

COMMONWEALTH OF PENNSYLVANIA

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WEDNESDAY, JUNE 28, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 46

SENATE

WEDNESDAY, June 28, 1995

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

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

PRAYER

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

Let us pray.

Creator God, as this Senate gathers today, we acknowledge You as Sovereign of the universe, in whom there is perfect freedom and truth. In this Chamber there is from time to time reference to an aisle. That aisle often serves as a physical and symbolic separation of philosophies in government. The aisle also is a sign of our democratic society and the freedom of expression which we enjoy in this Commonwealth, and we thank and praise You for a form of government which allows discussion and debate. However, our God, we pray also that the aisle will never become a fortified wall, so strong and so high that it cannot be bridged by understanding, sensitivity, and a unified search for truth, which sometimes is beyond us rather than inherently in us.

May Your blessing then rest on each Senator and every staff member who supports the important work of this body. Grant them all strength for their work and tranquility of soul. Amen.

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

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 27, 1995.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 247, HB 511, HB 578, HB 929, HB 1154, HB 1212, HB 1480 and HB 1639.

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in the amendments made by the Senate to House amendments to SB 729.

HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to HB 215, in which concurrence of the Senate is requested.

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

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 273, SB 653 and SB 800, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 729, HB 247, HB 511, HB 578, HB 703, HB 929, HB 1154, HB 1212, HB 1297, HB 1480, HB 1616 and HB 1639.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 273, 653, 800, 860, House Bill No. 215, certain nominations, and Special Session Senate Bill No. 101.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves for Senator Robbins and Senator Lemmond.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Robbins and Senator Lemmond. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I request a legislative leave for Senator Jones.

The PRESIDENT pro tempore. Senator Bodack has requested a legislative leave for Senator Jones. Without objection, that leave will be granted.

LEAVE OF ABSENCE

Senator BODACK asked and obtained leave of absence for Senator BELAN, for today's Session, for personal reasons.

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR NOAH H. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, it is a special pleasure for me to introduce some special guests in the gallery who are visiting our State Capitol and the Pennsylvania Senate today. We have in the gallery Miss Anne Beiler, and she is accompanied by Mary Lou Frisbee. Now, when I introduce Anne Beiler you may not recognize that name, but if I were to tell you that this is the entrepreneur who established the franchise Auntie Anne's Pretzels, you might recognize that name. Well, we do have that Pennsylvania entrepreneur here with us today in the gallery, and it is my pleasure today to introduce Miss Anne Beiler and her friend, Mary Lou Frisbee, to the Pennsylvania Senate.

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

(Applause.)

The PRESIDENT. And the Chair thanks Senator Wenger for acknowledging our important guests. Not only are they remarkable entrepreneurs and obviously successful, they are good and honorable Pennsylvanians.

GUESTS OF SENATOR HAROLD F. MOWERY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I have two guests in the gallery. They are Richard Lyster, from San Francisco, and Terry Smith, who is from the Harrisburg area. I would like for them to be acknowledged, please.

The PRESIDENT. Would our guests please rise so that we may acknowledge you.

(Applause.)

CALENDAR

SB 633 CALLED UP OUT OF ORDER

SB 633 (Pr. No. 657) -- 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

SB 633 (Pr. No. 657) -- The Senate proceeded to consideration of the bill, entitled:

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.

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—49

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

NAYS—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.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Robbins and Senator Lemmond have returned, and their temporary Capitol leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

RECONSIDERATION OF HB 1817

Senator LOEPER. Mr. President, as a Special Order of Business, I would call up House Bill No. 1817 and move to reconsider the vote by which House Bill No. 1817 was agreed to on third consideration.

The motion was agreed to.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A4255:

Amend Sec. 1, page 2, lines 5 through 9, by striking out all of said lines and inserting:

| | |
|---|------------|
| Institute | 1,568,000 |
| (5) For the cost of agricultural research | 18,300,000 |
| (6) For cost of agricultural extension services | 19,787,000 |

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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1817 (Pr. No. 2309) -- 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 third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

Senator FUMO. Mr. President, now that the bill has been readjusted to the original number proposed by the Governor, we will support this. As has been our public position for the past few weeks on nonpreferreds, our position has been that we wanted parity. We would have preferred it, Mr. President, if the Majority would have allowed us to add additional money to Pitt, Temple, and Lincoln to gain parity, because we think higher education was shortchanged in this budget. The Majority did not want to do that so we accepted the compromise of receding from the money that was added into the line for Penn State. So, regrettably, we will follow that course of action that has been dictated to us by the Majority, but we will now vote for this nonpreferred.

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

Senator CORMAN. Mr. President, I would encourage all my colleagues to join me in voting for Penn State's non-preferred appropriation. I am obviously very disappointed that we have to cut back on those much-needed dollars for ag extension and ag research, and I would certainly hope that when we return this summer to our home communities that people will ask us about our activities in cutting back on ag research and ag extension moneys for Penn State.

Thank you.

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

Senator FUMO. Mr. President, for our side and for the benefit of the gentleman from Centre, Senator Corman, we are prepared to discuss this throughout the summer recess and into the fall. We would prefer to put the money back in Penn State and to add parity to Temple, to Pitt, and to Lincoln, and we give you an outstretched hand and tell you that if at any time before we adjourn for the Session, as long as we are in this budget year, we are more than willing to put up two-thirds vote to run supplemental nonpreferreds for all these institutions.

Our main problem is fairness and equity. We think we have achieved that today, regrettably in the negative, because as I said before, we think higher education got shorted in this budget and should have been helped, as should have the State System of Higher Education as well, Mr. President. I ask for an affirmative vote.

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—49

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

NAYS—0

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS
OUT OF ORDER

Without objection, the nonpreferred appropriation bills on today's Calendar were called up in supervening order by Senator LOEPER as Special Orders of Business.

NONPREFERRED APPROPRIATION BILLS ON
THIRD CONSIDERATION AND FINAL PASSAGE

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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

Fumo Loeper Schwartz Williams
Gerlach

NAYS—0

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

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

HB 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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator SCHWARTZ. Mr. President, I just rise to briefly say that I was sorry that we did not have the opportunity to increase the allocation for Temple University in part. As some of the Members may have noticed, Temple University, in the need to cut back on its budget, has decided to cut out the day care center that has been operating for almost 25 years as part of the Temple University community, including 61 children who are children of employees and another 30 children who are from the community. It has been considered a high quality day care center and has provided an important service to both employees and the community. It is the kind of demonstration of what I think employers ought to be doing and what I certainly think universities can be a model of, and it has served as a way of also being involved in educating those involved in child development in becoming child care workers.

We are talking about maybe \$300,000 in funding. I was hoping that we could add additional funding to this allocation and that we would then be able to hold Temple University accountable for keeping open the day care center. I will just say that I hope that Temple University will take into account all the dollars that the State is putting into Temple University and will still keep that day care center open and continue to provide important services to almost 100 children in Philadelphia. So, Mr. President, I will be voting for this funding, but I hope that Temple University will reconsider its decision to close the day care center, and I am disappointed,

of course, that there was no interest in adding that extra money to Temple University that might well have enabled them to do so.

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—49

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

NAYS—0

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, we would ask for a negative vote on this particular appropriation. There is still a dispute of some \$72,000. We have an amendment prepared for that, but we have been advised that it is best just to hold off on this, and it is hopeful that we will be able to resolve this over the summer or when we come back. I would ask for a negative vote.

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

Senator LOEPER. Mr. President, for purposes of the record, I would simply indicate that it is my understanding that this nonpreferred appropriation bill for the University of Pennsylvania

nia appropriates the same amount of money this year as it did last year.

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

Senator FUMO. Mr. President, the problem is that this does not comport with the fact that the Governor cut this appropriation by \$72,000 and we asked that it remain in the same position that the Governor requested. If we want to get into what people got last year, then the other side of the aisle should allow us to add some \$400,000 to the University of the Arts and some others that were also cut by the Governor. We did not ask for that position. It is Governor Ridge's budget that the other side has bragged about so much. We are just helping them to help their own Governor. So, Mr. President, regrettably, we would ask for a negative vote, and I hope that we could resolve this in a more amicable fashion.

And the question recurring,
Shall the bill pass finally?

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

YEAS—29

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

NAYS—20

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

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

RECONSIDERATION OF HB 1815

NONPREFERRED APPROPRIATION BILL OVER IN ORDER

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

Senator LOEPER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 1815, Printer's No. 2243, just failed on final passage and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. House Bill No. 1815 will go over in its order.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Musto and Senator Williams, who have been called to their offices.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Musto and Senator Williams. Without objection, those leaves will be granted.

THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Mowery 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 Mowery. Without objection, that leave is granted.

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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

| | | | |
|------------|-----------|-------------|-------------|
| Afflerbach | Greenleaf | Madigan | Shaffer |
| Andrezski | Hart | Mellow | Shumaker |
| Armstrong | Heckler | Mowery | Stapleton |
| Baker | Helfrick | Musto | Stewart |
| Bell | Holl | O'Pake | Stout |
| Bodack | Hughes | Peterson | Tartaglione |
| Brightbill | Jones | Porterfield | Tilghman |

| | | | |
|---------|-----------|-----------|-----------|
| Corman | Jubelirer | Punt | Tomlinson |
| Dawida | Kasunic | Rhoades | Uliana |
| Delp | LaValle | Robbins | Wagner |
| Fisher | Lemmond | Salvatore | Wenger |
| Fumo | Loeper | Schwartz | Williams |
| Gerlach | | | |

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILL
OVER IN ORDER TEMPORARILY

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, on the bill, we would object to passing this. I believe \$100,000 has been added to this appropriation above the Governor's request. We object and we ask for a negative vote.

Senator LOEPER. Mr. President, I ask that the bill go over temporarily.

The PRESIDENT. Without objection, House Bill No. 1785 will go over in its order temporarily.

NONPREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION, DEFEATED ON FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, \$150,000 has been added to this line. We ask for a negative vote.

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

Senator LOEPER. Mr. President, once again, I would simply note for the record that the appropriation that is reflected in this House-passed bill is exactly the same as what Wistar Institute received last year.

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

Senator FUMO. Mr. President, maybe I can clarify this for the Members as to what people received last year, what people received this year, and what the Governor did. Mr. President, inserted into a number of these nonpreferences in previous years were what were called WAMs, and the Governor took those WAMs out. However, the Republican Majority replaced in other line items "Ridgies," and we are taking those out, so, Mr. President, this is a "Ridgie," and we are not for "Ridgies." That is why we will only have the same numbers that the Governor put in. We want to help the Governor clean up corruption, fraud, waste, all that stuff he talks about, except he does not

want to apply the rules fairly. We know he would blue-line this down to its original number, Mr. President, so we are saving him the trouble and embarrassment. We will protect your Governor for you.

We ask for a negative vote.

And the question recurring,
Shall the bill pass finally?

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

YEAS 29

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

NAYS 20

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

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

RECONSIDERATION OF HB 1784

NONPREFERRED APPROPRIATION BILL OVER IN ORDER

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

Senator LOEPER. Mr. President, I move that the vote by which House Bill No. 1784 failed on final passage be reconsidered and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. House Bill No. 1784 will go over in its order.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

Senator FUMO. Mr. President.

The PRESIDENT. The Chair recognizes Senator Loeper -- the Chair corrects itself, Senator Fumo.

Senator FUMO. Thank you, Mr. President. There is a difference.

Mr. President, in this line again there has been a \$100,000 "Ridgie" added, and we would object and ask for a negative vote.

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

Senator LOEPER. Mr. President, once again, for purposes of the record, I would simply indicate that the appropriation for the Burn Foundation is funded in House Bill No. 1791 in exactly the same amount that the appropriation was funded last year.

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

Senator FUMO. And again, Mr. President, I repeat, the reason was the Governor took the WAM out and the Republicans inserted a "Ridgie." We are going to be consistent around here, at least on two-thirds votes. We could not do anything about it on the majority vote in the budget where they grabbed \$20 million in "Ridgies," but we are not going to be fools and do it where there is a two-thirds vote required. We believe the Governor should be held accountable for his word, even if he does not want to be. Maybe he will blue-line the "Ridgies" out of the budget that he has not yet signed. We certainly are looking forward to seeing whether he is going to honor his commitment to the citizens of the Commonwealth and keep his campaign pledge and strike out all those "Ridgies" that you guys put in there.

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 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 20

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

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

RECONSIDERATION OF HB 1791**NONPREFERRED APPROPRIATION BILL
OVER IN ORDER**

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

Senator LOEPER. Mr. President, I move that we reconsider the vote by which House Bill No. 1791 failed on final passage and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. House Bill No. 1791 will go over in its order.

**NONPREFERRED APPROPRIATION BILLS ON
THIRD CONSIDERATION AND FINAL PASSAGE**

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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, for the benefit of the Members, there was money added to all the museums, I believe it was a 3-percent line, and we have no problem with that fairness. We wish that we could have helped other museums in the Commonwealth of Pennsylvania, but being in the Minority we were not allowed to. But we will not penalize these museums their meager increase, so we will vote "yes" on this and the remaining museum nonpreferreds.

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—48

| | | | |
|------------|-----------|---------|-----------|
| Afflerbach | Gerlach | Loeper | Schwartz |
| Andrezeski | Greenleaf | Madigan | Shaffer |
| Armstrong | Hart | Mellow | Shumaker |
| Baker | Heckler | Mowery | Stapleton |

| | | | |
|------------|-----------|-------------|-------------|
| Bell | Helfrick | Musto | Stewart |
| Bodack | Holl | O'Pake | Stout |
| Brightbill | Hughes | Peterson | Tartaglione |
| Corman | Jones | Porterfield | Tilghman |
| Dawida | Jubelirer | Punt | Tomlinson |
| Delp | Kasunic | Rhoades | Wagner |
| Fisher | LaValle | Robbins | Wenger |
| Fumo | Lemmond | Salvatore | Williams |

NAYS—1

Uliana

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

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

HB 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 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—48

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

NAYS—1

Uliana

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

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

HB 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 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—48

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

NAYS—1

Uliana

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

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

HB 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 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—48

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

NAYS—1

Uliana

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator LOEPER. Mr. President, in light of the remarks of the gentleman from Philadelphia, Senator Fumo, about the commitment to museums, this is an appropriation to the Museum of Scientific Discovery, and I would ask for an affirmative vote.

Senator FUMO. No, no, no, Mr. President.

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

Senator FUMO. Mr. President, my comments were that we were for across-the-board 3-percent increases to those non-preferreds that were already in the budget. This is a "Ridgie." This is not nice. We will not vote for this. This was not in last year. If you let us have our "Ridgies," we will let you have your "Ridgies," but we are not going to stand by and give you your "Ridgies." This is a brand new appropriation, Mr. President. It is obviously a "Ridgie" for one of their Members. I wish them all well, but we are not going to put up two-thirds for them. We were not all born yesterday, and we are just not going to vote for this kind of stuff. We are going to keep the Governor pure, as we can keep him pure.

I ask for a negative vote, 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—28

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

NAYS—21

| | | | |
|------------|---------|-------------|-------------|
| Afflerbach | Jones | O'Pake | Stout |
| Andrezeski | Kasunic | Porterfield | Tartaglione |
| Bodack | LaValle | Schwartz | Uliana |
| Dawida | Mellow | Stapleton | Wagner |

Fumo
Hughes

Musto

Stewart

Williams

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

RECONSIDERATION OF HB 1802

**NONPREFERRED APPROPRIATION BILL
OVER IN ORDER**

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

Senator LOEPER. Mr. President, I move that the vote by which House Bill No. 1802 failed on final passage be reconsidered and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. House Bill No. 1802 will go over in its order.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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—48

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

NAYS—1

Uliana

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

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

HB 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 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—48

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

NAYS—1

Uliana

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

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

HB 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 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—48

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

NAYS—1

Bodack

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

| | | | |
|------------|-----------|---------|----------|
| Afflerbach | Greenleaf | Madigan | Shaffer |
| Andrezeski | Hart | Mellow | Shumaker |

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

| | | | |
|---------|---------|-----------|----------|
| Delp | LaValle | Robbins | Wagner |
| Fisher | Lemmond | Salvatore | Wenger |
| Fumo | Loeper | Schwartz | Williams |
| Gerlach | | | |

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

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

An Act making appropriations to the Hahnemann University, Philadelphia.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 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 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—49

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

NAYS—0

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

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

HB 1785 CALLED UP

HB 1785 (Pr. No. 2183) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, we ask for a negative vote. As articulated before, money was added to this. We will let you add all the money you want if you give us our share.

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

Senator BRIGHTBILL. Mr. President, the Central Penn Oncology Group is located at the Hershey Medical Center. They provide professional education concerning the subject matter of the disease of cancer to a large group of physicians in a 34-county area. In addition, they provide a tremendous amount of community outreach. Their emphasis in cancer research and cancer education is in the area of breast cancer education and research, and they have had over 7,000 women participate in their courses. They have had more than 8,000 risk assessments for more than 27,000 central Pennsylvanians.

The stated reason for the Democratic opposition to this seems to be that this is more money, and I would like to ask the gentleman from Philadelphia, Senator Fumo, if he would stand for interrogation.

Senator FUMO. I will, Mr. President.

The PRESIDENT. Senator Brightbill, continue.

Senator BRIGHTBILL. Mr. President, what is the amount that is in House Bill No. 1785 for Central Penn Oncology?

Senator FUMO. Mr. President, House Bill No. 1785, there is \$243,000.

Senator BRIGHTBILL. Mr. President, and how much money was made available in 1994-95 for Central Pennsylvania Oncology?

Senator FUMO. Mr. President, \$293,000.

Senator BRIGHTBILL. Mr. President, is that an increase or a cut?

Senator FUMO. Mr. President, obviously, somebody did not give the gentleman as big a "Ridgie" as he received last year.

Senator BRIGHTBILL. Mr. President, that is a cut.

Senator FUMO. Mr. President, it is not a cut, because the Governor requested \$143,000. I do not know what you did in the budget. You would not let us in to negotiate.

Senator BRIGHTBILL. Well, Mr. President--

Senator FUMO. Let me answer the gentleman's question, Mr. President. It is my belief that last year the gentleman was successful in getting a \$150,000 WAM for his special interest. There are many groups that do the same type of research. This year the Governor took all the WAMs out and then he negotiated with his Caucus, and I guess in the spirit of austerity, they only gave him a \$100,000 "Ridgie" instead of a \$150,000 WAM. That is the history of this particular piece of legislation. Mr. President, Pitt does breast cancer research, Temple does, they all do, and we think they are all worthy of increases, not just the gentleman's institution.

Senator BRIGHTBILL. Mr. President, as the gentleman, Senator Fumo, noted in his answer, these services are provided to the cities through the University of Pennsylvania and the University of Pittsburgh. What I find ironic is that among the list of these that are being approved are the University of Pennsylvania and the University of Pittsburgh, and in sums far greater than are going to go for this. I see \$35 million for the University of Pennsylvania, I see \$144 million for the University of Pittsburgh, and, frankly, the amount that is in this budget for Central Penn Oncology, which will serve 34 central Pennsylvania counties, is a mere drop in the bucket.

As far as the budget process, I appreciate that the gentleman, Senator Fumo, is angry and upset because he was

not part of the process, while in other years he may have been part of the process. This is not something that was put there or asked for by me, and I think the gentleman's statements are poorly taken. I would emphasize, however, that this is a cut and that this cut, the failure to pass this nonpreferred today--

Senator MELLOW. Mr. President.

Senator BRIGHTBILL. Mr. President, they do not like what I am saying.

The PRESIDENT. Will the gentleman yield.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow. For what purpose does the gentleman rise?

Senator MELLOW. Mr. President, I rise for a point of order. We are discussing nonpreferred appropriations--

The PRESIDENT. State your point, Senator Mellow, because Senator Fumo was at the post.

Senator MELLOW. Well, Mr. President, it does not matter who was at the post. I did rise for a point of order. If you prefer me to use one of those microphones, I will be only too happy to do that. It matters not who is at the post.

The PRESIDENT. Senator Brightbill was questioning Senator Fumo.

Senator MELLOW. Mr. President, I rise for a point of order.

The PRESIDENT. State your point, Senator Mellow.

Senator MELLOW. Mr. President, I do not believe it is appropriate that the gentleman from Lebanon, Senator Brightbill, should be trying to impugn the integrity of any Member on this floor.

Senator BRIGHTBILL. Oh--

The PRESIDENT. Senator Mellow, complete your point.

Senator MELLOW. Mr. President, I think there should be more respect shown by the Members of the Senate.

Senator BRIGHTBILL. (Laughter.)

Senator MELLOW. That is exactly what my point is, Mr. President. There is no respect on the floor of the Senate, and that is one of the reasons why we have some of the problems that we have. And you can smile all you want, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, may I respond to the point?

The PRESIDENT. Senator Brightbill, the Chair would encourage your continued interrogation of Senator Fumo and only that.

Senator BRIGHTBILL. Mr. President, as I was saying, since the gentleman from Philadelphia, Senator Fumo, was not part of the process, I think it would be inappropriate for him to speak as to what happened within the process.

What I do know is that there will be 34 counties that will not have the benefit of the Central Penn Oncology Group, because if we do not pass this nonpreferred appropriation today, they will go out of business. They have no other source of funds. They have a \$50,000 Federal grant that will expire in the fall. This will put them out of business, and this is less money than they got last year when they got \$293,000. And

because of the view of someone in that Caucus of how things were bargained and how they were done in past administrations, he attributes that to this administration, Mr. President, and that is not correct.

And to address the alleged point of order of the gentleman from Lackawanna, Senator Mellow, I think that a comment asking for respect of this Chamber and of this facility and its Members is very appropriate, but I think that those comments and that attitude and that behavior ought to start on the other side of the aisle.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, if I might respond to the gentleman. First of all, the University of Pennsylvania's appropriation did not pass. It failed by a vote of 29 to 20. I just wanted to correct the record. I thought he was on the floor and I thought he was paying attention.

Mr. President, as to the plight of this particular group, there are thousands of groups in Pennsylvania which are going to suffer a similar plight because of the Republican Majority's methodology in taking for themselves and disallowing this side of the aisle to represent their constituents. There are groups all over this Commonwealth that will suffer next year. I feel very sorry for the people whom the gentleman from Lebanon, Senator Brightbill, represents who are going to be hurt by this vote, but I only wish there were a two-thirds vote on everything. Perhaps that would have forced the Republican Majority into being reasonable and recognizing that people on this side of the aisle represent citizens of the Commonwealth as well. We represent taxpayers as well. We helped contribute to the surplus as well, yet you froze us out. You hurt thousands of groups for which this side of the aisle asked for help, and you can smile all you want, the fact remains the same.

We are not against helping your groups, but we are not fools. We are hoping that by this process perhaps you will sit down and negotiate with us. It is a long road, but if we work and both walk toward the middle we can meet and compromise, but that is not what happened here. There was no compromise. There was not even any debate. We were closed off from even expressing our concerns about the budget, and you have the audacity to complain about your special interests that have not been taken care of?

The PRESIDENT. Senator Fumo, would the gentleman yield for a moment?

Senator FUMO. Yes, Mr. President.

The PRESIDENT. Senator Fumo, in your remarks, and I believe this is something that each Member acknowledges, address the Chair. The Chair would also add that I can acknowledge acceptable behavior as the Chair, but I cannot induce acceptable behavior. Would both speakers keep that in mind, and now address the Chair, Senator Fumo, in your responses.

Senator FUMO. Mr. President, we share the concern of the gentleman from Lebanon, Senator Brightbill, about his institution. Unfortunately, he and his colleagues did not share our concern about our institutions, and the only way that we can

carry out our sworn oath of responsibility to this Commonwealth, to this Constitution, and to our constituents, is to reject his plea as he rejected ours. We do not like having to do this. This is not enjoyable for us. It was not enjoyable for us to offer an amendment to take money from Penn State. We would have rather added money to the other institutions so that there was some degree of fairness, but we know our limitations.

Mr. President, if the gentleman truly cares about this institution, I urge him to work with us for fairness for our institutions, and we will be more than happy to work with him for fairness for his institutions. It is basic fairness, Mr. President. Nowhere in the Constitution is it written that only Republicans will be represented in the Senate of Pennsylvania. Nowhere in the history of Judeo-Christian law is it written that one party shall rule absolutely in a democracy. Mr. President, I share the gentleman's plight. I share his concern. I sympathize with him. I only wish that he and his colleagues had sympathized with me and my colleagues equally. And if that were true, Mr. President, we would not be here today doing what we have to do but what we also find distasteful to do.

Thank you, Mr. President.

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

Senator BRIGHTBILL. Mr. President, the translation, I think, would be that for some unstated goal or objective they are holding the Central Penn Oncology--

POINT OF ORDER

Senator FUMO. Point of order, Mr. President.

The PRESIDENT. Senator Fumo, state your point.

Senator FUMO. Mr. President, I believe I spoke in English. There is no translation necessary. The gentleman does not have to categorize my remarks. If he wants to make remarks of his own, he should. I said what I said. The people of Pennsylvania heard what I said. He can say what he wants, but I do not require a translation on what I just said, and neither do the Members of this Chamber.

The PRESIDENT. The gentleman's point is not well-taken. Senator Brightbill, in the spirit of debate, continue.

Senator BRIGHTBILL. Mr. President, I would note for the record that I am only learning from the gentleman from Philadelphia, Senator Fumo, who has been here longer than I have, and I have heard him do translations many times on what other people have said and quoted off-the-record comments, so I feel very comfortable doing that in a debate with Senator Fumo. I would also add that the translation appropriately is that for some unstated goal, they are holding hostage \$243,000 from going to the Central Penn Oncology Group, and that group will go out of business because we are going to leave here today and that service will not be provided to 34 central Pennsylvania counties. Some of those counties are counties that are represented within that Democratic Caucus, and I am going to have a list of those counties and I am going to talk about which counties are included. They are not counties that are covered by appropriations that go to Philadelphia and that go to Allegheny County.

Mr. President, I was here in 1993. I was here for 11 or 12 budgets, and I find it very interesting to sit here day after day and listen to poor Senator Fumo cry about this budget year when I saw him when he was at his peak, when he was driving the process and doing the negotiations and he was ignoring things that we needed in this part of the State. Now the shoe is on the other foot, and what do we get? We get somebody who is a crybaby.

Mr. President, my floor leader, the gentleman from Delaware, Senator Loeper, has just given me the nod that I went beyond the scope. So I would extend my apology for that comment, and I apologize for being emotional, but I will say this: We have seen similar patterns go the other direction and there were those of us who came here and put up votes for non-preferreds even though we were not part of the process because we knew that these institutions, whether they were in Democratic or Republican districts, provided valuable services to the Commonwealth of Pennsylvania. It is time that this foolishness comes to an end.

The PRESIDENT. The Chair would observe that if speakers on both sides of the aisle would confine their remarks to present tense rather than business that has already gone before the Senate and would be described as past tense, I think we would not be finding ourselves in such dilemmas.

The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I do intend to confine my remarks to House Bill No. 1785. I am appalled, Mr. President, having been a Member of this body for 4 1/2 years, to see us, at this point in time, considering an appropriation to an organization which does only good for the citizens of the Commonwealth, which does only good for at least 34 counties in central Pennsylvania, and which really can help a number of residents of this Commonwealth avoid serious illness and likely death due to the terrible scourge of the disease of cancer.

Mr. President, I think we have debated the issue many times when it comes to appropriations, mandates for insurance companies for different kinds of screenings. Those screenings, Mr. President, are conducted by an organization called Central Penn Oncology. Mr. President, I spoke with some people at the organization earlier today and learned that they are basically the only organization in central Pennsylvania which consistently, since 1974, has been able to provide mammograms and other screenings for other cancers to the residents of central Pennsylvania. As was stated earlier by the gentleman from Lebanon, Senator Brightbill, Philadelphia and Pittsburgh have large university hospital centers, they have large hospitals that serve the entire areas of eastern and western Pennsylvania. Here in central Pennsylvania, for the most part, they have community hospitals which cannot cover the expense of these types of screenings.

Mr. President, I think it is absolutely outrageous that Members of this body would hold funding hostage for such an important community resource and health system over ridiculous partisan demands and bickering. The gentleman from Philadelphia, Senator Fumo, mentioned that it is an issue of fairness. Mr. President, I submit to this body that this is not only an

issue of fairness, this is an issue of life and death for the residents of 34 counties of central Pennsylvania, and for anyone to hold that issue hostage is an embarrassment to this body.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I was wondering if the gentleman, Senator Fumo, the Minority Appropriations chairman, would stand for brief interrogation.

The PRESIDENT. Senator Fumo?

Senator FUMO. Mr. President, I have been beat up so badly and personal attacks have been cast upon me today that the Chair has not stopped, so the only way I will get an answer is maybe to respond to debate.

The PRESIDENT. I think the Chair has made its feelings known.

Senator FUMO. Mr. President, I know the Chair's feelings. I wish the Chair was not so partisan.

The PRESIDENT. Senator Fumo, will you stand for interrogation?

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

Senator LOEPER. Mr. President, could the gentleman just reiterate one more time for me the Senate Democratic Caucus position as far as appropriations such as the Central Penn Oncology Group and why their Caucus has taken a position in opposition to this and a number of other nonpreferreds that we have considered on the floor today?

Senator FUMO. Mr. President, I have said it time and time again, and it is this: This appropriation exceeds the request of the Governor's original budget message, and, quite frankly, Mr. President, the gentleman from Montgomery, Senator Tilghman, when he originally introduced the nonpreferreds, had this particular nonpreferred in Senate Bill No. 903 listed at \$143,000, so we are staying at \$143,000. If the gentleman is willing to recede and go back to \$143,000, we are more than willing to put up the votes necessary to pass the appropriation, but we will not provide votes to add money to this nonpreferred over the Governor's original request, because, quite frankly, Mr. President, we understand fully the political process at hand here. This was a WAM. It was a "Ridgie." It was a LIP. It was whatever you want call it, and although that side of the aisle is sharing some pain right now, we reiterate that we, too, have felt the pain but have been unable to address it. We would love to assist with this, but you will not allow our equally meritorious groups the same courtesy.

Senator LOEPER. Mr. President, could the gentleman then explain why St. Christopher's Hospital, which I believe is located in Philadelphia, received a \$25,000 increase in its appropriation this year over last year, and that appropriation was unanimously approved earlier in this Session today of the Senate?

Senator FUMO. Mr. President, unfortunately, that one slipped through. If the gentleman wants to reconsider the vote, we will reconsider the vote.

Senator LOEPER. Mr. President, I thank the gentleman for his courtesy in responding to me.

Again, Mr. President, I would simply reiterate that I think the position that has been taken by the Minority has been inconsistent as far as the responsibility of appropriating funds for the various institutions and programs.

Mr. President, I would ask for an affirmative vote.

Senator FUMO. Mr. President, in response.

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

Senator FUMO. Mr. President, we would ask for a negative vote. It is inconceivable to us that the other side can dish it out and not care, but they cannot take it when someone stands up and says to them, you are not getting it all your way. We have many, many, many, many groups in rural areas, in suburban areas, in urban areas, that face a worse plight than what the gentleman from Lebanon, Senator Brightbill, has talked about. They perform services in excess of what Senator Brightbill has told us his group does. They are all meritorious, but for some reason, in this particular budget process, the Republican Majority decided that they did not care about those groups whose members are also citizens of this Commonwealth. They did not care about those groups because, unfortunately, those people made the absolute, I guess, horrible mistake to that side of the aisle of having elected a Democrat to represent them in this Chamber.

Mr. President, we are more than willing to sit down and talk. It is a shame that this is all we have to fight with, but we will fight with every fiber of our body to represent our constituents. We do not like doing this. As I said, we will be more than happy to cooperate, but, unfortunately, our wishes fall on deaf ears. We have to turn a deaf ear to their pleas as well. This is not the way to run a Senate. This is not the way to run a General Assembly. Power corrupts and absolute power corrupts absolutely, and regrettably, right now in Pennsylvania the Republicans have absolute power and it is corrupting absolutely. And that is a shame, Mr. President. We do not like it. We are stuck with it.

We are optimistic, however, that in the next election cycle the people of Pennsylvania will see what you have done and will visit upon you retribution and they will learn and understand that regrettably in this Commonwealth, unless either one party controls one of the Houses or the other, there is no democracy. There is, rather, absolute dictatorial rule. That is a shame, Mr. President. We do not like it. You can enjoy it now, but believe me, someday the shoe will be on the other foot.

When it was, Mr. President, and maybe this is why I get a little bit emotional, when it was on the other foot and when we controlled both Chambers and when we controlled the front office, we did not allow it to happen to you, and it was not "we," it was me. I fought my brethren in the Democratic Party who wanted to foist retribution upon you. I did not let it happen. And I was told back then that I was foolish, because someday Republicans would be in the same position and they would do it to me. But I felt and I thought, out of a spirit of camaraderie and out of a spirit of cooperation and out of a spirit of freedom and respect and equal respect, that that would never occur. Unfortunately, my confidence and my trust were betrayed and what they said would happen happened.

Maybe that is why I am emotional, Mr. President, because I feel that in this budget process I have lost some friends, not just people with whom I work here in Harrisburg who happen to sit on the other side of the aisle, and that is the most unfortunate part about this budget process. Yes, I am an emotional person on that issue, because to me friends and relationships are worth a hell of a lot more than what we are doing here today to ourselves by, in effect, cannibalizing each other. That is a shame, Mr. President, and I truly feel sorry for that.

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

Senator PETERSON. Mr. President, would the Senator from Philadelphia, Senator Fumo, stand for brief interrogation?

The PRESIDENT. Senator Fumo, do you accept questioning?

Senator FUMO. Mr. President, it is now a waste of time. I will not stand for interrogation. Let the gentleman make his remarks, and let us get on with the vote. We are not moving.

The PRESIDENT. The answer is "no," I take it.

The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, if the gentleman from Philadelphia had offered to accept my questions, which I have always done for him, I would have asked him the question, if he was in control of the process and was one of the major players in the budget year of 1993-94, and also if that was when a Democratic Governor, Governor Casey, and Dwight Evans, the Appropriations chairman from the House, were also the other players in the budget process, the question I was going to ask him is would he like us to follow the model of leadership that he utilized in 1993-94 of passing a State budget?

The PRESIDENT. Would the gentleman yield.

Senator Peterson, moments ago I mentioned the need for tending to the business at hand, which is the Central Penn Oncology Group appropriation. Would you address that?

Senator PETERSON. Mr. President, I certainly will. Before us now is the Central Penn Oncology Group, a group that helps 34 counties keep their doctors and their medical centers up to speed on the latest cancer treatments. It is a small amount of money. It is less money than last year's appropriation for that community, and we are being told today that there are no votes for the Central Penn Oncology Group because certain people did not have an adequate part in the process. The complaint has been that we are not going to pass money for oncology for central Pennsylvania because we did not have a chance to do what we wanted to do in the budget.

I think it is unfortunate that the people who are cancer victims in central Pennsylvania are being held hostage, and it is cancer victims, people who have cancer, who are being treated and given the finest, latest technology, that is who are being asked to take a backseat today, because of certain leaders in the Senate who allowed nobody into the process in 1993-94. And I just would like to say again, if we followed your model, you would have had a lot less input than you had this year, and I think it is a shame that the people who have cancer have to pay the bill.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Jones has returned, and her temporary Capitol leave is cancelled.

We also acknowledge that Senator Mowery has returned to the floor, and his temporary Capitol leave will be cancelled.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request a temporary Capitol leave for Senator Dawida.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Dawida. That leave will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Heckler.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Heckler. That leave will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEAS—29

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

NAYS—19

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

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

RECONSIDERATION OF HB 1785

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

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

Senator LOEPER. Mr. President, I move to reconsider the vote by which House Bill No. 1785 was defeated on final passage.

The motion was agreed to.

On the question,
Shall the bill pass finally?

Senator LOEPER. Mr. President, I notice that all Members are present now, and I would ask that we have another roll-call vote, please.

The PRESIDENT. The Clerk will call the roll.

And the question recurring,
Shall the bill pass finally?

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

YEAS—29

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

NAYS—20

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

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

RECONSIDERATION OF HB 1785

NONPREFERRED APPROPRIATION BILL
OVER IN ORDER

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

Senator LOEPER. Mr. President, I move that the vote by which House Bill No. 1785 failed on final passage be reconsidered, and that the bill go over in its order.

The motion was agreed to.

The PRESIDENT. House Bill No. 1785 will go over in its order.

PREFERRED APPROPRIATION BILL ON
CONCURRENCE IN HOUSE AMENDMENTS

PREFERRED APPROPRIATION BILL RECOMMENDED

SB 860 (Pr. No. 1223) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

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

RECESS

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

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45.

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

Senator FUMO. Mr. President, we will wait.

The PRESIDENT. Senator Loeper has made known the need for a Republican caucus, with the intention of returning at approximately 3:45. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

THIRD CONSIDERATION CALENDAR RESUMED**HB 961 CALLED UP OUT OF ORDER**

HB 961 (Pr. No. 1829) -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 961 (Pr. No. 1829) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

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

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 49

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

| | | | |
|---------|---------|-----------|----------|
| Delp | LaValle | Robbins | Wagner |
| Fisher | Lemmond | Salvatore | Wenger |
| Fumo | Loeper | Schwartz | Williams |
| Gerlach | | | |

NAYS—0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Dawida and Senator Williams. Their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVE

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

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

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

HB 1784 CALLED UP

HB 1784 (Pr. No. 2145) -- Without objection, the bill, which previously went over in its order, was called up, from page 2 of the Third Consideration Calendar, by Senator FISHER.

RECONSIDERATION OF HB 1784

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

Senator FUMO. Mr. President, I move to reconsider the vote by which House Bill No. 1784 was agreed to on third consideration.

The motion was agreed to.

**NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION AMENDED**

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A4482:

Amend Sec. 1, page 1, line 5, by striking out "\$387,000" and inserting: \$237,000

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 FISHER.

HB 1785 CALLED UP

HB 1785 (Pr. No. 2183) -- Without objection, the bill, which previously went over in its order, was called up, from page 2 of the Third Consideration Calendar, by Senator FISHER.

RECONSIDERATION OF HB 1785

Senator FISHER. Mr. President, I move that the vote by which House Bill No. 1785 was agreed to on third consideration be reconsidered.

The motion was agreed to.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A4479:

Amend Sec. 1, page 1, line 4, by striking out "\$243,000" and inserting: \$143,000

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 FISHER.

HB 1791 CALLED UP

HB 1791 (Pr. No. 2152) -- Without objection, the bill, which previously went over in its order, was called up, from page 3 of the Third Consideration Calendar, by Senator FISHER.

RECONSIDERATION OF HB 1791

Senator FISHER. Mr. President, I move that the vote by which House Bill No. 1791 was agreed to on third consideration be reconsidered.

The motion was agreed to.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AMENDED

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A4480:

Amend Sec. 1, page 1, line 4, by striking out "\$562,000" and inserting: \$462,000

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 FISHER.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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—48

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

NAYS—1

Uliana

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

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

HB 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 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—48

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

NAYS—1

Uliana

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

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

HB 1815 CALLED UP

HB 1815 (Pr. No. 2243) -- Without objection, the bill, which previously went over in its order, was called up, from the Final Passage Calendar, by Senator FISHER, as a Special Order of Business.

RECONSIDERATION OF HB 1815

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

Senator FISHER. Mr. President, I move that the vote by which House Bill No. 1815 was agreed to on third consideration be reconsidered.

The motion was agreed to.

NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A4478:

Amend Sec. 1, page 1, lines 16 and 17, by striking out all of said lines and inserting:

| | |
|--------------------------------------|------------|
| programs only | 10,420,000 |
| (5) For the New Bolton Animal Center | 7,118,000 |

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 FISHER.

NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION AMENDED

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER offered the following amendment No. A4523:

Amend Title, page 1, line 1, by inserting after "to": the Pennsylvania Historical and Museum Commission for maintenance of

Amend Title, page 1, lines 1 and 2, by striking out "for maintenance"

Amend Sec. 1, page 1, line 5, by inserting after "to": the Pennsylvania Historical and Museum Commission for maintenance of

Amend Sec. 1, page 1, line 7, by striking out ", for maintenance"

Amend Bill, page 1, lines 8 through 17, by striking out all of said lines

Amend Sec. 4, page 2, line 1, by striking out "4" and inserting:

2

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 FISHER.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

May 19, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Timothy P. McNulty (Alternate Member), 1241 Onondago Street, Pittsburgh 15218, Allegheny County, Forty-third 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 Michael J. Montgomery, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

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

May 15, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward M. Paluso, 401 Sixth Street, Charleroi 15022, Washington County, Thirty-second 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 Gwendolyn G. Simmons, Monongahela, whose term expired.

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 E. Russo, 190 Ohio River Boulevard, Leetsdale 15056, Allegheny County, Forty-second 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 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, Francis J. Michelini, 533 Appalachian Avenue, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2000 or until his successor is appointed and qualified, vice Dr. S. Keith Spalding, Hopeland, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF 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 E. Strickland, Jr., 3021 Mt. Alister Street, Pittsburgh 15214, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2000 or until his successor is appointed and qualified, vice Beatrice S. Moore, Ed.D., Philadelphia, 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 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, Charles W. Hash, Sr., 1915 Stonegate Road, York 17404, York County, Twenty-eighth Senatorial District, for reappointment 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.

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, Richard D. Hupper, 49 Reynolds Mill Road, York 17403, York County, Twenty-eighth 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 his successor is appointed and qualified, vice Howard R. Selekman, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Shank, 357 Glen Street, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of South

Mountain Restoration Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Rose G. Good, Waynesboro, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE WASHINGTON
CROSSING PARK 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, Anne Hawkes Hutton, 6934 North Radcliffe Street, Bristol 19007, Bucks County, Sixth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until her successor is appointed and qualified, vice Beverly W. Magill, New Hope, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE

April 17, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joe Macurak (Republican), R. D. #3, Chicora 16025, Butler County, Twenty-first Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE BUTLER COUNTY
BOARD OF ASSISTANCE

April 17, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jacqueline A. Wise (Republican), 364 Deer Creek Road, Saxonburg 16056, Butler County, Twenty-first Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Lambert, Sr. (Republi-

can), 913 High Street, Coatesville 19320, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CHESTER COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gabriel Milanese, Jr. (Republican), 34 Overhill Road, Coatesville 19320, Chester County, Nineteenth Senatorial District, for appointment as a member of the Chester County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marge Hinderliter (Republican), R. D. #2, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion 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 CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald Shingledecker (Republican), Greenville Avenue, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Showers (Republican),

R. D. #2, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ann Smathers (Republican), 342 Liberty Street, Clarion 16214, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion 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 FAYETTE COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Dorazio (Republican), 100 Wiggins Lane, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

April 28, 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, Esther E. Rhine (Republican), 626 North Street, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Juniata 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 LANCASTER COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Isabelle R. Rudisill (Republi-

can), R. R. #1, Box 493, Washington Boro 17582, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Lancaster 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 LANCASTER COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Peter True (Republican), 2962 Kings Lane, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LEHIGH COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Philip Newman (Republican), 2772 Springhaven Place, Macungie 18062, Lehigh County, Forty-fourth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE LEHIGH COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wallace C. Worth, Esquire (Republican), 6620 Woodlawn Drive, Zionsville 18092, Lehigh County, Forty-fourth Senatorial District, for appointment as a member of the Lehigh County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Earl C. Ross (Republican), 342 East Phillelana Street, Philadelphia 19138, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE PHILADELPHIA COUNTY
BOARD OF ASSISTANCE

April 17, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George Van Horn (Republican), 1533 Pine Street, Philadelphia 19102, Philadelphia County, First Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

April 13, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerald Coates (Not Registered), R. D. #3, Box 89C, Sugar Grove 16350, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

April 17, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karen Marie Carter (Democrat), 30 East Cottage Place, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the York 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 YORK COUNTY
BOARD OF ASSISTANCE

April 17, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gloria A. Sheaffer (Republican), 508 Hartman Avenue, Hanover 17331, York County, Twenty-eighth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

NAYS—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.

**SPECIAL ORDER OF BUSINESS
FAREWELL TO
SENATOR JOHN J. SHUMAKER**

The PRESIDENT. For some well-deserved recognition of a longtime Member of this body, the Chair would encourage the Members to take their seats.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I would ask if each Member of the Senate would take their seats out of respect to one of our colleagues who will be serving here likely for just the last day or so or until the fall.

Mr. President, I want to say a few words of thanks and pay tribute to a dear friend, a longtime friend, a friend who preceded my days here in the Senate, a colleague who will soon be departing our body.

Mr. President, it is not so common for someone to decide with honor and dignity that it is time to return to private life. My dear friend, John Shumaker, has made this very difficult decision, frankly, with the character and the grace that he has displayed in his 12 years here. John Shumaker has done a fine job in serving what is often the toughest district to represent, since it is his home at the State Capitol. When each of us returns after Session to our home districts, we sometimes get away from the hustle and bustle of Harrisburg, but you see, John Shumaker did not have that luxury. He had that hustle and bustle 7 days a week and he was on call every day, every hour. The Senator from this area must not only meet the needs of local individuals and communities, but people hold him responsible for what the General Assembly does or does not do. John Shumaker has handled this double duty well.

Mr. President, there are few people who have been more involved in the community, who have given more time and effort to community groups and organizations, to important projects and good causes than has our friend, John Shumaker. People knew they could count on John, that his advocacy would be dependable, that he would be there for the principle, not for the headline. Veterans groups, students in the area's community college, law enforcement officials, homeowners, and others he has worked so very closely with, appreciate the devotion he has brought to the job and respect the results that he has secured. When John seized an issue he worked it not only through the legislative process but tracked it through the bureaucratic process to make sure that it was neither ignored nor carried out contrary to legislative intent.

When we look across his record of legislative accomplishment, we find many successes that can be chalked up to his mix of determination, thoughtfulness, and his sensitivity to people. He was a success in private life long before coming to the Senate, and the integrity and professionalism that served him well outside the political arena gave him distinction inside as well.

John was just not your typical politician, yet his manner and approach brought him success and respect within the political community. John has the opportunity to enjoy his family, to enjoy the quality of life in the community, confident that his contributions are worthy and remembered, and so they shall be, my good friend.

We wish you well and say, thank you, John. Thank you for your splendid service. Well done, old friend. You deserve this time in your life that your family wants so very much from you.

Thank you, Mr. President, and Members of the Senate, for allowing me to say a few words about a very special human being.

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

Senator BRIGHTBILL. Mr. President, I would like to echo the words of the gentleman from Blair, Senator Jubelirer. As

the neighbor of John Shumaker, and with an adjacent district, I find that I will be losing a good friend, someone who most of you do not realize was almost my constituent for most of the time he served here in the General Assembly. If he would have moved his bedroom, I think, to the other end of his house, he would have been my constituent, or I would have probably been his constituent, knowing John, and he would have been representing the 48th Senatorial District. I am sure there are some people in here today who would appreciate that.

I first got to know John as a respected lawyer in the Harrisburg area. He had and continues to have an excellent reputation for the work that he did. I really began to know about John Shumaker when I was a young news reporter and John was among a group of entrepreneurs who were working to establish the Penn National Race Course, and a very good friend of mine, someone who was truly a patron saint as far as I was concerned, a man named Joe Sansone, was a partner of John's, and they established Penn National, did an outstanding job, brought growth and jobs to the central Pennsylvania area, and I learned to respect him there.

In 1993 I was sworn in to the Pennsylvania Senate and, shortly thereafter, as a result of a special election, Senator Shumaker came here. There was one very big difference. John knew what he was doing here. He did not have to figure this place out. I am still learning. But I found that John was a good resource for me as a young Senator, even though technically he was a younger Senator, because he had worked in Harrisburg and he knew how this place worked. He knew personalities, he knew the bureaucracy, and he was very helpful to me.

I also found that he was very well-respected in my local community where he serves as a trustee at Lebanon Valley College. Once in a while they invite me to a fundraiser, but they make Shumaker a trustee, and that is appropriate. I believe, John, you are a graduate of Lebanon Valley? He is not even a graduate. I do not even have that to say. But the point is that he enjoys a fine reputation not only here in the Dauphin County area but in the neighboring counties as well.

But last of all, I would just like to say, thank you, John, for being a friend, and I mean that very sincerely. I go back to the late 1960s when as a young lawyer I was running for district attorney, and for those of you who do not know anything about Lebanon County politics and the history, I was the unendorsed Republican candidate, and anybody who was anybody in Republican Party politics was in opposition of me as a young lawyer trying to become DA. It was a very tough primary, and I remember one of the good things that happened to me was that I got a call from this guy named John Shumaker, and they had the speedway at Penn National where they were racing cars at that time, I do not think the horse track was yet in operation, and he said, how would you like to come out and be our guest and introduce a race and get a little publicity? And I very much appreciated that.

John, we are going to miss you. You have been a good friend, a good colleague, a good Senator, and we wish you well in your future endeavors.

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

Senator O'PAKE. Mr. President, I first met John Shumaker way back in 1964. I see he is smiling. He and I were involved in an absentee ballot contest up the river. I think the people's names, it was a House seat, I think they were Zimmerman and Fogelman, if I recall, John, is that correct? And it got very testy. John, of course, did a very professional job. He seemed to have the ear of the local county judge, which is to be expected.

(Laughter.)

You do know John. I was still a law clerk. I was helping a man who later became the Attorney General of Pennsylvania. His name was Robert Kane, who then worked at Democratic State Committee. John was representing, of course, the Republican candidate.

I will not go into details, but I think John will recall an incident, and I guess it could be most tastefully described as an incident where I did something to help John survive, and that was 31 years ago, and even then John Shumaker was a true gentleman, a true professional, a man of his word, someone who has brought distinction to this Senate and leaves without an enemy. I think that in today's partisan bickering, that speaks volumes.

John, we will miss you. I appreciate what you taught me about election law back in 1964. He won that case and has continued to win many others.

Thank you for the privilege of knowing you as a lawyer, as a gentleman, and as a Senator.

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

Senator WENGER. Mr. President, I am certainly pleased to be able to rise and say a few words on behalf of my friend and colleague, Senator Shumaker. Our former colleague here in the Senate, Senator Richard Snyder, used to say at a time like this, we are not under oath, which was his way of saying that you can take your liberty and say just about anything you would like to say.

Well, when it comes to John Shumaker, if you want to say something nice about John, all you have to do is tell the truth. You look at a man like John Shumaker and you say, well, John has been successful, but what does success really mean? You look at John, he has been a fine Senator. I border him to the east, I come right up to the Dauphin County line, and I know that he has a very diverse district. He represents the city of Harrisburg, an urban setting, but he also reaches out into the hinterlands of Upper Dauphin and those very rural areas, and the needs and concerns of those people are somewhat varied and different. And yet John, with his years of experience and wisdom, has been able to represent all of those people in a way in which I think they were all proud to call him Senator Shumaker, just as we are proud to have him as our colleague here in the Senate. So he has distinguished himself as a Senator.

I know that he is tireless. I know that being close to him here from the standpoint of location, that when he left the Capitol, which was usually late in the afternoon or late in the evening, and went home, that come the weekend, many times you would find Senator Shumaker, even on a Sunday he would

be speaking to church groups, Sunday schools, what have you. He was a Senator 7 days a week. But in spite of that, he also found time to spend with his lovely wife, Judy, and his family. He is a very dedicated and loyal family man and certainly was able to avoid being spoiled by the successes that life brought him.

You look at some of the other things that he has done and you realize that certainly we have had the opportunity to serve with an outstanding man here in the Senate, Senator Shumaker.

We are going to miss you, John. I have always admired you and respected you, and my best wishes for continued success and happiness to you and Judy.

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

Senator WILLIAMS. Mr. President, for those who saw the Secretary come down here, he asked me if I wanted to speak. I said, no, I wanted to spy on the gentleman from Chester, Senator Baker, and plagiarize his speech.

Nevertheless, Mr. President, it gives me a great deal of pleasure to speak to our colleague who is departing. As most of you know, for most of my career I have espoused and supported unpopular causes, and that is what our country is built on. But as you do that, sometimes you develop antipathies because people are strongly on one side or the other. And most often, my experience has been okay with folks, but then there is a special quality about some people that just lets you know that what supersedes all of that is personal grace, friendliness, and warmth as human being to human being.

And so I have experienced that, especially, and I want to say here and now that Senator John Shumaker possesses those very basic and human qualities, and I have shared them, I have loved them, and I like you, you are a person, a real person, and I wanted to say that on your departing day, because I think that is probably the most special gift that any of us could have, and you possess it.

God bless you. Godspeed.

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, there certainly is not a whole lot left to be said because many of you have already expressed about John Shumaker what I would have said if I were the only speaker here this evening. But I think that based on some of the other people who mentioned when they first knew John, I had the pleasure of going to Dickinson College with John back in the late '40s and early '50s, and I would just like to say that John has been a good friend. I have had the pleasure of serving with him for 2 1/2 years here in the Senate, but I would just like to say that even though my district borders the river, and that does separate us in many ways, the West Shore from the East Shore, John has always been welcome on the West Shore, and I think John has as many good friends on the West Shore as he has here in Dauphin County.

I would also just like to make a notation that John lives here in Dauphin County, and even though he is not going to be sitting with us in the Senate, I think we can all say that John is going to be around Harrisburg and around the Capitol from

time to time. It is not like saying goodbye, he is going to have a lot of fun while we are here debating these issues, and as a result, I hope he stops by and sees us all.

John, you are a great guy. We are going to miss you in the Senate, but we are going to keep you as a good friend.

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

Senator JONES. Mr. President, it is indeed a pleasure for me to stand here and say a few words about a good man, a good Senator. I met Senator Shumaker years ago. As most of you know, I was an activist, and although we came up to lobby and demonstrate and do all those things, he was always a gentleman. Even though he did not come out too many times, he would send out his aides and all, but he always respected us. But when I came here and became a Senator, I will never forget how kind he was to me. If I ever asked any questions, he would explain them to me.

But most of all, I want to thank him for being a good Senator to his constituents. A lot of you know that my church has an affiliate here in Harrisburg, the United House of Prayer for All People, on Reily Street, and Senator Shumaker has been most helpful to the congregation. If a lot of the people could speak today, they would say how they are working because of Senator Shumaker. And even though he is now leaving, I can say it, because I know a lot of you feel like you are not supposed to help anyone unless they are of your own political persuasion. I can tell you guys over there that he has done that for a lot of other people who were not of the same political persuasion, and we thank him for knowing how to separate government from State.

But anyway, Senator Shumaker, we will never forget you at the United House of Prayer for All People, and those of you who want to see some of his work, I think around January they will be opening the new church that they built, that he helped them. And on behalf of Bishop Madison and on behalf of all the members of the church here in Harrisburg, I want to say thank you, and truly in your space and in your time, with God's grace, you have made a difference for a lot of people. I am glad to have had the privilege to know you and to work with you.

May God ever bless you and your family, and stay the kind person who you are.

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

Senator RHOADES. Mr. President, it is kind of, for me, a little sad event, because I am saying goodbye to a roomy. Senator Shumaker and I, when he started here 13 years ago, shared the same office. I think we broke up for about a year, we moved up to the third floor, shared an office for a few more years, and then we broke up again and we are back down on the first floor and we are finishing off offices in there. Probably out of the 13 years, 9 or 10 we have been roommates as far as it goes, so besides being Senate colleagues, you know, when you live close and next to someone else, you find out a lot about the person.

One thing I found out, too, is that John had an awful lot of friends back in Schuylkill County, my home county. When I

mentioned his name, they said, oh yeah, we know John Shumaker. I was trying to think, who is this guy whom everybody knows all the time? One thing that kind of amazed me yesterday, I guess, when we had the dinner, is Bob brought up that Senator Shumaker was in Naval Intelligence. I said, how did he get into the Senate then?

(Laughter.)

It is a different kind of thing, but I think it all comes down to basically he believed in people, he believed in what he does. If you ever looked at his schedule, and I have many times, it is unbelievable. The man would be going before sunup and many hours after sundown meeting with his constituents, attending all the affairs and functions that go on within his senatorial district.

He has served his constituency and he has served them well. He is a man with personality, sincerity, a strong sense of duty, and, most importantly, compassion. He has a love of people. But most importantly, John, I will say to you for what you have done for others, your people have a great love for you.

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

Senator SALVATORE. I am going to be very brief, Mr. President, because I have written John a letter and I have chosen to say it my way. I just want to apologize, John, because of the days you had to walk by my office and smell the food that I was serving, but I did serve his staff, too. I just want to say that he has the greatest staff and they all made him look good, and they do that because of the kind of man he was and is and always will be. John, we wish you well, and I have said it all in my letter to you.

Thank you.

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

Senator WAGNER. Mr. President, and my colleagues of the Senate, it is an honor for me to rise to wish my colleague well into the future. And I have to say that I have gotten to know Senator John Shumaker quite well, being the Minority chair of the Committee on Law and Justice and John being the chairman of the Committee on Law and Justice, since I have been here in the Senate, a little over 1 year.

But John impressed me the first day I was here. Immediately after being sworn in, he came up and said hello to me and said hello to my son, Luke, who was then 5 years old, and John immediately gave my son one of his lapel pins, which was a shoe. And I can tell you my son was immediately impressed, and his dad was also. And from that day forward, I have developed a good working relationship with John, and I have to say, John, that you have been upfront, dignified, respected, and a professional, and I have immensely enjoyed serving with you in the Senate.

Thank you.

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

Senator BELL. Mr. President, you often recognize Senators by saying, "the gentleman from," such-and-such a county. There is another term, a gentle man. John Shumaker qualifies in both senses.

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

Senator PETERSON. Mr. President, it is certainly a pleasure today to say a couple of words on behalf of someone whom I respect very, very much. I do not think I have ever shared this with John, but I want to, and to our colleagues here. When you were running for the Senate, I sat beside your opponent in the House and I had a lot of respect for him and I personally liked him. And I thought, gee, who is this guy who beat him for this seat on the Republican side, and I was kind of taken aback because I had high regard for this House Member whom I sat near. I was not here very long, John, when I said to my staff and other people, I know now why John Shumaker won that seat.

You not only have been a very bright Member of this Senate, you are a person to whom God gave an extra measure of kindness, an extra measure of caring, and you are one of those people, and I am not saying this just because this is your day, you are one of those people who stands very tall when we measure the quality of the individual. I learned to respect you and love you very much as a friend. You are the kind of person the world needs more of, and I want to wish you the best and this body will miss you.

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

Senator MELLOW. Mr. President, I, too, want to rise to congratulate John on an outstanding career, to congratulate him for the wonderful work that he has done right here in the General Assembly. It seems like only yesterday that I had the opportunity of working with John on the Committee on Law and Justice when Senator Scanlon was sick, and I am sure that John would remember that, that Senator Scanlon, who was the Democratic chair of the Committee on Law and Justice, was ill and I was taking over his responsibilities with regard to the Liquor Control Board and to the sunset provision with the Liquor Control Board. And John was a man who was very open and very honest and very forthright about what he thought, how he thought it should develop, and how it eventually would play out.

I can recall in late 1988 when we were dealing so vividly and so intensely with tax reform. I can remember the great work that John was prepared to do for the people of Pennsylvania with regard to tax reform, something that those of us on both sides of the aisle should be overly mindful of and should always thank him for the patience and the endurance that he showed on both of those issues.

But, Mr. President, I know John in a little different way, because John's impact on the Senate did not start with his election. John's impact on the Senate basically started in the late 1970s when Senator Murray was the President pro tempore of the Senate. At that time a younger Senator Pat Stapleton and a much younger Senator Bob Mellow would leave Harrisburg and go out to Penn National Race Course and John would harbor us in the race track as we would watch the races and partake in some food and light discussion, and as Marty Murray looked for us, he never knew to call Penn National Race Course to see if he might be able to find us out there, so John

did have an impact on the Senate back in the '70s.

And the one thing that concerned me when he was elected was not the fact that John would be a Member of the Senate, but it was the fact that I would lose a political contributor, because for as long as I was in the Senate prior to John coming to the Senate, I would always receive a nice personal contribution from John Shumaker, and I appreciated that. And, John, I have to be honest with you. I am looking forward to the day when you are not a Member of the Senate. Perhaps you would like to pick up where you left off, and there is a little bit of a gap there, so if you would like to make up for the time when you were absent, I would be very appreciative.

And also, Mr. President, we have a fellow who comes into our office almost on a daily basis, and if I want to forget the fact — I do not want to say you are the 29th vote, but you are one of the 29 votes that we do not have. Brad Shopp comes in constantly, so not only did you give us some very important pieces of legislation, you also gave us a staff member who has been very successful in his own right and continues really to carry on the legacy of which, I believe, you inspired and you taught to him.

I have always been impressed by Senator Shumaker. I think he is a wonderful individual, and he is going to be missed. And the gentleman from Schuylkill, Senator Rhoades, talked about the fact that he would work from sun-up. Well, I think the reason why he would work from sun-up was because of his training on a farm and the tremendous love that he has for animals and for horses. I like John very much and I am very, very fond of him and I am going to miss him, as will each and every Member in this Senate miss him as a Member of the Senate. But we are better because we know him not only as a Senator, but we are better because we know him, more importantly, as a friend and as a loving father of three wonderful daughters and as a great family man.

And, John, it is not saying goodbye to you, it is saying, as you move on to your next level of life, congratulations and thank you for being such an important part of this body for so many years, and God bless you.

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

Senator FISHER. Mr. President, it is a real pleasure to be able to rise to say a few words on behalf of a person who has been a good friend of mine and many others during the 13 years that he has been here as a Member of the Senate. I first got to know John when he became a Member of the Senate. I did not have the opportunity to know John Shumaker. I knew of him but did not really know him prior to his election to this body and to be a Member of our Caucus. But he was a person whom I quickly got to not only know but to respect, and I got to respect him because with every year I got to know John, and I had the chance to serve with John Shumaker since at least 1987 on the Committee on Law and Justice and served with John on other committees during those 13 years, but through every year that I got to know John Shumaker, I would learn a little more about him.

I particularly learned, and I would be in awe, quite frankly, about the things that I learned of his career before he came to

this august body. John Shumaker came here at a time when he was already very successful as an attorney, a practicing attorney, a practicing attorney who still every once in a while, I think, still dabbles in the law, a person who was very successful as a business owner, as a real estate owner, as a businessman, a lot of businesses such as the race track, a person who served his country and served it well as a Commander in the Naval Intelligence. And with each year and each opportunity that I got to know and learn more about John Shumaker, I learned to respect him more, respect him for what he brought to this job, for his deep, loving commitment to the Senate and to the people he represented.

For a number of years I had the chance to sit next to John Shumaker in our caucus, and I still have never been able to figure out, John, how you always got all those lists of names and phone numbers on those small cards that you brought in. But each day, and I hear his staff laughing, it was obviously John's way of keeping organized. We all have our own way of keeping organized, but John had everybody's name and phone number whom he was going to call on a given day, and each day there would be a different card and he would have a different list of names and a different list of phone numbers.

But I looked at that and I remarked that here is a person who had a different job than we had. As someone said previously, when we leave our districts, at least most of us, we are outside of our district and here working in Harrisburg, but John had that dual role. He was working here in the Senate, but he always had that job of the constituents right nearby. It was very easy for them to find him, but he always found time in his daily life to find them and take care of them and to take care of his small problems. He worked hard as chairman of the Committee on Law and Justice. He was our leader in rewriting the Liquor Code in 1987, a code that has withstood a lot of tests since then. I know how hard John worked in trying to pass a household hazardous waste program, which just last year was successfully implemented into law.

But, Mr. President, being able to serve here during the time that John Shumaker has been a colleague has been a great experience for me, and I know for all my colleagues, and I just say to John, good luck in everything that lies ahead, and I hope perhaps on your card that you carry every day, keep our phone numbers. Give us a call. We want to see you. Stop by anytime. God bless you.

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

Senator ARMSTRONG. Mr. President, I first got to know John Shumaker when I was in the House. At that time I was a stockbroker and there were bank mergers going on, and I thought I knew a little bit about bank stocks and mergers, but they said there was someone in Harrisburg who knew almost everything about it and I should talk to him about a certain situation. That was the first time I met John, and he was a Senator. I was very impressed with what little I knew and how much John knew. He taught me a lot in that particular merger.

I used to walk in here when I was a Senator and I would see John with a clipboard and a legal pad and a whole list of things he would be doing. I just could not believe he had them

crossed out. Every day he would cross out another line of things he was doing. If you ever needed a speaker in this area, John Shumaker was there. If you ever needed help, John Shumaker was there. I do not know of any time he ever said "no" to anyone who really needed something.

One other thing that was not mentioned tonight. One time, 4 or 5 years ago, we had a group of Russian visitors here and John knew they were Russian. He walked up to them and started speaking to them in Russian. I did not even know he could speak Russian, but he started conversing with them in Russian, which really made them feel welcome.

John, we are going to miss you. God bless you, and dah sve dahna.

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

Senator FUMO. Mr. President, it is certainly a pleasant respite to be doing this right now for a good friend like John. It has been a very hectic day, as we all know. It has been a hectic few weeks, as we all know, and I guess it took the seriousness, the kindness, and the niceness of someone like John Shumaker to calm us all down and make us all come back to where we are, and that is, hopefully, friends and people who will go forward from this life within this Chamber and not forget each other and always be together.

Mr. President, my first encounter, and I use that word very loosely, with John was very fortuitous for me. When he ran for this Chamber, he ran against a former staffer of mine. I was not involved in the election that much but I got dragged into it by an editorial that appeared in a newspaper in this region, and as a result of that editorial I filed a libel suit and won \$50,000. So, if it were not for John, I would not have gotten that tax-free bonus that I finally got a year or two later on. The gentleman from Philadelphia, Senator Hughes, said I should give it to the museum.

Then when I got here, I was really introduced to him through a good friend of his and mine, Peter Carlino, and he said, you are going to like this guy, he is a tremendous guy. And I did get to meet John and we have had an enjoyable relationship. I went out to the track, not as much as the gentleman from Lackawanna, Senator Mellow, and the gentleman from Indiana, Senator Stapleton. I was there once or twice, and John was always very hospitable. In fact, we talked last year when he said that his farm was getting a little bit too big and I told him that I was looking for a farm, but his was just a little bit too rich for my blood, and I do not know how well I would have been received in his district as a resident anyway.

John, we will miss you. I will miss you, and it seems sadder and sadder as I stand here longer and longer and watch so many friends leave. It kind of tears your heart. I wonder when I should be doing it, and I certainly know many people in this Chamber wonder when I should be doing it, but it is certainly sad when any one of us leaves.

Mr. President, I can think of no higher compliment to pay to John than to at this moment call up, as a Special Order of Business, House Bill No. 1802 from page 4 and ask that it be considered. And it is my hope, Mr. President, that someday that museum will recognize John's influence. We are breaking

our tradition that we have established this week on non-preferreds, and hopefully they will recognize his efforts and someday name the Museum of Scientific Discovery in Harrisburg as maybe the John Shumaker Museum of Scientific Discovery in Harrisburg, because as we create a new nonpreferred, at this number, that is equivalent to someone giving them at least a million dollars, and that certainly entitles someone to have a museum named after them.

So, John, good luck, Godspeed, and I intend to vote "yes" and I am going to ask my colleagues to vote "yes" on this, and I even think the gentleman from Northampton, Senator Uliana. Thank you, Senator Uliana. This is a great precedent, 49-zip.

Thank you.

The PRESIDENT. Thank you, Senator Fumo. And I know I speak for each of the Members when I say the compliments are richly deserved, and perhaps it is best to end it this way by saying, John, we shall see you again, and I probably speak for Senator Shumaker when I say that he is grateful, and I am sure he will make his feelings known to each of you, time permitting. Profound moments, for sure, from the Chair's perspective, demonstrate, I think, the dignity of the Senate and the Senate at its best.

RECONSIDERATION OF HB 1802

The PRESIDENT. With that in mind, it has been moved by the gentleman from Philadelphia, Senator Fumo, that the vote by which House Bill No. 1802, the appropriation for the Museum of Scientific Discovery in Harrisburg, went over in its order be reconsidered.

The motion was agreed to.

NONPREFERRED APPROPRIATION BILL ON FINAL PASSAGE

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.

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

NAYS—0

A constitutional two-thirds 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.

(Applause.)

FAREWELL TO SENATOR JOHN J. SHUMAKER (Continued)

The PRESIDENT. In a moment we will hear from the distinguished gentleman representing Dauphin County, but first we will hear from the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I apologize for not being here for the entire part of the remarks regarding the gentleman from Dauphin, Senator Shumaker. But I think, Mr. President, that if I could take a moment just to say that John Shumaker has really been the epitome of representation for the people of his district. I think when we talk about dignity, integrity, and compassion, that John Shumaker certainly exhibits each and every one of those qualities. Particularly, there are just a few words that define John, who is not only a friend but a colleague who has left an indelible mark on this Senate for the years that he has served here.

I think, Mr. President, that in 12 years as a State Senator, John Shumaker has never forgotten that politics is about people, the people he represents in Dauphin County, and it is not about power. His hallmark has always been constituent service, and his commitment to the community and public service are fueled, Mr. President, by a real love for helping others. And I think that they are the kind of qualities that John Shumaker has exhibited during his tenure as the State Senator from Dauphin County. No problem was ever too small for John to handle personally, and I think any of us who came into the Capitol, whether it be on a Session day or a non-Session day, we always saw John Shumaker in his office, because his Capitol office served as his district office. And we would see many of his constituents coming right here to find John, to relate what the problems they had might be and to see if John could try to resolve them amicably for them. I think, Mr. President, that made John one of the most effective legislators who, I think, served in this particular body.

On a personal note, Mr. President, I can think of no greater legacy to John Shumaker's career than the reputation that he leaves, and that is not as a State Senator but as an individual, a person, again, with compassion, integrity, and dignity. His kindness and his commitment to others serve as an example to all of us. And, John, I think as you enjoy the retirement that you richly deserve, all of us wish you the best and thank you for your many contributions, not only to this Senate but also to the community you have represented so well over the many years.

And like the fountain you have dedicated, you have lifted us up with your gracious presence, and for that we owe you our gratitude and wish you all the best in the future.

Thank you, Mr. President.

**ANNOUNCEMENT BY SENATOR
HARDY WILLIAMS**

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

Senator WILLIAMS. Mr. President, I rise for a point of information.

I would like to provide the Senate with the information that the former Senator from the Eighth Senatorial District, which I now represent, Senator Paul McKinney, passed away earlier today after a long illness. For at least 2 months he struggled very valiantly, and he expired today as a result of a complication to an operation, i.e., kidney failure, which could not be remedied. And I make that point of information and ask the President if we could have a moment of silence in recognition of his passing.

The PRESIDENT. Senator Williams, that would be appropriate. We had planned to acknowledge that passing later in the proceedings, and so we thank you.

**FAREWELL TO
SENATOR JOHN J. SHUMAKER
(Continued)**

The PRESIDENT. To close this moment, we would ask Senator Shumaker to please take a moment and address the full body.

Senator Shumaker.

Senator SHUMAKER. Mr. President, I have quite a few tears already, and I almost started to cry in the back. Leaving for me is difficult, but there is a wonderful lady who is a little bit younger than I am, and she said, I would like to see you at least more than one day a month, and so she won out. I think the family had a vote, and it was the only vote I ever lost. It was 36 to 1, and I will never forget that one. But anyway, I do have some comments to make here, and it is very difficult after what happened here this afternoon, this evening. I am probably choked up a little bit.

I just want to thank everyone for being here, and when I made the reluctant and difficult decision to leave the Senate, I made a statement to Senator Jubelirer that I wanted to share with all of my colleagues. I said that serving in the Pennsylvania Senate has been the honor of my life. I feel that I am privileged to be in this body and to be able to have served. It has been the honor, as I said, of my life.

As many of you know, serving the people of Pennsylvania is really a pleasure, solving a small problem, making government work, staying up late, or spending a Sunday afternoon just to listen to a family or a community that needs help. That is why I am proud to be a Senator and why I am so proud of the work that we do here together. We have had battles, and let us face it, we have enjoyed mixing it up on occasion. But those have been so few compared to the many bipartisan victo-

ries that we have won over the years. Every time we have extended a hand of friendship and cooperation across this aisle, we have done a good thing for Pennsylvanians who will never know our names, perhaps, or will never even visit this Chamber. Each of us is called to public service, and there is no higher calling than to be honored by our neighbors with the chance to be called "Senator." It is not a victory for us but an opportunity to help make Pennsylvania a better place. Serving in this Senate has been, as I said, the honor of my life. Knowing each of you, and so many of your predecessors, has been and will continue to be an equally great honor.

It is my hope for each of you that no matter how long you spend as a Member of this fine body, that you know just a bit of the joy and the pride that I have felt every day that I have been a State Senator. I will not say goodbye, but rather, until we meet again, and we shall.

Thank you.

(Applause.)

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

**NONPREFERRED APPROPRIATION BILLS ON
THIRD CONSIDERATION AND FINAL PASSAGE**

HB 1784 (Pr. No. 2337) — The Senate proceeded to consideration of the bill, entitled:

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

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—49

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

NAYS—0

A constitutional two-thirds 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.

HB 1785 (Pr. No. 2338) — The Senate proceeded to consideration of the bill, entitled:

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

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—49

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

NAYS—0

A constitutional two-thirds 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.

HB 1791 (Pr. No. 2339) — The Senate proceeded to consideration of the bill, entitled:

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

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—49

| | | | |
|------------|-----------|---------|-----------|
| Afflerbach | Greenleaf | Madigan | Shaffer |
| Andrezski | Hart | Mellow | Shumaker |
| Armstrong | Heckler | Mowery | Stapleton |
| Baker | Helfrick | Musto | Stewart |

| | | | |
|------------|-----------|-------------|-------------|
| Bell | Holl | O'Pake | Stout |
| Bodack | Hughes | Peterson | Tartaglione |
| Brightbill | Jones | Porterfield | Tilghman |
| Corman | Jubelirer | Punt | Tomlinson |
| Dawida | Kasunic | Rhoades | Uliana |
| Delp | LaValle | Robbins | Wagner |
| Fisher | Lemmond | Salvatore | Wenger |
| Fumo | Loeper | Schwartz | Williams |
| Gerlach | | | |

NAYS—0

A constitutional two-thirds 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.

HB 1815 (Pr. No. 2340) — The Senate proceeded to consideration of the bill, entitled:

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

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—49

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

NAYS—0

A constitutional two-thirds 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. 3**

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

SB 190 (Pr. No. 1322) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania Historical and Museum Commission for maintenance of the Curtin Village Historic Site.

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—49

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

NAYS—0

A constitutional two-thirds 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.

RECESS

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

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of Members to have dinner, and would suggest that the Senate reconvene at approximately 9:30 p.m.

The PRESIDENT. For the purpose of the Members having dinner and returning for business at approximately 9:30 p.m., the Senate stands in recess.

AFTER RECESS

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

RECESS

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

Senator LOEPER. Mr. President, I realize that the hour is growing later. However, I feel it incumbent at this point, Mr. President, to ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, hopefully with an expectation of returning to the floor in about 45 minutes.

The PRESIDENT. Forty-five minutes, that places it at approximately 11:30 p.m.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would also like to ask the Democratic Members to report to our caucus room in the rear of the Senate Chamber immediately.

The PRESIDENT. Each leader has made it known there is a need for a caucus gathering. For that purpose, the Senate will stand in recess, with the expectation of returning at approximately 11:30 p.m.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 273 (Pr. No. 1325) (Amended) (Rereported) (*Concurrence*)

An Act amending the act of October 23, 1988 (P. L. 1059, No. 122), entitled "An act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges;...', further providing for a conveyance of land to the Kirwan Heights Volunteer Fire Department located in Collier Township, Allegheny County; authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Downingtown Industrial and Agricultural School certain land situate in East Brandywine Township, Chester County; authorizing the Department of Public Welfare and the Department of General Services, with the approval of the Governor, to sell and convey to the Glaziers & Glassworkers Union Local #252 certain land situate in the City of Philadelphia, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Penn Township a tract of land situate in Penn Township, Snyder County, Pennsylvania.

SB 653 (Pr. No. 1296) (Rereported) (Concurrence)

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

SB 800 (Pr. No. 1323) (Amended) (Rereported) (Concurrence)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for terminal rental adjustment clauses, for delay of suspension, revocation or disqualification and for funds; and further providing for the powers and duties of the State Treasurer, for annual hauling permits, for prohibiting use of hearing impairment devices, for fines for reckless driving and for permit for movement during course of manufacture.

SB 860 (Pr. No. 1324) (Amended) (Rereported) (Concurrence)

A Supplement to the act of _____, 1995 (P. L. _____, No. _____), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1995, to June 30, 1996, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund and the Banking Department Fund to the Executive Department; to provide appropriations from the restricted revenue account within the General Fund to the Pennsylvania Public Utility Commission; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1995, to June 30, 1996, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1995; and to provide for the additional appropriation of State and Federal funds for the Executive Department of the Commonwealth for the fiscal year July 1, 1994, to June 30, 1995, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1994," making additional appropriations from the General Fund to the Department of Agriculture, the Department of Education, the Department of Health and the Organ Donation Awareness Trust Fund; and making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

HB 215 (Pr. No. 2341) (Amended) (Rereported) (Concurrence)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for medical history information and for involuntary termination of parental rights.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4****PREFERRED APPROPRIATION BILL ON
CONCURRENCE IN HOUSE AMENDMENTS
AS AMENDED****PREFERRED APPROPRIATION BILL OVER IN ORDER**

SB 860 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS AS AMENDED****SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 273 (Pr. No. 1325) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 23, 1988 (P. L. 1059, No. 122), entitled "An act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges;....'" further providing for a conveyance of land to the Kirwan Heights Volunteer Fire Department located in Collier Township, Allegheny County; authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Downingtown Industrial and Agricultural School certain land situate in East Brandywine Township, Chester County; authorizing the Department of Public Welfare and the Department of General Services, with the approval of the Governor, to sell and convey to the Glaziers & Glassworkers Union Local #252 certain land situate in the City of Philadelphia, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Penn Township a tract of land situate in Penn Township, Snyder County, Pennsylvania.

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. 273.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request temporary Capitol leaves for Senator Shaffer, Senator Bell, and Senator Helfrick.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Shaffer, Senator Bell, and Senator Helfrick. Without objection, those leaves are granted.

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

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

YEAS—49

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

NAYS—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.

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 800 (Pr. No. 1323) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for terminal rental adjustment clauses, for delay of suspension, revocation or disqualification and for funds; and further providing for the powers and duties of the State Treasurer, for annual hauling permits, for prohibiting use of hearing impairment devices, for fines for reckless driving and for permit for movement during course of manufacture.

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. 800.

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—49

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

| | | | |
|---------|---------|-----------|----------|
| Delp | LaValle | Robbins | Wagner |
| Fisher | Lemmond | Salvatore | Wenger |
| Fumo | Loeper | Schwartz | Williams |
| Gerlach | | | |

NAYS—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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 653 (Pr. No. 1296) -- The Senate proceeded to consideration of the bill, entitled:

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

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 653.

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—49

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

NAYS—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.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in the amendments made by the Senate by amending said amendments to **HB 2**.

RULE XIV SUSPENDED

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

Senator LOEPER. Mr. President, I move that Senate Rule XIV, section 5, be suspended as to House Bill No. 2, insofar as it requires that bills containing House amendments be referred to the Committee on Rules and Executive Nominations, and that House Bill No. 2 be placed directly on the Senate Calendar.

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—49

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

NAYS—0

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

The PRESIDENT. House Bill No. 2 will appear on the Calendar.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet this evening to consider House Bill No. 1475.

RECESS

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

Senator LOEPER. Mr. President, while we are awaiting distribution of the Calendar on House Bill No. 2, I suggest that we have a very brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, the Senate will stand in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 5

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AMENDED

HB 2 (Pr. No. 2310) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the Public Welfare Code, providing for a job training program, for Federal funds for legal services; prohibiting leases for use of a premises in Philadelphia for operating a financial exchange office; restricting leases involving the Embreeville Center; further providing for administration of assistance, for the workfare program, for a program for identification of assistance recipients, for eligibility for assistance and for determination of need; prohibiting duplicate payments and providing for expedited authorization; further providing for medical need determinations and for relatives' responsibility for medical assistance; providing for penalties for failure to appear at criminal proceedings; and further providing for employment incentive payments and for repayment from probate estates.

RULE XIV SUSPENDED

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

Senator LOEPER. Mr. President, at this time I move that Senate Rule XIV, section 5, be suspended to permit the offering of an amendment.

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—48

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

NAYS—1

Baker

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

The PRESIDENT. Senate Rule XIV is now suspended.

On the question,

Will the Senate concur in House amendments to Senate amendments to House Bill No. 2?

Senator PETERSON offered the following amendment No. A4547:

Amend Title, page 1, lines 5 through 7, by striking out all of lines 5 and 6 and "INVOLVING THE EMBREEVILLE CENTER;" in line 7

Amend Title, page 1, line 9, by removing the comma after ~~and~~ and inserting: and

Amend Title, page 1, line 10, by striking out "AND FOR DE-TERMINATION OF NEED"

Amend Sec. 1, page 4, lines 10 through 30; page 5, lines 1 and 2, by striking out all of said lines

Amend Sec. 4 (Sec. 414), page 8, line 10, by inserting after "Po-lice": and the Pennsylvania Board of Probation and Parole

Amend Sec. 5 (Sec. 432), page 10, lines 18 and 19, by inserting a bracket before "as" in line 18 and after "needy" in line 19 and inserting immediately thereafter: for general assistance

Amend Sec. 5 (Sec. 432), page 10, line 25, by inserting brackets before and after "as chronically needy" and inserting immediately thereafter: for general assistance

Amend Sec. 5 (Sec. 432), page 12, line 6, by inserting after "PO-LICE: and the Pennsylvania Board of Probation and Parole

Amend Sec. 6, page 13, lines 19 through 30; pages 14 and 15, lines 1 through 30, by striking out all of said lines on said pages

Amend Sec. 7, page 16, line 1, by striking out "7" and inserting:

Amend Sec. 8, page 16, line 10, by striking out "8" and inserting:

Amend Sec. 9, page 16, line 29, by striking out "9" and inserting:

Amend Sec. 10, page 17, line 12, by striking out "10" and insert-

ing: 9

Amend Sec. 11, page 17, line 21, by striking out "11" and insert-

ing: 10

Amend Sec. 12, page 19, line 29, by striking out "12" and insert-

ing: 11

Amend Sec. 13, page 20, line 9, by striking out "13" and insert-

ing: 12

Amend Sec. 14, page 20, lines 16 through 24, by striking out all of said lines

Amend Sec. 15, page 20, line 25, by striking out "15" and insert-

ing: 13

Amend Sec. 16, page 20, line 28, by striking out "16" and insert-

ing: 14

Amend Sec. 16, page 21, lines 4 and 5, by striking out all of said lines

Amend Sec. 16, page 21, line 6, by striking out "(4)" and insert-

ing: (3)

On the question,

Will the Senate agree to the amendment?

QUESTION DIVIDED

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

Senator MELLOW. Mr. President, I move that the question be divided.

The PRESIDENT. Would the gentleman suggest how the division would come about.

Senator MELLOW. Mr. President, there would be two areas where we would like to divide the question, both on page 1. The first division would take place on line 1 through line 3, and the second division would be on lines 9 and 10.

Mr. President, it is actually one division, but two parts to the one division.

The PRESIDENT. The Chair would rule that the amendment is divisible. The division at stake then relates to lines 1, 2, and 3, and lines 9 and 10.

The record will reflect the portion of amendment No. A4547 under consideration at this time.

Division I of A4547

Amend Title, page 1, lines 5 through 7, by striking out all of lines 5 and 6 and "INVOLVING THE EMBREEVILLE CENTER;" in line 7

Amend Sec. 1, page 4, lines 10 through 30; page 5, lines 1 and 2, by striking out all of said lines

On the question,

Will the Senate agree to division 1 of the amendment?

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

Senator BAKER. Mr. President, am I correct that this portion of the amendment that has been divided includes the Embreeville site?

The PRESIDENT. Yes.

Senator BAKER. Mr. President, I would like to oppose this amendment because West Bradford Township is involved in a zoning matter which is dealt with by this provision and this provision would settle that matter in favor of the township. I do understand that there are some possible constitutional issues involved in the removal of the provision, but I will vote against the amendment for the reason that I stated.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to division 1 of the amendment?

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

YEAS—46

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

NAYS—3

| | | |
|-------|-----------|-------------|
| Baker | Salvatore | Tartaglione |
|-------|-----------|-------------|

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

On the question,

Will the Senate agree to the remainder of the amendment?

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

YEAS—49

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

NAYS—0

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

The PRESIDENT. House Bill No. 2 will go over in its order as amended.

REPORT FROM COMMITTEE

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

HB 1475 (Pr. No. 2344) (Amended) (Rereported)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

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:

MEMBER OF THE STATE REAL
ESTATE COMMISSION

June 28, 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, Sandrina J. Taraszki, 323 Pittsburgh Avenue, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anna Bianco, Harrisburg, whose term expired.

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 BOARD OF TRUSTEES
OF HAVERFORD STATE HOSPITAL

June 28, 1995

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

Please note the nomination dated June 26, 1995 for the appointment of Mary Ann Arty, 527 LeHann Circle, Springfield 19064, Delaware County, Ninth Senatorial District, 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, should be corrected to read:

Mary Ann Arty, 527 LeHann Circle, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, 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.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 1784, HB 1785, HB 1791, HB 1815 and HB 1817.

BILLS SIGNED

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

SB 653, HB 961, HB 1783, HB 1784, HB 1785, HB 1786, HB 1787, HB 1788, HB 1789, HB 1790, HB 1791, HB 1792, HB 1793, HB 1794, HB 1795, HB 1796, HB 1797, HB 1798, HB 1799, HB 1800, HB 1801, HB 1802, HB 1803, HB 1804, HB 1805, HB 1806, HB 1807, HB 1808, HB 1809, HB 1810, HB 1811, HB 1812, HB 1813, HB 1814, HB 1815, HB 1816, HB 1817, HB 1818 and HB 1819.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, June 28, 1995

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, July 10, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the Senate adjourns the week of July 10, 1995, it reconvene on Monday, September 18, 1995, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, September 18, 1995, unless sooner recalled by the Speaker of the House of Representatives.

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 580 CALLED UP OUT OF ORDER

HB 580 (Pr. No. 2295) -- Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 580 (Pr. No. 2295) -- The Senate proceeded to consideration of the bill, entitled:

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

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—49

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

NAYS—0

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

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

HB 267 CALLED UP OUT OF ORDER

HB 267 (Pr. No. 260) -- Without objection, the bill was called up out of order, from page 7 of the Third Consideration Calendar, by Senator LOEPER.

BILL OVER IN ORDER

HB 267 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

HB 1335 CALLED UP OUT OF ORDER

HB 1335 (Pr. No. 2294) -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1335 (Pr. No. 2294) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating lead-based paint activities.

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—49

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

NAYS—0

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

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

SB 831 CALLED UP OUT OF ORDER

SB 831 (Pr. No. 881) -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

BILL OVER IN ORDER

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

SB 844 CALLED UP OUT OF ORDER

SB 844 (Pr. No. 994) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

BILL OVER IN ORDER

SB 844 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

HB 1488 CALLED UP OUT OF ORDER

HB 1488 (Pr. No. 2305) — Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

BILL REREFERRED

HB 1488 (Pr. No. 2305) — The Senate proceeded to consideration of the bill, entitled:

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

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AMENDED

HB 1076 (Pr. No. 1956) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for attorney fees in actions involving municipal claims.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SALVATORE offered the following amendment No. A4459:

Amend Title, page 1, line 16, by removing the period after "claims" and inserting: ; and authorizing certified mail to notify property owners of petitions or rules.

Amend Bill, page 4, by inserting between lines 16 and 17:

Section 3. Section 39.2 of the act, added December 14, 1992 (P.L.858, No.135), is amended to read:

Section 39.2. (a) In cities of the first class, notice of a rule to show cause why a property should not be sold free and clear of all encumbrances issued by a court pursuant to a petition filed by a claimant under section 31.2 of this act shall be served by the claimant upon owners, mortgagees, holders of ground rents, liens and charges or estates of whatsoever kind as follows:

(1) By posting a true and correct copy of the petition and rule on the most public part of the property;

(2) By mailing by first class mail to the address registered by any interested party pursuant to section 39.1 of this act a true and correct copy of the petition and rule; and

(3) By reviewing a title search, title insurance policy or tax information certificate that identifies interested parties of record who have not registered their addresses pursuant to section 39.1 of this act, the city shall mail by first class mail and [by] either by certified mail, return receipt requested, or by registered mail to such addresses as appear on the respective records relating to the premises a true and correct copy of the petition and rule.

The city shall file an affidavit of service with the court prior to seeking a decree ordering the sale of the premises.

(b) No party whose interest did not appear on a title search, title insurance policy or tax information certificate or who failed to accurately register his interest and address pursuant to section 39.1 of this act shall have standing to complain of improper notice if the city shall have complied with subsection (a) of this section. This provision shall not apply if the mortgage or interest was otherwise properly recorded in the Office of the Recorder of Deeds and the document contains a current address sufficient to satisfy the notice requirements of this section.

(c) Notice of the court's decree ordering a tax sale, together with the time, place and date of the sale, shall be served by first class mail on all parties served with the petition and rule, on any parties whose interest appeared of record after the filing of the petition but before the court's decree and on any creditor who has obtained judgment against the owner of the premises prior to the date of the decree. The city shall file an affidavit of service of these notices prior to the date of the sale.

Amend Sec. 3, page 4, line 17, by striking out "3" and inserting:

4

Amend Sec. 4, page 4, line 19, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator BAKER offered the following amendment No. A4325:

Amend Sec. 1 (Sec. 3), page 2, line 17, by inserting after "(a.1)": It is not the intent of this subsection to require owners to pay, or municipalities to sanction, inappropriate or unreasonable attorney fees, charges or expenses for routine functions.

Amend Sec. 1 (Sec. 3), page 2, lines 21 and 22, by striking out all of said lines and inserting: act as provided by subsection (a). A municipality by official action shall seek court approval of the schedule, prior to the adoption of the schedule, of the amount of attorney fees to be assessed. The

Amend Sec. 1 (Sec. 3), page 3, line 8, by striking out "first class mail of:" and inserting: the manner of service as provided for pursuant to Pa.R.C.P. No.402 or by certified mail return receipt requested. If the certified mail is refused or unclaimed, then notification shall be made by first class mail. The notification shall include the following:

Amend Sec. 1 (Sec. 3), page 3, line 10, by removing the period after "fees" and inserting: after the thirty-day period has expired.

Amend Sec. 1 (Sec. 3), page 3, line 13, by removing the period after "account" and inserting: and the process by which the delinquent property owner may make arrangements for installment payments with the municipality prior to the imposition or assessment of attorney fees.

Amend Sec. 3, page 4, lines 17 and 18, by striking out all of said lines and inserting:

Section 3. (a) This act shall apply as follows:

(1) Except as provided in paragraph (2), this act shall apply retroactively to all claims filed on or after December 19, 1990.

(2) Paragraph (1) shall not apply to the addition of section 3(a.1) of the act pertaining to the court approval of the schedule or to the addition of section 3(a.3) of the act.

(3) No municipality shall be liable to any attorney for the amount of any attorney fees found to be unreasonable by the court in connection with the addition of section 3(a.1) of the act.

(b) In the event a delinquent property owner files a challenge over the amount of the attorney fees incurred during the retroactivity period, the court shall consider, but not be limited to, the provisions of section 3(a.1)(1), (2), (3) and (4) of the act.

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.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 31 and SB 140 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

HOUSE CONCURRENT RESOLUTION No. 172, CALLED UP

Senator LOEPER, without objection, called up from page 9 of the Calendar, **House Concurrent Resolution No. 172**, entitled:

A Concurrent Resolution requesting the United States Secretary of the Interior to delete the Commonwealth of Pennsylvania from the list of "Affected States" as designated by the Secretary of the Interior pursuant to section 1339 of the Energy Policy Act of 1992.

On the question,

Will the Senate concur in the resolution?

A voice vote having been taken, the question was determined in the affirmative.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 7

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

HB 1475 (Pr. No. 2344) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

Considered the third time and agreed to,
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—49

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 6

SENATE CONCURS IN HOUSE AMENDMENTS, AS AMENDED, TO SENATE AMENDMENTS

HB 2 (Pr. No. 2343) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the Public Welfare Code, providing for a job training program, for Federal funds for legal services; further providing for administration of assistance, for the workfare program, for a program for identification of assistance recipients and for eligibility for assistance; prohibiting duplicate payments and providing for expedited authorization; further providing for medical need determinations and for relatives' responsibility for medical assistance; providing for penalties for failure to appear at criminal proceedings; and further providing for employment incentive payments and for repayment from probate estates.

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments to Senate amendments, as amended, to House Bill No. 2.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Williams. The Chair hears no objection, and that leave is granted.

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

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

YEAS—41

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

NAYS—8

| | | | |
|------|--------|----------|-------------|
| Bell | Hughes | Schwartz | Tartaglione |
| Fumo | Jones | Stewart | 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.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Drew Lewis, William J. Albert and to the Reverend C. Harry Kehm by Senator Afflerbach.

Congratulations of the Senate were extended to Louis J. Vallone and to George L. Lafferty by Senator Baker.

Congratulations of the Senate were extended to Dan Osborne by Senator Corman.

Congratulations of the Senate were extended to Dorothy E. Engel by Senator Dawida.

Congratulations of the Senate were extended to Orazio Flacche and to Kattrina Clemens by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. John L. Ripley, Sr., by Senator Greenleaf.

Congratulations of the Senate were extended to Gillian McHale and to the citizens of the Borough of Yardley by Senator Heckler.

Congratulations of the Senate were extended to the Pennsylvania Bar Association by Senator Jubelirer and others.

Congratulations of the Senate were extended to Chris Bach by Senator O'Pake.

Congratulations of the Senate were extended to Justin Beckwith, Daniel P. Bussard and to William Stevens by Senator Porterfield.

Congratulations of the Senate were extended to Ross S. Peterson and to Lyle E. Kiser, Jr., by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Frey and to Sts. Peter and Paul Byzantine Catholic Church of Beaver Meadows by Senator Rhoades.

Congratulations of the Senate were extended to Kenneth Brenneman, Catherine Barnhart, Richard Barnhart, Margaret Hartung, John W. Scott, Harold Pepper, Barney Neal and to Donna Holbein by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Wayne W. Wert, Mr. and Mrs. James F. Wildeman and to the Harrisburg-Hiroshima-Nagasaki Committee by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence Stephenson and to Punxsutawney Benevolent and Protective Order of Elks, No. 301, by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Harshman and to Mr. and Mrs. Charles Mellars by Senator Stout.

Congratulations of the Senate were extended to Anna W. Francke by Senator Tomlinson.

Congratulations of the Senate were extended to Colonel Donald H. Bott, Jeremy Fuls, Todd Egerton and to the Spring Garden Children's School of Easton by Senator Uliana.

ADJOURNMENT

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

Senator LOEPER. Mr. President, I am about to make an adjournment motion of the Regular Session. For the information of the Members, that motion will reflect a reconvening of the Senate tomorrow at 11 o'clock. However, there will be no votes taken in that Session. It is simply for the purpose of opening the desk to receive bills from the House of Representatives.

In light of that, Mr. President, I move that the Senate do now adjourn until Thursday, June 29, 1995, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate was adjourned.