Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Victim Advocate, to serve for a term of six years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, pursuant to Act 8, approved March 21, 1995.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE**

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, Christine Lynd (Republican), 615 County View Court, Cranberry Township 16066, Butler County, Fortieth Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

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.

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 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, Vivian Orleans Potamkin, The Barclay, East Rittenhouse Square, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment 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, vice Dianne L. Semingson, Andalusia, whose term expired.

THOMAS J. RIDGE
Governor

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

May 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, Julia A. Ansill, 217 Fourth Street, California 15419, Washington County, Thirty-second Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL**

April 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, Lori Blackburn, 348 Indian Creek Drive, Levittown 19057, Bucks County, Sixth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Charles Steinbach, Warminster, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF EBENBURG CENTER**

April 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, Genevieve K. Schafer, 565 Heidelberg Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of

Trustees of Ebensburg Center, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Ruth Kline, Ebensburg, confirmed to another position.

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, R. Benjamin Wiley, 570 Tanager Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

April 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, James Mancuso, R. D. #2, Box 345, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified, vice John P. Moran, Carbondale, resigned.

THOMAS J. RIDGE
Governor

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

April 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, Alvin Ackerman, 2820 Hill Crest Road, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Patricia Jenkins, Esquire, Media, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 20, 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, F. Eugene Dixon, Jr., P. O. Box 178, Lafayette Hill 19444-0178, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1998 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 20, 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, Glenn Y. Forney, 10 Oldfield Road, Shavertown 18708, Delaware County, Ninth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1998 and until his successor is appointed and qualified, vice Julius B. Uehlein, Camp Hill, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

April 6, 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, Elizabeth L. Schmid, 746 South Franklin Street, Apartment 1-A, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Stephen E. Whitby, Allentown, graduated.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION**

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, Janet S. Klein, 1475 Hampton Road, Rydal 19046, Montgomery County, Twelfth 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 William F. Heefner, Esquire, Perkasio, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS 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, Joseph J. Borgia, 2504 East 43rd Street, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1998, and until his successor is appointed and qualified, vice Lauren K. Lukert, Erie, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA**

May 24, 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, Kim E. Lyttle, 5013 Impala Drive, Pittsburgh 15239, Allegheny County, Forty-fifth 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 COUNCIL OF TRUSTEES
OF KUTZTOWN UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

May 8, 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, James W. Schwoyer, 315 Lenni Street, Kutztown 19530, Berks County, Eleventh Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown 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 COUNCIL OF TRUSTEES
OF KUTZTOWN UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

May 8, 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, Dolores W. Siegel, 1120 North Broad Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

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, Daniel Dahlkemper, 530 Seminole Drive, Erie 16505, Erie County, Forty-ninth 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 Michael C. Wood, Beach Lake, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF MEDICINE

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, Dr. Sant Ram, 3126 Westwood Estates, Erie 16506, Erie County, Forty-ninth 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 Joshua A. Perper, M.D., Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

April 19, 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, Colonel Eugene P. Klynoot, 6 Swatara Drive, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as Brigadier General, Pennsylvania

Army National Guard, with assignment as Assistant Adjutant General, Headquarters State Area Command, to serve until terminated, vice Colonel Henry F. Coyne, reassignment.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

April 19, 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, Colonel Larry G. Powell, R. D. #1, Lincoln Ridge Farm, Stoystown 15563, Somerset County, Thirty-second Senatorial District, for appointment as Brigadier General, Pennsylvania Army National Guard, with assignment as Deputy Commander, 28th Infantry Division (Mechanized), to serve until terminated, vice Brigadier General Walter L. Stewart, Jr., reassignment.

THOMAS J. RIDGE
Governor

ADJUTANT GENERAL

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, Brigadier General James W. Mac Vay, R. D. #2, Box 2123, Nicholson 18446, Wyoming County, Twentieth Senatorial District, for appointment as Adjutant General and Major General, Pennsylvania National Guard, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice Major General Gerald T. Sajer, An-nville, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

April 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, Silvia M. Ferretti, D.O., 5406 Perkins Street, Erie 16509-1852, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

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

April 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, Thomas G. Bigley, 15 Old Timber Trail, Pittsburgh 15238, Allegheny County, Thirty-eighth 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, 1998, and until his successor is appointed and qualified, vice Paul J. Chappano, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

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, Barbara A. Davis-Kenion, D.P.M., 105 Gun Club Road, Palmerton 18071, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Podiatry, 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 Elliot Bernstein, D.P.M., Wayne, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS

April 6, 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, Debra C. Blaschak, Esquire (Public Member), R. D. 2, Box 629, Ringtown 17967, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, 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 Elmer M. Santa, West Mifflin, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS

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, James B. Flanigan (Public Member), 1309 Arrowmink Road, Villanova 19085, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve until June 18, 1997 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony R. Barone, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

April 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, Peter J. Krysik (Public Member), R. D. #7, Box 107-C, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, 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 Mary P. Portis, Esquire, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

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

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, John C. Whitehead, 418 Grandview Boulevard, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Lois A. Waters, Esquire, Chambersburg, whose term expired.

THOMAS J. RIDGE
Governor

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

May 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, William T. Moran, Jr., R. D. 3, Jefferson Heights, Lake Ariel 18436, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

PENNSYLVANIA SECURITIES 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, A. Richard Gerber, Esquire, 5 Regency Circle, Penllyn 19422, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

PENNSYLVANIA SECURITIES 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, Robert M. Lam, 1336 Red Rambler Road, Rydal 19046, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Securities Commission, 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 SLIPPERY ROCK UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

May 8, 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, Kenneth B. Blair, 113 Iron Bridge Road, Sarver 16055, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Margaret A. DeMucci, Butler, whose term expired.

THOMAS J. RIDGE
Governor

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

May 8, 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, Orvan B. Peterson, 216 Center Avenue, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Joan T. Chew, Butler, whose term expired.

THOMAS J. RIDGE
Governor

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

April 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, Linda S. Fagenholz, M.D., 240 West 41st Street, Erie 16508, Erie County, Forty-ninth 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 Dr. William R. Henwood, Sharon, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

May 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, Paul R. Hoffer, 340 Rock Hill Road, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice H. Glenn Nelson, Lititz, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY**

May 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, Stephen L. Ralston, 2240 Bob White Lane, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified, vice H. Byron Showers, Ed.D., Lancaster, whose term expired.

THOMAS J. RIDGE
Governor

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

April 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, Rev. Dr. Roger Petersen, 228 South Walnut Street, Blairsville 15717, Indiana County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Marc Alan Fry, Youngwood, resigned.

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, Robert F. Childs, 31 Militia Hill Road, Warrington 18976, Bucks County, Tenth 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 COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

May 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, The Honorable J. Curtis Joyner, 1270 Upton Circle, West Chester, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester 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 COUNCIL OF TRUSTEES
OF WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

May 19, 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, Johanna K. Havlick, White Horse Village, Newtown Square 19073, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice James L. Larson, D.D.S., Devon, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ARMSTRONG COUNTY
BOARD OF ASSISTANCE**

April 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, Genevieve Mantini (Republican), 704 Fourth Avenue, Ford City 16226, Armstrong County, Forty-first Senatorial District, for appointment as a member of the Armstrong County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BERKS COUNTY
BOARD OF ASSISTANCE**

April 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, Maria M. Garcia (Democrat), 3515 Oak Street, Laureldale 19605, Berks County, Eleventh Senatorial District, for appointment as a member of the Berks County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CAMBRIA COUNTY
BOARD OF ASSISTANCE**

April 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, John Klingensmith (Democrat), 48 Erie Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CAMBRIA COUNTY
BOARD OF ASSISTANCE**

April 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, Kimberly O'Malley (Republican), 218 Hawthorne Street, Johnstown 15904, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Cambria County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE**

April 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, Francis Mongi (Republican), 229 West Bertsch Street, Lansford 18232, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE**

April 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, William C. Shirar (Republican), 160 Carnation Lane, Lehighton 18235, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon Coun-

ty Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE**

April 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, Rose Middleton (Republican), 1263 Long Eagle Road, Coatesville 19320, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

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

April 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, Constance McIntyre (Republican), 812 West Central Avenue, Titusville 16354, Crawford County, Fiftieth Senatorial District, for appointment 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.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ELK COUNTY
BOARD OF ASSISTANCE**

April 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, Barbara A. Duffy (Republican), 357 Powers Avenue, Johnsonburg 15845, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ELK COUNTY
BOARD OF ASSISTANCE**

April 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, M. Twila Gleixner (Republican), 319 Benedict Street, St. Mary's 15857, Elk County, Twenty-fifth

Senatorial District, for appointment as a member of the Elk County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE ERIE COUNTY
BOARD OF ASSISTANCE

April 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, Joseph E. Podolsky (Republican), 426 Burkhart Avenue, Erie 16511, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Erie County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE FOREST COUNTY
BOARD OF ASSISTANCE

April 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, Audrey Joanne Roberts (Republican), 3 Aspen Lane, Marienville 16239, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE FRANKLIN COUNTY
BOARD OF ASSISTANCE

April 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, Dave Boozer (Republican), 510 Overhill Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Franklin County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

April 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, John W. McIlvaine, Esquire (Republican), R. D. #1, Box 57, Waynesburg 15370, Greene County,

Forty-sixth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

April 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, Lloyd A. Rohanna (Republican), R. D. #1, Box 103, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

April 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, Rev. T. Dale Warren (Republican), 548 Race Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE INDIANA COUNTY
BOARD OF ASSISTANCE

April 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, Rev. Timothy R. Monroe (Republican), 106 Rt. 119, Home 15747, Indiana County, Forty-first Senatorial District, for appointment as a member of the Indiana County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LEHIGH COUNTY
BOARD OF ASSISTANCE

April 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, Jay A. Scherline, Esquire (Re-

publican), 4191 Winchester Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

April 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, William Moore (Democrat), 11 South Fourth Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

April 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, Karen Bombatch (Republican), Scrubgrass Road, Grove City 16127, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

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, Daniel W. Davis, Esquire (Republican), 526 Charleston Road, Sharpsville 16150, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE PERRY COUNTY
BOARD OF ASSISTANCE

April 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, Clifford R. Sloppy (Republican), R. D. #2, Loysville 17047, Perry County, Thirty-first Senatorial District, for appointment as a member of the Perry County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

April 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, Duane F. Dow (Republican), Turner Street, Austin 16720, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

April 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, Rev. Raymond Forsyth (Republican), 608 South East Street, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

April 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, Edith M. Howard (Republican), Box 170, R. D. #2, Port Allegany 16743, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

April 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, William Schweigart (Republican), Academy Street, Genesee 16923, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE SNYDER COUNTY
BOARD OF ASSISTANCE

April 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, Robert Singer (Republican), R. D. #3, Box 278, Selinsgrove 17870, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Snyder County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE SOMERSET COUNTY
BOARD OF ASSISTANCE

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, Harold M. Shaulis (Republican), R. D. #4, Box 90, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Somerset County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

April 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, TerryJane Chiaravalloti (Republican), 427 College Street, Youngsville 16371, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 1997,

and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

April 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, Martha L. Huey (Republican), 417 South State Street, North Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WESTMORELAND COUNTY
BOARD OF ASSISTANCE

April 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, George Lynch, Esquire (Republican), 816 Spring Street, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Westmoreland County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WESTMORELAND COUNTY
BOARD OF ASSISTANCE

April 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, Tay Waltenbaugh (Republican), 103 Bellfield Court, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Westmoreland County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nominations?

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

Senator SALVATORE. Mr. President, on page 5, the name of Brigadier General James W. MacVay, I would like that

name separated from the rest of the names and voted on separately. I understand that there is only one "no" vote.

On the question,

Will the Senate advise and consent to the nomination of Brigadier General James W. MacVay as Adjutant General?

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

YEAS—49

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

NAYS—1

Andrezeski

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 remainder of 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.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 1480 -- Without objection, the bill was passed over in its order at the request of Senator FISHER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 771 -- Without objection, the bill was passed over in its order at the request of Senator FISHER.

NONPREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

SB 190 (Pr. No. 191) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Curtin Village Historic Site for maintenance.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 8 -- Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION

SB 31 (Pr. No. 32) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating the sale of life insurance and annuities; providing for additional powers and duties of the Insurance Department; defining certain unfair financial planning practices; and providing for the establishment and filing of internal audit and compliance procedures, for procedural matters, for policy copies, for records retention, for the use of illustrations, for the regulation of replacements within the same insurer or insurer group and for enforcement.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 140, HB 215, SB 414, SB 475, HB 575, SB 577, HB 578, SB 651 and SB 684 -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 777 (Pr. No. 1232) -- The Senate proceeded to consideration of the bill, entitled:

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" and "use"; exempting horses, interests in 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.

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

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

BILLS OVER IN ORDER

SB 790 and SB 831 -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION

HB 844 (Pr. No. 1298) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Senator FISHER. Mr. President, I request House Bill No. 844 go over in its order.

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I rise to object to House Bill No. 844 going over in its order. This bill is on the 10th day. It is a very important piece of legislation that, if enacted, will bring accountability to the Pennsylvania Turnpike Commission. The chairman of the Committee on Agriculture and Rural Affairs was pleased enough to bring this bill in front of his committee and brought it out on the floor, and all I am asking is that each Senator in this body has the opportunity to vote on this issue, up or down. I think it is very necessary. It does not deserve to die in this manner. It is too important, and I ask the gentleman from Allegheny, Senator Fisher, to reverse his decision on House Bill No. 844 going over. It is just nothing else but killing the bill without the opportunity to vote on it, and it is just not right. We deserve better. I ask for a roll-call vote.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fisher, concerning the remarks of the gentleman from Allegheny, Senator Stapleton.

Senator FISHER. Mr. President, I have no objection to the bill being read the second time.

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

Ordered to be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 929 and SB 982 -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL REREFERRED

SB 1028 (Pr. No. 1127) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1972 (P. L. 286, No. 70), entitled "Industrialized Housing Act," adding certain definitions; providing for the adoption of certain standards and for building code amendments; further providing for the Industrialized Housing Advisory Commission; and making editorial changes.

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

BILLS OVER IN ORDER

HB 1076 and HB 1154 -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1481 (Pr. No. 1730) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, to harmonize with the Federal interstate banking law by providing for interstate mergers and branching; providing for authorization to receive deposits, fiduciary powers, bank holding companies, limits on indebtedness, qualifications of directors, conversions and enforcement and other provisions applicable to the department.

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

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

FIRST CONSIDERATION CALENDAR

BILL ON FIRST CONSIDERATION AND REFERRED

HB 1297 (Pr. No. 1979) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing a video programming municipal tax.

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

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Transportation, reported the following bill:

HB 71 (Pr. No. 44)

An Act designating a certain bridge in Susquehanna County as the Susquehanna County Veterans Memorial Bridge.

Senator ARMSTRONG, of the Committee on Communications and High Technology, reported the following bill:

HB 961 (Pr. No. 1829)

An Act providing for dual party relay services and for telecommunication device distribution.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Gwen Glazer by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. George Barna, Mr. and Mrs. Harry Partyka and to Dr. Milton Bosse by Senator Belan.

Congratulations of the Senate were extended to Michael F. Mogan, Jr., by Senator Bell.

Congratulations of the Senate were extended to William I. Lamm by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. John A. Smith by Senator Delp.

Congratulations of the Senate were extended to the Abington Free Library Adult Literacy Program by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Stillwell Lauver, Mr. and Mrs. Stanley Skavery, Mr. and Mrs. Michael Visnosky and to Mr. and Mrs. Carlton Wirth by Senator Helfrick.

Congratulations of the Senate were extended to Jonathan Roth by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Curtiss Dennis, Mr. and Mrs. Kenneth Larish, Bryan Bufflington, Brook Lininger and to Irwin Weinberg by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Emil Marino by Senators Lemmond and Mellow.

Congratulations of the Senate were extended to Christ Lutheran Church of Upper Darby by Senator Loeper.

Congratulations of the Senate were extended to Lola Ayres and to Howard J. Persun by Senator Madigan.

Congratulations of the Senate were extended to First Baptist Church of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mother Theresa of Calcutta by Senator Rhoades.

Congratulations of the Senate were extended to Jeffrey Dunbar, Twila I. Uber Robbins and to Greenville Lodge 276 Loyal Order of Moose by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Bachovin by Senator Salvatore.

Congratulations of the Senate were extended to Ian Floyd by Senator Shaffer.

Congratulations of the Senate were extended to Gary S. Kirman and to Joseph Francis Merlina by Senator Shumaker.

Congratulations of the Senate were extended to Andrew P. Reymer, Jr., by Senator Wenger.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Scott White, Jr., by Senator Armstrong.

Congratulations of the Senate were extended to the family of the late Suzanne Irene Miller by Senator Shaffer.

BILLS ON FIRST CONSIDERATION

Senator KASUNIC. 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:

HB 71 and HB 961.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I just want to say a few words about House Bill No. 844 and the manner of the action that was just taken for this bill to die. We will not have the opportunity to vote on it, and I think it is a disgrace that they had to take the action they did and not let the Members of this body vote on a very, very important piece of legislation.

I started last January and introduced three bills. These bills did not come out of committee. They went into the Committee on Transportation with no intention of acting on them, so we had to take an end around approach. The House of Representatives had a bill, a very important bill, to have foreign markets established on the turnpike, and while it was in the House my amendments were added to that bill and it was passed unanimously and it came over here to the Senate. I have a great deal of respect for the chairman of the Committee on Agriculture and Rural Affairs, and he and the Members of the Committee on Agriculture and Rural Affairs saw fit to bring this bill out.

All we are asking is that each Member would have the right to vote on this piece of legislation. I cannot understand why the members of the Turnpike Commission have taken the position that they have. They must be deeply concerned. They are calling Members, and, of course, they called the right ones evidently, and you have just seen this piece of legislation killed. I just cannot believe that that has taken place right here today.

Yes, this bill would require the Turnpike Commission to appear in front of the Committee on Appropriations in the Senate and the House, and I do not see anything wrong with that when you have a commission. We have other commissions that come in front of the Committee on Appropriations that do not spend quite the amount of money that is spent by the Turnpike Commission, and when we have \$40 million each year

from our General Fund that goes over there, we have the right to know how that money is being spent.

Additionally, we have another \$300 million or more taken in on toll road fees, and we have a right to know how that money is spent. We also should have the right to look into the contracts that are being given out. I travel that turnpike every week when I come in here. If I stop at Bedford and get gasoline right at Bedford, off the turnpike, I can get it for 8, 9, or 10 cents a gallon cheaper than another half-mile on the turnpike. That should not be the case. It is the same way with the food on the turnpike, fast food service places. You are paying 20, 30 percent higher prices than just off of the turnpike at any of the other fast food services. I just cannot understand why the gentleman from Allegheny, Senator Fisher, made the motion. I cannot understand why they are taking that position and not letting the people of this Commonwealth know how the turnpike is being operated.

So, Mr. President, I am not through. I will continue with this fight, and I am hopeful that we can come up with a solution. As I indicated earlier, vote your conscience. If you think the Turnpike Commission should not come in front of the Committee on Appropriations, vote that way. But at least give us the opportunity to vote. That is all we are asking. We have many Members who want to vote for this bill, and that is why it was killed, because they knew if it got on the floor of this Senate it would pass. And that is very irritating to me, and I just do not believe that that kind of procedure should take place in this Senate.

Thank you very much, Mr. President.

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

Senator BODACK. Mr. President, I have been around here a long time, and I know that the Majority have their way and, of course, the Minority have their say. There are a few things about this budget that are in my craw, and I feel that this is the appropriate time to discuss them.

Mr. President, if I go back to March 7 when Governor Ridge presented his first budget proposal to the Joint Session of this General Assembly, it was at that time that our new Governor recalled that he promised the people of Pennsylvania, when he was campaigning, that he would do things differently. He talked about discipline, he talked about opportunity, he talked about how every dollar we spend really belongs to the "decent, honest, hard-working Pennsylvanians" that we all represent. He also talked, Mr. President, about how we should work together, Republicans and Democrats alike, to do our jobs.

Mr. President, this budget process this year has been anything but different, and as far as working together is concerned, those of us on this side of the aisle have really been shut out. That, of course, is the prerogative of the Majority. You know as well as I do you can do anything you want as long as you have the votes. But do not tell me and do not insult the intelligence of the good people of Pennsylvania by trying to portray this as doing things differently. It is status quo, politics as usual, and it is at its worst, Mr. President.

While there were many reasons to oppose this year's budget, both based on the secretive process and also on its particular shortcomings, I would like to take just one moment here to zero in on a particular area of concern. Mr. President, the budget this year wipes out the State funding for the Connelley Technical Institute and the Adult Educational Center in my district. And in the process, along with cuts in special education funding, Pittsburgh's public school system becomes the only district in Pennsylvania that is not to receive an increase in State funds this year. Connelley School, which is operated by the Pittsburgh district, serves the specific vocational and basic education needs of over 5,000 adults each and every year. These are people, Mr. President, from Pittsburgh and throughout southwestern Pennsylvania who are trying to gain the vocational and other training that they need to find a decent job in order to support themselves and their families. Twenty-five percent of those enrolled at Connelley come from outside the city of Pittsburgh and also from the five surrounding areas.

You know, Mr. President, we hear a lot today, we hear a lot of talk from our Republican friends about how the best welfare reform is a job. And yet the cruel irony of the Ridge budget is that it cuts and eliminates all funding for the Connelley Institute, the only school of its kind, and one which operates the State's largest and most effective effort to move people off of the welfare rolls and into the work force.

Mr. President, by eliminating the \$1.8 million in State funding for Connelley, Pennsylvania just slammed the door on those folks who are trying to help themselves, people such as Greg Lowe. Greg Lowe is 32 years old. He is a single father of a 2 1/2-year-old son. He found himself suddenly unemployed when the company he worked for shut down. Through Connelley's displaced workers program, Greg got the training he needed to be hired by the Magee Women's Hospital, and within 6 months he received his first promotion.

There are people such as Susan Montgomery. She is a divorced mother of two, and Susan had poor basic training skills and lacked the appropriate job opportunities for success. Through Connelley's Health Prep Program and Licensed Practical Nurse Program, Susan received the skills necessary to be hired at Independence Court. She started at \$8.25 an hour. She has advanced to charge nurse, and she now supervises 90 LPNs and nurses aides.

There are also people like Mark Capets. He is a 37-year-old furloughed coal miner and the father of three. Mark enrolled after 19 years of being out of school in Connelley's LPN program. He graduated with academic honors in 1993. Today Mark is working at Riverside Nursing Center in McKeesport, and he is now considering going to school to become a registered nurse.

There are also people like Trudy Johnson. She is the mother of four girls. Trudy enrolled in Connelley's 2-year carpentry program hoping to start a business with her husband, who is also a carpenter. Her diligence in her studies and work in learning all the tools of the trade earned her recognition by the Rotary Club of Pittsburgh, and just last year Trudy won the Pennsylvania Non-traditional Returning Adult Student Award.

After graduation, Trudy was successful in passing the carpenters' union apprenticeship exam, and she is currently enrolled in that program.

Mr. President, these are the kinds of success stories that we should want to hear, that we should want to promote. These are the kinds of success stories that I am afraid we will not hear much of if this year's lack of State support forces Connelley School to close its doors. And what needs to be said and understood, Mr. President, is that over half of Connelley's enrollment is made up of adult students from what the U.S. Department of Education calls a special needs population - those who are truly economically or educationally disadvantaged or disabled. Connelley, Mr. President, is their hope for a brighter tomorrow, and with this budget we are destroying those dreams.

Now, the Governor can talk all he wants about how his budget is about people and about opportunity, but in my book, Mr. President, the deletion of critical funding for Connelley while hiding millions in a special slush fund and WAMing just about everything else I think tells it all.

Thank you, Mr. President.

PARLIAMENTARY INQUIRY

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

Senator BODACK. Point of information, Mr. President.

The PRESIDENT. The gentleman will state his point.

Senator BODACK. Mr. President, at this time I would ask if the name of Tom Corbett is among the names in communications?

The PRESIDENT. Senator Bodack, Senator Wagner, I believe--

Senator BODACK. Mr. President, I will yield to the gentleman from Allegheny, Senator Wagner.

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

Senator WAGNER. Mr. President, I had no intention of rising at this time to speak. I view it as being rather unfortunate that I have to, due to the fact that earlier I was fully intending to have the opportunity to comment on House Bill No. 39 pertaining to the Tax Code. It was extremely unfortunate and I was extremely disappointed, to state quite frankly, that I did not have that opportunity to, at the very least, have discussion or the ability to put forth an amendment to that extremely important piece of legislation that impacts every single resident of this Commonwealth. I stand before you to say that, and I understand politics, I understand that there are greater numbers on one side of the aisle or the other, but most importantly, I understand that we represent the same people. And it is very important for me to state that for the record before we leave today, before we get involved in other business related to the Senate.

The issue that I intended to bring forth as an amendment to the Tax Code, in my opinion, was an extremely important position, and I know that issue has been echoed to every single Senator, every single House member, the Governor, and yourself, Mr. President, as the Lieutenant Governor of this Com-

monwealth. The amendment related to the repeal of the sales tax on computer services that was enacted in 1991. I am fully aware, as are all of you, that the impact of the sales tax on computer services means about \$80 million in revenue to this Commonwealth. Mr. President, this proposal was enacted at a time when there was a serious revenue shortfall back in 1991. There is, however, as I understand and most of you understand, a surplus in the budget this year. We have all talked about the numbers - \$300 million, \$500 million, I have even heard \$700 million - in the budget that ends June 30, 1995. And as a result of that surplus, I thought maybe we could apply some changes to the Tax Code that would positively impact businesses, a growth industry in this Commonwealth. I felt that for a number of reasons.

Number one, the repeal of this tax would, without a doubt, help to foster a better business climate in Pennsylvania, particularly in western Pennsylvania. Western Pennsylvania is the home of the Pittsburgh supercomputing center and the hub of many other high-tech industries. Mr. President, these are growth industries and we want to encourage their growth in Pennsylvania. The Pennsylvania Advantage in Telecommunications Report recently released shows that high technology firms in Pennsylvania have grown at twice the national rate of other States. Let me repeat that. High technology firms in Pennsylvania have grown at twice the rate of other States in this country. Pennsylvania is now home to the third highest number of technology-based businesses and the fifth largest number of advanced technology workers in the United States. And we believe that number could be much, much higher if this onerous tax were not in existence in Pennsylvania. We could possibly be the leader, the number one State in America, in terms of this industry without this onerous tax.

Number two, our economy has rebounded since 1991, and the State revenues, as we all know, are increasing. As a result, we did lower the corporate net income tax today for this fiscal year through this budget process, along with other business-related taxes. While I am supportive and voted in favor of those tax reductions, including the CNI tax reduction, I believe an equally important tax that needs to be repealed in this Commonwealth is the sales tax on computer services.

Number three, an amendment of that type would have meant jobs, jobs, jobs for all the people in Pennsylvania, but particularly western Pennsylvania, where we are still trying to overcome the decline of the steel industry, and now the loss of jobs in the health-related industries. Mr. President, when I was president of Pittsburgh City Council, I objected to the computer services sales tax when it was enacted in this Commonwealth in 1991 because it would harm business growth in Pennsylvania. If we are to be futuristic and if we are to be visionary about economic opportunities in Pennsylvania, this tax must be repealed.

I have not stated, but on the floor today I have introduced legislation because I did not have the opportunity to offer amendments to repeal this tax. In addition, we need to work with computer service companies to develop more jobs and cultivate a strong and vibrant economy in our Commonwealth. In my opinion and in the opinion of many, the computer

services tax is not a sound tax policy for this Commonwealth, especially due to the fact that other States in this country do not have similar taxes. Consequently, we are not competitive, and if we are going to work to generate jobs, which I believe should be our number one priority as elected officials, we have to stand up and be counted in regard to this issue.

Mr. President, it is generally not the incentives that add to job development. We all talk about incentives, we talk about Sunny Day funds, we talk about attracting companies to this Commonwealth, but the removal of disincentives, and I repeat, disincentives, can do more for job growth in this Commonwealth than any incentive we can ever create. And it is about time we stand up and be counted and begin to deal with the problems—yes, the problems—that exist as a result of previous legislation that was passed in this Commonwealth 5 years ago.

Mr. President, again, it is unfortunate that I had to stand up in this manner and talk about this issue. I was hopeful and optimistic coming into this Chamber today that I would have a democratic forum, a democratic opportunity, a fair opportunity to at least offer some amendments to legitimate legislation. That did not happen. I did not vote against that legislation, I voted to support it. I would hope that all of us, all 50 Senators in this Chamber, at some time in the future will have the courage to deal with this issue. If we do, it will benefit the people whom we serve by providing more economic opportunity for them.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, I would like to express my appreciation to the gentleman from Allegheny, Senator Wagner, for his comments and to assure him that there have been vociferous voices on both sides of the aisle relative to this onerous tax to which he has referred. There is an old saying that if you want to discourage something, you tax it. And for Pennsylvania to be in the position, as we currently are, of discouraging computer use and computer services is to go against the tide in which our economy and our society is moving. Not only in the areas to which the gentleman probably refers in western Pennsylvania, and we know that Pittsburgh and that area have moved from a manufacturing economy to a service economy, and part of that has been high-tech industries similar to the software and applications companies, so many of which are headquartered in the 202 corridor, a large part of which is in my district, and other parts of the State of Pennsylvania.

We need to encourage those companies to grow and to expand. In fact, the computer industry does have a firm foothold in Pennsylvania and it does offer us a possible future expertise and cluster of development if we can encourage it. But the first thing we have to do is remove the computer services tax. I only hope that the gentleman did, in his previous capacity, call the Governor of 1991, who happened to be of his party, and tell him of those strong sentiments which he is now expressing, because that tax package was one that brought many taxes to Pennsylvania which helped make us a State which business desires to leave rather than to come to.

We are beginning, we have turned the corner. This budget is one of which he and every Member can be proud because we have begun to move in the direction that will make Pennsylvania a State where business does want to come instead of wanting to leave. But to do so we are going to have to continue to focus on taxes like the computer services tax, which probably did not make it into the final cut because of the size of the take that the State gains from that tax. In some respects being that kind of a tax makes it tougher, and so we were able to deal with some other taxes from that same onerous 1991 tax package which had to be removed, such as the annuity tax, which I am very happy to say has an equivalent amount of discouragement to not only businesses in Pennsylvania but to the many middle-class retirees who choose annuities and who will now be able to have a level playing field, such as was the case prior to 1991.

So I can only join with my colleague in saying that as we move in this future direction, I hope the gentleman will be able to persuade many of his colleagues that we need, instead of looking for ways to tax Pennsylvanians, to remove those taxes, and this lean budget that was adopted today I think is a combination of wise expenditure policies as well as an improvement on the revenue side, but with plenty of improvements still to be gained, such as the tax to which he has referred.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I rise this evening to address some of the incidents that have occurred in the past few days and some of the things that were said on this floor prior to debate being cut off. So let me begin with the statements of the illustrious Majority Leader, Senator Loeper. In his attempts to defend the RIDGES, as WAMs are now called, in this year's budget, he said that these were different, different for two reasons.

Number one, that they no longer came from a leaders' slush fund; and secondly, that they are going to be administered by the departments. Mr. President, if there was a leaders' slush fund, then I suggest that the media and the public ask the gentleman from Delaware, Senator Loeper, where it was, because he was the only one who had one. These moneys in past years were always in the departments. And, Mr. President, they were always administered by the departments and they were always audited by the Auditor General. And it is a sad day that we have to differ on this issue because both Caucuses and the constituencies that we represent for years benefitted by the moneys in those legislative initiative grants. But now the Republican Party has taken them to a new insidious low. They are no longer bipartisan, they are no longer distributed fairly and equally, but they are stolen in the night through reports from conference committees and from committees from which you cannot amend, and then debate is closed off before anyone else has a chance to even ask questions about them.

Mr. President, that is what the change is that Governor Ridge brought forth in this new General Assembly. And as I said many times before, he ran on a promise of change. The

people of Pennsylvania thought, and had every right to assume, that that would be a positive change, but they were betrayed.

Never before in the 17 years that I have been here has the crass politics ever stooped this low. And there will be a price to be paid, Mr. President, because we have not heard the end of RIDGES. We have not heard the end of what the Majority thinks they have gotten away with. It is a long season. And we on this side may not have the votes, but we have the intelligence and we have the ability and we will disclose to the general public, we will lift up that slimy rock and let Pennsylvania know what happened here today on many fronts and on many occasions.

Mr. President, then later today the Republican Majority, in the light of this floor, and maybe because there are TV cameras here now, they only did it in that back room over there, where we, unfortunately, do not have live TV, but in that room they took an innocuous bill and inserted the Governor's tax program. And in that room, and only in that room, were we as Democrats allowed to offer amendments to that. And we were defeated right along partisan lines.

So I come today to this Chamber to insert in this record, which would not be in this record otherwise because the proceedings in that room were not recorded. We Democrats felt and argued that with a surplus of a half a billion dollars, it is the people of Pennsylvania who deserve to share in the wealth. Today was a great day for Gucci Gulch. I remember this Governor's address on the budget. For the first time in the history of the Commonwealth in the back of the Chamber of the House there was a special section set aside for the most prominent lobbyists in Pennsylvania from the most affluent companies in Pennsylvania. The message was given then to them that this would be a great day for you. I remember remarking on this floor that day that I did not see anyone there from the building trades unions, I did not see any Teamsters out there, I did not see any of the "decent, honest, hard-working Pennsylvanians" whom Governor Ridge—and I will call him that; I do not call him everything but that—spoke so piously about in his budget message but whom he thoroughly ignored in his final product.

We argued in that committee that the people who produced the surplus should be entitled to receive it back. Republicans argued that, no, what is good for business is good for Pennsylvania. And we need jobs, and if we give tax breaks to the very rich, the very wealthy widows, the biggest corporations in Pennsylvania who pay their CEOs \$2 million and \$3 million a year, that we will get jobs from that. That is reminiscent of the Ronald Reagan trickle-down economic theory that brought this country to its knees economically.

So then we said, okay, we will let you try your experiment. You can have your tax cut. Just give us a crumb from the table for the working men and women of Pennsylvania. Cut the income tax by one lousy tenth of a percent this year and then another tenth next year and another tenth next year. It may not mean a fortune, but as the gentleman from Indiana, Senator Stapleton, said, there are people out there making \$15,000 and \$20,000 a year who could use that money. I recognize we cannot necessarily understand that because in the back rooms

of this building right now deals are being cut for the voucher vote to give us a \$10,000 raise and to give us increases in our pensions. So how can we even understand the plight of a minimum-wage worker making \$15,000 a year? So when we offered that, what happened? Right down party lines, again, we were defeated.

So then we thought we would bring the debate into this Chamber and open it up for the people of Pennsylvania to see. And the minute we got here the first thing that was done, and I remind people who may be watching now that it is called moving the previous question, and what it means is that you instantly cut off debate before it starts and vote on the bill. It means you cannot offer amendments, you cannot talk about the bill, it is just steamrolled through here. And that is what the Republicans did today. And that was shameful.

Mr. President, as we look at the package, the budget that the Republicans passed in here, let us take a look at what it has in it. From the Governor who talked about discipline and who talked about helping the "decent, honest, hard-working Pennsylvanians"—his words not mine—there was a lot of steak and fat in this budget, good, rich, prime steak with marbled fat. There was a widow's tax cut, but not for the little old lady who goes to church on Sunday living in a little house or an apartment. It was for those people with estates of a half a million dollars or more. They got a tax cut.

And after that, we accelerated the cut in the corporate net income tax, a tax paid by only 25 percent of the most affluent corporations under a C corporation in Pennsylvania. We then granted the NOL carryforward to be increased. We gave tax breaks that the average person who works for a living would not begin to understand, the kind of tax breaks we gave to big business. But we did not give the average taxpayer a cut in his income tax. And we did not give a cut in the income tax rate for subchapter S corporations for small businesses, the ones that employ the people and create the jobs. No, because they do not have any corporate jets to fly around and hire lobbyists and make huge contributions to gubernatorial campaigns. Those people were forgotten.

POINT OF ORDER

Senator FISHER. Mr. President, point of order.

The PRESIDENT. The gentleman from Allegheny, Senator Fisher, will state his point.

Senator FISHER. Mr. President, I know that the debate that is permissible at the point of Petitions and Remonstrances is traditionally rather broad, but I would ask the Chair to admonish the speaker to avoid talking about the motives of any Members of this side of the aisle or any members of the Executive Branch or anybody who voted for any of the tax cuts that were passed in this Chamber earlier.

The PRESIDENT. Senator Fumo.

Senator FUMO. Mr. President, that was the steak and the fat in the budget. But after that, there were not even any crumbs left on the table for the "decent, honest, hard-working Pennsylvanians," because let us look at the spending side:

Higher education. A limited tuition challenge grant funding and no increase in general instruction for higher education.

Basic education. The pride of our future, our kids, what do we do with basic education? We gave the money to the wealthy school districts and forgot about the poor. We did it on growth rather than equity. And I suspect that sooner or later we will be sued and the courts will rule that we cannot treat the poorer citizens of Pennsylvania like second-class citizens. But that is the philosophy of the Republican Majority.

Welfare reform. The buzzword of the conservative Majority. Yes, we had welfare reform in this budget. We said to people who are over 55, forget it. Go starve someplace. Then what happens to those people who are elderly, and children? We said, you pay us a \$5 fee every month when you receive your check for administration costs. Now, \$5 a month to me, fortunately, I do not think I would miss it. And I think most of us in here would not miss it. It is probably less than we give our kids for allowances. But to a person on welfare, a poor child on welfare, that \$5 is equal to thousands. But we said, no, you pay us five bucks a month.

And then we had a sharp cut in housing and economic development set-aside programs. We did not put any money in for Amtrak, so the Harrisburg to Philadelphia line is going to be cut back. We did not put moneys in to help abandoned rail lines, to help economic development. And we had no money for LIHEAP so that poor people could heat their houses. And actually no money for emergency homeless assistance. There was no strong effort made to curb alcohol and drug abuse or abuse in our State prisons. Mere lip service. And we had an elimination of State funding for quality job-training programs at Connelley Technical Center and the Bidwell School. And drastic reductions in community development and economic development.

Mr. President, right now Republicans are riding high. In the last election throughout this nation they did wonderfully, and they did well because there was no turnout. And they did well because people trusted them. I predict, Mr. President, in upcoming elections they will rue the day because the silent majority, the true silent majority, not the Spiro Agnew Republican silent majority, but the silent majority of the poor and the people who work for a living will speak out and speak out effectively and loudly.

Mr. President, the moral test of government has often been stated by the late Hubert Humphrey, and it is how we treat those in the dawn of life, our children, and how we treat those in the twilight of life, the aged, and how we treat those in the shadow of life, the sick, the poor, and the homeless, that is the true moral test of government. And this budget fails miserably on all three tests, and it is now, Mr. President, just another sad day in this great Commonwealth of Pennsylvania.

Thank you.

The PRESIDENT. Senator Fisher, any comment?

Senator FISHER. Mr. President, first of all, a couple of comments. I think the record should reflect today that as of June 15 there was another accomplishment that was made in addition to the passage of the funding plan for the General Fund budget, and that was that this date marks the confirmation of the last of the nominees to the cabinet of Governor Ridge. Although June 15 may seem like a late date, it is appre-

ciably ahead of the confirmation of the last nominee in the first cabinet of then Governor Casey back in 1987. I think when you look at the makeup of the cabinet that has been brought into State government by this administration, I believe that the overwhelming votes, in fact, almost unanimous votes in all cases, are somewhat indicative, more than just indicative, of the quality of men and women who have been brought into State government by this administration.

Also, today and yesterday, the last 24 hours, I think it marks the date of the adoption of the first budget of this administration. I disagree dramatically with the categorization of the process of this budget and the content of this budget that was made by the last speaker. The process in which this budget was fashioned, Mr. President, was no different, was no different than the process that has been followed in this Chamber and the other Chamber for the past decade or so. In fact, the chairman of the House of Representatives Committee on Appropriations commented on that very issue yesterday as the budget passed the House.

Mr. President, this process was a long one. It was as long and as lengthy and as thorough as any budget process that we have had here in recent years. The cabinet nominees came before the Committee on Appropriations, they testified, they testified about their spending priorities, they gave detailed statements about their spending priorities and their philosophies, as well as the Governor's philosophies, as to where Pennsylvania should go. Governor Ridge and the members of his cabinet, I believe, have been open in their requests for information. They have been available to meet with Members on both sides of the aisle as to their priorities, and that process resulted in a budget bill being brought before this Senate last night. It was brought on concurrence in House amendments, it was debated, it was voted on, it was passed. It was passed by a vote of 30 to 20. It was passed after there was obviously some heated debate, and that heated debate came from both sides of the aisle, but, in fact, there was debate on the contents of this budget.

Mr. President, I believe the budget is a responsible budget. I believe the budget is one that meets the priorities of this Commonwealth. It meets the priorities of this Commonwealth in funding those levels of importance to the people of this Commonwealth that we can afford, that the taxpayers of this Commonwealth can afford today in 1995. At the same time, in funding the priorities of this Commonwealth, this budget held spending to a rate of about one-half of the average rate of the growth of spending over the past 8 years. And I believe that is the most significant accomplishment of this budget. Because not only have we been able to fund those areas that were, in fact, priorities, but we have been able in this budget to do something if we are ever going to get hold of the problems of taxation in this State, and that is to hold the growth of spending to a more responsible level.

The amount of money that was appropriated to public education was the highest amount of money appropriated, I believe, in the last 6 years to public education. In addition to that, for the first time a budget put in place a sum of money of over \$40 million to be spent on a voucher program which is

still before this General Assembly, but that money was put there and it was put there in order to provide more competition and a better framework for education for our children and the students of Pennsylvania in the future.

In addition, this budget has met those regional priorities across the Commonwealth, and we did it in a way that obviously the Minority did not like. They did not like it because they did not like seeing all the specific appropriations set out in that budget. But quite frankly, Mr. President, if there has been any valid objection to the process that has been in place over the last 6, 8, 10 years, however long it has been, it has been the fact that when we voted on a budget, when the people went and looked at a budget, no one could quite see where the money was going. Here what we did in this budget is we took the money out of the general government operation lines, not like what was done over the past 8 years. This money was not hidden in those lines, but we took the money out of those lines and earmarked it for projects that the Majority party and many Members of the Minority party brought to our attention were needy recipients. The money is there. The Governor is going to have an opportunity to review this before he signs the budget. I do not know whether the Governor is going to allow all of those projects to remain in the final blueprint that will be signed. But the Governor will have the opportunity to know what our priorities are, what the priorities are of the Members of that side of the aisle, and what the priorities are of the Members of both Caucuses in the House of Representatives.

Mr. President, I do not see anything wrong with that process. That process will be open, it will be accountable, it will be auditable, and I believe that that process will make sure that projects that are needed, that are supportable, could be funded within the money that was available this year.

Mr. President, when you talk about the tax package, I would say that was thoroughly debated. I do not know how many times the gentleman from Philadelphia, Senator Fumo, wanted to debate the tax package before the Senate, but it was thoroughly debated in that room before the Committee on Appropriations. It was open to the public, the room was jam-packed. We could have sold tickets, I think, this morning to all the spectators that were in that room. The tax package was debated.

Mr. President, there were differences in what the Democrats, what the Minority party thought should have been the tax priorities, and, in fact, the tax package that was approved by the Committee on Appropriations, the tax package which was approved overwhelmingly by a vote of 44 to 6 in this Chamber, was a responsible tax package that reduced taxes to where, in fact, Pennsylvania is truly competitive with its neighbors, where Pennsylvania is truly uncompetitive with neighboring States that are stealing our jobs away from the hardworking men and women in Pennsylvania. Mr. President, that tax package reduced the corporate net income tax by 2 percentage points, not by a half a percentage point as last year, but by 2 percentage points, so that no longer will we be the leader in the nation in an area where we do not want to be the leader, but we will be somewhat more competitive in the area of the corporate net income tax.

In addition, Mr. President, we were able to increase the exemption under the capital stock and franchise tax, an exemption which takes the exemption for the small businesses that employ two, three, four, or five Pennsylvanians. We took that exemption up to \$100,000 so that those small taxpayers will no longer have to be burdened with the \$300 minimum payment under the capital stock and franchise tax.

Mr. President, we have totally eliminated the widow's tax in Pennsylvania, rather than phasing it out, as was proposed last year. Mr. President, we eliminated the 2-percent tax on annuities. The 2-percent tax on annuities that was stuck in under the cover of darkness in 1991 was snuck in at a time when very few people understood what the implications of that annuity tax were, but it was a tax that not only put a 2-percent tax on the savings of the working men and women and the elderly in Pennsylvania who bought that product, but it also resulted in a retaliatory tax against Pennsylvania businesses that are selling annuities in other States. In fact, what it did, and the gentleman from Mercer, Senator Robbins, can tell you, and Senators in the southeast can tell you, it took people who were selling annuities and got them to set up their operations in other States.

I share the concern of the gentleman from Allegheny, Senator Wagner, that we were not able in this budget, because of the realities of the budget, to repeal the computer tax. I would hope that if the economy continues to improve in this State that perhaps that is the next major sales tax repeal that we can take up in Pennsylvania, because I know, just like he does, that there are many computer businesses in southwestern Pennsylvania and elsewhere where that 6-percent tax has made a significant difference, and I hope we can address that.

But, Mr. President, if we are going to pass a balanced budget and if we are going to pass a balanced budget that meets the revenue needs to fund a budget, then it is important that we recognize that we cannot do all things for all people at one time. Mr. President, I and every other Member on this side of the aisle, if the opportunity presented itself, sure, we would have liked to have voted for a 1-percent reduction in the personal income tax. But when you vote for a 1-percent reduction in the personal income tax, you have to ask, once you take out the \$185 million from the revenue stream that would be coming into the Commonwealth, where are you going to take the \$185 million out of the budget? Mr. President, I did not see any proposal from the other side of the aisle as to where they were going to take the \$185 million out of the budget. I saw and I heard on this floor debate that there was a surplus, that there was money tucked away in drawers and cabinets. There is no evidence of that, Mr. President. There is no indication that there is a surplus any greater than what the official revenue estimate was that has been given to us by the Budget Secretary of this Commonwealth.

Mr. President, you just cannot do all things for all people if we are going to have a balanced budget. And thank God, particularly after 8 years of a Democratic administration, that we have a balanced budget requirement in this State, not a budget that can be passed as the Federal government did for the past

50 years that was out of balance and increased the deficit year after year after year.

Mr. President, I believe that the steps that we have taken so far have been responsible. They have been on time; in fact, 15 days before the deadline. The only thing that remains, at least as far as the budget process is concerned, as I said earlier in debate with the gentleman from Lackawanna, Senator Mellow, we have appropriation bills on our Calendar that we were not able to vote on today that provide the money for the non-preferreds for the colleges, for the State-related universities across Pennsylvania. And, Mr. President, as I said earlier, I hope, and although we did not vote on these bills today, I would hope that over the next 3 to 4 days, the Members on the other side of the aisle would realize the importance of providing that funding and providing that funding on time for our colleges and universities. Because, Mr. President, I do not want to see, as I referred to earlier, the colleges and universities and the students of Pennsylvania being held hostage because some people may not be satisfied with the final blueprint that was approved by the Majority of this General Assembly.

Mr. President, in conclusion, I believe that the Majority in this Chamber and the Majority in the Chamber in the House of Representatives have been very responsible in the way in which we have addressed the budget and the way in which we have addressed the tax package this year. I also want to commend the Governor for the leadership that he has provided, not only the leadership that he has provided in fashioning this budget, but for the leadership that he has provided in the education area and providing the leadership in one of the other pieces that is perhaps still being debated in the House and I am sure will be debated here in the Senate before we adjourn this Senate for the summer recess. That leadership, Mr. President, is refreshing, and it is refreshing that we now for the first time, I know for the first time in my 20 years in this General Assembly, we have an opportunity not only to make some changes in the way we have fashioned our spending priorities but we have an opportunity to make some real changes in that area of education, where at least half of the money in our General Fund budget goes.

So, Mr. President, as we conclude today, I just wanted to add those words on behalf of myself and on behalf of my colleagues on the Republican side of the aisle. I know that there has certainly been some bad blood and some hurt feelings on the other side over the last 24 hours, and I would hope perhaps everybody might step back a little bit, take a breath, look at what has happened over the next 3 to 4 days, and perhaps get back here and be able to work with us to be able to fashion and do those things that need to be done to complete what until now, Mr. President, I think has been without question the most successful beginning of the Session, the most successful 6-month period that this General Assembly has seen, at least during the 20 years that I have been a part of this great body.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, I listened carefully to the gentleman's remarks, and there are a few points I think that are in order that need to be clarified.

First of all, the gentleman's remarks on WAMs I think are misdirected. I think that what we were talking about with the whole WAM issue was the elimination of WAMs, not cleaning them up and dressing them up and putting a cute Sunday suit on them and injecting them into the budget. It was to eliminate the WAM procedure. Obviously, by what I have read in the budget and some of the astronomical numbers that I have seen coming through that budget regarding WAMs, we certainly fell far, far short, and those people who are representing the Governor's wishes in his earlier speech about what he was going to do with WAMs certainly fell short.

As far as the debate on the budget, I would let the gentleman know that whatever debate took place in that back room back there certainly had nothing to do with the debate which we attempted to forward last evening here on the floor of this Senate, and that was a debate in good faith in order to amend a budget that was presented to us by 29 Members on the other side of the aisle.

Point number three, as far as dealing with the budget in committee, Mr. President, I would point out for the record that there are 50 Members of this body, at last count, and it seems to me that the budgetary procedures that were discussed and hammered out and agreed to were agreed to by 22 people in committee and not on the floor of this Senate, which represents 50 people who represent an additional 11 million people in this Commonwealth.

There was also a point, Mr. President, that the gentleman made about the institutions of higher learning. The debate that took place in committee regarding those institutions, the gentleman did not point out the fact that the increase that the Democratic Members on that committee were asking for was a mere 2 percent. That certainly, with a \$500 million or \$600 million surplus, is not a very high figure and not too hard for this body to come up with.

So, Mr. President, in trying to keep the record straight, I make those few comments.

Thank you.

PARLIAMENTARY INQUIRY

The PRESIDENT. We will deal with communications from the Governor.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I believe that I had the floor before regarding a point of information that deals with communications. I would repeat my request and would ask the Chair if the nomination of Tom Corbett is among the nominations that are in the communications offered from the Governor.

The PRESIDENT. Yes, it is.

POINT OF ORDER

Senator BODACK. Mr. President, if the nomination of Tom Corbett is a part of those communications, then on behalf of this side of the aisle, I would object to that nomination going to the Committee on Rules and Executive Nominations, because, as we see it over here, there is no vacancy which yet exists in the Office of Attorney General.

The PRESIDENT. I take it that you are raising a point of order to that effect, Senator Bodack?

Senator BODACK. Yes, Mr. President.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The Chair has considered the observations, and in light of existing precedent, namely the Liquor Control Board nominee or vacancy, or lack of vacancy at the time, the Chair rules that the nomination of Thomas Corbett can be accepted and ultimately moved to the Committee on Rules and Executive Nominations precisely for this reason, that in the past we have accepted nominations before the vacancy had occurred.

RULING OF THE CHAIR APPEALED

Senator BODACK. Mr. President, I thank you, but I must insist upon adhering to Article IV, section 8(b), of the Constitution, which refers to the first day of a vacancy, and we certainly still do not have one. Based on that, I would appeal the ruling of the Chair and ask for an immediate roll-call vote.

The PRESIDENT. Senator Bodack appeals the ruling of the Chair. It should be made known that an "aye" vote sustains the appeal, and a "no" vote supports the ruling.

On the question,
Shall the ruling of the Chair be sustained?

The PRESIDENT. In light of it being a debatable question, the Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, on the appeal of the ruling of the Chair, I would just like to speak briefly on that issue.

Mr. President, the point of order raised by the gentleman from Allegheny, Senator Bodack, is one as to whether or not the reading of the nomination of Mr. Thomas Corbett to serve as Pennsylvania's next Attorney General is premature. Mr. President, obviously everybody is aware of the happenings of this week. Attorney General Preate submitted his resignation, submitted that resignation directly to the Governor as well as part of a court proceeding, and indicated that, I think, as of 5 p.m. on June 23 that the Attorney General would be resigning that office.

Mr. President, I believe that clearly constitutes a known vacancy in that office, a vacancy which according to the Attorney General's own submission will occur as of 5 p.m. on June 23. Mr. President, there is ample precedence in the nomination process for the Governor to submit nominations for the filling of known vacancies. I can only cite the most recent nomination of Mr. John Jones to serve as a nominee to the Pennsylvania Liquor Control Board to replace Mr. James Goodman. Mr.

Jones' nomination was submitted in advance of the actual vacancy occurring. That nomination was read across the desk. It was referred to the appropriate committee. The committee held hearings, the nomination went through the Committee on Rules and Executive Nominations process, and then the vote was taken before the Senate. Every single nomination for the vacancies on the Pennsylvania Liquor Control Board have been submitted through that process since at least 1989. Mr. President, I believe there have been other instances in the past where governors have known that vacancies were forthcoming, where they did, or could have, under the law, submitted nominations to this body.

So, Mr. President, I believe that the nomination that was submitted by the Governor was entirely appropriate, that the reading over the desk and referring of that nomination to committee is entirely appropriate, and I believe that the appeal of the gentleman from Allegheny, Senator Bodack, is without merit, and I would urge Members on our side of the aisle to cast a negative vote on the appeal.

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

Senator BODACK. Mr. President, I would like to point out to the Chair and the gentleman that it is my understanding that the statutes dealing with the Liquor Control Board are somewhat different than what we are looking at here today. It is my understanding that the statutes provide for an appointment prior to a vacancy on the Liquor Control Board.

Now, Mr. President, further, I would ask a question of the gentleman as to a hypothetical situation which could very well occur, that we would have this name in nomination and on June 22 we would approve this person, appoint Mr. Corbett. I would like to know, prior to the 23rd of the month, who then would be the Attorney General?

Senator FISHER. Is that an interrogation, Mr. President?

The PRESIDENT. Senator Fisher, do you submit to interrogation?

Senator FISHER. Mr. President, certainly.

The PRESIDENT. The gentleman indicates that he will. You may continue.

Senator FISHER. Mr. President, using that hypothetical, which by the way would not be possible under this set of factual circumstances, but using that hypothetical, the nomination that has been submitted by the Governor of Mr. Corbett would be for a term that would begin at 5:01 p.m. on June 23, 1995, and would run to the third Tuesday in January 1997. So as of June 22, on the question raised by Senator Bodack, Ernest Preate would continue to be the Attorney General, but at 5:01 p.m. on June 23, if the Senate has acted on the nomination in a favorable fashion, Thomas Corbett would be the Attorney General.

Senator BODACK. Mr. President, would you please give us a clarification of what an "aye" vote and a "no" vote represents?

The PRESIDENT. Your position would prefer an "aye" vote. A "no" vote sustains the Chair's ruling.

LEGISLATIVE LEAVES

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

Senator **FISHER**. Mr. President, I request a legislative leave for Senator Shaffer, and temporary Capitol leaves for Senator Loeper and Senator Robbins.

The **PRESIDENT**. Senator Fisher requests temporary Capitol leaves for Senator Loeper and Senator Robbins, and a legislative leave for Senator Shaffer.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator **BODACK**. Mr. President, I would ask for temporary Capitol leaves for Senator Afflerbach, Senator Mellow, Senator Musto, Senator Stout, and Senator Stewart.

The **PRESIDENT**. Senator Bodack requests temporary Capitol leaves for Senator Afflerbach, Senator Musto, Senator Mellow, Senator Stout, and Senator Stewart.

Without objection, the leaves requested by Senator Fisher and Senator Bodack shall be granted.

And the question recurring,
Shall the ruling of the Chair be sustained?

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

YEAS—21

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

NAYS—29

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

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

The **PRESIDENT**. The ruling of the Chair is sustained.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

ATTORNEY GENERAL

June 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, Thomas W. Corbett, Jr., 107 Spruce Drive, Glenshaw 15116, Allegheny County, Fortieth Senatorial District, for appointment as Attorney General, to serve until the third Tuesday of January 1997 and until his successor is appointed and qualified, vice The Honorable Ernest Preate, Jr., resigned.

THOMAS J. RIDGE
Governor

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

June 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, William B. McIlwaine, Ed.D., 53 Brenner Street, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville 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, vice Roy B. Clair, Jr., Lititz, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF SELINGSGROVE CENTER

June 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 J. Fendt, 604 North Seventh Street, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF SELINGSGROVE CENTER

June 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, Stanley R. Saylor, P. O. Box 161, Beaver Springs 17812, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 1997,

and until his successor is appointed and qualified, vice Danny Martin, Richfield, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF SELINGSGROVE CENTER

June 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, Orlando C. Scopelliti, 1501 West Mulberry Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, 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
VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

June 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, Neil J. Pufko, 130 Harvest Lane, Phoenixville 19460, Chester County, Forty-fourth 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 Robert G. Pickerill, Blakely, whose term expired.

THOMAS J. RIDGE
Governor

RECALL COMMUNICATION
REFERRED TO COMMITTEE

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

MEMBER OF THE CONSTABLES'
EDUCATION AND TRAINING BOARD

June 15, 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 17, 1995 for the appointment of Robert Freeman, 835 Cribbs Street, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 44, approved June 15, 1994.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 729**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

RECESS

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

Senator FISHER. Mr. President, I move that the Senate do now stand in recess to the call of the President pro tempore.

The motion was agreed to.

The PRESIDENT. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, June 19, 1995, immediately following the adjournment of the Special Session.

The motion was agreed to.

The Senate adjourned.