

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JUNE 24, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 45

**SENATE**

MONDAY, June 24, 1996

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

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

**PRAYER**

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

O God, we acknowledge You as Creator and Sovereign of the universe. You created all things and called them good. You breathed into us the breath of life and placed us above all creation so that we might be good and faithful stewards of all that You have made.

It is this Senate's wonderful privilege and special responsibility to exercise governing care over this beautiful Commonwealth. Grant, then, the Members of this body special insight for their stewardship and fiscal responsibility in this place - Pennsylvania - and most especially, may they, with compassion and justice and fairness, enact legislation that will enhance the life of our good people who claim with pride the privileges and responsibilities of being called Pennsylvanians.

So as we begin this Senate Session, we acknowledge You, God of many names, yet one God who creates and sustains us in all good endeavors. Amen.

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

**LEGISLATIVE LEAVES**

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

Senator STAPLETON. Mr. President, I ask for legislative leaves for Senator Hughes and Senator Stout, and a temporary Capitol leave for Senator Porterfield.

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 20, 1996.

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

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

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

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

**YEAS—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.

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR HAROLD F.  
MOWERY PRESENTED TO THE SENATE**

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

Senator MOWERY. Mr. President, I have two guest Pages here today and I would like to introduce them to the Senate. One Page is Heather Long, who lives in Mechanicsburg. She is a freshman at Cumberland Valley, and her parents are Charles and Carole Long.

(Applause.)

Senator MOWERY. And the second Page for the day is Nicole Hoover. She lives in Enola, and she is in the eighth grade at East Pennsboro. Her mother is Peggy Schaeffer. Let us acknowledge her.

(Applause.)

**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, it is an outstanding honor on my part today to introduce to the Senate an outstanding young man. Joseph Killar is now a graduate of Saucon Valley High School, where he distinguished himself in two sports and in the classroom. He was the Lehigh Valley Scholar Athlete of the Year, and he was a second team all-State running back for Class AA. He was also the 152-pound State champion in Class AA wrestling. In the fall of this year, he will be attending Harvard University as a pre-med student, and I am sure that Joseph Killar is going to be an individual who distinguishes himself and becomes a great Pennsylvanian.

Joseph is joined today by his parents, John and Barbara Killar; his grandparents, Catherine and Angelo Bertolino; his grandmother, Mary Killar; and his school counselor, Mr. Dale Fritchman.

Mr. President, I hope the Senate would give the Killar family and Mr. Fritchman all the due respect that they are accorded in this great body.

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

(Applause.)

**COMMUNICATIONS FROM THE GOVERNOR**

**APPROVAL OF SENATE BILL**

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

**SB 801.**

**NOMINATION REFERRED TO COMMITTEE**

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

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

June 20, 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, David Oh, 5815 Thomas Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1998 and until his successor is appointed and qualified, vice Luis F. Columba, resigned.

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATIONS  
LAID ON THE TABLE**

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 laid on the table:

**CONTROLLER, CLEARFIELD COUNTY**

June 20, 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 April 1, 1996 for the appointment of Percy O. Kephart, Jr., 129 West Sixth Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, as Controller, in and for the County of Clearfield, to serve until the first Monday of January 1998, vice Gene Lunsford, resigned.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE HEALTH  
FACILITY HEARING BOARD**

June 20, 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 April 25, 1996 for the appointment of Fritz Bittenbender, 234 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the State Health Facility Hearing Board, to serve for a term of four years and until his successor is appointed and qualified, vice Madalon Amenta, DrPH, Pittsburgh, resigned.

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

THOMAS J. RIDGE  
Governor

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

June 20, 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 April 29, 1996 for the appointment of Fritz Bittenbender, 264 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1996 and until his successor is appointed and qualified, vice Sheila Bass, Holland, resigned.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE PENNSYLVANIA MINORITY  
BUSINESS DEVELOPMENT AUTHORITY

June 20, 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 April 29, 1996 for the appointment of David Oh, 5815 Thomas Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1998 and until his successor is appointed and qualified, vice Luis F. Columba, resigned.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS

June 20, 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 April 29, 1996 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Romaine J. Campenni, Pittston, whose term expired.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

June 20, 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 April 29, 1996 for the appointment of Leslie Gromis, 1518 North Second Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Donna D. Gority, Altoona, whose term expired.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

June 20, 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 April 29, 1996 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Hon. John H. Chronister, York, whose term expired.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

June 20, 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 April 18, 1996 for the reappointment of Pattee J. Miller, 11 Cambridge Avenue, Lincoln Park, Reading 19609, Berks County, Eleventh Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

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

THOMAS J. RIDGE  
Governor

DISTRICT JUSTICE

June 20, 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 March 29, 1996 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Lackawanna, Magisterial District 45-1-02, to serve until the first Monday of January 1998, vice Carmen D. Minora, resigned.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

June 21, 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 April 18, 1996 for the reappointment of Robert E. Gregory, 721 East 28th Division Highway, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified.

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

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 21, 1996

**HB 928** -- Committee on Law and Justice.

**HB 2031** -- Committee on Environmental Resources and Energy.

**HB 2666** and **HB 2668** -- Committee on Community and Economic Development.

### BILLS INTRODUCED AND REFERRED

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

June 21, 1996

Senators HOLL, MUSTO, CORMAN, GREENLEAF, AFLERBACH, WENGER, HART, SALVATORE, MOWERY and LEMMOND presented to the Chair SB 1612, entitled:

An Act amending the act of December 22, 1989 (P. L. 687, No. 90), entitled "Mortgage Bankers and Brokers Act," further providing for definitions, for loan correspondents and wholesale table funders, for license applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations and for enforcement and penalties.

Which was committed to the Committee on BANKING AND INSURANCE, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1613, entitled:

An Act to provide from the Ben Franklin/IRC Partnership Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1614, entitled:

An Act to provide from the Banking Department Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1615, entitled:

An Act to provide from the Emergency Medical Services Operating Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1616, entitled:

An Act to provide from the Energy Conservation and Assistance Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1617, entitled:

An Act to provide from the Hazardous Material Response Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1618, entitled:

An Act to provide from the Home Investment Trust Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1619, entitled:

An Act to provide from the Judicial Computer System Augmentation Account for the expenses of the Judicial Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Judicial Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair SB 1620, entitled:

An Act to provide from the State Lottery Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the pay-

ment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair **SB 1621**, entitled:

An Act to provide from the Milk Marketing Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair **SB 1622**, entitled:

An Act 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, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair **SB 1623**, entitled:

An Act to provide from The State Stores Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senator TILGHMAN presented to the Chair **SB 1624**, entitled:

An Act to provide from the Tuition Payment Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

Which was committed to the Committee on APPROPRIATIONS, June 21, 1996.

Senators DELP, GERLACH, THOMPSON, AFLERBACH, BELL, BRIGHTBILL, ULIANA, MOWERY, GREENLEAF, ANDREZESKI, LEMMOND, PICCOLA, WENGER, ARMSTRONG and PUNT presented to the Chair **SB 1625**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for distribution of State highway maintenance funds.

Which was committed to the Committee on TRANSPORTATION, June 21, 1996.

## APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Mr. Michael A. Dillon as a member of the Tuition Account Program Advisory Board.

Senator Robert C. Jubelirer as a member of the Tuition Account Program Advisory Board.

## REPORTS FROM COMMITTEE

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

### **SB 1158 (Pr. No. 2178) (Amended) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences of total confinement.

### **SB 1291 (Pr. No. 1545) (Rereported)**

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), entitled "Vital Statistics Law of 1953," further providing for local registrars' fees.

### **SB 1521 (Pr. No. 2179) (Amended) (Rereported)**

An Act authorizing the Commonwealth to enter into agreements with private firms for the development, financing, design, construction and operation of highways; providing for the powers and duties of the Department of Transportation, for studying the feasibility of making existing State highways privately operated highways and for the contracting of maintenance and law enforcement services.

### **SB 1526 (Pr. No. 2180) (Amended) (Rereported)**

An Act providing for the highway capital budget for the fiscal year 1996-1997.

### **SB 1600 (Pr. No. 2119) (Rereported)**

An Act amending the act of May 12, 1911 (P. L. 295, No. 187), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one;....." further providing for a restriction on taxing power; and making repeals.

### **SB 1607 (Pr. No. 2130) (Rereported)**

An Act amending the act of December 18, 1980 (P. L. 1241, No. 224), entitled "Pennsylvania Cancer Control, Prevention and Research Act," extending the expiration date.

### **SB 1613 (Pr. No. 2165)**

An Act to provide from the Ben Franklin/IRC Partnership Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

### **SB 1614 (Pr. No. 2166)**

An Act to provide from the Banking Department Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of

Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1615 (Pr. No. 2167)**

An Act to provide from the Emergency Medical Services Operating Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1616 (Pr. No. 2168)**

An Act to provide from the Energy Conservation and Assistance Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1617 (Pr. No. 2169)**

An Act to provide from the Hazardous Material Response Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1618 (Pr. No. 2170)**

An Act to provide from the Home Investment Trust Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1619 (Pr. No. 2171)**

An Act to provide from the Judicial Computer System Augmentation Account for the expenses of the Judicial Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Judicial Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1620 (Pr. No. 2172)**

An Act to provide from the State Lottery Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1621 (Pr. No. 2173)**

An Act to provide from the Milk Marketing Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1622 (Pr. No. 2174)**

An Act to provide appropriations from the Motor License Fund for the fiscal year July 1, 1996, to June 30, 1997, for the proper oper-

ation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1623 (Pr. No. 2175)**

An Act to provide from The State Stores Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**SB 1624 (Pr. No. 2176)**

An Act to provide from the Tuition Payment Fund for the expenses of the Executive Department of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

**HB 1031 (Pr. No. 3809) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for sabatical leaves and for rights during a leave of absence.

**HB 1053 (Pr. No. 3456) (Rereported)**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to the operation and suspension of adult oriented establishments; and imposing penalties.

**HB 1855 (Pr. No. 3548) (Rereported)**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the general powers of the State Board of Dentistry.

**HB 2002 (Pr. No. 3089) (Rereported)**

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, providing for auxiliary appeal boards in counties of the second class A; and further providing for rules and regulations.

**DISCHARGE PETITIONS**

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

In the Senate, June 24, 1996

A PETITION

To place before the Senate the nomination of Peggy L. Thompson, as a member of the State Board of Auctioneer Examiners.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Peggy L. Thompson, as a member of the State Board of Auctioneer Examiners, before the entire

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

William J. Stewart  
 Robert J. Mellow  
 Leonard J. Bodack  
 Michael A. O'Pake  
 Vincent J. Fumo  
 Patrick J. Stapleton  
 Anthony B. Andrezeski

In the Senate, June 24, 1996

**A PETITION**

To place before the Senate the nomination of Kenneth A. Geyer, as a member of the State Board of Auctioneer Examiners.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Kenneth A. Geyer, as a member of the State Board of Auctioneer Examiners, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart  
 Robert J. Mellow  
 Leonard J. Bodack  
 Michael A. O'Pake  
 Vincent J. Fumo  
 Patrick J. Stapleton  
 Anthony B. Andrezeski

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

**RECESS**

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

Senator LOEPER. Mr. President, before we begin consideration of today's Calendar, at this time I ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:15.

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

Senator STAPLETON. Mr. President, I ask the Democrats to report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the Republican caucus to begin immediately in the Majority Caucus Room following this announcement, with the intention of returning at approximately 4:15, the Senate stands in recess.

**AFTER RECESS**

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

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

The SECRETARY. Consent was given for the Committee on Rules and Executive Nominations to meet during today's

Session to consider Senate Bill No. 1323 and certain nominations.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL OVER IN ORDER TEMPORARILY**

**HB 100** -- Without objection, the bill was passed over in its order temporarily at the request of Senator FISHER.

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

**BILLS ON THIRD CONSIDERATION  
 AND FINAL PASSAGE**

**SB 1600 (Pr. No. 2119)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 12, 1911 (P. L. 295, No. 187), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one;....." further providing for a restriction on taxing power; and making repeals.

Considered the third time and agreed to,

On the question,  
 Shall the bill pass finally?

**LEGISLATIVE LEAVES**

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

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

The PRESIDENT. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I request a temporary Capitol leave for Senator Loeper.

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,  
 Shall the bill pass finally?

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

**YEAS—49**

Afflerbach	Greenleaf	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 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.

**SB 1607 (Pr. No. 2130)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1980 (P. L. 1241, No. 224), entitled "Pennsylvania Cancer Control, Prevention and Research Act," extending the expiration date.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	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 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.

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILLS OVER IN ORDER**

**HB 216 and HB 299** -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1317 (Pr. No. 2161)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

Senator FISHER. Mr. President, Senate Bill No. 1317 is a bill where for the first time in Pennsylvania telemarketers would be required to register with the Office of the Attorney General before doing telemarketing within this State. I think all of us have heard from our constituents, particularly the senior citizens across Pennsylvania, about the number and frequency of telemarketing calls they have received.

Unfortunately, Mr. President, some of us have heard from constituents, whether directly or whether through relatives, about telemarketing abuse and fraud that has taken place in Pennsylvania. Mr. President, the Attorney General testified before the committee of the gentleman from Delaware, Senator Bell, that over the period of a year, Pennsylvanians have lost over \$2.5 billion to fraudulent telemarketing schemes across the Commonwealth.

Mr. President, Senate Bill No. 1317 is one of a three-bill package that I have introduced that has been reported from the Committee on Consumer Protection which I think will directly attack telemarketing fraud. Senate Bill No. 1317, as I said, will require telemarketers to register with the Office of the Attorney General so that at least someone in Pennsylvania will have a handle on those people who are involved in telemarketing across this State. Also, Senate Bill No. 1315 and Senate Bill No. 1316 will increase both the criminal and civil penalties on those who are engaged in fraudulent telemarketing.

But, Mr. President, in Senate Bill No. 1317, a bill that I think has been a long time in coming, provisions are in place that are probably in half of the other States in this nation. I think this is a good step in the right direction to at least assure the people whom we are sworn to represent that there is somebody who is looking after fraudulent telemarketers and that we have a much better handle on what is going on in Pennsylvania.

Mr. President, I would ask for an affirmative vote on Senate Bill No. 1317 for all the people of Pennsylvania, particularly for our senior citizens, who are more abused than others through these fraudulent telemarketing schemes.

Thank you, Mr. President.

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. Senator Stout and Senator Hughes have returned, and their legislative leaves are cancelled.

And the question recurring,  
Shall the bill pass finally?

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

Senator CORMAN. Mr. President, I congratulate the gentleman for the introduction of this legislation. We all have had the bothersome phone calls the telemarketers make to our homes, seemingly exactly when we sit down to eat.



But some other people, who are involved in home sales, have asked me about the bill, and I wonder if the gentleman would answer a few questions.

The PRESIDENT. Will the gentleman from Allegheny, Senator Fisher, stand for interrogation?

Senator FISHER. Yes, Mr. President.

The PRESIDENT. The gentleman indicates that he will. Senator Corman, you may continue.

Senator CORMAN. Mr. President, people who also sometimes use the telephone to market home products, such as insurance or real estate or other home products, have asked if they will be caught up in this, will it cause them any specific problems? I said I would ask the prime sponsor that question.

Senator FISHER. Mr. President, what we have tried to do in this bill is certainly people such as real estate brokers and agents, insurance agents, and others who have a license that has been issued either by the Commonwealth of Pennsylvania or by the Federal government, those people will be specifically exempted if, in fact, they are doing actual telemarketing, because they are licensed with some other agency, so long as they are doing telemarketing for the kind of business for which they are licensed.

Senator CORMAN. Mr. President, if the people were in the market of selling sweepers, I do not think they are particularly licensed, would they have a problem with this particular piece of legislation?

Senator FISHER. Mr. President, the gentleman is correct. For those industries, that is a good example, someone who may be selling Hoover vacuum sweepers, I doubt that they would be holding any license for that, either now or in the past. But there are exceptions for people who have specific places of business in Pennsylvania, people who have had a business relationship with the person they are calling or have called in the past, so that kind of example would be exempted from the registration requirements in the act.

Senator CORMAN. Mr. President, I thank the gentleman. I support the legislation.

And the question recurring,  
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	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 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.

SB 1333 (Pr. No. 2151) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," defining "political subdivision."

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

On the question,  
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Mr. President, I urge a favorable vote on Senate Bill No. 1333, which is a very significant piece of legislation responding to a Bucks County court decision. Mr. President, because Pennsylvania's Sunshine Law is so important to the taxpayers of this State, the voters of this State, whenever there is a court decision that goes against the public interest, we should move quickly to correct the situation. This bill clearly reaffirms what was intended by this General Assembly when the public comment guarantee was added to sunshine. School board meetings are included in the openness requirements.

Unfortunately, a ruling handed down in Bucks County late last year undermined that understanding and put the guarantee at risk. It was a bad decision, not necessarily a wrong interpretation of the law, but we must now, through legislation, act to fix the problem so that there can be no misunderstanding as to the intent of this General Assembly. In community after community, questions of education funding and education policies are issues that stir public interest and reaction, as well they should. The public comment period is a significant opportunity for individuals to make their concerns and their views part of the process, whether the subject is the budget or property taxes or curriculum choices or other matters of concern.

By passing this bill we make certain that a school board and, as amended by the gentleman from Chester, Senator Thompson, an intermediate unit, cannot just shut down or shut out completely the comments of parents or the community. Mr. President, I urge a positive vote.

Thank you.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

**YEAS—49**

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

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

**HB 100 CALLED UP**

**HB 100 (Pr. No. 3677)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator FISHER.

**BILL AMENDED**

**HB 100 (Pr. No. 3677)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator PETERSON offered the following amendment No. A4317:

Amend Sec. 5, page 3, line 19, by striking out "15" and inserting: 16

Amend Sec. 5, page 4, by inserting between lines 7 and 8:

(10) One member, appointed by the Governor, who shall be a president of a community college which has strong technical and occupational programs.

Amend Sec. 5, page 4, line 8, by striking out "(10)" and inserting: (11)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1346 (Pr. No. 3087)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, changing the date of appeal.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

**YEAS—49**

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

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

**BILL REREFERRED**

**HB 1362 (Pr. No. 3771)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing an exclusion from taxation of a portion of the assessed value of homestead property.

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

**BILLS OVER IN ORDER**

**SB 1431 and SB 1493** -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

**BILL AMENDED**

**SB 1513 (Pr. No. 1933)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports.

On the question,

Will the Senate agree to the bill on third consideration?

Senator HECKLER offered the following amendment No. A4785:

Amend Sec. 1 (Sec. 6340), page 2, line 19, by inserting after "abuse": as defined in section 6303(b)(1)(i) and (ii) (relating to definitions) excluding serious mental injury,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL LAID ON THE TABLE

**SB 1572 (Pr. No. 2062)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 23, 1956 (1955 P. L. 1510, No. 500), entitled, as amended, "Disease Prevention and Control Law of 1955," further providing for HIV testing.

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

#### BILLS OVER IN ORDER

**HB 1689** and **HB 1711** -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL AMENDED

**HB 1712 (Pr. No. 2619)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicle registration periods of less than one year and for exemptions from the motor bus road tax.

On the question,

Will the Senate agree to the bill on third consideration?

#### CORMAN AMENDMENT A4424

Senator CORMAN offered the following amendment No. A4424:

Amend Title, page 1, line 3, by inserting after "YEAR": , for chemical testing to determine amount of alcohol or controlled substance, for driving under influence of alcohol or controlled substance

Amend Title, page 1, line 4, by removing the period after "tax" and inserting: ; providing for prohibiting minors from operating with any alcohol in their systems and for installing pilot programs for motor vehicle license transactions; and making a repeal.

Amend Bill, page 3, by inserting between lines 16 and 17:

Section 3. Section 1547(d) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

\* \* \*

(d) Presumptions from amount of alcohol.—If chemical testing of a person's breath, blood or urine shows:

(1) That the amount of alcohol by weight in the blood of [the person tested] an adult is 0.05% or less, it shall be presumed that the [person tested] adult was not under the influence of alcohol and the [person] adult shall not be charged with any violation under section 3731(a)(1), (4) or (5) (relating to driving under influence of alcohol or controlled substance), or, if the [person] adult was so charged prior to the test, the charge shall be void ab initio. This fact shall not give rise to any presumption concerning a violation of section 3731(a)(2) or (3) or (i).

(2) That the amount of alcohol by weight in the blood of [the person tested] an adult is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the [person tested]

adult was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the [person] adult was or was not under the influence of alcohol. This provision shall not negate the provisions of section 3731(i).

(3) That the amount of alcohol by weight in the blood [of the person tested is 0.10% or more];

(i) of an adult is 0.10% or more; or

(ii) of a minor is 0.02% or more,

this fact may be introduced into evidence if the person is charged with violating section 3731.

\* \* \*

(l) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Adult." A person 21 years of age or older.

"Minor." A person under 21 years of age.

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

4

Amend Bill, page 5, by inserting between lines 9 and 10:

Section 5. Title 75 is amended by adding a section to read:

§ 3718. Minor prohibited from operating with any alcohol in system.

(a) Offense defined.—Notwithstanding any other provision of this title, a minor shall not drive, operate or be in physical control of a motor vehicle while having any alcohol in his system.

(b) Penalty.—A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100.

(c) Definition.—As used in this section, the term "minor" means a person under 21 years of age.

Section 6. Section 3731(a) and (a.1) are amended and the section is amended by adding a subsection to read:

§ 3731. Driving under influence of alcohol or controlled substance.

(a) Offense defined.—A person shall not drive, operate or be in actual physical control of the movement of [any] a vehicle in any of the following circumstances:

(1) [while] While under the influence of alcohol to a degree which renders the person incapable of safe driving[;].

(2) [while] While under the influence of any controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as [""]The Controlled Substance, Drug, Device and Cosmetic Act,[""] to a degree which renders the person incapable of safe driving[;].

(3) [while] While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving[;].

(4) [while] While the amount of alcohol by weight in the blood [of the person is 0.10% or greater; or];

(i) of an adult is 0.10% or greater; or

(ii) of a minor is 0.02% or more.

(5) [if] (i) If the amount of alcohol by weight in the blood [of the person is 0.10% or greater];

(A) of an adult is 0.10% or greater; or

(B) of a minor is 0.02% or greater, at the time of a chemical test of a sample of the person's breath, blood or urine[ , which] ; and

(ii) the sample is:

[(i)] (A) obtained within three hours after the person drove, operated or was in actual physical control of the vehicle; or

[(ii)] (B) if the circumstances of the incident prevent collecting the sample within three hours, obtained within a reasonable additional time after the person drove, operated or was in actual physical control of the vehicle.

(a.1) Defense.—It shall be a defense to a prosecution under subsection (a)(5) if the person proves by a preponderance of evidence that the person consumed alcohol after the last instance in which he drove, operated or was in actual physical control of the vehicle, and that the amount of alcohol by weight [in his];

(1) in an adult's blood would not have exceeded 0.10%; or  
(2) in a minor's blood would not have exceeded 0.02%,  
at the time of the test but for such consumption.

\*\*\*

(i) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Adult." A person 21 years of age or older.

"Minor." A person under 21 years of age.

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:  
7

Amend Bill, page 6, by inserting between lines 8 and 9:

Section 8. The Department of Transportation shall install at least three pilot programs of private sector, decentralized services for motor vehicle and driver license transactions, including, but not limited to, at least three vehicle dealerships, decentralized agents or other private business entities who, notwithstanding any other provision of 75 Pa.C.S. or departmental regulations, shall be temporarily authorized to obtain real time or on-line access to the department's data bases to read motor vehicle records and information and driver license records after first obtaining the written consent of the person who is the subject of the record as provided under 75 Pa.C.S. § 6114. Computerized and electronically recorded data may be submitted to the department for the purpose of updating records. The department shall permit temporarily authorized dealerships, decentralized agents or business entities to issue accountable documents which, as determined by the department, may include certificates of title, certificates of salvage, registration plates, cards and stickers and driver licenses. The temporarily authorized dealerships, decentralized agents or private business entities shall not have been previously sanctioned by the department for violations of 75 Pa.C.S. or departmental regulations within the past three years. Temporarily authorized dealerships, decentralized agents or private business entities shall be permitted to charge a reasonable fee to customers for providing these services.

Section 9. Section 8(a)(4) of the act of December 16, 1992 (P.L.1250, No.166), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation," is repealed.

Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:  
10

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:  
11

Amend Sec. 6, page 6, by inserting between lines 14 and 15:

(2) The amendment or addition of 75 Pa.C.S. §§ 1547, 3718 and 3731 shall take effect July 30, 1996, or in 30 days, whichever occurs later.

Amend Sec. 6, page 6, line 15, by striking out "(2)" and inserting:  
(3)

Amend Sec. 6, page 6, line 17, by striking out "(3)" and inserting:  
(4)

Amend Sec. 6, page 6, line 18, by striking out "(4)" and inserting:  
(5)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

CORMAN AMENDMENT A4787

Senator CORMAN offered the following amendment No. A4787:

Amend Title, page 1, line 4, by striking out "motorbus" and inserting: motor carriers

Amend Bill, page 5, lines 10 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting:

Section 4. Section 2105(a) of Title 75, amended December 20, 1995 (P.L.669, No.75), is amended to read:

§ 2105. Exemptions.

(a) General rule.—The requirements of this chapter and Chapter 96 (relating to motor carriers road tax) do not apply to the following vehicles:

\*\*\*

(5.1) A motorbus owned by and registered to a church.

\*\*\*

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:  
5

Amend Sec. 6, page 6, line 15, by striking out "9804" and inserting: 2105

On the question,

Will the Senate agree to the amendment?

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

Senator FISHER. Mr. President, we request that the sponsor of the amendment, since there are a number of them, just briefly describe the amendment that he is offering.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator CORMAN.

Senator CORMAN. Mr. President, amendment A4787 corrects a section in reference to church buses and eliminates them from paying the road taxes. This was inadvertently put in the previous legislation, and this puts church buses back where they were.

The previous amendment, A4424, provided for zero tolerance on blood alcohol content for minors, and also straightens out a PennDOT certificate of title. Whenever they are dealing with trying to provide automobile dealers direct access to computers, they are doing it through an intermediary who will then access PennDOT's computers for changing titles to try to smooth out the process to provide better constituent service, and it takes this legislation to straighten that out, so that was the first amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

CORMAN AMENDMENT A4757 OFFERED

Senator CORMAN offered the following amendment No. A4757:

Amend Title, page 1, line 3, by inserting after "YEAR": , for application for certificate of title by agent, for temporary registration cards, for duties of agents, for suspension or revocation of vehicle business registration plates, for financial responsibility, for issuance of certificate of inspection

Amend Bill, page 3, by inserting between lines 16 and 17:

Section 3. Sections 1119(c), 1310(a), 1318 and 1374(d) of Title 75 are amended to read:

§ 1119. Application for certificate of title by agent.

\* \* \*

(c) Persons authorized to hold certificate.—

(1) No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person[, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title].

(2) The following persons are exempt from the limitations of paragraph (1):

(i) A lienholder who has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(ii) A vehicle auction, licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, when offering vehicles for sale.

(iii) A vehicle dealer, licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, offering a vehicle for sale pursuant to a written consignment agreement with the transferor.

\* \* \*

§ 1310. Temporary registration cards.

(a) General rule.—The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards and plates may be delivered to designated agents who shall have the authority to issue them in accordance with regulations promulgated by the department. When determining whether to suspend, revoke or impose a monetary penalty upon an agent, the department may consider relevant mitigating events.

\* \* \*

§ 1318. Duties of agents.

(a) Verification of financial responsibility.—An agent of the Department of Transportation who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify financial responsibility prior to issuance.

(b) Proof.—Proof of financial responsibility shall be verified by examining one of the following documents:

(1) An identification card as required by regulations promulgated by the Insurance Department.

(2) The declaration page of an insurance policy.

(3) A certificate of financial responsibility.

(4) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(5) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in paragraphs (1) through (4), provided the agent receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The agent shall not accept a photocopy, facsimile or printout unless the licensed insurance company or licensed insurance agency provides it on the letterhead of the company or the agency, or with a letter written upon the company's or agency's letterhead, which specifically references the proof of financial responsibility by the insured's name and address and the make, model and vehicle identification number of the insured vehicle. An issuing agent of the department shall not accept a photocopy, facsimile or printout of an electronic transmission as proof of financial responsibility under this paragraph when the issuing agent is also acting as an insurance agent for the licensed insurance company or licensed insurance agency.

(c) Handwritten proof of financial responsibility.—If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, the issuing agent is authorized to accept such handwritten proof, provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. The agent shall retain a copy of the written confirmation along with the copy of the document provided as proof of financial responsibility.

§ 1374. Suspension or revocation of vehicle business registration plates.

\* \* \*

(d) Schedule of sanctions.—The department shall impose the following sanctions for violations:

(1) If the department finds that the registrant has violated subsection (a)(5) or (7) as a second offense, the registrant may be sanctioned with a monetary penalty of not less than \$50 and not more than \$100 per violation.

(2) If the department finds that the registrant has violated subsection (a)(5) or (7) as a third offense, the registrant may be sanctioned with a monetary penalty of not less than \$100 and not more than \$200 per violation.

(2.1) If the department finds that the registrant has violated subsection (a)(5) as a fourth or subsequent offense, the department may suspend for not less than three months or revoke the registration plates and cards of the registrant.

(3) A monetary penalty imposed for a violation of subsection (a)(5) shall be in addition to the requirement that the registrant deliver a properly assigned certificate of title. [If] Unless extended by the department, if the registrant fails to pay the monetary penalty or to deliver the certificate of title within 45 days after notice was sent by the department, except as otherwise provided by section 1377 (relating to judicial review), the department shall suspend the registrant's registration plates until the monetary penalty has been paid and the title delivered.

(4) A monetary penalty imposed for a violation of subsection (a)(7) shall be in addition to payment of the original amount due for taxes and fees and any other penalty provided by law for submission of an uncollectible or dishonored check. [If] Unless extended by the department, if the registrant fails to pay the monetary penalty, the original amount due or any other penalty within 45 days after notice was sent by the department, except as otherwise provided by section 1377, the department shall suspend the registrant's registration plates until all fees, taxes and penalties have been paid.

(5) A violation of subsection (a)(5) shall remain on the registrant's record for a period of 18 months from the date that the violation was sanctioned by the department. If the registrant does not commit another violation of subsection (a)(5) within that 18-month period, the department shall rescind from the registrant's record the prior sanction that was imposed. After rescission of the prior sanction, if the registrant thereafter commits a subsequent violation of subsection (a)(5), that violation shall be considered the same degree of offense as was previously imposed, unless more than three years have elapsed since the last date that the registrant was sanctioned for a violation of subsection (a)(5), in which case said subsequent violation shall be deemed a first offense.

(6) If the department has previously given notice of, and considered at a departmental hearing, violations of subsection (a)(5), no sanction shall be imposed for an alleged violation of subsection (a)(5) which was not included within said notice if said violation occurred prior to the date of the notice, the department's records reflected that the violation existed and the violation could have been included in the notice as an additional subject of the departmental hearing.

(7) If a registrant is sanctioned pursuant to subsection (c), or paragraph (1) or (2) or the corresponding provisions of departmental regulations, 67 Pa. Code Ch. 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates), and the department also sanctions the registrant for corresponding violations as an issuing agent pursuant to departmental regulations, 67 Pa. Code Ch. 43 (relating to temporary registration cards and plates), the department shall only impose the sanction prescribed by this section or the corresponding section of 67 Pa. Code Ch. 53. Notwithstanding, the department shall note the offense pertaining to the registrant and the offense pertaining to the issuing agent upon each record, and the department shall consider each record when calculating second, third or subsequent offenses by the registrant and the issuing agent.

\* \* \*

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

4

Amend Bill, page 5, by inserting between lines 9 and 10:  
Section 5. Section 4727(d) of Title 75 is amended to read:  
§ 4727. Issuance of certificate of inspection.

\* \* \*

(d) Proof of insurance.—

(1) No certificate of inspection shall be issued unless proof of financial responsibility is submitted to the inspection official, who shall, on the official State Inspection record provided by the department, record the name of the insured, the vehicle tag number, the issuing company, the policy number and the expiration date. The requirement that the inspection official record financial responsibility information shall not be construed to require the inspection official to verify the information submitted.

(2) In those cases where the insured fails to present proof of financial responsibility to the inspection official, the inspection official, in addition to denying a certificate of inspection, may provide notification to the department, on the form provided by the department, within 30 days of the insured's failure to present proof of financial responsibility. Failure of the inspection official to make notification under this subsection shall not impose any duty or liability on the mechanic or station owner.

(3) Financial responsibility may be proven by showing one of the following documents:

(i) An identification card as required by regulations promulgated by the Insurance Department.

(ii) The declaration page of an insurance policy.

(iii) A certificate of financial responsibility.

(iv) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(v) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in subparagraphs (i) through (iv), provided the certified inspection mechanic receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The certified inspection mechanic shall not accept a photocopy, facsimile or printout unless it is provided on the letterhead of the licensed insurance company or licensed insurance agency, or is provided with a letter written upon the company's or agency's letterhead, which specifically references the document provided as proof of financial responsibility by describing the insured's name and address and the make, model and vehicle identification number of the insured vehicle.

(4) If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is registered, the certified inspection mechanic may accept such handwritten proof, provided the certified inspection mechanic receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. This paragraph is applicable only to vehicles registered in a state other than this Commonwealth.

\* \* \*

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

6

Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

7

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

8

On the question,

Will the Senate agree to the amendment?

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

Senator CORMAN. Mr. President, the amendment I am now offering, A4757, enables public auctions to hold title to auto sales, allows--

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

Senator MELLOW. May we be at ease for a moment, Mr. President?

The PRESIDENT. At the request of Senator Mellow, the Senate will be at ease.

(The Senate was at ease.)

#### AMENDMENT TEMPORARILY WITHDRAWN

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

Senator CORMAN. Mr. President, I temporarily withdraw amendment A4757 because we have a few negotiations, and we will be back a little later.

The PRESIDENT. Senator Corman temporarily withdraws amendment A4757.

And the question recurring,

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

#### MADIGAN AMENDMENT A4547

Senator MADIGAN offered the following amendment No. A4547:

Amend Title, page 1, line 3, by striking out "AND" and inserting: , for annual hauling permit, for accidents involving death or personal injury while not properly licensed, for conditions of permits and security for damages, for authorization of salvors and

Amend Bill, page 5, by inserting between lines 9 and 10:

Section 4. Section 1943 of Title 75 is amended by adding a subsection to read:

§ 1943. Annual hauling permits.

\* \* \*

(g) Domestic animal feed.—The annual fee for movement of each vehicle hauling domestic animal feed, in bulk, as provided for in section 4976 (relating to permit for movement of domestic animal feed), shall be \$400.

Section 5. Section 3742.1 of Title 75, added February 23, 1996 (P.L.21, No.8), is amended to read:

§ 3742.1. Accidents involving death or personal injury while not properly licensed.

(a) Offense defined.—A person commits an offense under this section if the person was the driver of any vehicle and caused an accident resulting in injury or death of any person and whose operating privilege at the time of the accident is canceled, recalled, revoked or suspended [pursuant to section 1532 (relating to revocation or suspension of operating privilege)] and not restored or who at the time of the accident had not been issued a valid driver's license.

(b) Penalties.—

(1) Except as otherwise provided in this section, any person violating subsection (a) commits a misdemeanor of the second degree if at the time of the accident the person's operating privilege is canceled, recalled, revoked or suspended [pursuant to section 1532] and not restored. If the person had not been issued a valid driver's license, the offense is a misdemeanor of the third degree.

(2) If the victim suffers serious bodily injury or death, any person violating subsection (a) commits a felony of the third degree if at the time of the accident the person's operating privilege is canceled, recalled, revoked or suspended [pursuant to section 1532] and not restored. If the person had not been issued a valid driver's license, the offense is a misdemeanor of the first degree.

(3) Any motor vehicle, as defined in section 102 (relating to definitions), used in the commission of an offense under this section

may be deemed contraband and forfeited in accordance with the provisions set forth in 18 Pa.C.S. § 6501(d) (relating to scattering rubbish) if the driver's operating privilege is canceled, recalled, revoked or suspended [pursuant to section 1532] and not restored at the time of the accident.

(c) Definitions.—As used in this section, the term "serious bodily injury" means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Section 6. Section 4962(f) of Title 75, amended December 20, 1995 (P.L.669, No.75), is amended to read:

§ 4962. Conditions of permits and security for damages.

\* \* \*

(f) When loads permitted.—Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section 4961(a)(2), (3) and (6) (relating to authority to issue permits).

Section 4965 (relating to single permits for multiple highway crossings).

Section 4968 (relating to permit for movement during course of manufacture).

Section 4970(b) (relating to permit for movement of construction equipment).

Section 4974 (relating to permit for movement of containerized cargo).

Section 4975 (relating to permit for movement of special mobile equipment).

Section 4976 (relating to permit for movement of domestic animal feed).

\* \* \*

Section 7. Section 7301(d) of Title 75 is amended to read::

§ 7301. Authorization of salvors.

\* \* \*

(d) Storage facility.—A salvor may rent or own a storage facility, which shall comply with the act of [December 15, 1971 (P.L.596, No.160), known as the "Outdoor Advertising Control Act of 1971,"] July 28, 1966 (3rd Sp.Sess., PL.91, No.4), referred to as the Junkyard and Automotive Recycler Screening Law, where applicable, and with regulations promulgated by the department.

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

8 Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

9 Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

10 Amend Sec. 6, page 6, lines 15 and 16, by striking out all of said

lines and inserting:

(2) The amendment or addition of 75 Pa.C.S. §§ 1943(g), 3742.1, 4962(f), 7301(d) and 9804 shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator MADIGAN. Mr. President, this amendment addresses an annual fee for the movement of vehicles hauling domestic animal feed.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### MADIGAN AMENDMENT A5042

Senator MADIGAN offered the following amendment No. A5042:

Amend Sec. 2 (Sec. 1307), page 3, line 15, by inserting after "REGISTRANT": No insurer of a vehicle belonging to any owner or lessee who obtains a seasonal registration and who applies for or receives a reduced automobile insurance premium on account thereof shall be required to provide any contractual coverage, whether in the form of the provision of a defense or the payment of first-party or third-party benefits or otherwise, to the owner or lessee in connection with any event occurring during that part of the year in which the vehicle is not registered; and such owner or lessee shall be treated for all purposes, including, without limitation, ascertaining rights to stack coverages and to uninsured and underinsured motorist coverage, as a person who does not own that vehicle and has no duty to carry financial responsibility on it for that part of the year.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### PETERSON AMENDMENT A4370 OFFERED

Senator PETERSON offered the following amendment No. A4370:

Amend Title, page 1, line 4, by inserting after "devices;": further providing for securing loads in vehicles and for permit for movement of containerized cargo;

Amend Bill, page 5, by inserting between lines 18 and 19:

Section 6. Section 4903(c) of Title 75 is amended to read:

§ 4903. Securing loads in vehicles.

\* \* \*

(c) Load of logs.—

(1) Every load of logs on a vehicle shall be securely fastened with [at least three] binders, chains or straps and, in the case of an open-body or stake-body vehicle, trailer or semitrailer there shall be a sufficient number of vertical metal stakes or posts securely attached on each side of the vehicle, trailer or semitrailer at least as high as the top of the load to secure such load in the event of a failure of the binders, chains or straps.

(2) A load of logs which are greater than six feet in length must be secured by three binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(3) A load of logs which are six feet or less in length must be secured by two binders for each stack of logs, except that, if the stacks are tiered so that one stack rests upon the bottom stack or stacks, a total of three binders is necessary for that tiered combination.

(4) A tiered combination which includes logs which are greater than six feet and logs which are six feet or less shall be governed by paragraph (2).

\* \* \*

Section 7. Section 4974 of Title 75, amended February 23, 1996 (P.L.21, No.8), is amended to read:

§ 4974. Permit for movement of containerized cargo.

An annual permit may be issued authorizing the movement on highways of containerized cargo which exceeds the maximum vehicle gross or maximum axle weights specified in Subchapter C (relating to maximum weights of vehicles). The weight of any combination permitted under this section shall not exceed 90,000 pounds overall

gross weight and 21,000 pounds on any axle. A brake retarder is not required on a combination permitted under this section while the combination is operated within the counties which comprise the district of a port of a city of the first class. A vehicle operating under a permit authorized under this section may be driven 24 hours a day, seven days a week, except on holidays and in inclement weather.

Amend Sec. 6, page 5, line 19, by striking out "6" and inserting:

8

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

The PRESIDENT. The Senate will be at ease.  
(The Senate was at ease.)

#### AMENDMENT WITHDRAWN

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

Senator PETERSON. Mr. President, I would like to withdraw amendment A4370 at this time.

The PRESIDENT. Senator Peterson withdraws his amendment.

And the question recurring,

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

#### STOUT AMENDMENT A5012

Senator STOUT offered the following amendment No. A5012:

Amend Title, page 1, line 3, by inserting after "YEAR": , for semiannual vehicle inspections

Amend Bill, page 5, by inserting between lines 9 and 10:  
Section 4. Section 4702(b) of Title 75 is amended to read:

§ 4702. Requirement for periodic inspection of vehicles.

\* \* \*

(b) Semiannual safety inspection of certain vehicles.—[School buses, passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered, group and party rights under the Public Utility Commission and used to transport school students, passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment, trailers having a registered gross weight in excess of 10,000 pounds, construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment), mass transit vehicles and motor carrier vehicles, other than farm vehicles for which a biennial certificate of exemption has been issued.] The following vehicles shall be subject to semiannual safety inspection[.]:

(1) School buses.

(2) Passenger vans under contract with or owned by a school district or private or parochial school, including vehicles having chartered group and party rights under the Pennsylvania Public Utility Commission and used to transport school students.

(3) Passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment.

(4) Trailers, other than recreational trailers, having a registered gross weight in excess of 10,000 pounds. Recreational trailers shall be subject to annual safety inspection.

(5) Construction trucks for which annual permits are issued pursuant to section 4970(b) (relating to permit for movement of construction equipment).

(6) Mass transit vehicles.

(7) Motor carrier vehicles, other than farm vehicles for which a biennial certificate of exemption has been issued.

\* \* \*

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

5

Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

6

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

7

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

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

Senator STOUT. Mr. President, amendment A5012 to House Bill No. 1712 exempts recreational trailers from undergoing a semiannual inspection. They will have to undergo an annual inspection, as the amendment requested, which I believe has been agreed to by both sides, Mr. President.

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

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

#### WAGNER AMENDMENT A5088

Senator WAGNER offered the following amendment No. A5088:

Amend Title, page 1, line 2, by striking out "for DEFINITIONS,"

Amend Title, page 1, lines 3 and 4, by striking out "exemptions from the motorbus road tax." and inserting: a steelworker registration plate.

Amend Bill, page 1, lines 9 through 17; page 2, lines 1 through 26, by striking out all of said lines on said pages and inserting:

Section 1. Section 1307 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

Amend Bill, page 3, by inserting between lines 16 and 17:

Section 2. Title 75 is amended by adding a section to read:

§ 1359. Special plates for steelworkers.

(a) General rule.—Upon application of any person who is a steelworker, accompanied by a fee of \$20 which shall be in addition to the annual registration fee and by such documentation as the department shall require by regulation, the department shall issue to such person a special registration plate designating the vehicle so licensed as belonging to a person who is a steelworker. The special registration plate may be used only on a passenger car or a truck with a gross vehicle weight rating of not more than 9,000 pounds. The plate shall bear the likeness of the official emblem of the American Iron and Steel Institute.

(b) Definition.—As used in this section, the term "steelworker" means a person currently or formerly employed in the manufacture of steel or a surviving member of the steelworker's family.

Amend Bill, page 5, lines 10 through 30; page 6, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

4

Amend Sec. 6, page 6, lines 13 through 17, by striking out all of lines 13 through 16 and "(3)" in line 17 and inserting: (1)

Amend Sec. 6, page 6, line 18, by striking out "(4)" and inserting: (2)



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

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

#### CORMAN AMENDMENT A4757

Senator CORMAN offered the following amendment No. A4757:

Amend Title, page 1, line 3, by inserting after "YEAR": , for application for certificate of title by agent, for temporary registration cards, for duties of agents, for suspension or revocation of vehicle business registration plates, for financial responsibility, for issuance of certificate of inspection

Amend Bill, page 3, by inserting between lines 16 and 17:

Section 3. Sections 1119(c), 1310(a), 1318 and 1374(d) of Title 75 are amended to read:

§ 1119. Application for certificate of title by agent.

\* \* \*

(c) Persons authorized to hold certificate.—

(1) No person shall receive, obtain or hold a certificate of title recorded in the name of another person for the other person who is not in the regular employ of, or not a member of the family of, the other person[, unless the person receiving, obtaining or holding the certificate of title has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title].

(2) The following persons are exempt from the limitations of paragraph (1):

(i) A lienholder who has a valid undischarged lien recorded in the department against the vehicle represented by the certificate of title.

(ii) A vehicle auction, licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, when offering vehicles for sale.

(iii) A vehicle dealer, licensed by the State Board of Vehicle Manufacturers, Dealers and Salespersons, offering a vehicle for sale pursuant to a written consignment agreement with the transferor.

\* \* \*

§ 1310. Temporary registration cards.

(a) General rule.—The department shall provide temporary registration cards for use pending issuance or transfer of permanent registration cards. Temporary registration cards and plates may be delivered to designated agents who shall have the authority to issue them in accordance with regulations promulgated by the department. When determining whether to suspend, revoke or impose a monetary penalty upon an agent, the department may consider relevant mitigating events.

\* \* \*

§ 1318. Duties of agents.

(a) Verification of financial responsibility.—An agent of the Department of Transportation who is authorized to issue on behalf of the department a vehicle registration renewal or temporary registration shall be required to verify financial responsibility prior to issuance.

(b) Proof.—Proof of financial responsibility shall be verified by examining one of the following documents:

(1) An identification card as required by regulations promulgated by the Insurance Department.

(2) The declaration page of an insurance policy.

(3) A certificate of financial responsibility.

(4) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(5) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in paragraphs (1) through (4), provided the agent receives the photocopy, facsimile or printout

directly from a licensed insurance company or licensed insurance agency. The agent shall not accept a photocopy, facsimile or printout unless the licensed insurance company or licensed insurance agency provides it on the letterhead of the company or the agency, or with a letter written upon the company's or agency's letterhead, which specifically references the proof of financial responsibility by the insured's name and address and the make, model and vehicle identification number of the insured vehicle. An issuing agent of the department shall not accept a photocopy, facsimile or printout of an electronic transmission as proof of financial responsibility under this paragraph when the issuing agent is also acting as an insurance agent for the licensed insurance company or licensed insurance agency.

(c) Handwritten proof of financial responsibility.—If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is to be registered, the issuing agent is authorized to accept such handwritten proof, provided the issuing agent receives written confirmation from the applicable state, insurance company or insurance agency that handwritten proof is acceptable in that state. The agent shall retain a copy of the written confirmation along with the copy of the document provided as proof of financial responsibility.

§ 1374. Suspension or revocation of vehicle business registration plates.

\* \* \*

(d) Schedule of sanctions.—The department shall impose the following sanctions for violations:

(1) If the department finds that the registrant has violated subsection (a)(5) or (7) as a second offense, the registrant may be sanctioned with a monetary penalty of not less than \$50 and not more than \$100 per violation.

(2) If the department finds that the registrant has violated subsection (a)(5) or (7) as a third offense, the registrant may be sanctioned with a monetary penalty of not less than \$100 and not more than \$200 per violation.

(2.1) If the department finds that the registrant has violated subsection (a)(5) as a fourth or subsequent offense, the department may suspend for not less than three months or revoke the registration plates and cards of the registrant.

(3) A monetary penalty imposed for a violation of subsection (a)(5) shall be in addition to the requirement that the registrant deliver a properly assigned certificate of title. [If] Unless extended by the department, if the registrant fails to pay the monetary penalty or to deliver the certificate of title within 45 days after notice was sent by the department, except as otherwise provided by section 1377 (relating to judicial review), the department shall suspend the registrant's registration plates until the monetary penalty has been paid and the title delivered.

(4) A monetary penalty imposed for a violation of subsection (a)(7) shall be in addition to payment of the original amount due for taxes and fees and any other penalty provided by law for submission of an uncollectible or dishonored check. [If] Unless extended by the department, if the registrant fails to pay the monetary penalty, the original amount due or any other penalty within 45 days after notice was sent by the department, except as otherwise provided by section 1377, the department shall suspend the registrant's registration plates until all fees, taxes and penalties have been paid.

(5) A violation of subsection (a)(5) shall remain on the registrant's record for a period of 18 months from the date that the violation was sanctioned by the department. If the registrant does not commit another violation of subsection (a)(5) within that 18-month period, the department shall rescind from the registrant's record the prior sanction that was imposed. After rescission of the prior sanction, if the registrant thereafter commits a subsequent violation of subsection (a)(5), that violation shall be considered the same degree of offense as was previously imposed, unless more than three years have elapsed since the last date that the registrant was sanctioned for a violation of subsection (a)(5), in which case said subsequent violation shall be deemed a first offense.

(6) If the department has previously given notice of, and considered at a departmental hearing, violations of subsection (a)(5), no sanction shall be imposed for an alleged violation of subsection (a)(5) which was not included within said notice if said violation occurred prior to the date of the notice, the department's records reflected that the violation existed and the violation could have been included in the notice as an additional subject of the departmental hearing.

(7) If a registrant is sanctioned pursuant to subsection (c), or paragraph (1) or (2) or the corresponding provisions of departmental regulations, 67 Pa. Code Ch. 53 (relating to manufacturers, dealers and miscellaneous motor vehicle businesses registration plates), and the department also sanctions the registrant for corresponding violations as an issuing agent pursuant to departmental regulations, 67 Pa. Code Ch. 43 (relating to temporary registration cards and plates), the department shall only impose the sanction prescribed by this section or the corresponding section of 67 Pa. Code Ch. 53. Notwithstanding, the department shall note the offense pertaining to the registrant and the offense pertaining to the issuing agent upon each record, and the department shall consider each record when calculating second, third or subsequent offenses by the registrant and the issuing agent.

\* \* \*

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

4 Amend Bill, page 5, by inserting between lines 9 and 10:  
Section 5. Section 4727(d) of Title 75 is amended to read:  
§ 4727. Issuance of certificate of inspection.

\* \* \*

(d) Proof of insurance.—

(1) No certificate of inspection shall be issued unless proof of financial responsibility is submitted to the inspection official, who shall, on the official State Inspection record provided by the department, record the name of the insured, the vehicle tag number, the issuing company, the policy number and the expiration date. The requirement that the inspection official record financial responsibility information shall not be construed to require the inspection official to verify the information submitted.

(2) In those cases where the insured fails to present proof of financial responsibility to the inspection official, the inspection official, in addition to denying a certificate of inspection, may provide notification to the department, on the form provided by the department, within 30 days of the insured's failure to present proof of financial responsibility. Failure of the inspection official to make notification under this subsection shall not impose any duty or liability on the mechanic or station owner.

(3) Financial responsibility may be proven by showing one of the following documents:

- (i) An identification card as required by regulations promulgated by the Insurance Department.
- (ii) The declaration page of an insurance policy.
- (iii) A certificate of financial responsibility.
- (iv) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Pennsylvania.

(v) A legible photocopy, facsimile or printout of an electronic transmission of a document listed in subparagraphs (i) through (iv), provided the certified inspection mechanic receives the photocopy, facsimile or printout directly from a licensed insurance company or licensed insurance agency. The certified inspection mechanic shall not accept a photocopy, facsimile or printout unless it is provided on the letterhead of the licensed insurance company or licensed insurance agency, or is provided with a letter written upon the company's or agency's letterhead, which specifically references the document provided as proof of financial responsibility by describing the insured's name and address and the make, model and vehicle identification number of the insured vehicle.

(4) If handwritten proof of financial responsibility is acceptable proof of insurance in the state where the vehicle is registered, the certified inspection mechanic may accept such handwritten proof, provided the certified inspection mechanic receives written confirmation from the applicable state, insurance company or insurance agency

that handwritten proof is acceptable in that state. This paragraph is applicable only to vehicles registered in a state other than this Commonwealth.

\* \* \*

6 Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

7 Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

8 Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### CORMAN AMENDMENT A2810

Senator CORMAN offered the following amendment No. A2810:

Amend Title, page 1, line 3, by inserting after "YEAR": , after commercial driver's licenses

Amend Bill, page 3, by inserting between lines 16 and 17:

Section 3. Section 1607(a) of Title 75 is amended to read:

§ 1607. Commercial driver's license qualification standards.

(a) Testing.—

(1) The Commonwealth shall offer one knowledge test to all commercial driver's license holders until April 1, 1992, for each class and for each endorsement for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation and all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570, 49 U.S.C. App. § 2701 et seq.). This subsection shall not apply to an applicant for a commercial driver learner's permit.

(2) No person shall be issued a commercial driver's license unless the person is a resident of this Commonwealth and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum standards established by Federal regulation, all other requirements of the Commercial Motor Vehicle Safety Act of 1986 and other requirements imposed under Federal regulation which are published by the department as a notice in the Pennsylvania Bulletin[, as well as all requirements of this title or State regulation]. The department shall publish the content of the driving examination for the commercial driver's license as a notice in the Pennsylvania Bulletin. The tests shall be offered by the department or its agents.

(3) The department may authorize a person, including an agency of this or another state, an employer, a private institution, association or driver training school, or a department, agency or instrumentality of local government to administer the skills test specified by this section, provided:

(i) The test is the same as that which would otherwise be administered by the department.

(ii) The third party has entered into an agreement with the department.

(4) (Repealed).

(5) As a result of this section, no layoffs shall occur in the classification known as Driver's License Examiner.

(6) The department shall provide applicants for commercial driver's licenses with the choice of selecting a knowledge test administered in either a written or an oral format:

(i) The department shall administer the knowledge tests in both the English and Spanish languages.

(ii) An applicant requesting the oral or Spanish version of the knowledge test must schedule for the examination at a testing site authorized by the department.

(iii) The department shall offer alternate testing formats to avoid discrimination against drivers with limited literacy or verbal comprehension skills.

(iv) The alternative of an oral version of the knowledge test shall not be available to persons seeking a hazardous materials endorsement on a commercial driver's license.

\*\*\*

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

4

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

5

Amend Bill, page 6, by inserting between lines 8 and 9:

Section 6. The provisions of 67 Pa. Code §§ 75.25, 75.26, 75.27 and 75.28 are repealed upon the publication of testing procedures as set forth in 75 Pa.C.S. § 1607(a) in the Pennsylvania Bulletin.

Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

7

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

8

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

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

WENGER AMENDMENT A4823

Senator WENGER offered the following amendment No. A4823:

Amend Title, page 1, line 3, by striking out "AND" and inserting: , for annual hauling permits and for conditions of permits; providing for movement of wooden structures; and further providing

Amend Bill, page 5, by inserting between lines 9 and 10:

Section 4. Section 1943 of Title 75 is amended by adding a subsection to read:

§ 1943. Annual hauling permits.

\*\*\*

(g) Movement of wooden structures.—The annual fee for movement of wooden structures, as provided for in section 4977 (relating to permit for movement of wooden structures), shall be \$1,000.

Section 5. Section 4962(f) of Title 75, amended December 20, 1995 (P.L.669, No.75), is amended to read:

§ 4962. Conditions of permits and security for damages.

\*\*\*

(f) When loads permitted.—Only vehicles and combinations permitted under the following provisions shall be authorized to carry or haul loads while operating under the permit:

Section 4961(a)(2), (3) and (6) (relating to authority to issue permits).

Section 4965 (relating to single permits for multiple highway crossings).

Section 4968 (relating to permit for movement during course of manufacture).

Section 4970(b) (relating to permit for movement of construction equipment).

Section 4974 (relating to permit for movement of containerized cargo).

Section 4975 (relating to permit for movement of special mobile equipment).

Section 4977 (relating to permit for movement of wooden structures).

\*\*\*

Section 6. Title 75 is amended by adding a section to read: § 4977. Permit for movement of wooden structures.

An annual permit may be issued for the movement of certain wooden structures which exceed the maximum length and width specified in Subchapter B (relating to width, height and length), subject to the following conditions:

(1) The overall width, including all appurtenances and overhangs, may not exceed 13 feet.

(2) The overall length may not exceed 90 feet.

(3) The wooden structure or structures must be transported on a trailer designed solely for the transportation of such structures and not used for the transportation of any other type of load.

(4) Movement under this section is limited to wooden utility sheds, gazebos, garages and play equipment.

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

7

Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

8

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

9

Amend Sec. 6, page 6, by inserting between lines 14 and 15:

(2) The amendment or addition of 75 Pa.C.S. §§ 1943, 4962 and 4977 shall take effect in 60 days.

Amend Sec. 6, page 6, line 15, by striking out "(2)" and inserting: (3)

Amend Sec. 6, page 6, line 17, by striking out "(3)" and inserting: (4)

Amend Sec. 6, page 6, line 18, by striking out "(4)" and inserting: (5)

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

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

STEWART AMENDMENT A5158

Senator STEWART offered the following amendment No. A5158:

Amend Title, page 1, line 1, by striking out "Title" and inserting: Titles 74 (Transportation) and

Amend Title, page 1, line 2, by inserting after "Statutes,": providing for the designation of certain scenic byways; and

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

Section 1. Section 8301 heading and (a) of Title 74 of the Pennsylvania Consolidated Statutes are amended to read:

§ 8301. Designation of [State Route 476 as scenic byway.

(a) General rule.—Because of its outstanding scenic, historic, recreational, cultural and archeological characteristics, State Route 476, commonly known as the Blue Route, is designated as a scenic byway.] certain State routes as scenic byways.

(a) General rule.—Because of their outstanding scenic, historic, natural, recreational and archeological characteristics and qualities, and because of opportunities for economic development and tourism and for conservation of the outstanding qualities, the following are designated as scenic byways:

(1) State Route 476, commonly known as the Blue Route.

(2) State Route 711 from the Conemaugh River to Jones Mills continuing along Routes 711/381 south to Normalville and along Route 381 to the State line of West Virginia, commonly referred to as the Laurel Highlands Scenic Byway.

(3) State Route 40 from the border of Pennsylvania and Maryland to the border of Pennsylvania and West Virginia, commonly referred to as the National Road.

\*\*\*

Section 2. The definition of "emergency vehicle" in section 102 of Title 75 is amended to read:

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting:

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

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

Amend Sec. 5, page 6, lines 9 and 10, by striking out all of said lines and inserting:

Section 6. (a) The amendment of 74 Pa.C.S. § 8301 shall be retroactive to January 1, 1996.

(b) The amendment of 75 Pa.C.S. § 9804 shall be retroactive to August 10, 1992.

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

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

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

MELLOW AMENDMENT A4735

Senator MELLOW offered the following amendment No. A4735:

Amend Title, page 1, line 3, by inserting after "YEAR": , for homicide by vehicle while driving under the influence

Amend Bill, page 5, by inserting between lines 9 and 10:

Section 4. Section 3735 of Title 75 is amended to read:

§ 3735. Homicide by vehicle while driving under influence.

(a) Offense defined.—Any person who unintentionally causes the death of another person as the direct result of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3731 is guilty of a felony of the third degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A separate three-year term of imprisonment shall be imposed for each victim whose death is the direct result of the violation of section 3731.

(b) Applicability of sentencing guidelines.—The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalty of this section.

Amend Sec. 4, page 5, line 10, by striking out "4" and inserting:

Amend Sec. 5, page 6, line 9, by striking out "5" and inserting:

Amend Sec. 6, page 6, line 12, by striking out "6" and inserting:

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

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

Senator FISHER. Mr. President, could the gentleman from Lackawanna, Senator Mellow, just give a brief description of his amendment?

The PRESIDENT. Senator Mellow, can you comment?

Senator MELLOW. Yes, Mr. President.

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

Senator MELLOW. Mr. President, very simply stated, this amendment would deal with the DUI part of highway fatalities, and it states that if a highway accident takes place where there are multiple fatalities, and the individual who is responsible for the fatalities is convicted of DUI, that individual must serve 3 years in jail for every fatality in that accident. So very simply put, if there is one person who died because of the accident, they will serve 3 years in jail. If two people died, they will serve 6 years in jail, and so on. For every fatality it will be mandatory that the individual responsible for the accident because of drunken driving spend 3 years in jail.

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

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

BILL OVER IN ORDER

HB 1977 -- Without objection, the bill was passed over in its order at the request of Senator FISHER.

BILL REREFERRED

HB 2041 (Pr. No. 3788) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, providing for correction of errors and informal review in counties of the second class A; and further providing for notice requirements and appeal process.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2102 (Pr. No. 3269) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals; and providing for changes in assessment.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—49

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

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

## BILL REREFERRED

**HB 2388 (Pr. No. 3543)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further defining "employment"; and providing for ineligibility of incarcerated employee.

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

## BILLS OVER IN ORDER

**HB 2446** and **HB 2619** -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

## SECOND CONSIDERATION CALENDAR

## BILL OVER IN ORDER

**SB 289** -- Without objection, the bill was passed over in its order at the request of Senator FISHER.

## BILL REREFERRED

**SB 616 (Pr. No. 2139)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a Commerce Court; and making conforming and related amendments to existing law.

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

## BILL LAID ON THE TABLE

**SB 819 (Pr. No. 2075)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of the offense of assault by prisoner; providing for consecutive sentences in certain aggravated assault cases and in cases involving assaults by prisoners and for aggravated harassment by prisoner; and further providing for assault by life prisoner.

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

## BILL REREFERRED

**HB 873 (Pr. No. 3676)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

## BILLS ON SECOND CONSIDERATION

**HB 950 (Pr. No. 3779)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, imposing a limitation on the right of a municipality to petition the court for an increase in the rate of taxation.

Considered the second time and agreed to,

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

**HB 1174 (Pr. No. 3780)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the Municipalities Authorities Act of 1945, further providing for investment of authority funds.

Considered the second time and agreed to,

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

## BILL REREFERRED

**SB 1212 (Pr. No. 2152)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for do-not-resuscitate orders; granting powers to and imposing duties upon the Department of Health; and imposing penalties.

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

## BILL AMENDED

**SB 1320 (Pr. No. 2138)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P. L. 992, No. 442), entitled "An act authorizing the Commonwealth of Pennsylvania and the counties thereof to preserve, acquire or hold land for open space uses," expanding its scope to include all local government units throughout this Commonwealth; adding definitions for "local government unit," "planning commission" and "transferable development rights"; providing for local option and for transferable development rights; and further providing for planning requirements, for limitations on exercise of powers, for acquisitions of real property interests, for public hearings, for property acquired in fee simple, for assessment of property, for termination or other disposition of open

space property interests, and for utility rights-of-way and underground gas storage areas.

On the question,

Will the Senate agree to the bill on second consideration?

Senator HECKLER offered the following amendment No. A5078:

Amend Sec. 1 (Sec. 5), page 18, line 1, by inserting after "COUNTIES)": (1)

Amend Sec. 1 (Sec. 5), page 18, by inserting between lines 14 and 15:

(2) During the time that real property or any interest in real property acquired by a local government unit for open space purposes in accordance with this act is held by the local government unit, the real property shall be ineligible for the purchase of agricultural conservation easements authorized in the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law."

Amend Sec. 2 (Sec. 7.1), page 20, line 9, by removing the period after "ACT" and inserting: or the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law."

Amend Sec. 6, page 27, lines 15 through 18, by striking out all of said lines

Amend Sec. 7, page 27, line 19, by striking out "7" and inserting:  
6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**SB 1479, SB 1506 and SB 1533** -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL REREFERRED

**SB 1547 (Pr. No. 2153)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to protect the health of the people of this Commonwealth by increasing the availability of affordable health care for working persons and their families; providing for an assessment of the performance of State health centers; establishing a demonstration program utilizing the existing State health center system; and encouraging and supporting participation by members of the medical professions and the nonpublic sector by providing for civil immunity and loan forgiveness for the charitable rendering of medical services and by providing tax credits for donations of medical equipment and supplies.

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

#### BILLS OVER IN ORDER

**SB 1579 and SB 1584** -- Without objection, the bills were passed over in their order at the request of Senator FISHER.

#### BILL ON SECOND CONSIDERATION

**SB 1590 (Pr. No. 2094)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and

the Governor, to convey to the 900 North Broad Corporation certain real estate situate in the City and County of Philadelphia and the Commonwealth of Pennsylvania.

Considered the second time and agreed to,

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

#### BILLS REREFERRED

**SB 1595 (Pr. No. 2114)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for prisoner litigation reform, for prisoner filing fees and for frivolous litigation.

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

**SB 1596 (Pr. No. 2115)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for prisoner litigation reform, for limitations on remedies, for prospective relief, for time limits on settlements and for payments of damage award.

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

#### BILL OVER IN ORDER

**HB 1985** -- Without objection, the bill was passed over in its order at the request of Senator FISHER.

#### BILL REREFERRED

**HB 2064 (Pr. No. 3789)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special youth hunter and angler education registration plate, for the Youth Hunter and Angler Education Fund and for expenditures from that fund, for the issuance of additional personal registration plates, for a special Children First registration plate, for payments to and grants from the Children's Trust Fund, for a special State-owned and State-related institution registration plate and for the State-owned and State-related institution scholarship funds.

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

#### BILL ON SECOND CONSIDERATION

**HB 2470 (Pr. No. 3250)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for the compensation of tax collectors in boroughs and townships of the second class.

Considered the second time and agreed to,

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

**RECESS**

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

Senator FISHER. Mr. President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For a brief 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.

**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 STATE CIVIL  
SERVICE COMMISSION**

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, Charles J. Lieberth, 917 Haslage Avenue, Pittsburgh 15212, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve until April 9, 2002 or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE HORSE  
RACING COMMISSION**

June 12, 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 D. Abbott, P. O. Box 226, Cochranville 19330, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Charles R. Ord, Camp Hill, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER**

May 7, 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, Edward J. Matisak, 609 West Diamond Avenue, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Anthony Kiddish, White Haven, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

June 14, 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, Jeffrey S. Gerland, D.P.M., 311 Louella Avenue, Wayne 19087, Delaware County, Seventeenth 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 Jack Rubinlicht, D.P.M., Clarks Green, whose term expired.

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.

**COMMUNICATIONS FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator SALVATORE, by unanimous consent, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**CONTROLLER, CLEARFIELD COUNTY**

June 20, 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 April 1, 1996 for the appointment of Percy O. Kephart, Jr., 129 West Sixth Street, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, as Controller, in and for the County of Clearfield, to serve until the first Monday of January 1998, vice Gene Lunsford, resigned.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE HEALTH  
FACILITY HEARING BOARD**

June 20, 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 April 25, 1996 for the appointment of Fritz Bittenbender, 234 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the State Health Facility Hearing Board, to serve for a term of four years and until his successor is appointed and qualified, vice Madalon Amenta, DrPH, Pittsburgh, resigned.

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

THOMAS J. RIDGE  
Governor

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

June 20, 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 April 29, 1996 for the appointment of Fritz Bittenbender, 264 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1996 and until his successor is appointed and qualified, vice Sheila Bass, Holland, resigned.

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

THOMAS J. RIDGE  
Governor

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

June 20, 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 April 29, 1996 for the appointment of David Oh, 5815 Thomas Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1998 and until his successor is appointed and qualified, vice Luis F. Columba, resigned.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS**

June 20, 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 April 29, 1996 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Romaine J. Campenni, Pittston, whose term expired.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

June 20, 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 April 29, 1996 for the appointment of Leslie Gromis, 1518 North Second Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Donna D. Gority, Altoona, whose term expired.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

June 20, 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 April 29, 1996 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Hon. John H. Chronister, York, whose term expired.

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

THOMAS J. RIDGE  
Governor

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

June 21, 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 April 18, 1996 for the reappointment of Robert E. Gregory, 721 East 28th Division Highway, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of



Wernersville State Hospital, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF WERNERSVILLE STATE HOSPITAL

June 20, 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 April 18, 1996 for the reappointment of Pattee J. Miller, 11 Cambridge Avenue, Lincoln Park, Reading 19609, Berks County, Eleventh Senatorial District, as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

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

THOMAS J. RIDGE  
Governor

DISTRICT JUSTICE

June 20, 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 March 29, 1996 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Lackawanna, Magisterial District 45-1-02, to serve until the first Monday of January 1998, vice Carmen D. Minora, resigned.

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

THOMAS J. RIDGE  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

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

Which was agreed to.

**NOMINATION TAKEN FROM THE TABLE**

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

The Clerk read the nomination as follows:

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

On the question,

Will the Senate advise and consent to the nomination?

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

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

Ordered, That the Governor be informed accordingly.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

MEMBER OF THE 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, The Reverend Doctor Francis A. Shearer, 600 East Cathedral Road, Philadelphia 19128-1930, Phila-

delphia County, Seventh Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 1997 and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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, Wilma Toth, 623 South Main Street, Burgettstown 15021, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until May 24, 1998 and until her successor is appointed and qualified, vice Louis Cappiella, Philadelphia, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF AUCTIONEER EXAMINERS

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, Kenneth A. Geyer, 3488 Church Road, Gilbertsville 19525, Montgomery County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF AUCTIONEER EXAMINERS

June 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, J. Omar Landis, 4412 Oregon Pike, Ephrata 17522, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond H. Patterson, Eighty-Four, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF AUCTIONEER EXAMINERS

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, Peggy L. Thompson, 1813 Alexander Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE CONSERVATION  
COMMISSION

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, Kenneth M. Rutt, 44 Edgefield Road, Quarryville 17566, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 2000, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice David Shepler, Champion, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

May 22, 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, Sylvia A. Waters, 1141 Terry Drive, Oberlin 17113, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 2001, and until her successor is appointed and qualified, vice Aubra Gaston, Philadelphia, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

May 21, 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, Jay B. Tanner, O.D., 146 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

DISTRICT JUSTICE

May 23, 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, Amy L. Nicols, R. D. 4, Box 119B, Titusville 16354, Crawford County, Fiftieth Senatorial District, for appointment as District Justice, in and for the County of Crawford, Magisterial District 30-3-06, to serve until the first Monday of January 1998, vice Ronald A. Cole, Sr., resigned.

THOMAS J. RIDGE  
Governor

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

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

YEAS—49

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

**EXECUTIVE SESSION RISES**

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.  
The motion was agreed to.

**UNFINISHED BUSINESS  
REPORT FROM COMMITTEE**

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

**SB 1323 (Pr. No. 2007) (Rereported) (Concurrence)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for regulations on dissemination of criminal history record information.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Wenger, Mr. and Mrs. John P. Trauger, Mr. and Mrs. Donald C. Hodgen and to Mr. and Mrs. Vernon Sultzbach by Senator Armstrong.

Congratulations of the Senate were extended to the South Hills Health System "Senior Services Program" by Senator Belan.

Congratulations of the Senate were extended to Donald W. Kenepp by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Griffin by Senator Delp.

Congratulations of the Senate were extended to Dr. Joel D. Carr and to Clarina Haskins Ragland by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Lankford and to Reverend George Smith by Senator Greenleaf.

Congratulations of the Senate were extended to Matthew J. Terenna by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. George F. Moharter, Mr. and Mrs. Arthur J. Underwood, Jr., Mr. and Mrs. Jack A. Gearhart, Mr. and Mrs. Elmer R. DeHaven and to Mr. and Mrs. Doyle L. Evans by Senator Helfrick.

Congratulations of the Senate were extended to the Declaration of Independence Co-signers by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Martin McHale by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Clemence P. Zuchowski, Mr. and Mrs. Walter Bartlow, Mr. and Mrs. Orrin Bartlett, Mr. and Mrs. Joseph Altieri and to Mr. and Mrs. Walter Kreger by Senator Madigan.

Congratulations of the Senate were extended to Richard C. Marquardt, Sr., by Senator Mellow.

Congratulations of the Senate were extended to the Honorable William F. Clinger, Jr., and to Carbon City Products of St. Mary's by Senator Peterson.

Congratulations of the Senate were extended to Matilda E. Hull by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. William H. Whirlow, Jr., and to Michael B. Reider by Senator Porterfield.

Congratulations of the Senate were extended to Dr. and Mrs. T. H. Penar by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Hamilton and to Mr. and Mrs. Arthur Sipos by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Arent, Mr. and Mrs. Leslie Biggard, Mr. and Mrs. John Baron, Mr. and Mrs. Mack Conkle and to Mr. and Mrs. Bob Lantz by Senator Stout.

Congratulations of the Senate were extended to Timothy J. Catto, Jason Yeager and to Miquel Torres by Senator Tartaglione.

Congratulations of the Senate were extended to Peter Cokonis, Monsignor Laurence Kelly and to Monsignor Thomas C. Craven by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Ellwood Morris, Charles G. Hafner and to Joseph R. Killar by Senator Uliana.

**BILLS ON FIRST CONSIDERATION**

Senator PORTERFIELD. 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 1613, SB 1614, SB 1615, SB 1616, SB 1617, SB 1618, SB 1619, SB 1620, SB 1621, SB 1622, SB 1623 and SB 1624.**

And said bills having been considered for the first time,

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

### PETITIONS AND REMONSTRANCES

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

Senator ANDREZESKI. Mr. President, more than 40 days have gone by since we last debated the issue of raising Pennsylvania's minimum wage. I remember that date clearly. In fact, it was May 13, 1996, to be exact, and on that day the gentleman from Blair, Senator Jubelirer, predicted that Congress would take swift action on raising the Federal minimum wage and this issue would be long behind us by now. Well, Mr. President, I think we should all chip in and buy Senator Jubelirer a new crystal ball, because the issue is not long behind us, not by any stretch of the imagination. Just 6 days before Senator Jubelirer played psychic to the Senators, Pennsylvania's House of Representatives had voted 187 to 13 to pass legislation increasing the statewide minimum wage to \$5.75 an hour in 1998. But as we know, that legislation, which is House Bill No. 2449, is now sitting and stalled here in the Senate Committee on Labor and Industry. Not only is that legislation stalled, but the United States Senate in Washington has refused to take action after the United States Congress passed H.R. 3448 on May 22 by a vote of 414 to 10. What a coincidence. Two Chambers, both Republican, pass the football to two other Chambers, both Republican, and there the bills sit.

And so, Mr. President, working families all across Pennsylvania continue to wait. They wait for a living wage, they wait for some fundamental fairness, and they wait for an increase in the minimum wage that makes work a reward, not a punishment. But while they wait, Mr. President, my colleagues on the other side of this aisle continue to delay the ability of working men and especially working women in Pennsylvania to earn a living. For more than 40 days, Senate Republicans have tabled or rereferred some 20 bills that could have been amended with language to increase Pennsylvania's minimum wage. There have been at least 20 bills tabled, rereferred, gone over, not acted on, bills that would have put it on the line. Let us see who would be out there to vote to try to raise the minimum wage. We have avoided that, Mr. President, but make no mistake about it, Pennsylvania needs a raise. Pennsylvanians deserve a raise in their minimum wage. There are too many mothers and fathers in Erie County and across Pennsylvania who are forced to work two or three minimum wage jobs just to try to raise a couple kids. These men and women are not working extra jobs so they can afford the finer things in life. These are hardworking men and women who still cannot afford some of the necessities of life. They are working people who have never been on welfare and who do not expect a free

lunch. All they expect is fairness, all they expect is a living wage, and all they expect is that the inherent dignity of honest work will be reward enough.

Mr. President, the current minimum wage punishes working people. The current minimum wage forces honest, hardworking men and women who put in 40 hours a week into poverty as well.

Republicans believe that all we can do is accept this widening gap between the haves, who do not work for a minimum wage, and the have-nots, who do. So as we sit here in this body and watch the Republican Majority in Washington and Harrisburg block an increase in the minimum wage, we are also forced to watch families fall behind. To all those Pennsylvanians making minimum wage, the promise that hard work pays off has been replaced by the reality that you have to work twice as hard, twice as long, and usually twice as many jobs just to make ends meet. I am proud that Democrats believe we cannot let Pennsylvania's working families fall even farther behind. We believe there are things we can and must do right now to give Pennsylvanians a raise - a raise they need, a raise they deserve.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, as this General Assembly nears an agreement on the State budget for the next year, it is important that we look at our fiscal plan as more than just a few numbers on a page. This is especially true if we contemplate making cuts to specific parts of the budget. In those cases, we need to make a real effort to recognize the impact that any budget cut may have. Specifically, one of the cuts proposed by Governor Ridge is particularly disturbing to me. His proposal not only concerns me as a Senator who represents the city of Pittsburgh in the county of Allegheny, but it also concerns me as someone who believes that State government has an obligation to help those who, through no fault of their own, cannot help themselves. Specifically, Mr. President, I refer to what just may qualify as one of the toughest budget cuts ever proposed by a Governor of this Commonwealth. I am referring to the proposed consolidation and accompanying reduction in funding for the Special Medical Services Grant Program.

As other Members of the Senate may know, the Governor wants this body to cut \$6 million from the program, paring it down considerably. For those who may not be familiar with the effects of such a cut, let me take a few moments to explain a little bit about why this program is so important. First of all, Mr. President, the families who benefit from the special needs grant are brave citizens whose lives have been touched by diseases such as hemophilia, cystic fibrosis, spina bifida, sickle cell anemia, and many others. The costs of treating these diseases are incredibly high, and many people have been forced to turn to the State to help cover the costs of these life-saving treatments.

Mr. President, we need to remember that many of the people who benefit from this program are children with special needs, children like Joshua, a 4-year-old boy who is a quadriplegic as a result of a rare virus that attacked his brain while

he was still in his mother's womb. His medical care costs are approximately \$600,000 to \$700,000 a year. Today he and his family get help at Children's Hospital in Pittsburgh with some assistance from the Special Needs Grant Program to help absorb some of these costs.

Mr. President, there are also people like Ann Rogers. Her son is one of 1,400 hemophiliacs in Pennsylvania, many of whom are forced to rely on the State once they reached their insurance cap and can no longer afford the very medicine that keeps them alive, medicine that is extremely expensive. Make no mistake, Mr. President, these are people who will be affected if we go along with these budget cuts.

There are those who say that the Governor's budget advisors chose to cut the Special Needs Program because those who depend on it are voiceless and have very little political power. For my part, Mr. President, I find it difficult to believe that anyone in public service could be so indifferent to the needs of victims of these terrible diseases. I rise today to discourage Governor Ridge from heeding his misguided budget advisors and agree to restore the full funding for these vital programs.

As a legislator from western Pennsylvania, I must also address the impact that Governor Ridge's proposed cuts will have in Allegheny County specifically. Children's Hospital, an institution that has a long history of wonderful and miraculous things for children with serious illnesses, expects to handle nearly 5,000 outpatient visits this year for treatment of these terrible diseases. A corresponding reduction of \$300,000 will mean a significant reduction in the ability of Children's Hospital and many other hospitals throughout this Commonwealth to treat those needy patients. It is a reduction in funding that parents of special needs children simply cannot afford. Mr. President, I submit that unlike many of the budgetary choices we must make as a governing body, we cannot expect those people to simply tighten their belts and do without. Simply, truly, and without argument, these are programs whose very existence mean the difference between life and death for many Pennsylvanians.

Yes, Mr. President, this year's budget has forced us to make some tough choices, but restoring full funding for a program that benefits children who are very ill is not and should not be one of those tough choices. I am calling upon my colleagues to make certain that Governor Ridge's proposal does not become law.

Thank you, Mr. President.

## 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:

## MEMBER OF THE STATE BOARD OF PSYCHOLOGY

June 24, 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, Geriann Bobrowsky, Ph.D., 205 Trotwood Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rodney McLaughlin, Ed.D., Hummelstown, whose term expired.

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 25, 1996

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 1502 and 1585; and Final Regulation No. 16A-536)	Room 8E-B East Wing
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1587 and House Bill No. 2031)	Room 8E-A East Wing
10:00 A.M.	TRANSPORTATION (to consider Senate Bill No. 81; and House Bills No. 2336 and 2360)	Majority Caucus Rm.
10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 31 and 1122; House Bills No. 1415, 2344 and 2536; and any other business that may come before the Committee)	Room 461 Main Capitol

## ADJOURNMENT

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

Senator WENGER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 25, 1996, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:24 p.m., Eastern Daylight Saving Time.