

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 10, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 38

SENATE

MONDAY, June 10, 1996

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

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

PRAYER

The Chaplain, Reverend MICHAEL M. MAZER, of First Baptist Church, Washington, offered the following prayer:

Let us pray.

Our father, our God in Heaven, as we pray for Your guidance and Your help this day, we know that You do not want us to believe that prayer is a substitute for the work which needs to be done by this body. We know that we are expected to do our part, for You have made us not as puppets, but You have given to each of us keen minds to think and wills to resolve work that needs to be done. Therefore, we pray, O God, that You make us willing to think, and to think hard, clearly, and honestly, guided by Your Holy Spirit, that we may do all that would be pleasing unto You this day.

May we never fail to do our very best. May we continue to pray to You, recognizing that our help does come from You. Help us then, O God, to always be dependent upon You now and in the hours before us, that the Senate body may do their work, that truly the Commonwealth of Pennsylvania would be stronger and better than it was the day before. So bless us in Your name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Mazer, who is the guest today of Senator Stout.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 6, 1996.

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.

COMMUNICATION 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:

CONTROLLER, DAUPHIN COUNTY

June 6, 1996

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, Marie E. Rebeck, 1443 Camp Hebron Road, Halifax 17032-8813, Dauphin County, Fifteenth Senatorial District, for appointment as Controller, in and for the County of Dauphin, to serve until the first Monday of January 1998, vice Thomas Washic, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

June 6, 1996

HB 1013 and 1532 -- Committee on Banking and Insurance.

HB 1782 and 2595 -- Committee on Consumer Protection and Professional Licensure.

June 7, 1996

HB 1985 and 2619 -- Committee on Banking and Insurance.

HB 2580 -- Committee on Judiciary.

HOUSE RESOLUTION FOR CONCURRENCE

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

June 6, 1996

HCR 391 -- Committee on Rules and Executive Nominations.

BILL INTRODUCED AND REFERRED

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

June 7, 1996

Senators PICCOLA, JUBELIRER, HELFRICK, TOMLINSON, PETERSON, CORMAN, PUNT, HECKLER, BRIGHTBILL, GERLACH and HART presented to the Chair SB 1586, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," authorizing school districts to obtain waivers from the Secretary of Education relating to school mandates.

Which was committed to the Committee on EDUCATION, June 7, 1996.

RESOLUTION INTRODUCED AND REFERRED

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

June 7, 1996

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PERTAINING TO ELECTRONIC FUND TRANSFER FEES, ELECTRONIC TERMINAL DISCLOSURES AND AUTOMATED TELLER MACHINE FEE DISCLOSURES

Senators AFFLERBACH, FUMO, MUSTO, BELL, O'PAKE, ULIANA, BODACK, THOMPSON, LAVALLE, WAGNER, SCHWARTZ, BELAN and TARTAGLIONE offered the following resolution (Senate Resolution No. 135), which was read and referred to the Committee on Banking and Insurance:

In the Senate, June 7, 1996

A RESOLUTION

Memorializing the Congress of the United States to enact legislation pertaining to electronic fund transfer fees, electronic terminal disclosures and automated teller machine fee disclosures.

WHEREAS, Recent increases in bank fees for automated teller machines (ATMs) have drawn the ire of bank card customers; and

WHEREAS, According to a study conducted by the United States Public Interest Group, the new surcharge could bring the average total cost of a "foreign" transaction, which is a transaction using an ATM or an ATM affiliated with a bank other than that of the cardholder, to \$1.89; and

WHEREAS, Cardholders essentially are charged twice when using these "foreign" ATMs, one fee for the transaction and the other from the bank owning the ATM; and

WHEREAS, The Federal Reserve has calculated that income from bank fees has risen more than 50% since 1985 while inflation is close to 40%, and fees produced 34% of the industry's \$44.7 billion in profits; and

WHEREAS, Due to the numerous bank mergers, consumers have fewer choices than they once had; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize Congress to enact H.R. 3221, the Electronic Fund Transfer Fees Act of 1996, H.R. 1246, the Electronic Terminal Disclosure Act of 1995 and H.R. 3246, the ATM Fee Disclosure Act of 1996, all of which amend the Electronic Fund Transfer Act (Public Law 95-630, 15 U.S.C. § 1693 et. seq.) and would prohibit additional fees in certain transac-

tions and require disclosure of all fees prior to transactions to protect consumers in ATM transactions; and be it further

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

GENERAL COMMUNICATION AUDITOR GENERAL'S CERTIFICATE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA Office of the Auditor General Harrisburg, PA 17120-0018

June 5, 1996

The Honorable Robert Jubelirer President Pro Tempore Senate of Pennsylvania 292 Main Capitol Building Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Governor has requested a certificate relevant to the settlement for the general obligation bond sale of May 14, 1996.

A duplicate original of my certificate is enclosed.

Sincerely,

BARBARA HAFER Auditor General

AUDITOR GENERAL'S CERTIFICATE

Pursuant to ARTICLE VIII, Section 7(a) (4) and (c) of the CONSTITUTION OF PENNSYLVANIA and the

Act of April 9, 1929, No. 176, as amended,

To the Governor and The General Assembly:

I, BARBARA HAFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution, Article VIII, (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B: added June 21, 1984, P.L. 407, No. 83 Section 2), certify as follows:

The amount of the outstanding net debt as of the date of this certificate is \$ 3,727,194,190

The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a) (4) of the Constitution of Pennsylvania and the amount of outstanding net debt as of the date of this certificate is 27,185,771,698

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 5th day of June 1996.

BARBARA HAFER

Auditor General Commonwealth of Pennsylvania

REPORTS FROM COMMITTEES

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

SB 1493 (Pr. No. 2083) (Amended)

An Act amending the act of December 12, 1994 (P. L. 956, No. 135), entitled "Humane Society Police Officer Enforcement Act," further providing for appointment, and making editorial changes.

HB 873 (Pr. No. 3676) (Amended)

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for the prohibition against adoption of agricultural rules and regulations and for the small business ombudsman.

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

SB 1234 (Pr. No. 2084) (Amended) (Rereported)

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," providing for hospice services.

SB 1317 (Pr. No. 2085) (Amended) (Rereported)

An Act providing for registration requirements for telemarketers and for powers and duties of the Office of Attorney General.

SB 1504 (Pr. No. 1923) (Rereported)

A Supplement to the act of July 6, 1995 (P. L. 269, No. 38), "An act providing for the capital budget for the fiscal year 1995-1996," itemizing a project to be acquired by the Pennsylvania Fish and Boat Commission and financed from current revenues of the Boat Fund.

HB 100 (Pr. No. 3677) (Amended) (Rereported)

An Act providing for a Pennsylvania Business Resource Center within the Department of Commerce; and creating the Pennsylvania Business Resource Center Advisory Board.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 134 (Pr. No. 2048)

A Resolution directing the Legislative Budget and Finance Committee to conduct an audit of the operation and management of the buildings and grounds of the State Farm Show Complex.

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I ask for temporary Capitol leaves on behalf of Senator Lemmond and Senator Piccola.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Lemmond and Senator Piccola. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Williams, and a legislative leave for Senator Hughes. Without objection, those leaves are granted.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, June 10, 1996

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 17, 1996, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 17, 1996, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEAS—49

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JOSEPH M. ULIANA PRESENTED TO THE SENATE

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

Senator ULIANA. Mr. President, I have the very distinct honor and pleasure of introducing two very special young individuals today, individuals who have distinguished themselves on the fields of athletic competition across the Commonwealth of Pennsylvania, and specifically in the Lehigh Valley. One of

them is a constituent of mine and one of them is a neighbor of my parents and grew up down the street from where I grew up. She lives in Senator Afflerbach's district now, but it gives me great pleasure to introduce both of them.

I have with me today Sarah Granson, who is half of the State championship girls' tennis team with her sister, Katie Granson. Her sister could not make it. They won the PIAA State championship for girls' tennis, and she is a student at Freedom High School. She is accompanied today by her coach, Mrs. Kohn. Would they please rise.

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

(Applause.)

Senator ULIANA. Katie and her sister are a phenomenal team and have done a great job in girls' tennis.

Our second honoree has come all the way out from Hanover Township in Senator Afflerbach's district to join us. She is one of the most distinguished girls' cross-country and track stars this State has ever produced. Janelle Thomas has won three cross-country championships and two State 3,200 meter championships in track and field. She will be going to Georgetown University next year to pursue both athletics and academics. She is joined by her mother today. As I said before, she grew up right down the street from where I used to live. If she and her mom could please rise, we would greatly appreciate it, Mr. President.

The PRESIDENT. Would Janelle and her mother please rise so the Senate could give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR TIM SHAFFER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Butler, Senator Shaffer.

Senator SHAFFER. Mr. President, I have the pleasure today to introduce several people. The first is a guest Page this week. We have with us Johnathon Burchette. Johnathon lives in Clarion County and will be attending ninth grade at Clarion High School. He is the son of Janice Hess, who formerly worked in my office for a number of years, both in Clarion County and here in Harrisburg. Ms. Hess is now employed in Senator Armstrong's office, so I would like a recognition, if you please.

The PRESIDENT. Would our guest please rise so that the Senate may acknowledge you.

(Applause.)

Senator SHAFFER. Additionally, Mr. President, we have in the gallery today a number of folks from my office in Butler. As we have said here many times, those of us who serve from the west do not very often get constituents, let alone staff members from their district offices, so it is with particular pleasure today that I introduce my executive assistant of almost 16 years, Myrna Gordon, and her daughter, Lindsey. Accompanying her is another staff member of 14 years in my Butler and New Castle office, Carmy Gargaz, and rounding out the foursome here today is a young lady who is with them as well, Carly Stoner, all from western Pennsylvania.

The PRESIDENT. And our guests have already risen. I encourage the Senate to give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE

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

Senator SCHWARTZ. Mr. President, it gives me great pleasure to introduce to my colleagues two championship teams from the Masterman Middle and High Schools in Philadelphia. This school is an academic magnet school, a middle school and high school. My children attended middle school there, although neither is still there. I feel a special connection to the middle school and the high school, and I would like to introduce both teams.

The high school team actually went to the national championships and did win first prize in the national high school championships for chess. You should know they have a strong history of winning, although this is their first national championship. They won the national junior high school championship in 1991 and 1992, and they won the Philadelphia city championship each year since 1992, and the Pennsylvania State championship each year since 1991. This is the high school team.

The middle school team is also the State champion, and the middle school tied for second place in the nationals. It is really a wonderful program, and Stephen Shott, who is the coach for the chess team, I think has been proud every year of the members of the team. This year I think he is particularly proud of the national wins for a public school in Philadelphia.

Let me introduce them to my colleagues, who I hope will warmly congratulate the national chess team champions and the statewide champions from the Masterman High School and Middle School.

The PRESIDENT. Would our guests please rise.

(Applause.)

SENATE RESOLUTION

RECOGNIZING THE WEEK OF JUNE 16 THROUGH 22, 1996, AS "ROLLER COASTER WEEK" IN PENNSYLVANIA

Senators JUBELIRER, PICCOLA, BRIGHTBILL, AFFLERBACH, BELAN, WENGER and MELLOW, by unanimous consent, offered the following resolution (Senate Resolution No. 136), which was read as follows:

In the Senate, June 10, 1996

A RESOLUTION

Recognizing the week of June 16 through 22, 1996, as "Roller Coaster Week" in Pennsylvania.

WHEREAS, The roller coaster is a unique form of fun, enjoyed by millions of Americans, as well as people all over the world; and

WHEREAS, Roller coasters have been providing fun since the 15th century; and

WHEREAS, In 1885 an American named Phillip Hinckle invented a steam-powered chain lift to hoist coasters to new heights and new downhill speeds; and

WHEREAS, Advances in technology and a renewed interest in leisure and recreation have meant a resurgence for roller coasters; and

WHEREAS, Engineers working with computers have been able to create the safest, most thrilling rides ever; and

WHEREAS, There are an estimated 500 roller coasters worldwide, and more than 50 new projects are under way in 1996; and

WHEREAS, This Commonwealth has 25 major roller coasters and six kiddie roller coasters currently operating; and

WHEREAS, The world's oldest existing roller coaster, Leap-the-Dips, is located at Lakemont Park in Altoona and is currently being restored; and

WHEREAS, The world's oldest existing roller coaster manufacturer, Philadelphia Toboggan Coasters, Inc., is located in Lansdale; and

WHEREAS, The world's fastest roller coaster, The Steel Phantom, is located at Kennywood Park in West Mifflin; therefore be it

RESOLVED, That the Senate recognize June 16 through 22, 1996, as "Roller Coaster Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

The PRESIDENT pro tempore. Mr. President, I have a resolution here dealing with Roller Coaster Week, and I would ask that there be unanimous consent to consider its adoption at this time. Anybody who wishes to cosign it, who has a roller coaster, is interested in roller coasters, it will be up front.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet off the floor to consider Senate Bill No. 698, Senate Bill No. 752, and House Resolution No. 391, as well as certain executive nominations.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Piccola has returned, and his temporary Capitol leave is cancelled.

RECESS

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

Senator LOEPER. Mr. President, at this time, and I ask the Members of the Republican Caucus to please listen carefully, I request that we have a very brief caucus in the Rules room at the rear of the Senate Chamber, with the anticipation of returning to the floor in approximately 10 minutes.

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

Senator MELLOW. Mr. President, I ask that the Democratic Members report immediately to our caucus room and that our caucus will be as brief as possible to try to fit into the time constraints that Governor Loeper has requested — excuse me, that Senator Loeper has asked for. I promoted you, Senator. We can get this budget done today, if you would like.

We will do our best to be out within the allotted period of time.

The PRESIDENT. For purposes of Republican and Democratic Caucus meetings, this Senate stands in brief recess.

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Hughes and Senator Lemmond have returned to the floor, and their leaves are cancelled.

CALENDAR

SB 1583 CALLED UP OUT OF ORDER

SB 1583 (Pr. No. 2074) — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1583 (Pr. No. 2074) — The Senate proceeded to consideration of the bill, 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, 1996, to June 30, 1997, 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, 1996; 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 Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1996, to June 30, 1997, 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, 1996, to June 30, 1997, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator LOEPER. Mr. President, on Senate Bill No. 1583, are we in a position to entertain amendments or are we moving it to final passage at this point?

The PRESIDENT. At this point we can entertain amendments.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, yes, we have amendments. I would ask the Chair to first recognize the gentleman from Allegheny, Senator Wagner.

WAGNER AMENDMENT A3835

Senator WAGNER offered the following amendment No. A3835:

Amend Bill, page 106, by inserting between lines 4 and 5:		
Section 238. Pennsylvania Housing Finance Agency.—The following amounts are appropriated to the Pennsylvania Housing Finance Agency:		
	Federal	State
For transfer to the Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program.		
State appropriation..		12,000,000

On the question,

Will the Senate agree to the amendment?

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

Senator WAGNER. Mr. President, I offer an amendment to Senate Bill No. 1583, amendment A3835. While it is being brought forward, I simply want to state for public information that the bill we are voting on, Senate Bill No. 1583, is the budget. It is a \$16 billion budget, a very, very important piece of legislation, a piece of legislation that I think obviously needs considerable discussion and is the reason for the amendment that I have offered.

Mr. President, this amendment restores \$12 million to the Homeowners Emergency Mortgage Assistance Program, more commonly referred to as HEMAP, under the Pennsylvania Housing Finance Agency. The Governor's budget actually eliminates funding for this program entirely, to the tune of \$18 million. This is actually a little over one-tenth of 1 percent of the \$16 billion State budget. This amendment restores to HEMAP what we believe will keep this program afloat for needy Pennsylvanians. HEMAP is not a welfare program. HEMAP is not a handout, it is a hand up. It provides Pennsylvanians who have lost their jobs with a way to keep their homes by helping to make mortgage payments on those homes. Those same Pennsylvanians must pay back the money that helps them keep their homes. It is important to state that. Borrowers are required to repay as soon as their total household income is high enough.

Further, no one gets a free ride on this loan program. Twenty-five percent of the household income, whether it is from an unemployment check or a disability benefit or a minimum wage job, must go toward housing costs at all times. Borrowers must demonstrate that they are in financial trouble due to

an injury, illness, or unemployment, and they must demonstrate an ability to get back on their feet within 3 years.

Since its inception in 1983, HEMAP has enabled more than 19,500 families to save their homes through this initiative. I repeat, almost 20,000 Pennsylvanians, Pennsylvania families, have been able to keep the American dream through this program. So far, \$55 million of the \$206 million in loans has been repaid, and about \$9 million comes in each and every year. The Pennsylvania Housing Finance Agency estimates that an additional \$1.2 million a year could be collected with stricter enforcement of the program, and I think that should be suggested, along with keeping the program.

Republicans and Democrats alike do lose their jobs through no fault of their own. That is life. But when people have no alternative funding source to pay their mortgage, they will lose their homes, and this has happened repeatedly in Pennsylvania. There is a choice here, however, to help them keep their homes and to help them from going homeless as well as jobless, which has occurred more times than we want to identify in the last two decades. In Allegheny County, where the decline of the steel industry has hurt the economy severely, HEMAP has helped over 2,800 county residents save their homes since the program was started.

Programs that work, Mr. President, should not be eliminated by State government. I also know and understand that State government must continually strive to tighten its budget, but it should not do so at the expense of a proven program that prevents working families from losing their homes. Again, this program was funded to the tune of \$18 million previously. My amendment is suggesting that \$12 million be put in the budget for this year, and I should state also one important statistic: The average loan is for \$10,350. Recently, the Pittsburgh Post-Gazette highly endorsed this program and suggested that we keep it in the budget.

Mr. President, I urge my colleagues to restore the \$12 million. It is one thing to lose your job, but to lose your home which you have worked for your entire life, you lose your dignity. And for that reason, this program is critical to the present and the future of Pennsylvania.

Thank you.

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

Senator LOEPER. Mr. President, essentially Senate Bill No. 1583, which is before the Senate at this time, is the budget document designed to advance the budgetary process. This is by no means the final general appropriations bill that is going to be considered by both Houses before we adopt a General Fund budget. Mr. President, I am certain that for each and every program every Member of this Chamber could offer amendments for very meritorious programs, and of course we could increase the spending level of the budget or we could try to indicate where we may subtract from programs existing in the current proposal before us in order to balance it.

I would just reiterate that it is the Majority's intent to try to move the budgetary process forward today. It is the Majority's intent to try to move this process forward by voting this bill

and forwarding it to the House of Representatives, as we had indicated last week. Therefore, Mr. President, regardless of the merits of the amendments, in order to move the budget process forward, because I am sure that we all feel that every one of these programs is very meritorious, and the amounts of money certainly can vary as to what is going to make the program viable and successful and what is not, I believe that the deliberations that we are going to be making in the next several weeks prior to June 30 will address not only this concern but many of the others that have been articulated through the Committee on Appropriations hearing process, through the various Members' concerns that have been expressed not only on this floor but particularly to their individual Committee on Appropriations chairman.

Mr. President, I believe that our intent today is to try to move this process forward. Therefore, Mr. President, I would ask for a negative vote on the amendment.

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

Senator FUMO. Mr. President, I am going to vote "no" on this amendment, and my "no" vote should not be construed in any way as to be against the principle of the amendment or the concept. In fact, originally this was my legislation which then-Senator Mark Singel and I worked on and he used so eloquently in his campaign for Governor, as I stood there and watched, so I certainly believe in this program, Mr. President. But after discussions with the Majority Leader, I believe that we view this bill as a vehicle and not as a final bill, and when I say "we," I mean myself, the gentleman from Lackawanna, Senator Mellow, and the gentleman from Delaware, Senator Loeper. I am cautiously optimistic that we will be a part, and when I say "we," I mean the Democratic Caucus, will be a part of the negotiations in a conference committee, where this will ultimately wind up. I certainly intend to ask for restoration of funding for this particular program in those negotiations.

But as I said earlier, I, too, will be voting "no" on this amendment and many of the other amendments, along with the gentleman from Lackawanna, Senator Mellow, and many Members of this Caucus, but our votes should not, and I absolutely repeat, should not in any way be construed as being against this program or any of the other amendments that we are going to see today. We, too, in leadership believe that we should move the process along. We are hopeful that we can get back to the days of the past when we had bona fide bipartisan negotiated budgets that were for the good of everybody, not just one political party, and we have been assured that to some degree that will be happening this year. So I intend to vote "no," as does Senator Mellow.

Thank you, Mr. President.

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

Senator ANDREZESKI. Mr. President, I would like to add a few comments. I, too, recognize that this is a budget vehicle, and we can elaborate and we can define this in a lot of language, as this is the vehicle that starts the process. But I would like to encourage my colleagues to give some strong consideration to this amendment. I come from western Pennsylvania

and I have friends, personal friends, who have used this program. As you go down Interstate 79 in the communities off Interstate 79 - the New Castles, the Meadville, the Sharons - as you go down into Allegheny County, the city of Pittsburgh, the suburbs that surround it, the steel communities, it is a program that has been used by hardworking people who in many instances were victims of a global economy, a bankrupt economy, or a business that just simply moved south.

I know the importance of this amendment. And as we start the budget process, I ask for some message, some easing of the tone, because the budget is a harsh budget. The budget hurts a lot of people who previously were not hurt, who thought perhaps their positions were well protected by being included in past budgets. Well, nothing is written in stone, but I support this amendment because there are a lot of people out there who lose their homes. They lose their homes because they have lost their jobs. And I think this is a message that we can send to people.

I would also remind my colleagues that we stand here and we get help when we are away. We receive a per diem. We have help with our housing, and we still have jobs. For that matter, the Governor himself lives in public housing, nice public housing. He still has his job. I do not think some positive signal to people who work for a living, who have lost their jobs, I do not think some positive signal at the start of our budget negotiations or budget process is that far out of line.

I commend the gentleman from Allegheny, Senator Wagner, for bringing up this one item, something that says to the working people who have had hard times that there will be something there for you, and I ask for a positive vote on this amendment.

Thank you.

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

Senator WAGNER. Mr. President, may I interrogate the gentleman from Delaware, Senator Loeper?

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

Senator LOEPER. Mr. President, I will.

The PRESIDENT. Senator Wagner, you may proceed.

Senator WAGNER. Mr. President, based on the comments of the gentleman, and certainly the comments of the gentleman from Philadelphia, Senator Fumo, it sounds to me as if there is support for this program, even though it is not in the budget today.

Senator LOEPER. Mr. President, I think it is fair to indicate that from some amendments that I have seen, and specifically this one, that there has been concern expressed by many Members in this Senate as far as this program, the benefit that it has to many people throughout the Commonwealth, and also the way in which it is funded. I am certain that it will be an item of discussion as far as what the final report may be. Whether we can guarantee it in that report at the funding level that is recommended in this amendment, I would not be in a position to commit to that point at this time. But I think that like many other programs such as community sewer grants, community payment for State Police in lieu of payment, things of that

nature and programs like that that we have heard a lot about from a lot of different Members and communities, they are all items that will certainly be subject to discussion before the final bill is presented to the Members.

Senator WAGNER. Mr. President, just one final question. If in fact the conference committee would commit to even half of the original funding, I would be more than willing to withdraw this amendment.

Senator LOEPER. Mr. President, we are only one-half of the conference committee in this body, and I certainly would not commit as to what the conferees from the House may think is a fair number for the program. I think we can simply say that it is a program that has been brought to the attention of many Members, it is a very worthwhile program, and a restoration certainly would be in order to be considered. As to the amount, I do not believe it would be possible for me to commit to an amount at this time.

Senator WAGNER. Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, Senator Belan and Senator Bodack have been called to their offices, and I request temporary Capitol leaves for them.

Also a correction on the leave request for Senator Williams. I request a legislative leave for him today, not a temporary Capitol leave.

The PRESIDENT. Without objection, those leaves are granted.

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

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

YEAS—16

Afflerbach	Hughes	O'Pake	Stewart
Andrezeski	Kasunic	Porterfield	Stout
Belan	LaValle	Schwartz	Tartaglione
Costa	Musto	Stapleton	Wagner

NAYS—33

Armstrong	Greenleaf	Madigan	Salvatore
Bell	Hart	Mellow	Shaffer
Bodack	Heckler	Mowery	Thompson
Brightbill	Helfrick	Peterson	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Fisher	Lemmond	Rhoades	Wenger
Fumo	Loeper	Robbins	Williams
Gerlach			

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

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

SCHWARTZ AMENDMENT A3931

Senator SCHWARTZ offered the following amendment No. A3931:

Amend Sec. 212, page 41, line 20, by inserting after "open.": Of this amount each school district for the 1996-1997 school year shall receive a 2% increase over the amount received in the 1995-1996 school year.

Amend Sec. 212, page 41, line 21, by striking out all of said line and inserting:

State appropriation.. 3,424,404,000

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

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

Senator SCHWARTZ. Mr. President, this amendment, for the information of my colleagues, is a flat 2-percent increase for basic education funding across the Commonwealth. I think that many of us had some concerns about the fact that this budget does not provide for any increase in basic education funding. We have certainly heard from the Governor that school districts need to be leaner and more cost-conscious. I think that many of them know that and are certainly trying to do that. But we also know that the Governor has called this budget and has defined this budget as a vision for the 21st century. I have pointed out in other situations that I think it is hard for me to imagine how you can have a budget for the 21st century that will prepare Pennsylvania's children to compete in a global marketplace in the 21st century without helping them to be better educated.

So very simply, without going into a great deal of detail, I would like to see some work done on formula changes to deal with the issue of poor school districts, the issue of equitable funding, not leaving it to the courts to do that. I would like to see us deal with issues of increased enrollment for some of our school districts. I would like to see us deal with our poorer school districts in terms of the number of children who live in poverty and have greater educational needs, and I do believe that we need to spend more money just generally to make sure that while our school districts are held accountable to high standards, which I hope we are moving on as well, that they will have the money to provide the resources to all of our children across the Commonwealth.

So very simply, while this is actually not doing anything rather grand or innovative, what this would do is at least allow our school districts to have what would be considered a fairly minimal increase to help them maintain what they are doing and hopefully continue some of their advancement by providing what is just a little bit more than \$16 million to the Commonwealth to pass that money along to all 501 school districts in the Commonwealth. I hope that I will see some support from my colleagues in support of basic education in this Commonwealth.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, very briefly, the reason I support this amendment is that without it this State budget is really a mandate to increase local property taxes. We have addressed the issue of property tax reform and we sent to the House last year legislation that would phase out the property tax for schools. But until that is passed by the House and signed into law, the effect of no increase in subsidy to basic education in Pennsylvania is to require local homeowners to pay an increasingly larger amount of the cost of basic education. Therefore, I think we have an obligation to address that in this budget, and I support the amendment.

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

Senator LOEPER. Mr. President, just briefly, two things. Once again, let me reiterate that the budget document before the Senate today is a document that is designed to advance the budgetary process. It is not one to determine what finally are going to be spending limitations or what programs will be funded at which levels. It simply is to move forward the process of adoption of a General Fund budget.

Aside from that, Mr. President, I would simply indicate that the two amendments we have heard thus far today are spend, spend, spend. Mr. President, the easiest thing to do is to spend more money and say, yes, I would love to throw more money at that problem. And while the gentleman from Berks, Senator O'Pake, talks about a mandate to increase local property taxes, Mr. President, I think the alternative is, if we were to accept all these amendments for spending new money, they are mandating a State tax increase. Mr. President, we certainly are not interested in that. However, regardless of the merits of the amendment before us, in order to move the process forward, I ask for a negative vote.

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

Senator FUMO. Mr. President, it was not my intention to argue the merits of this amendment. I thought I covered it in my first statement, but the Majority Leader, the gentleman from Delaware, Senator Loeper, has now set the stage and I must respond. Mr. President, there are many, many school districts in our State that are in absolute dire hardship and need more money. It is not a question of whether or not they should goldplate the swimming pool, it is a question of whether or not they should repair the building so the floor does not fall in when the student's desk goes on top of it. Granted, there are some districts in this Commonwealth that, due to their fortunate income brackets in those districts, can afford to have swimming pools and everything else for their students, and God bless them. But there are still an awful lot in this Commonwealth that cannot afford the basics of books, Philadelphia being one of them. So I cannot allow the conversation to go on that we can do this without money.

There are some things that simply must be paid for, Mr. President, and education is one of them. And I think in particular the small districts, the poor districts, we have an absolute constitutional mandate to do something about, and to not ad-

dress that issue is extremely short-sighted, because all it does, it gives more credibility to their lawsuit in Commonwealth Court. And if we do not address those problems, Mr. President, we are going to be back here someday in the next few years trying to figure out how we are going to pay for the court order that is going to be in the billions of dollars that is going to force us to take care of equity in poor districts.

And from a moral standpoint, Mr. President, there is nothing more important, save health care, which this General Assembly has already spoken about, for the future of this Commonwealth and the education of our children. We can talk about lowering business taxes, reforming, so-called reforming, workers' compensation and doing everything else, but if we do not have an educated job market from which to pull, employers are not going to want to come here, even if this were a tax haven. Mr. President, it is a practical responsibility, a moral responsibility, and most important for the most callous among us, a constitutional responsibility for us to properly fund education.

Mr. President, I did not want to get into that debate, but I felt that I must. However, Mr. President, having said that, I still believe that in the conference committee we will address education; certainly we will fight for that in the conference committee. But because of the previous debate, on this amendment I will have to vote "yes," because I do not want a "no" vote to be misconstrued that I would buy into the proposition that you do not solve a problem by throwing money at it. While I normally agree with that, there are some problems to which there is no other solution.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I, too, just want to address the comments that were made by the Majority Leader, the gentleman from Delaware, Senator Loeper. I think, Mr. President, that in fact it would be irresponsible of me to concede my role completely to the conference committee. I think that our role is to stand up publicly and to declare ourselves where we would like to see changes made in the budget. There is nothing in this amendment or the prior amendment that suggests any kind of tax increase for the taxpayers of Pennsylvania. This is not spending more money than we have. This is our chance to spend the money that we have and to decide the priorities on how we are going to spend that money.

I would like to think that this will be a message to the conference committee, a message to the Governor, that in fact the Senate does believe in educating our children and does recognize that while money is not the only answer, that money is a part of the solution to making sure that all of our children are well educated in this Commonwealth. We have much work to do in education and we have been doing a good bit of that work in education. We have been dealing with the issue of standards. We passed a good standards bill out of this Chamber over to the House. We have been dealing with critical issues around professional development, that we hopefully might even do something about early education initiatives, that we are really doing a great deal to work on educational issues. I, too,

also believe that we have to deal with the issue of equity, and would rather we deal with it than leave it to the courts to tell us what to do.

But it is, Mr. President, irresponsible of us to pretend that we do not, as each Senator, have some responsibility to communicate our concerns and our priorities both to our leadership and to the conference committee, to the Governor, and to the people of the Commonwealth of Pennsylvania. The people of the Commonwealth of Pennsylvania should understand who is standing up for education and who is standing up for our children and who is providing a message to the conference committee. It is not good enough, Mr. President, to just be able to say let us just pass this budget, let us not worry about the details, let us leave it to the conference committee. This is the only opportunity we will have to offer amendments. It will come back to us from conference committee, it will be a concurrence vote. It is our only chance to provide our voice for the children of the Commonwealth in terms of their basic education needs.

So, Mr. President, I do not want anyone to construe this as a vote for any kind of tax increase or even a vote for any kind of increase in this budget. It is simply a rearranging of our priorities to say that in fact the education of our children in this Commonwealth is an important priority. I would like to do more than 2 percent, but that is all we will do at the moment. That is what I thought was reasonable in this very lean year, and I hope, Mr. President, that there will be universal support for the education of our children in this Chamber.

Thank you.

And the question recurring,

Will the Senate agree to the amendment?

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

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

Senator SCHWARTZ. Mr. President, I would like to ask for a roll-call vote on that last amendment.

The PRESIDENT. I think a reconsideration would be appropriate.

RECONSIDERATION I OF A3931

Senator SCHWARTZ. Mr. President, I move to reconsider the vote by which amendment A3931 was defeated.

The PRESIDENT. Senator Schwartz moves that we reconsider the vote by which amendment A3931 was defeated.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

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

YEAS—17

Afflerbach	Hughes	O'Pake	Stewart
Andrezeski	Kasunic	Porterfield	Stout
Belan	LaValle	Schwartz	Tartaglione

Costa	Musto	Stapleton	Wagner
Fumo			

NAYS—32

Armstrong	Greenleaf	Madigan	Salvatore
Bell	Hart	Mellow	Shaffer
Bodack	Heckler	Mowery	Thompson
Brightbill	Helfrick	Peterson	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Fisher	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	Williams

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

RECONSIDERATION II OF A3931

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

Senator FUMO. Mr. President, I move to reconsider that vote again on amendment No. A3931. We have three Members who voted incorrectly and would like to change their vote.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

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

YEAS—14

Afflerbach	Fumo	O'Pake	Stout
Andrezeski	Hughes	Schwartz	Tartaglione
Belan	Kasunic	Stapleton	Wagner
Costa	LaValle		

NAYS—35

Armstrong	Hart	Mowery	Shaffer
Bell	Heckler	Musto	Stewart
Bodack	Helfrick	Peterson	Thompson
Brightbill	Holl	Piccola	Tilghman
Corman	Jubelirer	Porterfield	Tomlinson
Delp	Lemmond	Punt	Uliana
Fisher	Loeper	Rhoades	Wenger
Gerlach	Madigan	Robbins	Williams
Greenleaf	Mellow	Salvatore	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

REMARKS ON VOTE

Senator MELLOW. Mr. President, I ask for consent of the Senate so that I can make a statement on the vote, please.

The PRESIDENT. Without objection, the Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I think it is very important for us to note for the record and to show that we view this particular bill as a bill that will be a vehicle that will go on to the House of Representatives and hopefully will be moved

further along in the budgetary process and not something that will be used in final passage as the official budget for the Commonwealth in the fiscal year 1996-97, and it is for that reason that I voted against the amendment and five of my Democratic colleagues voted against the amendment. I think it is important, Mr. President, that the record reflects that.

Thank you.

And the question recurring,

Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A3667

Senator WAGNER offered the following amendment No. A3667:

Amend Bill, page 137, by inserting between lines 18 and 19:

Section 264. Bipartisan Commission for Women.—The following amounts are appropriated to the Bipartisan Commission for Women, a commission of the legislature which shall assist the General Assembly in investigating, classifying and evaluating matters relating to women in this Commonwealth and acting on behalf of women and women's issues:

For the Bipartisan Commission for Women. State appropriation..	346,000
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On the question,

Will the Senate agree to the amendment?

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

Senator WAGNER. Mr. President, this amendment restores \$346,000 for the Commission for Women. Historically, this appropriation has come under the direction of the Governor's Office. Since the Governor does not want this commission under his direction, this amendment seeks to provide the legislature with the responsibility of its oversight.

Mr. President, since 1964 the Commission for Women has existed in the Commonwealth of Pennsylvania. The purpose of the Commission for Women is to advance the status of women in this Commonwealth to an equity position with males. The Commission for Women also has taken many other advocacy positions, positions such as workplace equity, to make sure that women have the opportunity for jobs, to make sure that women receive equal pay in jobs.

A number of other issues are obviously of great importance to this commission and are the reasons why I believe it needs to continue to be funded in the 1996-97 budget, issues such as violence with women. We all know that is a problem in our society. It is an issue that this commission has dealt with and needs to continue to deal with because obviously the problem still exists in this Commonwealth and in our society. Day care and children's welfare issues the Commission for Women has dealt with historically. Affordable health care is another very important issue. Access to education, business loans for start-up companies, women-owned companies. We have seen a greater degree of women-owned companies started in Pennsylvania in recent years, and we want to make sure that those

women, those entrepreneurs, have a vehicle by which to gain information for loans and other information to start companies.

Mr. President, obviously, this commission is very important, and in the years to come, changes in the work force, the environment, and the family structure will continue to present us with new challenges and new opportunities for developing our economic and human potential for women in the Commonwealth of Pennsylvania.

Mr. President, you simply have to look at the General Assembly. The General Assembly, which directs the laws of Pennsylvania, is only 10-percent female. The Congress of the United States is 20-percent female. The need continues to have an advocacy group for women, to inform, at the very least, the males in this Chamber of the important issues facing women.

So I ask, Mr. President, that we restore to the budget a small sum, a very small sum of \$346,000, out of a \$16.2 billion budget, the funding to keep this commission moving, and I ask for a roll-call vote.

Thank you.

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

Senator LOEPER. Mr. President, once again, like the previous two amendments that have been offered, I am certain that the amendment is very meritorious in what it is trying to address. However, Mr. President, what we are trying to do today is to move the budgetary process forward. And, Mr. President, again, many of these issues, as I said in response to an interrogation by the gentleman from Allegheny, Senator Wagner, a little earlier, are going to be considered, will be considered in drafting a final conference report.

Mr. President, just one aside as far as the content of the amendment before us. I suggest that the amendment indicates programmatic changes and not just simply a line-item appropriation, and therefore, with programmatic language in the amendment, it would not be appropriate or germane to be offered to a general appropriations bill.

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

Senator FUMO. Mr. President, I am confused. Is the gentleman raising a germaneness issue or not?

Senator LOEPER. No, Mr. President, I am not. I am simply indicating that we are trying to move the budget process along, and therefore I recommend a "no" vote on all the amendments. I simply indicate that the amendment, as it is drafted, also appears to have programmatic changes outlined in it.

Senator FUMO. Thank you, Mr. President.

Mr. President, I also intend to vote "no" on the amendment, and again, my vote should not be construed as anything against the cause of women, but more importantly, in this particular instance, and because of the germaneness, issue our last budget was held to be unconstitutional by the Commonwealth Court, the first one in at least the history that I have been here, and I think one of the reasons that we have been meticulous of late in going through the entire process of taking one bill and running it through both Houses is so that we avoid that kind of

criticism and avoid hanging ourselves out there for another lawsuit.

I do not think that we should be doing that in this particular instance with programmatic language, and I urge my colleagues to vote "no" from the germaneness issue on that point.

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

Senator SCHWARTZ. Mr. President, very briefly, as a member of the Commission for Women, I just want to support the amendment and the fact that the Commission for Women can, in fact, be very important to the Commonwealth, in spite of the fact, as the Budget Secretary said, that it has been around long enough that women should have achieved equality by now and therefore that was good enough reason to disband it and completely eliminate the funding for it. The fact is, Mr. President, that there is a great deal of work to assure equity for women in business, in government, and the Commission for Women can play a vital role in helping to assure women's appointments to a variety of commissions and posts and being a resource for women and bringing up very critical issues of concern to women not only in business but in critical areas such as domestic violence and abuse.

So I would say that particularly where a commission could be independent enough to be a spokesperson on behalf of women's rights and women's equality, the Commission for Women, as it does in other States, assures that the status of women is acknowledged and the status is raised to the point of equity and equality for women in the Commonwealth. While I would like to think that our Budget Secretary was correct in saying that women have achieved equal status, I look around this Chamber and I have to say I am not sure we are at 50 percent yet, and when we are I am sure that we will be in a better position to say maybe we do not need a Commission for Women to watch what we do and to help us move in the right direction to assure equality for all of our Commonwealth's citizens, including the women.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I just want to again reiterate my argument that people not take germaneness lightly. In this particular instance, putting programmatic language into this bill would severely open us up to criticism by the court and perhaps have the whole budget declared unconstitutional at an earlier stage than last time and put this Commonwealth in financial chaos. For that reason, I urge all the Members on this side of the aisle, in addition to the Members on that side of the aisle, to vote "no."

This issue has nothing to do in reality with women's rights. I think we will try to address that at the conference committee, but because, as the gentleman from Allegheny, Senator Wagner, said, what he did in this amendment did not just restore the money but change the way in which it would be administered, that is in fact going to require substantive legislation. You cannot do that in this particular appropriations bill. The courts have said that consistently, and the last thing I want to see happen, especially if we have an agreed-to budget ultimate-

ly, is that the court strike it down because of a relatively insignificant amendment like this and the language we attempted to put in. The proper way to address this is either through a separate bill or at the negotiating table. I ask for a negative vote.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—13

Afflerbach	Kasunic	Porterfield	Stout
Andrezeski	LaValle	Schwartz	Tartaglione
Costa	O'Pake	Stapleton	Wagner
Hughes			

NAYS—35

Armstrong	Gerlach	Mellow	Shaffer
Belan	Hart	Mowery	Stewart
Bell	Heckler	Musto	Thompson
Bodack	Helfrick	Peterson	Tilghman
Brightbill	Holl	Piccola	Tomlinson
Corman	Jubelirer	Punt	Uliana
Delp	Lemmond	Rhoades	Wenger
Fisher	Loeper	Robbins	Williams
Fumo	Madigan	Salvatore	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

SCHWARTZ AMENDMENT A3537

Senator SCHWARTZ offered the following amendment No. A3537:

Amend Sec. 212, page 41, by inserting between lines 21 and 22:
 For full-day kindergarten incentives for school year 1995-1996. This appropriation contains funds for districts that have an aid ratio greater than or equal to 0.5000 and that operated a full-day kindergarten program with at least ten pupils in average daily membership in the full-day kindergarten program during the 1995-1996 school year. \$500 times the district full-day kindergarten average daily membership for the 1995-1996 school year times the district aid ratio.
 State appropriation.. 10,000,000

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, some of my colleagues will be familiar with what this would do. It provides \$10 million in the budget to provide incentives to school districts that choose— they are not mandated to provide kindergarten, as you know, in this Commonwealth, nor would they be in this amendment. All this simply does is add into basic education the notion that if a school district chooses to provide full-day kindergarten and that school district has an aid ratio above .5, which means it is one of the 350-odd number of

school districts across the Commonwealth that in fact are poorer school districts, that we would provide some financial incentive for them to do so.

The rationale behind this, Mr. President, is the fact that it has been very carefully documented and very carefully confirmed that early intervention, that basic education in the early grades does help assure that children will achieve later on in their school years. It is a small amount of money with a great deal of return to help assure that our children get a full day of kindergarten so that they can receive the educational benefits of being well prepared for the next grades. We know that failure in the early grades leads to a great likelihood of not completing high school, and while it is hard for those of us—some of us, I am sure, did not even go to kindergarten—to imagine that 5-year-olds are really up to serious education, the fact is that they are, and, Mr. President, I would like to see this happen in the budget.

Mr. President, although I understand some of my colleagues do not really believe that this is a useful process in offering amendments, I would contend that we are in fact making a point to the conference committee. Those of us who support these initiatives want to communicate to the conference committee these are items that we want to see in the budget, they are items we want to see dealt with and that we are not going to concede our responsibility completely to those who happen to be on the conference committee. So, Mr. President, I would ask for some of my colleagues to consider the small amount of money being added to the budget to provide the kind of important educational start the children in our poorer school districts across the Commonwealth deserve.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, once again, on the amendment, I would simply remind the Members that it is our intent to try to move the process forward today. Our votes on each and every one of these amendments simply do not indicate a position on that particular program or the worthiness of that program, or at what level the program should be funded. And, Mr. President, once again, I would ask for a negative vote on the amendment in order that we can move the process forward.

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

Senator HUGHES. Mr. President, just briefly, I am compelled to stand up and speak on this amendment, given Commonwealth Court Judge Doris Smith's ruling on this particular matter and the issues that we were confronted with in the last few weeks in Philadelphia. I feel this particular amendment is deserved of the full consideration and passage by all the Members of the Senate.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

LEGISLATIVE LEAVE

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

Senator FUMO. Mr. President, Senator O'Pake has been called to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A3834

Senator WAGNER offered the following amendment No. A3834:

Amend Sec. 211, page 34, by inserting between lines 12 and 13:

For super computing center.	
State appropriation..	1,500,000

On the question,

Will the Senate agree to the amendment?

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

Senator WAGNER. Mr. President, my other two amendments were general in nature and impacted the entire Commonwealth. This amendment relates more specifically to southwestern Pennsylvania, but it is still a very important amendment for the entire Commonwealth of Pennsylvania.

Mr. President, this amendment provides an appropriation of \$1.5 million for the Pittsburgh Super Computing Center. The Pittsburgh Super Computing Center was established in 1986 with a grant from the National Science Foundation, supplemented by the Commonwealth of Pennsylvania, in response to an acute need of national research communities for improved access to the best computing technologies. The Pittsburgh Super Computing Center is a joint project of Carnegie Mellon University—one of the finest universities in the world in high technology—the University of Pittsburgh, and the Westinghouse Electric Corporation. The 10-year-old center, a high-tech marriage of university brains and corporate muscle, is so unique it gets the world's most sophisticated computers even before the Federal government gets those products. It solves problems in 1 week that might take university researchers over 10 years on a personal computer.

Pittsburgh Super Computing Center has an extraordinary track record of taking early technology and using it to its best use and as quickly and most efficiently as any area in the world. We need to maintain this center in Pittsburgh, because many experts say Pittsburgh needs to solidify its high-tech future, and we are already in the process of doing that and, obviously, with the loss of manufacturing jobs it is even more important. With this funding, the Pittsburgh center enables researchers in academia and industry to solve problems 10 to 100 times faster than they could on their own. It is very important as a support mechanism to industry in southwestern Pennsylvania and Pennsylvania in general. The Super Comput-

ing Center has resulted in thousands of new jobs from spin-ups and start-ups in southwestern Pennsylvania.

Again, I know, Mr. President, the comment will be made that the proper procedure today is to take a "no" vote on any amendment. Well, obviously I think that is wrong, because some of these amendments, Mr. President, are very important. They mean jobs to Pennsylvanians, and for us to vote on a budget and not amend the budget at all on this floor is wrong. It has happened 2 years in a row. I have been a Senator in this Chamber for 2 years when I have been involved in a budgetary process, and for 2 years I have seen a budget passed without amendments. And, Mr. President, quite frankly, I am sick and tired of it. I was elected by the people of Pennsylvania to come here and have an impact on the budget, and it is about time that we do that in a public, democratic fashion. A fashion by which everyone in this Chamber votes on amendments. I do not care if it takes an hour, 2 hours, or 20 hours. It is the right thing to do. For a budget to come into this Chamber and go out the same way it came in is wrong. I have not had an impact on this budget, and it is about time someone has an impact on it.

POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

The PRESIDENT. The gentleman will state his point.

Senator LOEPER. Mr. President, I believe that the issue before the body is the amendment, and the debate is limited to the amendment, not on the bill itself.

The PRESIDENT. Senator Wagner, continue.

Senator WAGNER. Mr. President, I am talking specifically about this amendment or any amendment that the gentleman from Delaware, Senator Loeper, would like to talk about. I think it is about time that we begin to massage a budget. In order for a budget to serve the people of the Commonwealth, it has to be sensitive to their needs. This item in front of me, the Super Computing Center, Mr. President, is very important to Pennsylvania, and I am asking my colleagues to at least support one amendment.

Thank you.

CONSTITUTIONAL POINT OF ORDER

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

Senator LOEPER. Mr. President, I would like to raise an additional point of order.

The PRESIDENT. State your point.

Senator LOEPER. Mr. President, that is the relevance of this amendment, considering Article III, Section 11, of the Constitution based on the Commonwealth Court decision of last year as far as inserting line items specifically into the budget, and I believe, Mr. President, that this would be a violation of the intent of that decision.

The PRESIDENT. Senator Loeper has raised a constitutional point of order, and the Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. Just to attempt to make clear the observation of Senator Loeper that something will be debatable and ultimately put to the body, and that is that the amendment that is offered by Senator Wagner is violative of Article III, Section 11, of the Constitution as construed, I might emphasize, by the Commonwealth Court.

On the question,

Shall the Senate sustain the constitutional point of order?

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

Senator FUMO. Mr. President, on the point of order, I argued quite vigorously last year for the same point of order when numerous projects were inserted into the budget in similar fashion. And although I was not a party to the litigation, I have to honestly admit that I was quite happy to find myself in the same position as the Commonwealth Court when it ruled that such appropriations are unconstitutional.

Mr. President, I agree with the position of the gentleman from Delaware, Senator Loeper, that this is one of those types of additions to the budget. The appropriate place, and I can recognize the frustration of the gentleman from Allegheny, Senator Wagner, but the appropriate place to offer this amendment would be when we are considering nonpreferred appropriations, which in and of themselves require a two-thirds majority. At that point in time to assert this amount to one of the institutions involved in the process of the Super Computer project would be appropriate, but I would be absolutely foolish and inconsistent if I did not agree with the Majority Leader that to offer this amendment at this point in time in this fashion would be a blatant violation of the Constitution, and while Senator Wagner has stated he took an oath of office to his constituents to come here and fight and be part of the budget process, he also took an oath to his constituents to uphold the Constitution of Pennsylvania, and this is a clear violation of that Constitution. In fact, I would ask him to withdraw the amendment. I do not know that he would, but I think that would be the best way to do it and offer it at the appropriate time when we consider nonpreferred appropriations.

The PRESIDENT. The Chair would make it clear that we will soon take up the point of order, unless Senator Wagner is poised to comment or withdraw the amendment.

AMENDMENT WITHDRAWN

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

Senator WAGNER. Mr. President, I am more than willing to withdraw the amendment. Technical problem or nontechnical problem, it appears as if the amendment is not going to pass. So I think that is the important issue. But that is two amendments that I have put forth. On the previous one it was indicated also by both floor leaders that there was a technical problem when, in fact, the Commission for Women was funded the previous year and the Super Computing Center was funded the previous year. All I want to do is get them in the budget. That is all. And I am more than willing to withdraw

this amendment and I will come back with the amendment under nonpreferreds.

Thank you.

The PRESIDENT. Senator Wagner, is it your intention to withdraw the amendment?

Senator WAGNER. Yes, Mr. President.

The PRESIDENT. Senator Fumo, the point of order becomes moot. So we will proceed then.

Senator FUMO. And I thank Senator Wagner for his efforts on that behalf.

Senator LOEPER. Mr. President, I also would like to thank Senator Wagner for withdrawing that amendment. Also, Mr. President, just as a footnote to my point of order, it does not necessarily mean that I agree with the Commonwealth Court order that is now under appeal.

Senator FUMO. But it is at least nice, Mr. President, to watch him abide by the ruling.

The PRESIDENT. I am sure some would find that debatable.

And the question recurring,

Will the Senate agree to the bill on third consideration?

SCHWARTZ AMENDMENT A3935

Senator SCHWARTZ offered the following amendment No. A3935:

Amend Sec. 202, page 15, line 2, by striking out all of said line and inserting: This appropriation includes \$9,021,310 for the purpose of awarding grants to new or existing crime prevention programs targeted to individuals at risk of criminal behavior. Crime prevention programs awarded funding should include at least one, but shall not be limited to, providing assistance for the following purposes: school dropouts and truants; children of incarcerated parents; children living in communities with high incidence of crime and other youth at risk; family reunification efforts, including education in parenting skills; job placement through training and literacy; prevention of substance abuse. Crime prevention programs awarded funding should demonstrate collaborative efforts involving local residents, law enforcement agencies, schools, social services, businesses and other community-based organizations.

State appropriation.. 12,320,000

Amend Sec. 210, page 29, line 6, by striking out all of said line and inserting:

State appropriation.. 893,110,000

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, this amendment would shift 1 percent of the money in the corrections budget, which has basically been used for prisons, as everyone knows, and there are a variety of prison programs I think people have been both pleased about and some have been critical of. What it does is shifts it to crime prevention. And you will recall that some of us were very concerned that while there was a commitment during the crime session to get to prevention, we just never quite got there. So my amendment would actually say that we are going to use that old notion of an ounce of prevention is useful by saying just 1 percent, just 1 percent of what

we spend on corrections ought to be spent to prevent some of our young people in particular from moving on from difficult lives to criminal lives. It will cost us much more money in the future. Somehow we seem to run out of money to do those programs that do not even cost a lot. And the fact is, Mr. President, we know a good deal about some of those who are at a very high risk of becoming juvenile delinquents and later possibly being engaged in crime. We are talking about, and this is not universally true, but we do know who is at risk. We know that school dropouts and truants are at high risk. Children of incarcerated parents are at very high risk. We know that children living in communities where there is a high incidence of crime and an easy availability of guns are at high risk of committing crimes.

So what we need to do, Mr. President, is do as I suggest in this language, and that is to take just 1 percent of the corrections money and give it to the Pennsylvania Commission on Crime and Delinquency. It is already responsible for doing this kind of work, of passing along grants to programs across the Commonwealth to help prevent young people, but not exclusively young people, from being involved in more serious kinds of activities that could lead to crime. I believe it is common sense to do this, and will save money in the long run, and that we should not say maybe we will get to crime prevention next year when we are spending almost a billion dollars a year on corrections. One percent, Mr. President, would produce \$9 million, an unheard of amount of money on crime prevention, but one that we know to be very, very meaningful.

So, again, I would suggest that it is important for us to stand up and say it is about time for us to get our priorities right. It is about time for us not to spend so much money locking people up longer but to start to spend 1 percent of what we now so willingly spend of our taxpayer's money in corrections, to build prisons, to put people away for longer and longer. We passed 37 bills in our crime session that has resulted in hundreds of millions of dollars more committed in our budget. It is the only area of increase in this budget, significant area of increase in this budget. I believe there is about an 18-percent increase in the corrections budget, and yet I know there are some who would say maybe spending money on prevention is being soft on crime. I would contend that it is the most serious thing to do, and the best use of that money is to spend the few dollars it might take to help someone get back into school, to reunify that family, to help provide the kind of support services that may cost very little money up front, but save us the almost \$35,000 a year it costs to keep somebody in prison for a year.

So while it is great to be tough on crime, I would contend that it is not only being tough on those who are high risk, but also it is being smart to say let us spend this money up front in meaningful, useful ways to make sure that those people do not end up being the ones we have to lock up for 10, 20, 30 years and then wonder where we are going to find the money in the 21st century. I would say it is a good use of our money and while again I am sure that the Majority Leader would say, let us discuss it at some other time, someone else will take care of this, I would contend that I cannot abdicate my respon-

sibility in this process to move this budget along by not changing it, by not having that kind of input in it.

It is important for us to speak up now on behalf of those who are at high risk of going into our criminal justice system and us having to deal with them at great expense to our taxpayers. Let us save some taxpayer money now so that when we are here in the year 2010 or 2020, we are not figuring out how to find \$2 billion to keep people in prison.

Thank you, Mr. President.

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

Senator HECKLER. Mr. President, very briefly. I do not disagree with much the gentlewoman from Philadelphia, Senator Schwartz, says about the desirability of attempting to prevent crime as a way of avoiding spending the horrific dollars we are forced to spend on corrections. I would, however, urge that this is not the right way to go about achieving that objective.

In the Special Session on crime not long ago completed, we succeeded in refocusing many of the criminal justice resources of this Commonwealth to focus on the violent offenders in our society, people who simply must be taken off the street, both juvenile and adult, if law-abiding citizens are to be safe and secure in their homes, safe to walk the streets of our cities, safe to drive throughout the Commonwealth. The costs associated with that endeavor are inescapable. We cannot simply, arbitrarily, for whatever reason, strike them off the top. Now, I and a number of other Members of this body and other entities throughout the Commonwealth are working with the Attorney General, the administration, to reconfigure our corrections program, to review the priorities of our system, and it may well be at some time in the future that I will look to join with all of you in finding ways to shift money to the front end of the corrections system so that we are not spending \$25,000 and \$30,000 at the back end of the system. I would suggest that at such time as we do that, we will not be looking at such a broad-brushed, generally favorable mishmash of activities as are outlined in amendment A3935, but rather at a much more directly targeted focus upon those particular individuals who have demonstrated a likelihood to commit crimes or a propensity to commit crimes and focusing specifically on their needs.

While there is a great deal that sounds good in amendment A3935, we should not be taking the money that, unfortunately, we must have in corrections if we are to preserve the safety of law-abiding Pennsylvanians, and we would certainly want to spend whatever moneys we choose to spend in successive years in a much more focused fashion than this amendment would provide for. For those reasons, I would urge the defeat of this amendment.

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

Senator HUGHES. Mr. President, I do not want to belabor the issue. I do, however, want to stand in support of the amendment of the gentlewoman from Philadelphia, Senator Schwartz. It is quite clear that the conference committee will have its way over this process in terms of this budget, but I

think a very important message needs to be sent to that committee and the Members who are on that committee.

Mr. President, in 1980 this Commonwealth spent in its annual budget about \$90 million on corrections. By 1996 we are projected to spend probably over \$925 million. In those 16 years we have, and I have participated in it and most of the Members on this floor have done the same, we voted on numerous bills from mandatory sentencing and extended sentences to long sentences. I am not sure that at this particular moment any one of us feels any safer in our communities than we did 16 years ago. It is clear to me the direction that we have gone in this Commonwealth, and in fact throughout this country, has not been a direction that really has addressed in a very significant way the issues of crime in our community. Consequently, any legislative move to focus more attention on issues of prevention and getting more support and more dollars and more focus on issues of prevention I think warrants our serious support just about anytime that it comes across this floor or in committee. Consequently, I do support Senator Schwartz and I support this amendment and would hope the other Members would look at the history and see that what we have done has not really been successful, and that we have to find a way to really as a government, as a Commonwealth, address this particular matter in a much different and much more successful fashion.

Thank you.

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

Senator FUMO. Mr. President, no one has argued on this floor more strenuously during the Special Session on crime, and at other times, that we have not been smart on crime, we have been tough but not smart, and I argued quite vigorously for prevention programs because it is foolhardy to continue to think that we can solve our problems by simply building more prisons and adding more prison guards. We cannot allow Pennsylvania's biggest growth industry to be prison construction and operation. But again, Mr. President, I will vote "no" on this amendment because I want to stress, as one of the potential conferees of that committee, I certainly have that message loud and clear, but you also do not rob Peter to pay Paul. You do not spend money for prevention programs out of corrections budgets, because, as was said before, what do you do with dangerous offenders? The real answer to that is not a budgetary answer as much as it is a reassessment of our position on mandatory sentencing for minor offenses. That is where the answer to our prison population comes from, and until this General Assembly is ready to do that, spending \$9 million, \$10 million, \$12 million, \$15 million, \$20 million on prevention, it is not going to help our prison population problem, and in the meantime we cannot forego security based on a vague program, and we cannot forego security to the tune of \$9 million to \$10 million for that.

So as much as I agree with Senator Schwartz and the gentleman from Philadelphia, Senator Hughes, and I think the gentleman from Bucks, Senator Heckler, agrees with us, and everyone does, this is not the answer to the problem, and again, although I understand the frustration of many Members

and share that frustration, the only way we are going to get anywhere in this budget process, particularly as Democrats, is to move this bill through the proper process and try to get to the table to make our arguments known in a forum in which those arguments can be effective, as opposed to this type of a process.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, Senator Stewart has been called to his office, and I request a temporary Capitol leave for him.

The PRESIDENT. Without objection, that leave is granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDENT. Without objection, that leave is granted as well.

And the question recurring,

Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A3838 OFFERED

Senator WAGNER offered the following amendment No. A3838:

Amend Sec. 210, page 29, line 6, by striking out all of said line and inserting:

State appropriation..	901,131,000
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Amend Sec. 219, page 92, by inserting between lines 24 and 25:

For Blind and Visual Aid Services for the Radio Information Services Program.

State appropriation..	100,000
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On the question,

Will the Senate agree to the amendment?

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

Senator WAGNER. Mr. President, prior to speaking on the amendment, it is my understanding that the Majority Leader, Senator Loeper, may have a comment. It is about radio information service, a \$100,000 line item that is not in the budget as a line item but may in fact be in there somewhere that I am not sure of.

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

Senator LOEPER. Mr. President, in the budget document that we have before us, Senate Bill No. 1583, there was included or restored money in the amount of \$600,000 for the blind

and visual aid services, and I believe in that general line those moneys would be available to address that specific program. Therefore, Mr. President, it would be my view that this amendment may not be necessary.

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

Senator WAGNER. Mr. President, I do not know if that is an absolute or not. I mean, I am not sure. This program is so darn important to 12 counties in southwestern Pennsylvania that if we are not certain, I would like to offer the amendment for a vote.

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

Senator LOEPER. Mr. President, my understanding is that there is money available in order to continue to fund this program.

AMENDMENT WITHDRAWN

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

Senator WAGNER. Mr. President, with that comment from the gentleman from Delaware, Senator Loeper, I will withdraw the amendment, and I appreciate the fact that the radio information service will be funded.

The PRESIDENT. Senator Wagner withdraws the amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

SCHWARTZ AMENDMENT A3939

Senator SCHWARTZ offered the following amendment No. A3939:

Amend Sec. 219, page 81, lines 28 through 30; page 82, lines 1 through 22, by striking out all of said lines on said pages and inserting: shall fund the following enumerated medical services for women: pap smears, contraceptive services, hematocrit/hemoglobin (anemia), urine dipstick (diabetes), hypertension screening, sexually transmitted disease screening and treatment and follow-up of abnormal test results on the above-named procedures. Such funds shall not be used to perform abortions.

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, this amendment does not deal with changing any numbers in the budget. What this does is it changes some of the language related to the use of some dollars. Some of my colleagues may be aware of the fact that we do fund family planning, we do have some funding for family planning in this Commonwealth. We did so after many years of not doing so, not adding any State dollars to family planning. We did so, and I will not go into any details of reaching some agreement to provide an equal amount of money to groups that in fact offer alternatives to abortion, to make sure that, well, there was some agreement about the fact that that would be important to make sure that both sides of this

argument got some attention, and while I was not wholly comfortable with that, I was not really asked my opinion. That decision happened before I was in the legislature.

But let me just say that what this would do is language got added last year and was taken out and put back in, and there was a great deal of discussion about what language we attached to how the family planning dollars would be used. What finally happened is some contractual language was put into the State contracts with the family planning providers that limited and made very clear how they limited the use of the family planning dollars. There now was interest in putting that language into this budget. There was a great deal of concern about adding that language to this budget, and what my amendment does is it takes that new language out and reverts to language that we previously used, which makes it absolutely clear that these funds may not be used for any services related to abortion.

However, Mr. President, it does not dictate which kinds of contraceptives it would pay for and which ones it will not, which the prior language did. And it does not say that should a family planning provider who receives this money be asked about a referral for termination of a pregnancy, that you would not be able to answer that question. There has been a great deal of discussion about the gag rule on the Federal level. The interpretation of family planning providers is that this would set up a gag rule in Pennsylvania and would set up a two-tiered system of care, that those women who could either pay out of pocket or those with private insurance would be able to get information about all of the legal, safe medical services available to them, but that women whose care might be paid for through public funds, through State funds, would not. That is not acceptable to me. It is not acceptable to family planning providers, and we should not pass that kind of language in this budget. And let me just also say it is my understanding that many of the family planning providers are willing to sign the same contract that they signed last year.

So the issue here, Mr. President, is not how these funds will actually be used, it is about the kinds of limitations we think we have to put on this statute that we are going to make part of Pennsylvania law. It is not truly our business to decide which contraceptives a woman might want to choose with State dollars. I think that is unacceptable. There are not enough contraceptive options available to women as it is. And for us to say, I am sorry, I do not like that particular one, so therefore that will not be available under State dollars, is truly unacceptable. It is unacceptable to the vast majority of Pennsylvanians, and truthfully, it is unacceptable to the vast majority in the General Assembly.

So I call, even in this moment when we are being told to not pass any amendments, that we are not supposed to tinker with this budget, that we are supposed to pass it along and leave it to someone else to decide and then we will vote on concurrence later on, I am saying, Mr. President, that we should say in this budget that that language is unacceptable and replace it with reasonable language that limits the services to family planning services, limits it to medical services for women, makes it absolutely clear that these funds cannot be used

for abortions, because that is not the intention, not what they will be used for, but in fact is the kind of language that family planning providers respectfully have been living with and we should really limit what we want to do on this.

Again, it does not change the budget amounts. It changes the language relating to family planning funds. It is something we should make absolutely clear, and anyone who is concerned about helping women avoid unwanted pregnancy and never have to be faced with a decision about abortion should be very clear about offering family planning services and complete, accurate information to women regardless of their source of reimbursement for that service, and we should all be willing to stand up and say that.

Thank you, Mr. President.

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

Senator HECKLER. Mr. President, I agree entirely with the lady's characterization of the language which presently appears at the bottom of page 81 and the top of page 82 of the bill that we have before us. The amendment, I believe, she offers is essentially language approved by Governor Casey and found acceptable to him as an assurance that Commonwealth tax dollars would not be used to facilitate abortion. We know, and everybody in this Commonwealth knows, if they think about it, that the dollars spent with the organizations which receive funding through this line to promote women's health, and specifically to provide contraceptive services, do more to prevent abortion than any other single endeavor of any private or public entity in this Commonwealth.

These funds should continue to be provided, and I find it ironic, frankly, that language which was good enough for our last Governor is not now deemed adequate by certain Members of the House, in particular, and that it is instead requested that this contract language, which was designed to mirror the specific activities of particular providers, should be inserted in the budget, should be made a part of law, should advance at least the possibility that a gag rule exists with regard to State funds and should arguably create some kind of precedent for the future.

However, having said that, and saying that the inclusion of this language in a final budget document would make it very difficult for me to vote for such a document, I will not vote for this amendment at this time in the belief, as I believe many of my colleagues, at least probably on both sides of the aisle, certainly on the Republican side of the aisle, recognize that it is necessary to get this document moved along. So while I share the lady's concerns about this language, I think the language has no place whatsoever in the budget document. I urge that we move the process along at this time while at the same time urging the administration and whoever will ultimately be conferees that this language come out of the budget before we finally face it.

Thank you.

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

Senator SCHWARTZ. Mr. President, I want to thank the gentleman from Bucks, Senator Heckler, for the point that this

language was acceptable to Governor Casey. I think that is actually an important point. I also wanted to just ask for a roll-call vote when it gets time for a vote.

Thank you.

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

Senator FUMO. Mr. President, although I have been supportive of the concept of getting this budget moving and not changing the numbers so as to throw it out of kilter, I do not believe that this is a numerical or financial issue, and I cannot agree more with the gentleman from Bucks, Senator Heckler, that nothing goes further to prevent abortions and, quite frankly, unwanted pregnancies, which is probably our biggest welfare problem in this Commonwealth, than proper counseling and the way in which this money should be spent. And I agree that a document that was good enough for Governor Casey, who was very conservative on this issue, I cannot understand why it is not good enough for Governor Ridge and the Members of the House, and I intend to vote "yes" on this amendment.

Thank you, Mr. President.

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

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

YEAS—7

Afflerbach	Fumo	Schwartz	Williams
Costa	Hughes	Tartaglione	

NAYS—42

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

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

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Bell. 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—32

Armstrong	Hart	Mellow	Salvatore
Bell	Heckler	Mowery	Shaffer
Brightbill	Helfrick	Musto	Stapleton
Corman	Holl	Peterson	Thompson
Delp	Jubelirer	Piccola	Tilghman
Fisher	Lemmond	Punt	Tomlinson
Gerlach	Loeper	Rhoades	Uliana
Greenleaf	Madigan	Robbins	Wenger

NAYS—17

Afflerbach	Fumo	O'Pake	Stout
Andrezski	Hughes	Porterfield	Tartaglione
Belan	Kasunic	Schwartz	Wagner
Bodack	LaValle	Stewart	Williams
Costa			

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.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

SB 388 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 8, SB 165, SB 239, SB 685, HB 778, SB 942, SB 943, HB 1130, SB 1231, HB 1362, SB 1469, SB 1553, HB 1571, HB 1823 and HB 2305 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 220 (Pr. No. 3658) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the observance of the first Thursday in May of each year as "Commonwealth Day of Prayer."

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

BILL OVER IN ORDER

SB 289 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 416 (Pr. No. 431) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Johnstown Redevelopment Authority certain excess land situate in the City of Johnstown, Cambria County.

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

BILLS OVER IN ORDER

SB 819, SB 853, SB 1063 and HB 1182 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 1209 (Pr. No. 2079) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children; providing for a clearinghouse for missing children; and imposing powers and duties on the Pennsylvania State Police, local school districts and parents.

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

BILLS OVER IN ORDER

SB 1315, SB 1316, SB 1333 and HB 1346 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1396 (Pr. No. 1737) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey a tract of land situate in Conewango Township, Warren County, Pennsylvania, to the Warren County Commissioners.

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

BILLS OVER IN ORDER

SB 1398, SB 1447, SB 1513 and SB 1536 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1566 (Pr. No. 2056) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), entitled "Mental Health Procedures Act," further providing for competency determination and burden of proof.

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

BILL OVER IN ORDER

SB 1572 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1865 (Pr. No. 2287) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

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

BILLS OVER IN ORDER

HB 2041 and HB 2102 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 2223 (Pr. No. 2899) — The Senate proceeded to consideration of the bill, entitled:

An Act implementing the provisions of section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania by authorizing cities of the first class to provide for special tax provisions relating to real property taxes for certain persons who meet the established standards and qualifications for age and poverty.

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

BILLS OVER IN ORDER

HB 2379 and HB 2446 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations 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 Rules and Executive Nominations, this Senate stands in recess.

AFTER RECESS

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

RECONSIDERATION OF SB 1583

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

Senator LOEPER. Mr. President, I move that the Senate reconsider the vote by which Senate Bill No. 1583, Printer's No. 2074, passed the Senate finally.

The motion was 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, I move to reconsider the vote by which Senate Bill No. 1583 was agreed to on third consideration.

The motion was agreed to.

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

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

Senator LOEPER. Mr. President, I move that we reconsider the vote by which amendment A3667 was defeated.

The motion was agreed to.

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

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

Senator GREENLEAF. Mr. President, I would like to be registered as a "no" vote on the amendment.

The PRESIDENT. The gentleman will be so recorded.

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

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

YEAS—13

Table with 4 columns: Afflerbach, Kasunic, Porterfield, Stout; Andrezeski, LaValle, Schwartz, Tartaglione; Costa, O'Pake, Stapleton, Wagner; Hughes

NAYS—36

Table with 4 columns: Armstrong, Gerlach, Madigan, Salvatore; Belan, Greenleaf, Mellow, Shaffer; Bell, Hart, Mowery, Stewart; Bodack, Heckler, Musto, Thompson; Brightbill, Helfrick, Peterson, Tilghman; Corman, Holl, Piccola, Tomlinson; Delp, Jubelirer, Punt, Uliana; Fisher, Lemmond, Rhoades, Wenger; Fumo, Loeper, Robbins, Williams

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

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

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—32

Table with 4 columns: Armstrong, Hart, Mellow, Salvatore; Bell, Heckler, Mowery, Shaffer; Brightbill, Helfrick, Musto, Stapleton; Corman, Holl, Peterson, Thompson; Delp, Jubelirer, Piccola, Tilghman; Fisher, Lemmond, Punt, Tomlinson; Gerlach, Loeper, Rhoades, Uliana; Greenleaf, Madigan, Robbins, Wenger

NAYS—17

Table with 4 columns: Afflerbach, Fumo, O'Pake, Stout; Andrezeski, Hughes, Porterfield, Tartaglione; Belan, Kasunic, Schwartz, Wagner; Bodack, LaValle, Stewart, Williams; Costa

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.

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

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

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

May 31, 1996

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 10, 1996 for the reappointment of Clair E. Troy (Public Member), 106 West Main Street, P. O. Box 554, Elizabethtown 17023, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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

THOMAS J. RIDGE Governor

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

May 6, 1996

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, Sister Adrian Barrett, P. O. Box 711, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1997 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

May 17, 1996

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, Ronald L. Spero (Public Member), 5105 Clinton Drive, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve until April 16, 1997 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul C. Dunkelberger, Lebanon, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

April 29, 1996

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 R. Agras, 73 Lebanon Hills Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 1996 or until his successor is

appointed and qualified, vice Sister M. Lawreace Antoun, Erie, resigned.

THOMAS J. RIDGE
Governor

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

April 30, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Muriel M. Berman, 2000 Nottingham Road, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1998 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

May 31, 1996

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, Christopher J. Cerski, 135 Pine Run Road, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Christopher M. Makos, Stroudsburg, graduated.

THOMAS J. RIDGE
Governor

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

May 31, 1996

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 A. Fino, 33 North Earl Street, Apartment A, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Amy L. Martin, Elizabethtown, graduated.

THOMAS J. RIDGE
Governor

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

May 31, 1996

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, Andrew H. Shoffner, 414 South

Walnut Street, West Chester 19383, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Elizabeth L. Schmid, West Chester, graduated.

THOMAS J. RIDGE
Governor

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

April 26, 1996

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 R. Rockey, 13 Sagamore Hills, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Alma Kay Crawford, York, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PODIATRY**

May 6, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert L. Green, D.O., 7155 Sterling Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas H. Coleman, M.D., Carbondale, whose term expired.

THOMAS J. RIDGE
Governor

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

May 17, 1996

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 Roman, Gwin Engineers, Inc., 1126 Eighth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Wasinder S. Mokha, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

May 6, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Henry M. Weeks, IV, Ph.D., 211 Echo Road, Carlisle 17013-9510, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph L. French, Ed.D., State College, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE REAL
ESTATE COMMISSION**

April 29, 1996

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 E. Meagher, III, 1169 Limekiln Pike, Ambler 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John D. Neel, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF SOCIAL WORK EXAMINERS**

May 17, 1996

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, Manuel J. Manolios, 397 Jayson Avenue, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

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

May 10, 1996

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, Minor W. Redmond, Jr., 135 Pickway Place, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of

Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

SB 698 (Pr. No. 2032) (Rereported) (Concurrence)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational aid for certain members of the Pennsylvania National Guard; and conferring powers and duties on the Adjutant General, the Department of Military Affairs and the Pennsylvania Higher Education Assistance Agency.

SB 752 (Pr. No. 2065) (Rereported) (Concurrence)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for trial by jury and waiver of this right.

RESOLUTION REPORTED FROM COMMITTEE

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

HCR 391 (Pr. No. 3644)

A Concurrent Resolution endorsing Pennsylvania's "Celebration of Patriotism and Service" honoring the nation's Congressional Medal of Honor recipients.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to W.E. Mae Boemio by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Maris W. Trout, Mr. and Mrs. Charles E. Aukamp, Mr. and Mrs. Chester A. Mable, Mr. and Mrs. Peter L. Angelini, Mr. and Mrs. Jay Twigg, Mr. and Mrs. Harold Bechtold, Mr. and Mrs. John H. Siple, Jr., Mr. and Mrs. Frances Everton Stewart, Mr. and Mrs. Elmer C. Eckert and to Mr. and Mrs. Don Dull by Senator Armstrong.

Congratulations of the Senate were extended to Thomas Powers, Donald James Reisch and to the Evangelical Congregational Church of McKeesport by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. George Matzuras by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Foertsch by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. John Byler by Senator Brightbill.

Congratulations of the Senate were extended to Dr. and Mrs. Harry Berlin, Mr. and Mrs. Norman Wilson, Mr. and Mrs. Herbert W. Firth and to Mr. and Mrs. J. Marlin Nichols by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Charles A. Shaffer by Senator Delp.

Congratulations of the Senate were extended to the Pleasant Hills Kiwanis Club by Senator Fisher.

Congratulations of the Senate were extended to Troy Karom by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Minnich, Mr. and Mrs. Marlin J. Miller and to Christopher Gilman by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Biernesser, Jason M. Fisher, Michael J. Goldbach, Michael Sean McAfee and to Jason M. Sokiera by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Richard G. Mabus, Sr., Mr. and Mrs. Sidney Rohrbach, Mr. and Mrs. Joseph A. Nied, Mr. and Mrs. Marlin E. Varner, Mr. and Mrs. Karl A. Newhart, Mr. and Mrs. Thomas E. Wilson, Mr. and Mrs. David F. Kerstetter, Mr. and Mrs. Harold J. Herb, Mr. and Mrs. Fred Kitchen, Mr. and Mrs. Carleton E. Mensch, Verna B. Kerstetter, Brian J. Carnisa, Aaron S. Hess and to Robert J. Baker by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Donald E. Davis, Mr. and Mrs. John Delaney, Mr. and Mrs. Arloe Gager, Mr. and Mrs. Don Faux, Mr. and Mrs. John Gryskavicz, Mr. and Mrs. Clyde Moyer, Mr. and Mrs. Joseph Leogrande, Mr. and Mrs. Edmund J. Oldenski, Sr., Mr. and Mrs. James Olin, Mr. and Mrs. William A. Rolland, Mr. and Mrs. Edwin Roth, Robert Doney, Howard C. Van Fleet and to Florence I. Weaver by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Griffin and to Len Brader by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Bert Hoose, Mr. and Mrs. Lewis G. Shumway, Mr. and Mrs. Harry Knolles, Mr. and Mrs. Burdette Olmstead, Mr. and Mrs. Kenneth E. Bierly, Myrtle Stoddard and to Josephine Goodrich by Senator Madigan.

Congratulations of the Senate were extended to Randy Evertts by Senator Mowery.

Congratulations of the Senate were extended to Angela B. Acierno by Senator Musto.

Congratulations of the Senate were extended to Henry J. Aschenbrenner by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Marvin Laverne Fenton, Jr., by Senator Peterson.

Congratulations of the Senate were extended to Patricia E. Shepherd and to the Harrisburg Chapter of Executive Women International by Senator Piccola.

Congratulations of the Senate were extended to Dr. Saul B. Grossman by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. John Lestyk, Mr. and Mrs. Joseph Cavanaugh, Mr. and Mrs. Thomas Keller, Mr. and Mrs. George E. Boggs, Mr. and Mrs. Frank Robb, Mr. and Mrs. Gayle Bricker, Mr. and Mrs. Robert Andre, Mr. and Mrs. Charles P. Heist, Mr. and Mrs. C. Robert McCall, Mr. and Mrs. Arthur Wright, Mr. and Mrs. Tom Kollar, Dorothy Brickbichler, Alan McCandless, Olive Coffman, Olive N. Cratty and to Olive T. Wagle by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Cardellino and to the Venango Museum of Art, Science and Industry by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Oreste Trozzi, Mr. and Mrs. Warren K. Killen, Mr. and Mrs. Dominic Bellotti, Mr. and Mrs. Nick Bozic, Mr. and Mrs. Albert Clement, Mr. and Mrs. Frank Fiem, Mr. and Mrs. August Galante, Mr. and Mrs. George E. Lippencott, Mr. and Mrs. Harold Martin, Mr. and Mrs. John C. Korody, Mr. and Mrs. Jesse N. Holman, Mr. and Mrs. Bob Houston, Mr. and Mrs. Kenneth Loughman, Sr., Mr. and Mrs. Carl W. Hoy, Jr., Mr. and Mrs. Denton Knestrick, Mr. and Mrs. Warren Piatt, Mr. and Mrs. Sheldon K. McKee, Mr. and Mrs. Peter C. Shulin, Mr. and Mrs. James Vaira and to Mr. and Mrs. Burdette White by Senator Stout.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1493 and HB 873.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE ARCHITECTS LICENSURE BOARD

June 10, 1996

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, Fritz Bittenbender, (Public Member), 234 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Architects Licensure Board, to serve for a term of four years or until his

successor is appointed and qualified, but not longer than six months beyond that period, vice Ellen Q. Bush, Lake Harmony, resigned.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

June 10, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel William J. Boardley, 715 Fayette Street, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as Brigadier General, Commander, 171st Air Refueling Wing, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA NATIONAL GUARD

June 10, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel W. Reed Ernst, 347 Regent Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, Director of Operations, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

June 10, 1996

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, Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Sally S. Klein, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

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

June 10, 1996

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, Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until June 15, 1998 and

until her successor is appointed and qualified, but not longer than six months beyond that period, vice Linda S. Fagenholtz, M.D., Erie, resigned.

THOMAS J. RIDGE
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 11, 1996

10:00 A.M.	AGING AND YOUTH (public hearing to consider potential approaches for funding PACE benefit enhancement)	Majority Caucus Rm.
10:00 A.M.	EDUCATION (to consider Senate Bill No. 188; House Bill No. 837 and 1689; and any other business that may come before the Committee)	Room 461 Main Capitol
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider House Bill No. 1929 - the Waste Tire Recycling Act; and Senate Resolution No. 138)	Room 8E-B East Wing
10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 323, 1329, 1521 and 1589; and House Bills No. 2064 and 2261)	Room 8E-A East Wing
11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 1122; House Bill No. 1415; and any other business that may come before the Committee)	Room 461 Main Capitol
11:30 A.M.	JUDICIARY (committee meeting (to consider Senate Bills No. 232, 233, 1035, 1158, 1479, 1533, 1534 and 1579; and House Bill No. 2580)	Room 8E-B East Wing
12:45 P.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 577 and 801; Special Session Senate Bill No. 5; and certain executive nominations)	Rules Cmte. Conf. Rm.

WEDNESDAY, JUNE 12, 1996

10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 1285 and 1476)	Rules Cmte. Conf. Rm.
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FRIDAY, JUNE 21, 1996

11:00 A.M.	JUDICIARY (public hearing on the Bureau of Narcotics Investigation of the Office of the Attorney General)	Ceremonial Courtroom US Courthouse 601 Market St Phila., PA
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MONDAY, JUNE 24, 1996

10:00 A.M.	JUDICIARY (public hearing on Senate Bill No. 1552)	Room 8E-B East Wing
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ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 11, 1996, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:55 p.m., Eastern Daylight Saving Time.