

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, JUNE 26, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 44

SENATE

MONDAY, June 26, 1995

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend Dr. PAUL D. GEHRIS, of American Baptist Churches - U.S.A., Harrisburg, offered the following prayer:

Please join with me in prayer.

Almighty and Everlasting God, majestic in creation and powerful in Your presence in us and among us, help each one of us to give over in larger measure our unique personhood with its identity, ability, belief, and hope. Grant us the good sense to recognize the limits of our own power, the shortness of our own sight, and the strictures of our own minds, and give us the grace to be empowered by You and the human beings with whom we are connected. In the same way, help us to lengthen our vision and push out the parameters of our thinking.

Bless, with Your ever-present love, grace, and power, this venerable Senate of Pennsylvania. In the intensity of serious work, help each Member to look inside and outside, and respect their personal dignity and that of others. Mute all temptation to be slick and quick, rather let the body be deliberate, sensible, sensitive, and steadfast. We pray for the good of the Commonwealth in Your name. Amen.

The PRESIDENT. The Chair thanks Reverend Gehris, who is the guest today of Senator Mowery.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Brightbill, and a temporary Capitol leave on behalf of Senator Baker.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Belan, and temporary Capitol leaves for Senator Dawida, Senator Schwartz, and Senator Wagner.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Dawida, Senator Schwartz, and Senator Wagner, and a legislative leave for Senator Belan. Without objection, those leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 21, 1995.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with and the Journal be approved.

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

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

YEAS—50

Table with 4 columns of names: Afflerbach, Gerlach, Madigan, Shaffer; Andrezeski, Greenleaf, Mellow, Shumaker; Armstrong, Hart, Mowery, Stapleton; Baker, Heckler, Musto, Stewart; Belan, Helfrick, O'Pake, Stout; Bell, Holl, Peterson, Tartaglione; Bodack, Hughes, Porterfield, Tilghman; Brightbill, Jones, Punt, Tomlinson; Corman, Jubelirer, Rhoades, Uliana; Dawida, Kasunic, Robbins, Wagner; Delp, LaValle, Salvatore, Wenger; Fisher, Lemmond, Schwartz, Williams; Fumo, Loeper.

NAYS—0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

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

**COMMUNICATIONS FROM THE GOVERNOR****NOMINATION REFERRED TO COMMITTEE**

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

**DISTRICT JUSTICE**

June 22, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold D. Borek, 2062 Spring Valley Road, Lansdale 19446, Montgomery County, Twenty-fourth Senatorial District, for appointment as District Justice, in and for the County of Montgomery, Magisterial District 38-1-28, to serve until the first Monday of January 1998, vice Robert L. Kulp, resigned.

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 CRAWFORD COUNTY BOARD OF ASSISTANCE**

June 22, 1995

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 13, 1995 for the appointment of Timothy Dunn (Republican), 164 North Franklin Street, Cochranon 16314, Crawford County, Fiftieth Senatorial District, as a member of the Crawford County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

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

THOMAS J. RIDGE  
Governor

**HOUSE MESSAGES****SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1098**, 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.

**HOUSE BILLS FOR CONCURRENCE**

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

June 21, 1995

**HB 227** -- Committee on Consumer Protection and Professional Licensure.

**HB 255** -- Committee on Finance.

**HB 1130** -- Committee on Urban Affairs and Housing.

**HB 1335** -- Committee on Labor and Industry.

**HOUSE RESOLUTION FOR CONCURRENCE**

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

June 21, 1995

**House Concurrent Resolution No. 172** -- Committee on Environmental Resources and Energy.

**BILLS INTRODUCED AND REFERRED**

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

June 21, 1995

Senators BRIGHTBILL and MUSTO presented to the Chair **SB 1117**, entitled:

An Act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; establishing a registration and manifest system for tracking the transportation, storage and processing of waste tires; and authorizing investment tax credits for utilizing waste tires.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 21, 1995.

Senators GREENLEAF and AFFLERBACH presented to the Chair **SB 1118**, entitled:

An Act providing for grants by the Secretary of Community Affairs to promote social services for this Commonwealth's ethnic and multicultural communities and to insure that ethnic groups are not discriminated against or prohibited from receiving services because of language barriers, cultural obstacles, lack of education or lack of accessibility to government-related or public social programs; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, June 21, 1995.

Senators GREENLEAF, O'PAKE, DELP, HECKLER, KASUNIC and TOMLINSON presented to the Chair **SB 1119**, entitled:

An Act prohibiting the use of a document facsimile production, or FAX, machine to transmit unsolicited advertising messages.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, June 21, 1995.

Senators GREENLEAF, BRIGHTBILL, AFFLERBACH, DELP, GERLACH, TOMLINSON, WENGER and LEMMOND presented to the Chair **SB 1120**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for voluntary intoxication or voluntary drugged condition as a defense to a criminal charge.

Which was committed to the Committee on JUDICIARY, June 21, 1995.

Senators GREENLEAF and DELP presented to the Chair **SB 1121**, 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 requirement that all employers withhold wage taxes levied by cities of the first class.

Which was committed to the Committee on FINANCE, June 21, 1995.

Senators HOLL, SALVATORE, JONES, HELFRICK, WENGER, HART, CORMAN, AFFLERBACH, HECKLER, O'PAKE, JUBELIRER and LEMMOND presented to the Chair **SB 1122**, entitled:

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," further providing for definitions, for statutes of limitation, for professional liability insurance and the Medical Professional Liability Catastrophe Loss Fund, for administration of that fund, for liability of excess carriers, for plan operation and rates, for reports to the Insurance Commissioner, for forms of doing business and for the Joint Study Committee.

Which was committed to the Committee on BANKING AND INSURANCE, June 21, 1995.

Senator JONES presented to the Chair **SB 1123**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for a burial expense fund.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 21, 1995.

Senators JONES, BODACK, WILLIAMS, O'PAKE, STOUT, AFFLERBACH and HUGHES presented to the Chair **SB 1124**, entitled:

An Act providing for confidentiality of medical records.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 21, 1995.

Senators JONES, WILLIAMS, BELAN, MUSTO, SCHWARTZ, BODACK and HUGHES presented to the Chair **SB 1125**, entitled:

An Act providing for the establishment of the Pennsylvania Housing Council within the Pennsylvania Housing Finance Agency to coordinate the development of housing policies to ensure decent and affordable housing for all; providing for the powers and duties of the Pennsylvania Housing Council; and making an appropriation.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 21, 1995.

Senators HECKLER, SALVATORE, TOMLINSON, O'PAKE, AFFLERBACH, JONES, JUBELIRER,

BRIGHTBILL, MADIGAN, ROBBINS, DELP, ANDREZESKI, WILLIAMS, RHOADES, STAPLETON, HART, BODACK, MUSTO, MELLOW, GERLACH, SHUMAKER, PUNT, SCHWARTZ, STOUT, BELAN, WAGNER, LAVALLE, LEMMOND, CORMAN, HUGHES, BAKER, BELL, PORTERFIELD and KASUNIC presented to the Chair **SB 1126**, entitled:

An Act amending the act of December 29, 1972 (P. L. 1701, No. 364), entitled "Health Maintenance Organization Act," establishing minimum requirements to be satisfied by health maintenance organizations in providing certain drug and alcohol services.

Which was committed to the Committee on BANKING AND INSURANCE, June 21, 1995.

Senators HECKLER and TOMLINSON presented to the Chair **SB 1127**, entitled:

An Act establishing the Special Independent Prosecutor's Panel and providing for its powers and duties; and providing for special investigative counsel and for independent counsel.

Which was committed to the Committee on JUDICIARY, June 21, 1995.

Senators WENGER, GERLACH, FISHER, O'PAKE, MOWERY, WAGNER, DELP, HELFRICK, CORMAN, HART, AFFLERBACH, ANDREZESKI, HECKLER and LEMMOND presented to the Chair **SB 1128**, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; providing for the taxation of limited liability companies; and making repeals.

Which was committed to the Committee on JUDICIARY, June 21, 1995.

Senators PETERSON, AFFLERBACH, JUBELIRER, BODACK, GERLACH, TOMLINSON, DELP, MELLOW, HECKLER, STOUT, SCHWARTZ, SALVATORE, LEMMOND, O'PAKE, GREENLEAF, HART, ULIANA, ROBBINS, TARTAGLIONE, SHUMAKER, BAKER, DAWIDA, MADIGAN, JONES, FISHER and BELAN presented to the Chair **SB 1129**, entitled:

An Act providing for the licensing of creative arts therapists, marriage and family therapists, pastoral counselors and professional counselors; establishing the Board of Mental Health Professionals; further providing for the powers and duties of the Bureau of Professional and Occupational Affairs; imposing penalties; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 21, 1995.

Senator PORTERFIELD presented to the Chair **SB 1130**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for maximum speed limits.

Which was committed to the Committee on TRANSPORTATION, June 21, 1995.

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

The SECRETARY. Consent has been given for the following committees to meet during today's Session: The Committee on Labor and Industry to consider House Bill No. 1335, and the Committee on Rules and Executive Nominations to consider certain nominations.

**REPORTS FROM COMMITTEE**

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

**SB 140 (Pr. No. 141) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

**SB 633 (Pr. No. 657) (Rereported)**

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), entitled "Municipal Police Pension Law," providing for the establishment of police pension funds or pension annuities by regional police departments; further providing for employment of an actuary and for payments by the State Treasurer, and making editorial changes.

**SB 844 (Pr. No. 994) (Rereported)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the Pennsylvania Game Commission.

**HB 961 (Pr. No. 1829) (Rereported)**

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

**HB 1212 (Pr. No. 2281) (Amended) (Rereported)**

An Act providing for voter registration, for registration commissions, for remedies and for absentee ballots; imposing penalties; making appropriations; and making repeals.

**SENATE RESOLUTION**

**PROCLAIMING THE PERIOD OF JUNE 28  
THROUGH JULY 5, 1995, AS "SOBRIETY  
CHECKPOINT WEEK" IN PENNSYLVANIA**

Senator MOWERY, by unanimous consent, offered the following resolution (**Senate Resolution No. 60**), which was read, considered and adopted:

In the Senate, June 26, 1995

A RESOLUTION

Proclaiming the period of June 28 through July 5, 1995, as "Sobriety Checkpoint Week" in Pennsylvania.

WHEREAS, There were an estimated 687 deaths and 13,344 injuries in Pennsylvania in 1993 due to alcohol-related crashes; and  
WHEREAS, The upcoming Fourth of July celebration offers an ideal time to reflect upon our freedoms, especially some freedoms we may not often consider: the freedom to travel in Pennsylvania safe

from the threat of alcohol and other drug-impaired driving; freedom from the threat of a violent, life-threatening traffic crash; and freedom from the fear of resulting serious injury or even death; and

WHEREAS, One of the most effective ways to protect people from the dangers of impaired driving is the use of sobriety checkpoints. Sobriety checkpoints help the police detect and deter impaired drivers; therefore be it

RESOLVED, That the Senate proclaim the period of June 28 through July 5, 1995, as "Sobriety Checkpoint Week" in Pennsylvania; and be it further

RESOLVED, That a copy of this resolution be immediately transmitted to Mothers Against Drunk Driving.

**DISCHARGE PETITIONS**

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Lillian H. Ransom, Esq., Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Lillian H. Ransom, Esq., Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Harry Schwartz, Esq., Judge, Municipal Court of Philadelphia.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Harry Schwartz, Esq., Judge, Municipal Court of Philadelphia, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Todd A. Martin, Sheriff, Monroe County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Todd A. Martin, Sheriff, Monroe County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of John M. Younge, Esq., Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of John M. Younge, Esq., Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of John J. O'Grady, Jr., Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of John J. O'Grady, Jr., Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Marlene F. Lachman, Esq., Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Marlene F. Lachman, Esq., Judge, Court of Common Pleas, Philadelphia County, before the entire

Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Lynn B. Hamlin, Esq., Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Lynn B. Hamlin, Esq., Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of E. Marc Costanzo, Esq., Judge, Court of Common Pleas, Philadelphia County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of E. Marc Costanzo, Esq., Judge, Court of Common Pleas, Philadelphia County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Janet M. Mostyn, as Controller, McKean County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Janet M. Mostyn, as Controller, McKean County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Rhonda L. Daniele, Esq., Judge, Court of Common Pleas, Montgomery County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rhonda L. Daniele, Esq., Judge, Court of Common Pleas, Montgomery County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Kent H. Albright, Judge, Court of Common Pleas, Montgomery County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Kent H. Albright, Judge, Court of Common Pleas, Montgomery County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Lawrence F. Clark, Jr., Judge, Court of Common Pleas, Dauphin County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Lawrence F. Clark, Jr., Judge, Court of Common Pleas, Dauphin County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of John L. Kwasneski, Esq., Judge, Court of Common Pleas, Allegheny County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of John L. Kwasneski, Esq., Judge, Court of Common Pleas, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Bonnie B. Leadbetter, Esq., Judge, Commonwealth Court of Pennsylvania.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Bonnie B. Leadbetter, Esq., Judge, Commonwealth Court of Pennsylvania, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Richard N. Sundheim, Controller, Montgomery County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Richard N. Sundheim, Controller, Montgomery County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

In the Senate, June 26, 1995

A PETITION

To place before the Senate the nomination of Kelly Lewis, Esq., Controller, Monroe County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Kelly Lewis, Esq., Control-

ler, Monroe County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Patrick J. Stapleton

The PRESIDENT. These communications will be laid on the table.

**RECESS**

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

Senator LOEPER. Mr. President, at this time I would request a recess of the Senate, first for the purpose of a meeting of the Committee on Labor and Industry to be held in the Rules room, and I would ask the rest of the Members of the Republican Caucus to report to the first floor caucus room to begin a caucus immediately, with the anticipation of returning to the floor at approximately 4:45.

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

Senator BODACK. Mr. President, I would advise all the Members of the Democratic Caucus that there will be a caucus immediately following the meeting of the Committee on Labor and Industry.

The PRESIDENT. For purposes of a meeting of the Committee on Labor and Industry, as well as a Republican caucus and a Democratic caucus, with the intention of returning at approximately 4:45 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 Delaware, Senator Loeper.

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Helfrick. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Stout. Without objection, that leave is granted.

**LEGISLATIVE LEAVE CANCELLED**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**HB 1481 CALLED UP OUT OF ORDER**

**HB 1481 (Pr. No. 1730)** -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**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 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—45**

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

**NAYS—5**

Fumo	Jones	Tartaglione	Williams
Hughes			

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. Senator Schwartz and Senator Baker have returned from their temporary Capitol leaves, and those leaves are cancelled.

### LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Shaffer, and that leave is granted.

### SPECIAL ORDER OF BUSINESS SECOND CONSIDERATION CALENDAR

Without objection, the Second Consideration Calendar was called up out of order by Senator LOEPER, as a Special Order of Business.

#### NONPREFERRED APPROPRIATIONS BILLS ON SECOND CONSIDERATION

**HB 1783 (Pr. No. 2144)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1784 (Pr. No. 2145)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1785 (Pr. No. 2183)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1786 (Pr. No. 2147)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1787 (Pr. No. 2148)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1788 (Pr. No. 2149)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1789 (Pr. No. 2150)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

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

**HB 1790 (Pr. No. 2151)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

**HB 1791 (Pr. No. 2152)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1792 (Pr. No. 2153)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1793 (Pr. No. 2154)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1794 (Pr. No. 2155)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1795 (Pr. No. 2156)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1796 (Pr. No. 2157)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1797 (Pr. No. 2158)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1798 (Pr. No. 2159)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1799 (Pr. No. 2160)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1800 (Pr. No. 2161)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1801 (Pr. No. 2162)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1802 (Pr. No. 2163)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of Scientific Discovery in Harrisburg, Pennsylvania.

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

**HB 1803 (Pr. No. 2164)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1804 (Pr. No. 2165)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

**HB 1805 (Pr. No. 2166)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1806 (Pr. No. 2167)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1807 (Pr. No. 2168)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1808 (Pr. No. 2169)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1809 (Pr. No. 2170)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1810 (Pr. No. 2171)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1811 (Pr. No. 2172)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1812 (Pr. No. 2173)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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

**HB 1813 (Pr. No. 2174)** — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

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

**HB 1814 (Pr. No. 2175)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1815 (Pr. No. 2243)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1816 (Pr. No. 2177)** — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; \* \* \* providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

**HB 1817 (Pr. No. 2184)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1818 (Pr. No. 2179)** — 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; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations;

providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Considered the second time and agreed to,

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

**HB 1819 (Pr. No. 2180)** -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; \* \* \* requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Considered the second time and agreed to,

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

**BILL ON SECOND CONSIDERATION**

**HB 248 (Pr. No. 230)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

**BILL ON SECOND CONSIDERATION AND REREFERRED**

**HB 267 (Pr. No. 260)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, adding a definition; and further providing for the purposes for which loans may be made.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

**BILL ON SECOND CONSIDERATION**

**SB 537 (Pr. No. 1314)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for State correctional institutions.

Considered the second time and agreed to,

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

**BILL REREFERRED**

**SB 564 (Pr. No. 1287)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P. L. 404, No. 98), entitled "Real Estate Appraisers Certification Act," further providing for certification, for applications, for qualifications, for disciplinary measures and for scope of practice; and making a repeal.

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

**BILL ON SECOND CONSIDERATION**

**HB 703 (Pr. No. 775)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

**BILL REREFERRED**

**SB 808 (Pr. No. 1288)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for definitions, for composition and powers of board, for licensing, for franchises and for administration.

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

**BILL OVER IN ORDER**

**SB 831** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS ON SECOND CONSIDERATION**

**SB 946 (Pr. No. 1021)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certificate and medallion required.

Considered the second time and agreed to,

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

**SB 1009 (Pr. No. 1198)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P. L. 799, No. 193), entitled "County Intermediate Punishment Act," changing definitions; further providing for county intermediate punishment programs; providing for advice to county prison boards; further providing for county intermediate punishment plans and for regulations of the Pennsylvania Commission on Crime and Delinquency; and further providing for use of funds, for application of the act to certain grants and for construction of the act.

Considered the second time and agreed to,

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

**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.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**HB 1076** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**SB 1110 (Pr. No. 1276)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing procedures for the conversion of domestic mutual insurance companies into domestic stock insurance companies.

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

#### BILL ON SECOND CONSIDERATION

**HB 1616 (Pr. No. 1917)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Military Affairs and the Department of General Services, with the approval of the Governor, to sell and convey to the Philadelphia Authority for Industrial Development certain land situate in the City of Philadelphia, Pennsylvania.

Considered the second time and agreed to,

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

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

#### BILL ON THIRD CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 1212** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### HB 1154 CALLED UP OUT OF ORDER

**HB 1154 (Pr. No. 2280)** -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AMENDED

**HB 1154 (Pr. No. 2280)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for the definition of "justice of the peace" and for notice to quit, providing for summons and service, for hearing, judgment, writ of possession and payment of rent by tenant, for return of writ and for appeal and certiorari.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ULIANA offered the following amendment No. A4371:

Amend Title, page 1, line 8, by removing the comma after "tenant" and inserting: and

Amend Title, page 1, line 8, by inserting a period after "writ"

Amend Title, page 1, line 9, by striking out all of said line  
Amend Sec. 3 (Sec. 505), page 8, lines 1 through 28, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, this amendment will strike section 505 from the legislation. In looking at the two bills, House Bill No. 929 and House Bill No. 1154, it seems that we are doing approximately the same thing but amending two different sections of the Landlord and Tenant Act. It seems to me that it would be redundant.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 1154 will go over in its order as amended.

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

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

**HB 861 (Pr. No. 2122)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing the amount paid by the Commonwealth; and providing for an annual charge for tax-exempt lands.

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 861.

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

The yeas and nays were required by Senator LOEPER 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 inform the House of Representatives accordingly.

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED**

**SB 729 (Pr. No. 1297)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of possessing instruments of crime, for aggravated assault and for cruelty to animals.

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 729.

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

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

YEAS—46

Andrezski	Greenleaf	Madigan	Schwartz
Armstrong	Hart	Mellow	Shaffer
Baker	Heckler	Mowery	Shumaker
Belan	Helfrick	Musto	Stapleton
Bell	Holl	O'Pake	Stewart
Bodack	Hughes	Peterson	Stout
Brightbill	Jones	Porterfield	Tilghman
Corman	Jubelirer	Punt	Tomlinson
Dawida	Kasunic	Rhoades	Uliana

Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Gerlach	Loeper		

NAYS—4

Afflerbach	Fumo	Tartaglione	Williams
------------	------	-------------	----------

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

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

**FINAL PASSAGE CALENDAR**

**RECONSIDERATION OF SB 885, SB 886, SB 887, SB 888 AND SB 906**

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

Senator LOEPER. Mr. President, I move to reconsider the vote by which the following five bills received third consideration: Senate Bill No. 885, Senate Bill No. 886, Senate Bill No. 887, Senate Bill No. 888, and Senate Bill No. 906.

The motion was agreed to.

**NONPREFERRED APPROPRIATION BILLS RECOMMITTED**

**SB 885 (Pr. No. 1237)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**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.

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

**SB 887 (Pr. No. 1239)** -- The Senate proceeded to consideration of the bill entitled:

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

same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated.

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

**SB 888 (Pr. No. 1240)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 906 (Pr. No. 1250)** -- The Senate proceeded to consideration of the bill entitled:

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

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

### THIRD CONSIDERATION CALENDAR RESUMED

#### NONPREFERRED APPROPRIATION BILL OVER IN ORDER

**SB 190** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### NONPREFERRED APPROPRIATION BILLS RECOMMITTED

**SB 815 (Pr. No. 864)** -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to The Museum of Scientific Discovery in Harrisburg.

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

**SB 889 (Pr. No. 1241)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 890 (Pr. No. 1242)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 892 (Pr. No. 1243)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 893 (Pr. No. 1244)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 894 (Pr. No. 1245)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 895 (Pr. No. 1246)** -- The Senate proceeded to consideration of the bill entitled:

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

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

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

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

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

**SB 897 (Pr. No. 1247)** -- The Senate proceeded to consideration of the bill entitled:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SB 902 (Pr. No. 1248)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 903 (Pr. No. 1249)** -- The Senate proceeded to consideration of the bill entitled:

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

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

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

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

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

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

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

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

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

An Act making an appropriation to the Lancaster Cleft Palate.

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

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

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

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

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

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

**SB 910 (Pr. No. 1251)** -- The Senate proceeded to consideration of the bill entitled:

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

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

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

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

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

**SB 912 (Pr. No. 1252)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 913 (Pr. No. 1253)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 914 (Pr. No. 1254)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 915 (Pr. No. 1255)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 916 (Pr. No. 1256)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 917 (Pr. No. 1257)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 918 (Pr. No. 1258)** -- The Senate proceeded to consideration of the bill entitled:

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

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

**SB 919 (Pr. No. 1259)** -- The Senate proceeded to consideration of the bill entitled:

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

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

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

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

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

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

An Act making an appropriation to the Beacon Lodge Camp.

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

**BILLS OVER IN ORDER**

**SB 31 and SB 316** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 355 (Pr. No. 1315)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the tax exemption of institutions of purely public charity; exempting real property owned by State-related universities from taxation; and providing for unfair competition.

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—37**

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

**NAYS—13**

Bodack	Jones	Punt	Tartaglione
Dawida	LaValle	Schwartz	Wagner
Fumo	Porterfield	Stewart	Williams
Hughes			

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.

**RECONSIDERATION OF SB 355**

**BILL ON FINAL PASSAGE**

**SB 355 (Pr. No. 1315)** -- Senator LOEPER. Mr. President, I move that the Senate reconsider the vote by which Senate Bill No. 355, Printer's No. 1315, just passed finally.

The motion was agreed to.

And the question recurring,  
Shall the bill pass finally?

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

Senator DAWIDA. Mr. President, those of you who live in Allegheny County and those of you who care about your local municipalities should know that this bill is a little more dramatic and Draconian than you might have guessed. If this bill is passed, Allegheny County will lose \$3 million because of the deals they have negotiated with nonprofits, and the city of Pittsburgh will lose \$8 million. Now, these are freely negotiated contracts. These are not required. These are institutions that decide to do this. If we pass this bill, though, no one will do this, and that includes small towns throughout Pennsylvania that have negotiated similar kinds of deals. And I think we are making a very big mistake. Admittedly many, many of the

nonprofits do tremendous work, but they also burden the municipalities in which they are located. They tend to be more regional in their impact in what they help, but the burden is on the small town.

In a place like State College, for example, the municipal people have said that they would really like us to not pass this kind of legislation. But I know from my end, from the bigger cities, this is something we have been able to achieve through common concourse between the nonprofits and the government units that serve them. This would take away that ability. It amounts to something we have always said we abhor here: this is a mandate on the local government without any help for them. I would urge any of you who might have voted "yes" to reconsider that. This is a bad vote, this is bad policy, and I think we should all vote "no."

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

Senator FISHER. Mr. President, I rise in support of Senate Bill No. 355. Mr. President, Senate Bill No. 355 is the result of a lot of hard work and a lot of negotiations by a number of Members of this Chamber not just this year, not just this Session, but also in prior years and in prior Sessions. I have been the sponsor of this legislation in two prior Sessions. In the last Session, the prime sponsor of this legislation was the gentleman from Lackawanna, Senator Mellow.

As a result of the work that has been done over the past few years, we have been able to legislatively craft criteria which I believe is sound criteria not only from a public policy standpoint but from a legislative standpoint, criteria by which all charitable organizations across Pennsylvania will be able to determine beforehand whether or not they will exist as a purely public charity and whether or not they will be able to get the tax exemption which I, as one Member of this Senate, believe that purely public charities across this Commonwealth deserve.

Mr. President, when I say that the provisions of this legislation have been crafted over a number of years, what I mean by that is we have already taken into consideration the issues raised by the gentleman from Allegheny, Senator Dawida. I recognize, coming from Allegheny County, obviously one of the two major metropolitan counties in this State, that there are, in fact, institutions, particularly our health care institutions, our major health care institutions, that have already recognized that they have an obligation to the municipalities in which they are located. They have negotiated separate agreements with those municipalities, particularly the hospitals under the jurisdiction of the University of Pittsburgh Medical Center, as well as others. Those agreements, Mr. President, are preserved by this legislation.

For Senator Dawida to say that there is going to be a loss of revenue, whether it be to the city of Pittsburgh or whether it be to Allegheny County, is downright wrong. That is not what will happen in this legislation. In fact, we preserve the ability of the municipalities that have those agreements that once the agreements terminate by their term they can be renegotiated, so we have already taken into consideration the provisions that are in place today.

Mr. President, last Wednesday there was an amendment offered to this bill which I opposed on the floor of the Senate. I indicated at that time that I did not think it was sound public policy to say that in the city of Philadelphia we should have one policy that automatically would exclude any charitable organization, other than the State-related universities that paid an officer, director, or an employee a sum in excess of \$100,000. I stand by that, and I hope that when this bill gets to the House of Representatives we can do something to correct the language in that particular section.

But aside from that, I think that we have accomplished everything in this legislation that is needed to protect those charities and to make sure that we are able to allow those charities to continue to participate in the various charitable purposes throughout our communities. I can say to Senator Dawida or anyone else on this floor who has a concern about this bill, who thinks that we are giving somebody a break that they do not deserve, that all that the local governments would have to find out is if those charities went out of operation and we did not have the charitable purposes being provided by them, if we did not have the services being provided by them, what the additional cost would be to the taxpayers in those municipalities. I daresay that the additional costs to provide that free care, whether it be from a hospital, whether it be the additional costs to provide those educational services either from a private college or university, or whether it be the additional cost to provide any charitable service would be one heck of a lot more if government had to provide it. I believe that one of the best things that we have going in this Commonwealth is the fact that we have so many people who have stepped up to the plate and so many organizations that historically have stepped up to the plate and have said we are willing to provide those charitable services.

I think it is time that we clarify in legislation and say once and for all what the criteria is to provide them that tax exemption. I believe that this opportunity is here, and I ask all my colleagues to cast an affirmative vote on Senate Bill No. 355.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, upon reconsideration, the first thing I would ask is that my vote be changed from a "yes" to a "no." And secondly, I would like to speak on the bill.

The PRESIDENT. You may continue, Senator.

Senator ANDREZESKI. Mr. President, several years ago we started working on a purely public charities bill, and it was my impression that we were going to work on public charities, and what we have today is more of a purely public corporation bill. I would like to address some of the things that are happening within the cities of Pennsylvania. We have people who live in cities who are paying for everything. In many of our cities, 40 percent of the property is nontaxable because it is nonprofit. And we are not talking about places that I believe should be exempt, places in my district such as the Art House or the Emmaus Soup Kitchen, where I serve as a volunteer when I am in my district. But we are talking about major hospitals that

are surrounded by houses, small houses owned by people who make anywhere from \$12,000 to \$20,000, and it is their tax dollars that are supporting the services that help these hospitals maintain their services.

Furthermore, we are providing with individual taxpayer's dollars the ability for large public charity corporations to set up a series, in many instances, of other businesses that directly compete with the private market, again, all by using individual taxpayer's dollars.

I think, Mr. President, that we are a little off base with this legislation. I support some accommodation for purely public charities, but I think what we are now doing for our municipalities that are strapped at every end on trying to figure out how to make a city budget or how to make a county budget is we are now giving them an unfunded mandate. We are now telling them this is what you cannot do, and what you cannot do is charge somebody what might be fair and equitable, what might be negotiated as fair and equitable.

Mr. President, I think in the end we might be better off if we simply let the judicial system work as it has been working. And the reason we have this legislation is because people started going to court and people started proving the elements of the legal cases showing that these are not nonprofit institutions. They are for-profit public corporations and they should give something back to the taxpayers. And as we go into voting on this, I think we should all remember that there are a lot of small people out there who are paying the bill for this. It is called their tax bill, their local tax bill for the services being provided to these charitable corporations.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I was not going to say anything, but when I heard the gentleman from Allegheny, Senator Dawida, crying about the poor people up in State College, it struck home. I come from a borough, we have a hospital. We do not want to tax it because it brings jobs into our borough. I have other hospitals in other boroughs. I have colleges in my district. I have not heard a hue and cry of "let us sock it to them," because there are jobs in there. And if there is anything we need in my district—I do not know about Allegheny County, I am not an expert on his district, but I am on mine-- what we need are jobs.

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

The PRESIDENT pro tempore. Mr. President, I think that the groups and the Members of the General Assembly who worked on this piece of legislation deserve a great deal of credit. They have worked very hard. They have tried to form a consensus, and I think, frankly, they have done as well as they possibly could do. At some point, Mr. President, I expect the entire issue of tax reform to return to the floors of the House and Senate, and I believe that before you could do that a piece of legislation such as this bill is absolutely essential. Right now, Mr. President, questions of tax-exempt property are currently marked by confusion, inconsistency, and costly legal fights. As local jurisdictions are caught up in budget problems

or face tax base pressures, and certainly many of them do, some resort to putting the squeeze on hospitals, on colleges and universities, and other nonprofit institutions trying to win the tax payment lottery.

Mr. President, the end result is a series of court decisions that resolve very, very little. The taxpayers are paying the bills for the stream of litigation. And the institutions face a no-win choice: caving in, agreeing to in-lieu-of-tax payments, or fighting the costly court battles and mounting a defense with dollars better spent on services. "Pay us or we sue" is not the sort of policy conducive to community cooperation. Time and neglect have not worked this problem out. There is a specific constitutional charge for the General Assembly to set the rules, and there is a clear public imperative to do so.

You see, Mr. President, Senate Bill No. 355, I believe, is a well-constructed and fair response to this very, very complex problem. As I said, those who were involved in trying to be part of the solution deserve a great deal of credit. Although consensus legislation is apparently totally unachievable, I believe that this measure establishes a reasonable process that can forestall litigation and prevent the adversarial situations that are hurting so many of our communities.

Mr. President, unfortunately, the effect has been misrepresented by those who want to impose mandatory in-lieu-of-tax provisions. This legislation does not make the purely public charity designation automatic, nor does it give safe harbor to profit-making entities that should be paying property taxes. But what it does do is establish ground rules, ground rules that make sense and work in the community interest. Care has been taken to preserve the arrangements that have been hammered out in recent years so that this bill does not blow a hole in local budgets.

Mr. President, by passing this bill, we give essential assurances to the many institutions and organizations providing valuable services in making community contributions. An orderly process, an orderly process will indeed replace the current free-for-all. State law will recognize the important purposes of charitable institutions, and these organizations are not to be regarded as cash cows waiting to be milked.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

YEAS—35

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

NAYS—15

Andrezeski	Fumo	Porterfield	Tartaglione
Belan	Hughes	Punt	Wagner
Bodack	Jones	Schwartz	Williams
Dawida	LaValle	Stewart	

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

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

BILL ON THIRD CONSIDERATION AMENDED

HB 575 (Pr. No. 2024) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for increased penalties for multiple convictions for driving under influence of alcohol or controlled substance; and further providing for accidents involving damage to an attended and an unattended vehicle or property.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A4362:

Amend Title, page 1, line 2, by inserting after "Statutes,": providing for powers and duties of the State Treasurer and for a special fund;

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 1905. Payments to special fund.

(a) Power and duty of State Treasurer.—In accordance with the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the State Treasurer shall administer the designated funds of the department.

(b) Zoological Enhancement Fund.—Fifteen dollars of each fee received under section 1355 (relating to zoological plates) shall be credited to the Zoological Enhancement Fund, created as follows:

(1) There is hereby established a special account in the Treasury Department which shall be known as the Zoological Enhancement Fund. The purpose of the Zoological Enhancement Fund is to assist Commonwealth nonprofit zoological institutions accredited by the American Zoo and Aquarium Association and licensed by the United States Department of Agriculture to fulfill their conservation, education and recreation missions to the citizens of this Commonwealth.

(2) All moneys in the Zoological Enhancement Fund are hereby annually appropriated to the Department of Commerce and may be expended for the purposes authorized under this subsection.

(3) Estimates of amounts to be expended under this subsection shall be submitted to the Governor by the Department of Commerce for his approval.

(4) The State Treasurer shall not honor any requisition for expenditures by the Department of Commerce in excess of estimates approved by the Governor or in excess of the amount available for the purposes for which the requisition was made, whichever is the lesser amount.

Section 2. Sections 3731(e)(1), 3743(b) and 3745(b) of Title 75 are amended to read:

Amend Sec. 2, page 3, line 12, by striking out "2" and inserting:

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 577 (Pr. No. 1233) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of 1921," further providing for brokers' licenses.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 771 (Pr. No. 1234) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring the Department of Environmental Resources to make annual in lieu of tax payments to certain school districts; and further providing for the powers and duties of the Department of Health in relation to methadone maintenance facilities.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PORTERFIELD offered the following amendment No. A3800:

Amend Sec. 2 (Sec. 2125), page 2, line 16, by striking out "MAY, IN ITS OPINION," and inserting: shall

Amend Sec. 2 (Sec. 2125), page 2, lines 21 and 22, by striking out "SUCH" in line 21 and all of line 22

Amend Sec. 2 (Sec. 2125), page 3, by inserting between lines 15 and 16:

(c) Owners and operators of methadone maintenance facilities licensed by the department shall require prospective employes to undergo chemical testing for alcohol and controlled substances and submit the results of such testing to the facility. All current employes shall be required to undergo such testing within six months from the effective date of this section in order to remain an employe of the facility. Owners and operators of methadone maintenance facilities shall develop and implement a drug and alcohol policy for each facility in accordance with regulations developed by the department under subsection (d). Such policy shall include requirements for periodic retesting of employes of the facility.

Amend Sec. 2 (Sec. 2125), page 3, line 16, by striking out "(C)" and inserting: (d)

Amend Sec. 2 (Sec. 2125), page 3, by inserting between lines 17 and 18:

(e) For the purposes of this section, the term "methadone maintenance facility" shall refer to any site the primary purpose of which is to conduct projects approved by the department which use the drug methadone in the treatment, maintenance or detoxification of persons. Such facilities shall comply with all applicable Federal and State regulations concerning the administration, dispensing and storage of methadone. The provisions of this section shall be in addition to all other Federal and State requirements governing the operation of methadone projects.

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

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

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 776 (Pr. No. 1313) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1957 (P. L. 901, No. 399), entitled "Optional Third Class City Charter Law," further providing for the filling of vacancies in council.

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

On the question,  
Shall the bill pass finally?

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

YEAS—50

Afflerbach	Gerlach	Madigan	Shaffer
Andrezeski	Greenleaf	Mellow	Shumaker
Armstrong	Hart	Mowery	Stapleton
Baker	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana

Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo	Loeper		

NAYS—0

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

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

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 879 (Pr. No. 935) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for cooperation by public officials with the Pennsylvania Historical and Museum Commission.

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

AMENDMENT OFFERED

Senator SCHWARTZ offered the following amendment No. A2839:

Amend Title, page 1, lines 2 through 4, by striking out "further providing for cooperation by" in line 2 and all of lines 3 and 4 and inserting: further providing for the definition of "archaeological field investigation"; adding definitions; further providing for the specific powers and duties of the Pennsylvania Historical and Museum Commission; and further providing for cooperation by public officials with the commission.

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 20, by striking out all of said lines on said pages and inserting:

Section 1. The definition of "archaeological field investigation" in section 103 of Title 37 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read: § 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Archaeological field investigation." [The study of cultural history at any archaeological site by professionally accepted means of surveying, sampling, excavation or removal of archaeological specimens] Extensive, controlled excavation of an archaeological site to study the cultural history using professionally accepted means of sampling, removing and excavating archaeological specimens, also known as phase three archaeological research or data recovery.

\* \* \*

"Archaeological survey." A visual inspection and limited sampling and excavation of an archaeological site to determine the characteristics and physical extent of a site, also known as phase one or phase two archaeological research.

\* \* \*

"Significant archaeological site." An area of land which contains extensive evidence of previous prehistoric or historic human habitation, or stratified deposits of animal or plant remains, or manmade artifacts or human burials.

Section 2. Sections 302(3), 507 and 508(4) of Title 37 are amended to read:

§ 302. Specific powers and duties.

The commission shall have the power and duty to:

\* \* \*

(3) Archaeological [and anthropological investigations] program.—Examine, or cause to be examined, research or excavate the occupation or activity sites or areas and the cultural material remains of Native American, Colonial American and more recent American cultures in this Commonwealth, under the professional direction of the commission through the techniques of archaeology, anthropology and history; acquire, by purchase, gift or fieldwork, archaeological or anthropological collections of objects and data relative to the cultural history of this Commonwealth; conduct, or cause to be conducted, archaeological site surveys to locate, catalog, assess and permanently record these historic resources throughout this Commonwealth; maintain a central repository for map locations and written descriptions of such sites and historic resources; conduct, or cause to be conducted, research upon the cultural objects and data related to the cultural history of this Commonwealth and interpret the results of the research in scientific and popular publications, exhibits and special educational programs for the public; and undertake appropriate conservation, research, restoration and storage of all material items and data relative to the cultural heritage of this Commonwealth, which accrue to the archaeological and anthropological collections of the commission.

§ 507. Cooperation by public officials with the commission.

(a) General rule.—Commonwealth agencies and political subdivisions shall cooperate fully with the commission in the preservation, protection and investigation of archaeological resources and to that end shall:

(1) Notify all potential permittees, contractors or other persons whose activities may affect archaeological sites that the estimated cost of archaeological surveys or archaeological field investigations is required to be included within their bid or application for a permit.

(2) (1) Notify the commission before undertaking any Commonwealth or Commonwealth-assisted permitted or contracted projects that may affect archaeological sites.

(3) (2) Notify the commission when they become aware of any undertaking in connection with any Commonwealth or Commonwealth-assisted permitted or contracted project, activity or program which affects or may affect an archaeological site, and provide the commission with information concerning the project, program or activity.

(b) Survey or investigation by commission.—[Upon notification or determination that an archaeological resource is or may be adversely affected, the commission may, within 60 days after reasonable notice to the Commonwealth agency or political subdivision, conduct a survey or other investigation to recover, preserve or otherwise protect information from the archaeological resource, provided that this subsection shall not apply if a Commonwealth agency or a political subdivision notified the commission in writing of the potential effect of a proposed action on an archaeological resource and the commission does not advise that Commonwealth agency or political subdivision within 60 days that it intends to conduct a survey or investigation.]

(1) Upon a determination by the commission that a State-sponsored, State-funded, State-permitted or State-licensed activity may adversely affect an archaeological site, the commission may conduct an archaeological survey only when the commission, based on recorded material evidence, determines that the site is a significant archaeological site. A written determination shall be made by the commission within 30 days of receipt of a notification by a Commonwealth agency under subsection (a)(1).

(2) If an archaeological survey is determined necessary by the commission, it shall be conducted within 90 days of the determination, except that the commission may notify the project applicant that an additional 60 days may be required when the

determination is made between the months of December through March.

(3) Based on an archaeological survey, and only in exceptional circumstances, the commission may determine in writing that an archaeological field investigation, also known as phase three archaeological research or data recovery, is necessary to recover archaeological data. The archaeological field investigation will be conducted within 120 days of the determination required under this subsection, except that an additional 60 days may be required when the determination is made between the months of December through March.

(4) Failure of the commission to provide, within 30 days of the notice required in either paragraph (1) or (3), a written determination shall constitute a finding that a survey or investigation is not necessary.

(5) The commission shall conduct and pay any costs associated with an archaeological survey or field investigation determined necessary by the commission under this section except for the following:

(i) Projects of other State agencies and instrumentalities.

(ii) Projects on Commonwealth lands.

(iii) Projects of publicly regulated utilities.

(iv) Archaeological surveys and field investigations required under Federal law.

(6) The commission shall pay the local government share of any costs associated with any archaeological survey or field investigation conducted or required by the commission on locally owned highways and bridge projects if the project is being undertaken solely with State or local funds.

(7) The commission under no circumstances shall require or conduct an archaeological survey on private property without the consent of the property owner and only under the notice and deadline procedures established under this section.

(8) In the event that the results of an archaeological field investigation indicate the presence of significant archaeological artifacts or data on private property, the commission shall be empowered to remove the archaeological artifacts or data. Failure by the commission to remove the artifacts or data within 60 days of the completion of the archaeological field investigation shall relieve the Commonwealth agency or the private landowner of any further compliance with the provisions of this title.

(9) All determinations by the commission under this section shall be subject to the provisions of Title 2 (relating to administrative law and procedure).

§ 508. Interagency cooperation.

Commonwealth agencies shall:

\* \* \*

(4) Institute procedures and policies to assure that their plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth. However, nothing in this title shall be construed as conferring on the commission the authority to delay or deny, or cause to be delayed or denied, any permits which would otherwise be issued by a Commonwealth agency beyond those time frames specified in section 507 (relating to cooperation by public officials with the commission). Commonwealth agencies likewise are, in the absence of specific statutory language in their enabling or regulatory statutes, prohibited from stopping the processing or denying a permit solely because of the possible presence of historic resources.

\* \* \*

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

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, just briefly, I think my amendment would take care of a number of issues that this bill actually seeks to accomplish but does not do so. What this amendment would do is address the concerns of both builders and those who are concerned about protecting archeological sites in the State by establishing a timetable, establishing the fact that builders and property owners would not have to pay for the surveys, that it would be done at the State's expense.

This language was voted on in the House previously and agreed to by both Republicans and Democrats in the House. It has been agreed to by all the parties involved in the discussions and interests in this bill. Unfortunately, I guess we did not get agreement from the prime sponsor, and I was sorry about that because I really did think that this would address the concerns of making sure that projects were not held up in the State in an untimely fashion, that they move quickly, and, in fact, the expense is clear where it is placed and that we can move ahead with what is clearly a problem for some of the builders in this State. I was hoping that it would be an agreed-to amendment and we could get this bill done and take care of some of the issues on the part of the builders. So I would hope that my colleagues, both Republicans and Democrats, would support this amendment.

Thank you, Mr. President.

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

Senator FISHER. Mr. President, I rise in opposition to the amendment. The amendment would essentially preserve the system the way it currently exists. I do not think that that is a viable alternative to the proposal that is in the bill that is before us, and I would ask the Members on both sides of the aisle to cast a negative vote on the amendment.

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

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

YEAS—23

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

NAYS—27

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

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Williams.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Fumo and Senator Williams. Without objection, those leaves are granted.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was 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—49

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

NAYS—1

Schwartz

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 929 (Pr. No. 2279)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for escrow accounts on appeals from certain judgments by lower courts.

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

On the question,  
Shall the bill pass finally?

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

Senator HART. Mr. President, I rise in favor of House Bill No. 929, and as most of my colleagues who have constituents who are landlords know, it is long overdue. Luckily, Mr. President, a number of us got together with some groups across the

Commonwealth who were very concerned about some unintended negative effects of House Bill No. 929. I am pleased that the gentleman from Northampton, Senator Uliana, and the gentlewoman from Philadelphia, Senator Jones, had some input on some of the problems with this bill, and a number of groups in my district participated in some of the changes here, Mr. President. I would like to commend Judge Wettick and Judge Mulligan of the Allegheny County Court of Common Pleas for their assistance in an amendment which will give domestic violence victims some extra time when it comes to escrowing funds and being evicted from the premises under this bill and House Bill No. 1154.

Mr. President, I believe that there were consequences that may have been unintended which would have left them homeless. Under the amendments which were agreed to last week, Mr. President, we have allowed extra time for those victims who may have had to flee to gain the moneys needed for an escrow and not to be evicted from the premises. There is language inserted which allows the district justice to determine who is a victim of domestic violence. Number one, the criterion is that there is a PFA on record, a Protection From Abuse order. The other, though, is in case a Protection From Abuse order has not been obtained and the victim has had to flee because of domestic violence, it allows the district justice to determine that that person is a victim, whether it be a police report that provides that information or other evidence. I think this is a very important step, Mr. President, in helping domestic violence victims stay on their feet, and I applaud the efforts of the people involved.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

**YEAS—41**

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

**NAYS—9**

Bell	Jones	Schwartz	Tartaglione
Dawida	Porterfield	Stewart	Williams
Hughes			

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 THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1154 (Pr. No. 2296)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for the definition of "justice of the peace" and for notice to quit, providing for summons and service, for hearing, judgment, writ of possession and payment of rent by tenant and for return of writ.

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—41**

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

**NAYS—9**

Bell	Jones	Schwartz	Tartaglione
Dawida	Porterfield	Stewart	Williams
Hughes			

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.

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILLS OVER IN ORDER**

**HB 1297 and HB 1488** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SENATE RESOLUTION No. 59, CALLED UP**

Senator LOEPER, without objection, called up from page 16 of the Calendar, Senate Resolution No. 59, entitled:

A Resolution memorializing Congress to amend the National Voter Registration Act.

On the question,  
Will the Senate adopt the resolution?

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 resolution was adopted.

**RECESS**

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to occur immediately following this announcement in the rear of the Senate, the Senate stands in recess.

**AFTER RECESS**

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

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

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

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

June 22, 1995

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 13, 1995 for the appointment of Timothy Dunn (Republican), 164 North Franklin Street, Cochranon 16314, Crawford County, Fiftieth Senatorial District, as a member of the Crawford County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

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

THOMAS J. RIDGE  
Governor

**NOMINATION RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

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

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

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

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

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, Paul W. Ware, 1103 Wheatland Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until his successor is appointed and qualified, vice Peter Flaherty, Pittsburgh, resigned.

THOMAS J. RIDGE  
Governor

**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 INDIANA COUNTY  
BOARD OF ASSISTANCE**

June 1, 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, Iris C. Holtz (Democrat), 148 Jackson Street, Indiana 15701, 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 her successor is appointed and qualified, to add to complement.

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, John Thornburgh, 2538 Lindenwood Drive, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment 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 his successor is appointed and qualified, vice Robert A. Billick, Monessen, whose term expired.

THOMAS J. RIDGE  
Governor

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

June 1, 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. Albert E. Myers, 5341 Windsor Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Trustees of Harrisburg State Hospital, 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 MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

June 1, 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, Caroline M. Hoffer, 340 Rock Hill Road, 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 her successor is appointed and qualified, vice Blaine A. Brown, Lancaster, whose term expired.

THOMAS J. RIDGE  
Governor

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

June 2, 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 Jeanne Gleason, 552 Elkknud Lane, Johnstown 15905, Cambria County, Thirty-fifth 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, 1996, and until her successor is appointed and qualified, vice Marvin S. Lieber, Esquire, Pittsburgh, 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, Margaret Matisko, 208 Crescent Drive, Wilkes Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment 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 her successor is appointed and qualified, vice Joseph F. Sabatella, Scranton, whose term expired.

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, Laurence Harmelin, Esquire, 1311 Murdock Drive, West Chester 19383, Chester County, Nineteenth 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 Janu-

ary 2001, and until his successor is appointed and qualified, vice William J. Brennan, Esquire, Valley Forge, whose term expired.

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, Sue Ellen Katancik, 409 Crump Road, Exton 19341, Chester County, Forty-fourth 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 2001, and until her successor is appointed and qualified, vice Martha Carson-Gentry, West Chester, whose term expired.

THOMAS J. RIDGE  
Governor

DISTRICT JUSTICE

June 12, 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 A. Slezosky, 34 North White Street, Shenandoah 17976, Schuylkill County, Twenty-ninth Senatorial District, for appointment as District Justice, in and for the County of Schuylkill, Magisterial District 21-3-05, to serve until the first Monday of January 1998, vice Daniel G. Grow, resigned.

THOMAS J. RIDGE  
Governor

***NOMINATIONS LAID ON THE TABLE***

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

The PRESIDENT. 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, by unanimous consent, called from the table certain nominations and asked for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS

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, Paul W. Ware, 1103 Wheatland Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1997 and until his successor is appointed and qualified, vice Peter Flaherty, Pittsburgh, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE INDIANA COUNTY  
BOARD OF ASSISTANCE

June 1, 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, Iris C. Holtz (Democrat), 148 Jackson Street, Indiana 15701, 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 her successor is appointed and qualified, to add to complement.

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, John Thornburgh, 2538 Lindenwood Drive, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment 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 his successor is appointed and qualified, vice Robert A. Billick, Monessen, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

June 1, 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. Albert E. Myers, 5341 Windsor Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Trustees

of Harrisburg State Hospital, 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 MILLERSVILLE UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 1, 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, Caroline M. Hoffer, 340 Rock Hill Road, 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 her successor is appointed and qualified, vice Blaine A. Brown, Lancaster, whose term expired.

THOMAS J. RIDGE  
Governor

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

June 2, 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 Jeanne Gleason, 552 Elkknud Lane, Johnstown 15905, Cambria County, Thirty-fifth 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, 1996, and until her successor is appointed and qualified, vice Marvin S. Lieber, Esquire, Pittsburgh, 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, Margaret Matisko, 208 Crescent Drive, Wilkes Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment 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 her successor is appointed and qualified, vice Joseph F. Sabatella, Scranton, whose term expired.

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, Laurence Harmelin, Esquire, 1311 Murdock Drive, West Chester 19383, Chester County, Nineteenth 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 2001, and until his successor is appointed and qualified, vice William J. Brennan, Esquire, Valley Forge, whose term expired.

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, Sue Ellen Katancik, 409 Crump Road, Exton 19341, Chester County, Forty-fourth 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 2001, and until her successor is appointed and qualified, vice Martha Carson-Gentry, West Chester, whose term expired.

THOMAS J. RIDGE  
Governor

DISTRICT JUSTICE

June 12, 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 A. Slezosky, 34 North White Street, Shenandoah 17976, Schuylkill County, Twenty-ninth Senatorial District, for appointment as District Justice, in and for the County of Schuylkill, Magisterial District 21-3-05, to serve until the first Monday of January 1998, vice Daniel G. Grow, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

April 11, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael M. Ryan (Alternate Member), 803 East Coover Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Raymond S. Angeli, Peckville, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE APPALACHIAN STATES  
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

April 11, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert S. Zimmerman, Jr. (Alternate Member), 202 Fox Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING 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, John Anderson, 410 Parsonage Street, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for appointment 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.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING 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, Joseph Cabraja, 1665 Stone Mansion Drive, Sewickley 15143, Beaver County, Forty-seventh Senatorial District, for appointment 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.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING 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, Russell Sheaffer, 531 North 66th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment 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.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING 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, James C. Withers, 293 West John Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment 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.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES  
OF EDINBORO UNIVERSITY OF  
PENNSYLVANIA OF THE STATE 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, William C. Schulz, 139 McClellan Street, Cambridge Springs 16403, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Edith Benson, Esquire, Erie, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF 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, Constance H. Davis, 457 East Curtin Street, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2000 or until her successor is appointed and qualified, vice Edna B. McKenzie, Ph.D., Verona, whose term expired.

THOMAS J. RIDGE  
Governor

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

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 appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1996 and until his successor is appointed and qualified, vice Floyd M. Mains, Shippensburg, whose term expired.

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, R. Benjamin Wiley, 3570 Tanager Drive, Erie 16506, Erie County, Forty-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 Robert J. O'Hara, Jr., Macungie, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA

April 4, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Holman, 23 Skyline Drive, Mechanicsburg 17055, Cumberland County, Thirty-first 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 1999, and until his successor is appointed and qualified, vice William R. Shane, Indiana, whose term expired.

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., Litz, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE PROFESSIONAL STANDARDS  
AND PRACTICES 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, Terry Stover, P. O. Box 686, Hydettown 16328, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1996 and until her successor is appointed and qualified, vice Edwin D. Coyle, Ed.D., Collegeville, resigned.

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, William E. Hughes, Sr., 1348 Glen Echo Road, West Chester 19380, 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

On the question,  
Will the Senate advise and consent to the nominations?

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

## YEAS—50

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

## NAYS—0

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**UNFINISHED BUSINESS  
REPORTS FROM COMMITTEES**

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

**HB 580 (Pr. No. 2295) (Amended)**

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

Senator BAKER, from the Committee on Labor and Industry, reported the following bill:

**HB 1335 (Pr. No. 2294) (Amended)**

An Act regulating lead-based paint activities.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Vaughn L. Brown by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Capristo and to Reverend Dr. James W. Matz by Senator Belan.

Congratulations of the Senate were extended to the Shady Side Academy Basketball Team of Pittsburgh and to the North Catholic High School Baseball Team by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Floyd Decker, Jr., and to Bryan Douglas Ekdahl by Senator Corman.

Congratulations of the Senate were extended to Marcus DeYoung by Senator Fisher.

Congratulations of the Senate were extended to Louis Schrader and to William Hazmuka by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur L. Blumer, Joseph Stephen Nickl, Trooper John W. Lang, Trooper James J. Steigerwaldt and to Thomas G. Roberts by Senator Hart.

Congratulations of the Senate were extended to Patrick John Cary by Senator Heckler.

Congratulations of the Senate were extended to the Central Bucks West High School Girls Soccer Team by Senators Heckler and Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Bailor, Mr. and Mrs. Donald Swank, Mr. and Mrs. Harold E. Raker, Neil Mertz, Sister Mary Adrian Jumbelic and to Mary Jo Faust by Senator Helfrick.

Congratulations of the Senate were extended to Brad Thomas Dowdle by Senator Holl.

Congratulations of the Senate were extended to Reverend Harrison L. Cook by Senator Jones.

Congratulations of the Senate were extended to the Huntingdon Area Middle School Odyssey of the Mind Team A, The Alfarata Elementary School Odyssey of the Mind Team A and to the Mount Union High School Baseball Team by Senator Jubelirer.

Congratulations of the Senate were extended to Daniel H. Poole, Philip DenBleyker V, John T. Wardman and to the Bethel Baptist Church of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Salvatore Taranto, Mr. and Mrs. Joseph Schwartz, Mr. and Mrs. Richard Hillard, Robert L. Dlupe, Jr., and to Marie Spencer by Senator Lemmond.

Congratulations of the Senate were extended to George Edward Hassel, Jr., by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Robert K. Bartley, Mr. and Mrs. Norman F. Heincelman, Mr. and Mrs. Carl R. Keefer, Mr. and Mrs. Joseph Gnoffo, Mr. and Mrs. Albert Lovell, Mr. and Mrs. Harry Boatman, Mr. and Mrs. O. Luther Merrill, Mr. and Mrs. Sante Casciani, Mr. and Mrs. Norbert A. Bower, Mr. and Mrs. Adelbert Smith, Mr. and Mrs. Archie Hauser and to Judy Greiger by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Alexander Stets and to Violet Cox by Senator Mellow.

Congratulations of the Senate were extended to Mary Elizabeth Mattioli by Senators Mellow and Lemmond.

Congratulations of the Senate were extended to Black Creek Township Volunteer Fire Company of Fern Glen by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Matthew Laick and to Rhea Cohen by Senator Porterfield.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Frantz, Mr. and Mrs. Stephen Torola, Mr. and Mrs. Martin J. Loftus, Reverend Fred Crawford, Mark Andrewcavage, Tammy Breznitsky and to the Pottsville Hospital and Warne Clinic of Pottsville by Senator Rhoades.

Congratulations of the Senate were extended to Melissa Uglow and to Dan Stablein by Senator Robbins.

Congratulations of the Senate were extended to Lynn Sheppard and to Captain Richard Delise by Senator Salvatore.

Congratulations of the Senate were extended to Mary Metrick and Blanche Lefevre, Evelyn Ward and Robert Hendrickson, Gotlob Kradel, Danielle Weidenhof, Michele Notareschi, Matthew Pakutz, Rebeca Prater, Anna Tolentino, Michael Eagal, Holly Hancock, Nicholas Heath and Tina Mitchell, Mary Cody, Frances Green, George W. Hays and Edmond Kuminkoski and to Ladbrokes-New Castle by Senator Shaffer.

Congratulations of the Senate were extended to Reverend James A. Bishop by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Brewer, Mr. and Mrs. John Posati, Mr. and Mrs. Floyd Beckett and to the Apollo Historical Society by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. John Donati, Mr. and Mrs. Paul Tautkus, Mr. and Mrs. Joseph Stanek, Mr. and Mrs. William Boyan, Mr. and Mrs. Earl L. Closser, Mr. and Mrs. Robert Milliken, Mr. and Mrs. Edwin Ames, 1st Sgt. Roger Wayne Mason, Sr., Colonel Charles R. Rockwell, Honor Guard Members, VFW, James Perry Post 191, and to the Honor Guard Members, American Legion, John C. McIlvaine Post 902, by Senator Stout.

Congratulations of the Senate were extended to Dr. John Boyd Coates, Jr., by Senator Tilghman.

Congratulations of the Senate were extended to Kate C. Springer by Senator Uliana.

Congratulations of the Senate were extended to Madeline H. Ballard by Senator Williams.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Honorable Roy Wilkinson, Jr., by Senators Corman and Jubelirer.

### BILLS ON FIRST CONSIDERATION

Senator JONES. 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 580 and HB 1335.**

And said bills having been considered for the first time,

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

### BILL REREFERRED

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

Senator LOEPER. Mr. President, before we adjourn today's Session, I move that House Bill No. 1335, which was read for

the first time today, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. House Bill No. 1335 will be rereferred to the Committee on Appropriations.

### PETITIONS AND REMONSTRANCES

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

Senator JONES. Mr. President, it is not often that we get an opportunity to identify the victims of the political games that go on between the General Assembly and the Governor. This year is an exception, because we know the names of the 44 Progressive Readiness for Employment Programs, known as PREP programs, covering 34 counties throughout this Commonwealth that were cut so that WAMs could be made to buy votes.

Mr. President, by coincidence, last March I was invited to be a guest speaker at the Harrisburg Area Community College graduation ceremony for job training, and believe me, I was in shock when I got there last Thursday. I was greeted by students with their caps and gowns on, but they were very, very depressed. Even though they were graduating, they were depressed because they had gotten the news that their program would be closing for other welfare recipients who would have the opportunity, Mr. President, to go through this program to be trained in readiness for jobs. It was a very sad day. After further investigation over the weekend, we found out that all of the PREP programs that had been approved for funding under the Employment and Community Conservation Program were cut.

Mr. President, I would like to read some of the names of the 44 programs that would have helped welfare recipients get their GED certificate so that they would help them to also learn and get ready for work. We talk with forked tongues in here, Mr. President. We say we want people off welfare, we say that we are sick and tired of them using our tax dollars, but here we have programs that have prepared welfare recipients to work in the last 3 years, and yet we are cutting these programs for no other reason but to get a program through that so many people do not want.

Mr. President, about 2,000 students would have been covered by PREP. The cost is \$1,112,000 in State funds. That money would have drawn down an additional \$1,688,000 in Federal funds. In addition to PREP, other programs are being cut - women's shelter, housing programs that would have helped local community-based nonprofits to develop affordable housing, and 54 local initiative programs that would have provided case management services specifically to people who were cut off welfare as a result of Act 49 and this year's House Bill No. 2. Also, it would have provided mentoring programs between college students and high school students.

I would just like to go on and read some of the programs that were cut. In Philadelphia, the Council of Spanish Speaking Organizations, cut \$75,000; Impact Services, \$75,000 cut; training programs; Indonesian American Council, \$65,000 cut; the Jewish Employment and Vocational Services, \$100,000 cut;

Korean Community Development Service, \$62,000. Mr. President, I could go on and on and on.

Due to the lateness of the hour, I am going to enter this into the record, but I just want to let you know that this is a disgrace. When we stand on this floor and we say we are sick and tired of people on welfare eating up the tax dollars and not doing anything when we have people who have gone to school, prepared themselves, and what touched me so deeply at this graduation was the fact that a number of these students have jobs already promised to them. They are going to work, and I thought this was what we talked about. But it is phony, Mr. President, when we cut off funds that actually help welfare recipients get training so they can go to work. It is so ridiculous.

I would like to say that tomorrow morning those students, 48 of them, will be here, Mr. President. They will be here at 10 o'clock in their caps and gowns, and I would like to see how many of my fellow Senators who agreed to this cut will come down to the Rotunda and tell those students why they cut the program. Even though they are graduating, Mr. President, what they are concerned about and why they are coming over here to plead that this program not be cut is for other welfare recipients whom you all talk about that you want off welfare. For the life of me, I cannot understand how you expect to have this situation both ways. You either want people on welfare, you need to shut up about it, let them have their little inadequate checks to live off of, or you need to be men and women enough to say we truly want these people trained. What is it? You either want them trained so they can get jobs or you want them on welfare.

I thank you very much.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS REFERRED TO COMMITTEE

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

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

June 26, 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 Ann Arty, 527 LeHann Circle, Springfield 19064, Delaware County, Ninth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice Arlynn C. Cohen, Havertown, whose term expired.

THOMAS J. RIDGE  
Governor

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

June 26, 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. William A. Cornell, Sr., 65 Glenn Road, Wormleysburg 17043, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Bernard J. Dombrowski, Erie, whose term expired.

THOMAS J. RIDGE  
Governor

#### COMMONWEALTH TRUSTEE OF LINCOLN UNIVERSITY - OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

June 26, 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 H. Tucker, Jr., Esquire, 100 North 17th Street, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University - of the Commonwealth System of Higher Education, to serve until August 31, 1998, and until his successor is appointed and qualified, vice Herbert Hutton, Esquire, resigned.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE MILK MARKETING BOARD

June 26, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly R. Minor, 1531 Route 136, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 2001 and until her successor is appointed and qualified, vice Donald E. Lanius, deceased.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

June 26, 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, Rizale Buchanan, P. O. Box 4831, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1999 and until

her successor is appointed and qualified, vice Millicent Hooper, Harrisburg, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE PENNSYLVANIA STATE UNIVERSITY

June 26, 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, Nathan Nair, 3350 Westminster Drive, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1996 and until his successor is appointed and qualified, vice Donald R. Lamuth, II, Pittsburgh, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

June 26, 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, Lynda Lyons (Republican), 512 East Spruce Street, 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

CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE

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

MEMBER OF THE COUNCIL OF TRUSTEES  
OF WEST CHESTER UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

June 26, 1995

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

Please note the nomination dated May 15, 1995 for the appointment of Laurence Harmelin, Esquire, 105 Furr Avenue, West Chester 19383, Chester County, Nineteenth Senatorial District, 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, vice William J. Brennan, Esquire, Valley Forge, whose term expired, should be corrected to read:

Laurence Harmelin, Esquire, 1311 Murdock Drive, West Chester 19383, Chester County, Nineteenth Senatorial District, 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, vice William J. Brennan, Esquire, Valley Forge, whose term expired.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 27, 1995

10:45 A.M.	APPROPRIATIONS (to consider House Bills No. 267, 272, 1335 and 1475)	Room 461 Main Capitol
------------	--	--------------------------

10:45 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 860 and certain executive nominations)	Rules Comm. Conf. Rm.
------------	---	--------------------------

POSTPONED

11:30 A.M.	BANKING AND INSURANCE (public hearing to consider Senate Bill No. 1122)	Room 461 Main Capitol
------------	---	--------------------------

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 27, 1995, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:57 p.m., Eastern Daylight Saving Time.