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SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 47

SENATE

WEDNESDAY, June 26, 1996

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

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

PRAYER

The Chaplain, Pastor ALLAN R. VIVONA, of Grace Bible Fellowship Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty God, our gracious Heavenly Father, we thank You that You have revealed Yourself to us as holy, righteous, the God of truth, and the God of compassion. Father, we invoke Your blessing upon this Session.

We ask that You remind us, along with Micah, the prophet of old, what does the Lord require of You, O man, but to do justice and to love mercy and walk humbly with Thy God. Father, I ask that You enable us to accomplish all of these things by Your grace, and we come by the authority of Your Son and our Savior, the risen Lord Jesus Christ. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 25, 1996.

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1353, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

RESOLUTION INTRODUCED AND REFERRED

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

June 26, 1996

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH A NATIONAL MUTUAL CONSENT REGISTRY RELATING TO ADOPTION INFORMATION

Senators HECKLER, HART, ULIANA, SCHWARTZ, O'PAKE and AFFLERBACH offered the following resolution (Senate Resolution No. 145), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, June 26, 1996

A RESOLUTION

Memorializing the Congress of the United States to establish a national mutual consent registry relating to adoption information.

WHEREAS, Many biological parents who give their children up for adoption seek in later years to contact their biological children; and

WHEREAS, Many adult adoptees would like to contact their birth parents; and

WHEREAS, The rights and privacy of each individual should be protected at all times; and

WHEREAS, Each party seeking to locate a parent or child shall provide consent to do so; and

WHEREAS, Once mutual consent is established, each party should be able to locate the other party without breach of confidentiality; and

WHEREAS, A search can be very extensive and can include individual parties residing throughout the United States; and

WHEREAS, A national mutual consent registry would provide the greatest potential for nationwide mutual consent searches; therefore be it

RESOLVED, That the Senate memorialize Congress to enact legislation which creates a nationwide confidential registry for receiving, filing and retaining documents pertaining to adoptions; and be it further

RESOLVED, That the national registry prescribe and distribute documents to each state to provide consistency in the collection of information; and be it further

RESOLVED, That a procedure be devised for releasing identifying information when mutual consent has been established; and be it further

RESOLVED, That the public be notified of the existence of the registry and the procedure for the consensual release of identifying information.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 1353 and 1583, as well as nominations.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Holl.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Holl. Without objection, that leave is granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, at this time I request temporary Capitol leaves for Senator Andrezeski, Senator Kasunic, and Senator Williams.

The PRESIDENT. Senator Bodack requests temporary Capitol leaves for Senator Andrezeski, Senator Kasunic, and Senator Williams. Without objection, those leaves are granted.

CALENDAR

SB 1590 CALLED UP OUT OF ORDER

SB 1590 (Pr. No. 2194) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1590 (Pr. No. 2194) -- 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 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

Table listing names of senators in support of the bill: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Mellow, Mowery, Musto, O'Pake, Peterson, Piccola, Porterfield, Shaffer, Stapleton, Stewart, Stout, Tartaglione, Thompson, Tilghman.

Table listing names of senators: Corman, Costa, Delp, Fisher, Fumo, Gerlach, Kasunic, LaValle, Lemmond, Loeper, Madigan, Punt, Rhoades, Robbins, Salvatore, Schwartz, Tomlinson, Uliana, Wagner, Wenger, Williams.

NAYS-0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Andrezeski and Senator Williams have returned, and their temporary Capitol leaves are cancelled.

SPECIAL ORDER OF BUSINESS MEMORIAL SERVICE FOR SENATOR JOHN D. HOPPER

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

Senator LOEPER. Mr. President, as a Special Order of Business, at this time I request that the Senate proceed to the memorial service for the late Senator John D. Hopper.

The PRESIDENT. At the request of Senator Loeper, the Senate will now proceed to the memorial service for the late Senator John D. Hopper.

MEMORIAL RESOLUTION

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

Senator MOWERY. Mr. President, I would like to offer the following condolence resolution and move for its immediate adoption.

The PRESIDENT. Senator Mowery has offered the following resolution and moved its adoption. The gentleman would now be in order to read the resolution:

(The following resolution was read by the gentleman from Cumberland, Senator MOWERY:)

WHEREAS, Senator John D. Hopper of Camp Hill passed away June 12, 1996, at the age of 73; and

WHEREAS, Senator Hopper served the people of the 31st Senatorial District for 16 years; and

WHEREAS, Elected to the State Senate in 1976, he served as a member of the Judiciary, Community and Economic Development, Labor and Industry, Military and Veterans Affairs, and Public Health and Welfare Committees; and

WHEREAS, For 12 years he was chairman of the Aging and Youth Committee where he oversaw the creation of the Pharmaceutical Assistance Contract for the Elderly and the expansion of the Property Tax and Rent Rebate Program; and

WHEREAS, Senator Hopper was author of the Pension Forfeiture Statute, the Senior Center Revolving Loan and Grant Program Statute, the law extending the statute of limitations on child abuse and the law establishing a criminal history record check on child abusers; and

WHEREAS, Senator Hopper spearheaded the effort to preserve Pennsylvania's Wiretap Law and authored the statute designating the Yellow Breeches Creek with Scenic River Status; and

WHEREAS, Senator Hopper served on the board of directors of the Pennsylvania Higher Education Assistance Agency, the Keystone State Games and the State Transportation Advisory Commission; and

WHEREAS, Senator Hopper began his public service career on the Camp Hill School Board where he served as vice president and chairman; and

WHEREAS, Senator Hopper's memberships included the board of trustees of the Dauphin Deposit Trust Company, Holy Spirit Hospital, the Central Pennsylvania Chapter of Multiple Sclerosis, United Way and Dickinson College; and

WHEREAS, Senator Hopper graduated from Dickinson College in 1948 with a bachelor of arts degree and received a Juris Doctorate from Dickinson School of Law in 1951; and

WHEREAS, Senator Hopper was an outstanding member of the Dickinson College Men's Basketball Team and was the youngest player/coach in the history of the school; and

WHEREAS, in 1973 Senator Hopper was named to the Dickinson College Sports Hall of Fame and he was one of five individuals in the United States selected by the National College Athletic Association for their Silver Anniversary Award; and

WHEREAS, Senator Hopper was also elected to the Central Pennsylvania Sports Hall of Fame; and

WHEREAS, Senator Hopper served his country as a fighter pilot in the United States Army Air Corps during World War II and as a Major in the United States Air Force Reserve; and

WHEREAS, Senator Hopper was a long-time West Shore insurance executive; and

WHEREAS, Senator Hopper received a chartered life underwriter degree from the American College of Life Underwriters in 1959, belonged to the Harrisburg and Pennsylvania Associations of Life Underwriters and was a past trustee and life member of the National Association of Life Underwriters; and

WHEREAS, Senator Hopper was an elder in the Camp Hill Presbyterian Church and was married for 50 years to the late Ann Bowman; and

WHEREAS, This union produced three sons, a daughter and eight grandchildren; therefore be it

RESOLVED, That the Senate pause in its deliberations to mourn the passing of one of its members and extend heartfelt condolences to his family; and be further

RESOLVED, That a copy of this document, sponsored by Senator Harold F. Mowery, Jr., be transmitted to Senator Hopper's family.

On the question,

Will the Senate adopt the resolution?

FAMILY OF SENATOR HOPPER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery, for personal remarks and eulogies.

Senator MOWERY. Mr. President, I would like to acknowledge that one of Senator Hopper's sons and his family are with us today. Unfortunately, one son lives in California, another child in Georgia, and another is in Chicago today.

I am very happy to introduce R. Andrew Hopper and his wife, Pamela, and their daughters, Stacie and Andrea Hopper. Would you please rise.

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

Senator MOWERY. Mr. President, I would just like to make a few additional comments, if I may. I had the privilege of knowing the Senator for almost 50 years. Many of you knew him as he served, as well presented previously, as a

Senator and as one of your colleagues. Senator Hopper and I both went to Dickinson College, and I had the privilege of being a freshman when he was a senior. I can honestly say that John was an outstanding basketball player, and many of the younger members would not realize that years ago the set shot was now the one-arm shot for the three-pointers. He used to stand back, get down, and use both hands, and that ball would swish through the basket, and he was well known for his accomplishments on the basketball court.

But the interesting part of my relationship with John is that as I graduated from Dickinson and he from law school, we both entered the life insurance business just about the same time. I was a general agent and manager for Provident Mutual Life Insurance Company and he was general agent for Equitable Life of Iowa. We worked together and we were good competitors, and John was always a very strong and upright person who served in many civic duties over the years in the Harrisburg area. But it is interesting to note that John was on the Camp Hill School Board and was past president of the Camp Hill School Board. While he was still a member, I, too, became a member of the Camp Hill School Board and was past president of the Camp Hill School Board.

But what is interesting today is that his son Andy is on the Camp Hill School Board, and my son Ted is on the Camp Hill School Board. So some things just kind of move along careerwise, and, eventually, in 1976 John and I were talking and he said, you know, Hal, I think I am going to run for the Senate. And I said, well, you run for the Senate, John, and I will run for the House of Representatives, which we both did. The ironic part was that John had never knocked on doors before to ask for votes. I did. So John went along with me and he took one side of the street and I took the other, and we had a lot of fun campaigning together. John became a Senator here and I became a Member of the House. So he was my Senator and I was his Representative.

You know, the years are funny because as time passes, guess who took Senator Hopper's place, which was a very difficult spot to fill because he did an outstanding job when he was here, as many of you who served with him know. But I just thought it would be interesting to relate to you two careers that almost paralleled each other, and I knew him so long that my personal relationship with him was certainly something that is a little different than many of you who served and knew him here as a colleague.

I can only say to his family that he was very highly respected and an individual who, in my opinion, deserved everything that was said about him here today in the condolence resolution, and I know that some of you would like to add some other comments, so I will give my time.

Thank you very much, Mr. President.

The PRESIDENT. Certainly. Thank you, Senator Mowery, for those insights.

The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, Members of the Senate, and to Andy and Pam and Andrea and Stacie, to Steve and Rick and Kathy and their families who are not here,

and to former staff and friends, and if I said all the friends of John Hopper, that would encompass so very many people because John truly did have a wealth of friends.

As much as anyone, I think John Hopper looked the part of State Senator. He was the stereotype - the bearing of an athlete, military man, the set of the jaw, the eyes which could twinkle with joy, or set with a look of burning determination. More than any other person, his actions matched his distinguished look. John Hopper was someone who had zero tolerance for corruption, for doubledealing, or for deceit. He put into law the kind of simple and direct approach he favored. Those who abused public office, who dared violate the public trust, would forfeit their public pension. Pennsylvania still has the best array of senior citizen programs in the nation, and John Hopper was a key player in the creation and implementation of most of them.

Your father, your grandfather, was absolutely genuine, old-fashioned in the best sense of the phrase, and I do not think I have to tell you that, you already know it. A deep devotion to his wife, your mother and grandmother, a set of clear, no-nonsense principles, an absolutely unyielding belief in the importance of a work ethic, individual responsibility, and, frankly, just a handshake of honesty. His word was his bond. These were the values. These were the virtues he prized and we all respected.

John Hopper was an extremely successful man, yet it was the kind of success that benefitted those around him. He was pure winner, but his family and friends and neighbors shared in his victories because he was the consummate team player. An outstanding athlete, he had the heart of a competitor, the likes of which I have never seen, whether it was on the golf course, the basketball court, in the insurance business, or on the floor of this Senate, and the heart of someone who cared, cared very deeply about his family and about his community. Through his military service and community service, he gave a great deal long before politics came his way.

At the recent funeral service, Steve Hopper, John's eldest son, and Steve's daughter offered special heartfelt words about a man who was loved and respected, who gave his family character and joy, and a treasure chest of long - lasting memories. It was evident there was so much of John's life, so much to the record he built, so much to the achievements he realized that no one, family member or friend, could truly know or express it all.

John left this Senate of his own decision. At the time of his choosing, he offered a pretty classy exit line. He said he was departing with good health, good humor, and warm memories of having represented a great area and having served in a fine institution, the Senate of Pennsylvania. He leaves us with warm memories, legislative accomplishments, and lessons in life which will endure as an appropriate legacy so well lived. He was our friend and someone we respected, and he will be missed.

Mr. President, I had the great honor of giving the eulogy at Senator Hopper's funeral, and I would like to offer those remarks as well as these, which are inserted today, so they may become a permanent part of the record for posterity so that

your family will be able to come and read about not only their grandfather but their great-grandfather as time passes on and recognize the great humanity offered by a very, very special friend and a Member of this body who will be remembered by those of us who had the privilege of knowing him.

At this time I offer into the record my remarks at the funeral, Mr. President, and I thank the Members and the family for the opportunity of making these remarks.

The PRESIDENT. And they will certainly be included. The Chair thanks Senator Jubelirer.

(The following eulogy was made a part of the record at the request of the gentleman from Blair, Senator JUBELIRER:)

Senator Robert C. Jubelirer
Eulogy for John Hopper
June 17, 1996

John Hopper was a colleague, a friend, a success in life. It is not a question of searching for something to say about him; his seventy-three years were filled with achievement, contribution, and character. He was confident, he was proud, he had faith, and he was genuine in all respects.

Perhaps no one in my experience looked more like a state Senator. The glint in the eyes, the set of the jaw, the figure that never lost its athletic trim or military bearing, he had the look. His manner was consistent with his look. John gave it to people straight. Not long-winded speeches, not a lot of fancy words, not any of the round-the-block double-talk, just plain, simple, and direct. What he believed, he believed strongly -- his stands were not positions of convenience. He had an admirable zero tolerance for corruption, which was consistent with his life-long emphasis on excellence. In a world of few absolutes, his honor and his handshake were never in doubt.

No one who met John, or who worked with John, will ever forget the eyes. In moments of joy, his eyes positively twinkled. In moments of determination, there was a steel in his eyes that, as he peered over his glasses, could wither the toughest adversaries.

I am not sure that anyone fully realized how truly successful John was, as an athlete, as an insurance man, as someone who served country and community with distinction. He did not need politics for an outstanding career or a notable life. Political success was icing on the cake of a life with many rich layers. In the world of politics, where folks are sometimes guilty of embellishing a resume or gilding their credentials, John Hopper was one of those whose achievements were far greater than he ever let on.

John was a competitor. Pick the field -- athletics, business, politics -- he would go all out, and most likely, win.

In addition to his legendary prowess on the basketball court, John was, as many know, quite a golfer. One day, I was paired with him, and he shot a hole-in-one on the final hole to pull us out of defeat. He walked into the clubhouse in triumph, where he was immediately accosted by some guy upset over his medical malpractice bill. I suppose it was a reminder that the sand traps of life are a much tougher play, but on the course and off, John was championship caliber.

The measure of a man is often taken when life presents its hardest challenges. The devotion that John displayed toward his wife in her difficult last years was the stuff of quiet, remarkable heroism. It was quintessential John Hopper -- the commitment came from the heart, and was expressed in action, not words.

John was an individual possessed of star talent who never forgot that teamwork wins, whether the field is the family, or private business, or public service.

In the Senate, we have some interesting combinations in our committees. John for many years served as Chairman of the Aging and Youth Committee, which tends to the needs of senior citizens and children. Pennsylvania needs someone with good fiscal sense, plus a profound appreciation of the premium on protecting our vulnerable

citizens, and according them the respect and dignity they have earned. As Chairman, John had a hand in some landmark bills and protections, things that will still be helping people long after we all have departed politics.

At the end of his sixteen years in the Senate, he was a member of our Republican leadership, but the truth is he was a leader in life, in many places, for many years, well before he gained a title among us.

When he decided to step down, one of the things he said put his work and his hopes in perspective: "Our area has been open to growth and change, but has retained small community virtues and values." Virtues and values. Integrity. Hard work. Community service. That was John Hopper.

On a more personal note, he said he was departing "with good health, good humor, and warm memories of having represented a great area and having served in a fine institution, the Senate of Pennsylvania." John, those warm memories are alive for us today, as we recall an outstanding career and a remarkable life, that friends, neighbors, associates, and colleagues pay tribute to today.

Everyone has their own concept of the afterlife, but I do know this -- if they play hoops in heaven, the two-handed set shot is about to make a comeback, for the Dream Team up there has picked up quite a player. God bless you, and give you peace, John Hopper.

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

Senator LOEPER. Mr. President, I would like to take just a few moments to pay tribute to a friend many of us here in the Senate served with who recently passed away. John Hopper, Mr. President, served in this State Senate for 15 years before his retirement in 1992. And I think I speak for all of us when I say it was a sad day when he left the Senate, and certainly an infinitely sadder day when we learned that he had passed away.

For those of you who may be here and have joined the Senate since John's retirement, I believe that his career and his life hold lessons for all of us, lessons of the meaning of public service, loyalty, and courage. John was one of those people who got elected for all the right reasons. He did not pursue his career in politics for prestige or power or money. He just saw government as a place where he could serve and get things done for his neighbors, whom he represented - the people who were closest to him and the people for whom he had a deep admiration.

And he most certainly did get things done. For a man who always had a twinkle in his eye and a smile on his face, John could be the fiercest fighter on this floor, and maybe he got that fighting spirit back in World War II, where he served with distinction, or maybe he got it on the basketball court where he was known for his tremendous skill in spite of his small physical stature. I understand, Mr. President, that his two-handed set shot was as legendary as the dream team he played with at Dickinson College in 1948, and maybe, Mr. President, that was a gift he was just born with. Wherever he got it from, his never-give-up philosophy and attitude served him well during his lifetime, and his friends knew that it was good to have him on their side. And, Mr. President, we certainly knew here that it was good to have him on our side.

He was a devoted gentleman. He was very quiet and also tirelessly helping his wife through a long illness that eventually left him a widower. He was extremely loyal to the communi-

ties that he served, and he took the role of public servant very seriously, stepping up to volunteer with numerous community organizations. He was a gracious man who never tried to grab the spotlight, except maybe on that basketball court, but off the court he had a quiet, confident, and cheerful demeanor that just naturally drew all of us to him and the people that he surrounded. He did not let his success turn his head, whether it was in college, business, or politics. He simply looked for another challenge, another outlet for his tremendous ability and energy, and in his 73 years, he accomplished much more than most people could ever imagine to accomplish, quietly, effectively, and with great dignity and with a sense of purpose.

Most importantly, John was a good man, a good man to the core, and that is the best tribute I think that anyone can pay to him. To remember him for his compassion, his humor, his unwavering commitment to do the right thing by his family, his friends, and his constituents. John Hopper loved life and he lived a good, full life, leaving a tremendous mark here on earth. And while we mourn his passing, we also feel a tremendous sense of gratitude in having had the privilege to know Senator John Hopper and the privilege of working with him.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, it is unfortunate that we have to say goodbye to two Members of the Senate on two consecutive days, yesterday having the opportunity of giving remarks and eulogizing Senator Roxanne Jones, today having the same opportunity of making remarks on the floor of the Senate and eulogizing another great individual who served in the Pennsylvania State Senate, John Hopper.

I had the opportunity, Mr. President, of knowing Senator Hopper maybe in a little different capacity than those individuals who have previously offered remarks. The first time I met John I was attending a life underwriters insurance convention. It was being held in the Poconos and I was one of the speakers on the program, and the person who sat next to me at the head table was John Hopper. It was the first time that I ever had the opportunity of meeting him. We talked very briefly about politics, but we talked more importantly about the problems with life underwriters. At that point in time, Mr. President, the major issue with life underwriters was the possibility of banks forming holding companies for the purpose of selling insurance. Some things do not change.

Mr. President, I then developed a very close relationship with John, not as a Member of the Senate but as an individual who was a life underwriter interested in the issues of dealing with people not only who served as agents writing life insurance, but also equally as important the annuitants who were having the insurance written to protect their future and the future of their families.

So, I was not surprised at all when John decided to run for the State Senate, was elected to the State Senate, and became a very active participant in the Pennsylvania Senate. And it was John Hopper the Senator, I guess, whom I got to know much better than John Hopper the life insurance agent. And it was John Hopper the athlete whom I really came to admire,

because I worked here on a daily basis with Senator Hopper, and I knew exactly the things that he was able to do here in the Senate, the hard work that he was responsible for, the interest that he had in making sure that every day was a better day for the people not only of his district but indeed for the people of Pennsylvania.

And I am sure those of you who are here today will remember that we used to participate very actively in softball games. Senator Armstrong was a participant, along with several others on the other side of the aisle, and I think on more than one occasion Senator Jubelirer tried to participate, but I am not sure if Coach Hopper would allow him to at that point in time. But I was always very impressed with John and his athletic ability because he was not what I would consider to be a very young man, but he was still in excellent condition and very athletic. And with that crew cut that he wore and those beautiful blue eyes he had, he was just a wonderful individual. And you could see when he and I would discuss sports, because I love athletics and sports, he would beam with pride when he talked about playing basketball and he talked to me about the two-handed set shot and how important it was and how we were not paying basketball today the way it was meant to be played, because of everything being over the rim instead of under the rim, the way it probably should have been played.

So I had tremendous respect for John, the individual whom I met first as an insurance agent, the fellow I got to know and admire and respect as a Member of the State Senate, and the fellow who had tremendous athletic ability even beyond midlife, or what I would consider to be midlife, still was able to show what an excellent athlete he was.

But the part that I respected and admired most about him was none of the three above. It was the way he talked to me on more than one occasion when his wife, Ann, was ill, and the tremendous respect and admiration that he had and the tremendous feeling of sorrow that he had because of the illness that she had, and that she was not able to do the things that he and she were able to do prior to her becoming ill. And I know there was more than one occasion that he would leave this body when we were in Session and he would go home to make sure that everything was okay with her and that she could communicate with him to the best of her ability. And he talked to me about that on a number of occasions and every time that he would, water would well in his eyes. He would actually have a tear in his eye when he talked about it with such great emotion.

Life here is very fragile. It is very short. It is only a bleep on the screen. Each and every time that we involve ourselves in some kind of a difference where personalities are involved and not a principle, we should always be mindful of what took place here yesterday and what is taking place here today. We should learn a lesson from individuals like Senator Jones and Senator Hopper because of what they represented and the total dedication that each of them had to their family and to the things that were important in life.

About 3 weeks ago Senator Stapleton said to me that he went to a nursing home to visit a friend of his. The gentleman whom he went to visit was a man who unfortunately had had

a stroke and really could not talk, but what he said to Senator Stapleton in that visit was, Senator Hopper is in the room across from me, and he wrote it for him. So Pat told me when he finished visiting that man, he wanted to go find his good friend Senator Hopper. And when he went across to see if John was in his room, he was not there. So he went for a walk and he was told by one of the nurses that John was having lunch. So Pat told me he went to try to find him and he did. Walking up the corridor was John with a golf sweater on, looking like he was ready to put the clubs in the trunk of the car and go out and play some golf with that beautiful beaming smile on his face, that nice short crew cut he always liked to have, and those wonderful blue eyes. He talked to Pat and asked about everything over in the Senate and told him to tell everyone that he said hello.

It was shortly thereafter that I found out that John was not feeling well and then I sent him my own get well card. I wrote a little note to John because, as I said, I thought he was just a wonderful individual, and I only hope and pray that before he passed away, which was very shortly after I sent him the card because I found out he was not feeling well, that he may have had the opportunity of either reading the card himself or having one of his children or grandchildren read the card, because he was a wonderful individual, he was a man who touched my life and touched the life of every Member he served with and the people whom he represented.

He was an outstanding man, and I offer my personal condolences and the condolences of those of us on this side of the aisle to John's children and to his grandchildren. Perhaps now he and his wife are once again reunited in the Kingdom of Heaven and enjoying the life that they enjoyed here on this earth. And to John's family members who are here today, we say God bless you and we wish each and every one of you well, because you had a wonderful father.

Thank you very much.

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

Senator WILLIAMS. Mr. President, to the Hopper family, I, too, would like to express a few words in memory of Senator John Hopper. One thing that we have come to realize recently with all the people that we most recently lost in the State Senate, going back a few years, I guess is the stark realization that Senators can be exceptional human beings despite their political philosophies and their political trials, and all of that. Many people in public life have very unique experiences and unique attributes and things that need to be remembered because they connect, and for that reason should be remembered.

I am going somewhere tomorrow. Senator McKinney, who used to be here a few years ago, his daughter is now an author and her book just got on the market. Paul had six girls, they were all excellent, all of them. And I think about Senator Hopper because he proved that in this Chamber, as in no other Chamber throughout the country, we have two very well qualified set-shot shooters, and we both were pretty good at that. He and I talked above the rest of you because we knew from whence we came. Of all the things that went on here, two

set-shot shooters back in those days just had certain qualities about them that made us feel superior, and indeed it was so.

But this man, unlike anybody I have bumped into in politics, usually one politician is trying to prove something to another or we are mad at each other because you stand for this and I stand for that, and whatnot, and John Hopper did not have to compete that way, because he just did that smile and he started talking and he was a very disarming man, and for me one of the most warm and decent human beings that I have known, and it was not long before he communicated and shared that. He was a man who, without talking loud and long, expressed a deep and abiding sense of values that seemed to me to be universal, and there never was any real conflict, any real difficulty in interchange and all of that, and I am sure all of us felt that presence day by day. Its absence, I guess, stands out so greatly, because when you have that for a sustained period of time, indeed, you do miss it. And I felt compelled to put on the record my strong and deep and abiding feelings for his presence and my sadness at his absence, of which I know you, too, have a great deal.

Thank you, Mr. President.

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

Senator CORMAN. Mr. President, John Hopper was a friend of mine, and I shall certainly miss him. You know, John was not a pretend guy. John was exactly what he was. You know, he was that fighter pilot, he was a basketball star at what, 5 foot 7? He was a great golfer, he was a community servant. We have heard of him serving on school boards and hospital boards, and the board of trustees at Dickinson, and he certainly was a very successful businessman. And in John, you know, things were right or they were wrong. There was very little in between. And that was him, and you accepted him that way or you did not. And most people did because they knew what a great person John was.

John and I came here at about the same time. John got here 6 months before I did. He was elected in 1976 and took office in 1977. I came in June of 1977. It was a new experience for me serving in the Senate, as it was with John. We sat very close to each other on the floor and often spent many hours debating many of the issues, because they seemingly were coming at us faster than we knew how to handle them in this new responsibility that we had, and we sort of hung onto each other to try to help each other learn as we went along.

In those days, those of you who were here in 1977 with us know it was an awfully long year. I think we spent 4 years that year trying to pass the budget, and I will never forget one time when we spent all day here and all evening and it was midnight when we finally broke, and John and I decided to go get a bite to eat. We had not had a chance to eat yet, so we decided to go to The Senate Bar and have a beer and a sandwich and enjoy a little time before we went home. And, gee, we walked in the bar and there was a newspaper reporter, Pat Boyle, who had been there for a while, and he decided to heap lots of criticism upon John and me for not helping the process happen and not getting the budget passed. Immediately John said, Doyle, we are out of here. He buys ink by the barrel and

we cannot do any good by getting in an altercation with him. Let us go have dinner at The Spot. So John and I had dinner that night at The Spot, and oftentimes afterwards when we would be having a long evening we would talk about how we will have to dine at The Spot again tonight.

John and I took several golfing vacations together. We were often partners. We roomed together at one of them. And to indicate his competitiveness, I recall once that I invited John and Senator Hess, when Ralph was here, and a friend of mine from home, Bob Dunn, and the four of us went down to my property in South Carolina to play golf. On this one day John was my partner and we had played about four holes and John was actually sleeping. He was not carrying his weight at all, and we were getting our heads handed to us, and I was starting to get on John's back to wake up. There was money at stake.

And on the fifth tee, of all things, Ralph Hess passed out and we had to take Ralph to the hospital. Well, we took him to the hospital, and as good golfers, we went back to finish playing golf. Now there are just three of us and now it is head-to-head competition. Well, you know John Hopper may have been loafing a bit on those first 4 holes, but the next 14 holes he won or tied every doggone hole, and as you know if you play golf, there are carryovers, and he won all the money after that. So I was very critical of John saying, hey, John, where were you when we were partners? And he, just with a glint in his eye, said, "Yeah, tiger, I really got my game going, didn't I?"

John and I worked together and we played together. He was a very good person, a very good friend, a dedicated community servant. He was a success in actually everything he ever touched. My life is richer for having known John Hopper, and I enjoy reminiscing about him.

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

Senator WENGER. Mr. President, I always counted it a real honor to serve with John Hopper in the Pennsylvania Senate. I would like, first of all, to extend my condolences to his sons, his daughter, his grandchildren, his family at his passing.

John was known for his fine character. He was known for his integrity. He was always straightforward. If you asked John what he thought about something, you did not get a long exhortation that when he was finished you did not know where he was. It did not happen because John would tell you where he was. He was that kind of person. I think he was a role model to all of us in many ways. John was a man of diversity. He was a fine athlete, a successful businessman, and he served his country in World War II as a fighter pilot, and it was never difficult, with the way he kept his hair closely trimmed, to imagine him taking off in that plane on that mission. And I think that perhaps he was very proud of that and perhaps that is why he always kept his hair cut like that. I always looked up to him for the service that he gave to his country at a very vital time in our history. And then he served with distinction here in the Senate. A very diverse individual, the kind of person of whom we could all be very proud, and I know that his family especially always was and will continue to be proud of John Hopper.

On the more personal side, sure, he was a devoted public servant. We all know that. But he was also a very devoted family man, devoted to his wife, which was expressed in many ways, especially during her time of illness. It was not unusual for John, when we would get out of here and say, well, it is time to go to dinner, he would say, I have to get home and see how things are. He was always very devoted. He was a leader in his church and in his community. He was the kind of person who provides for the quality of life that we know and so many times take for granted, but at a time like this we reflect and we realize that we would not have the quality of life that we are accustomed to here in Pennsylvania without people like John Hopper, who always give more to society than they take away.

John Hopper had many friends. He had few enemies. John has gone on ahead, and he is missed.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, one of the very first Senators to greet Barbara and me when we came to Harrisburg was John Hopper. He thought at the time that another lawyer in the Senate might not be all that bad an idea and that, in fact, some good might possibly come out of it. We had a lot of mutual friends, lawyers from throughout the northeastern part of the State, who had known John in college and most certainly in law school. They had told me about him, they came on that first day and introduced me to him. Art Piccone, who is the immediate past president of the Pennsylvania Bar Association, was particularly close with him and with me. And he has never ceased to tell me that John was the advisor to the Raven's Claw at Dickinson, and he was bigger than life and in fact an actual walking legend at Dickinson College. He most certainly was friendly there as he was here, likable and certainly an engaging motivator.

I think what separated him from the pack in college and in law school, as I understand it, as well as in the Senate, was a certain leadership skill which came out of his personality to see an issue, to get focused on it, to attack the problem, and I really found that no challenge was too great to discuss with him in the committee work that he did. And what I think made us feel the best about being with him and made it a real pleasure was his uncanny ability to focus in on you, to whomever he was speaking with, to include you, and to praise you for your participation in whatever was happening. He shared his experiences with all of us who were new Members and we certainly appreciated that. Everyone who has spoken has mentioned what is obvious to all of us, that he was first of all a friend, warm, considerate, fun to be with, and one of those persons who when he came in a room, it was brighter for his having entered.

And I say to the family that truly we will miss John, not only here but all around the State, anywhere he had friends, and he had many. So I join all of those many friends in expressing our deepest sympathy to you, his family, and thank you for sharing him with us for so many years.

Thank you.

And the question recurring,
Will the Senate adopt the resolution?

The PRESIDENT. All those in favor will please rise for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Senator JOHN D. HOPPER.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

And to all of our speakers, I am sure each family member is grateful for your praise and heartfelt reflections, and they likely will help them as they deal with the grief of losing their loved one, the late Senator Hopper.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first, for a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber, then for Members to have an opportunity to get lunch, and I would suggest that all Republican Members report to the first floor caucus room at 1:30 for a caucus, with an expectation of returning to the floor at approximately 3 p.m.

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

Senator MELLOW. Mr. President, I would likewise ask the Democratic Members to report to our caucus room at 1:30 in the rear of the Chamber so that we can hold an appropriate caucus and be back on the floor at 3 o'clock.

The PRESIDENT. For the above-mentioned caucus meetings, the Senate stands in recess, with the intention of returning at approximately 3 p.m.

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 has been given for the Committee on Education to meet in the Rules room during the Session to consider House Bill No. 2680.

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 26, 1996

HB 2768 -- Committee on Appropriations.

HB 2680 -- Committee on Education.

CONSIDERATION OF CALENDAR RESUMED

SB 1613 CALLED UP OUT OF ORDER

SB 1613 (Pr. No. 2165) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1613 (Pr. No. 2165) -- The Senate proceeded to consideration of the bill, 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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Stewart.

Senator STEWART. Mr. President, I request a temporary Capitol leave for Senator Wagner.

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

LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, Senator Holl has returned to the floor, and I request that his legislative leave be cancelled.

The PRESIDENT. That leave is cancelled, and the record will reflect that.

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.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave for Senator Helfrick, who has been called from the floor.

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

LEGISLATIVE LEAVE CANCELLED

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

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

The PRESIDENT. The Chair recognizes the proud gentleman from Schuylkill, Senator Rhoades, for the introduction of some important sporting guests.

Senator RHOADES. Mr. President, you are right. I am very proud of the young people, especially the young men who are here today in the gallery, and I would like to recognize them and have the Senate recognize them. They are the Tri-Valley High School Baseball Team that captured the PIAA Class AA State Baseball Championship. The baseball team earned this coveted title by defeating Mt. Union by a score of 7 to 1. The team finished the season with a record of 23 wins and 3 losses.

They have been under the expert guidance of head coach Roger Wetzel, assistant coaches Craig Herb and Brett Reed. The team is comprised of Jestyn Geist, Joel Shadle, Brad Zerbe, Dave Wenrich, Richie Dunkelberger, Luke Kimmel, Justin Troutman, Brad Morgan, Tori Miller, Matt Specht, Josh Miller, Ryan Buffington, Mark Shuey, Brad Reed, Tim Specht, Drew Felty, and Jason Heim. Out of those young men, only three are seniors. Most of them are sophomores and freshmen, and there are some juniors in there, too, so you can look for this team to be back again in the thick of the battle.

I ask the Senate of the Commonwealth of Pennsylvania to congratulate the Tri-Valley High School Baseball Team upon winning the PIAA Class AA State Baseball Championship. We heartily commend the team and coaches for their ability, dedication, and tireless pursuit of athletic excellence and offer the best wishes for continued success in all future endeavors.

I would appreciate if the Senate would recognize and extend its warm and best wishes to the State champions, Tri-Valley High School.

The PRESIDENT. Would our guests please rise so that the Senate may acknowledge you.
(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 31, SB 1158 and SB 1521 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 1526 (Pr. No. 2180) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A5210:

Amend Sec. 338, page 22, by inserting between lines 21 and 22:
(c) SR 0897

- (1) From SR 0501 West and Southwest beyond intersection with SR 0419, Heidelberg Township, reconstruct roadway 12,000,000
(Base Construction Allocation - \$12,000,000)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1614 (Pr. No. 2166) -- The Senate proceeded to consideration of the bill, 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.

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.

SB 1615 (Pr. No. 2167) -- The Senate proceeded to consideration of the bill, 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.

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.

SB 1616 (Pr. No. 2168) -- The Senate proceeded to consideration of the bill, 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.

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

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

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 1617 (Pr. No. 2169) -- The Senate proceeded to consideration of the bill, 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.

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

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Greenleaf, Hart, Heckler, Helfrick, Mellow, Mowery, Musto, O'Pake, Shaffer, Stapleton, Stewart, Stout.

Table with 4 columns of names: Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Holl, Hughes, Jubelirer, Kasunic, LaValle, Lemmond, Loeper, Madigan, Peterson, Piccola, Porterfield, Punt, Rhoades, Robbins, Salvatore, Schwartz, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, Williams.

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 1618 (Pr. No. 2170) -- The Senate proceeded to consideration of the bill, 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.

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

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

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 1619 (Pr. No. 2171) -- The Senate proceeded to consideration of the bill, 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.

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.

SB 1620 (Pr. No. 2172) -- The Senate proceeded to consideration of the bill, 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 payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

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.

SB 1621 (Pr. No. 2173) -- The Senate proceeded to consideration of the bill, 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.

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.

SB 1622 (Pr. No. 2174) -- The Senate proceeded to consideration of the bill, 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 monies, 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.

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.

SB 1623 (Pr. No. 2175) -- The Senate proceeded to consideration of the bill, 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.

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.

SB 1624 (Pr. No. 2176) -- The Senate proceeded to consideration of the bill, 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.

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 100 (Pr. No. 3826) -- 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.

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

On the question,
Shall the bill pass finally?

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

YEAS-49

Afflerbach	Greenleaf	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 with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER TEMPORARILY

HB 216 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 299, HB 950 and HB 1053 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GERLACH offered the following amendment No. A5347:

Amend Bill, page 11, by inserting between lines 9 and 10:

Section 2. Section 18 of the act is amended by adding a subsection to read:

Section 18. Conveyance by Authorities to Municipalities or School Districts of Established Projects.—* * *

D. Following any transfer of a project pursuant to this section, the municipality or municipalities, including an incorporated town or towns or home rule municipality or municipalities, which have acquired the project shall retain the reserves received from the authority which have been derived from operations in a separate fund, which reserves shall be used only for the purposes of operating, maintaining, repairing, improving and extending the project. Money received from the authority which represents the proceeds of financing shall be retained by the municipality or municipalities in a separate fund which shall be used only for improving or extending the project or other capital purposes related thereto.

Amend Sec. 2, page 11, line 10, by striking out "2" and inserting:
3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

SB 1291 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

SB 1320 (Pr. No. 2187) -- 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.

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

BILL AMENDED

HB 1689 (Pr. No. 2982) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for educational programs; and restricting the Pennsylvania Human Relations Commission and certain other government involvement in pupil school assignment.

On the question,

Will the Senate agree to the bill on third consideration?

Senator HECKLER offered the following amendment No. A5150:

Amend Title, page 1, line 11, by inserting after "providing": for definitions, for discrimination and

Amend Sec. 1, page 1, line 19, by striking out "Section" where it appears the second time and inserting: Sections 4(w), 5(h)(9) and

Amend Sec. 1, page 1, line 21, by striking out "is" and inserting: are

Amend Sec. 1, page 1, by inserting between lines 22 and 23:

Section 4. Definitions.—As used in this act unless a different meaning clearly appears from the context:

* * *

(w) (1) The term "housing for older persons" means housing:

(i) provided under any Federal or State program that the Pennsylvania Human Relations Commission determines is specifically designed and operated to assist elderly persons as defined in the Federal or State program;

(ii) is intended for and solely occupied by persons sixty-two years of age or older; or

(iii) is intended and operated for occupancy by at least one person fifty-five years of age or older per unit.

(2) In determining whether housing qualifies as housing for older persons under this clause, the Pennsylvania Human Relations Commission's requirements shall include, but not be limited to, the following:

[(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;]

(ii) [that at] At least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit[; and],

(iii) [the] There is publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

(iv) The housing complies with regulations promulgated by the Pennsylvania Human Relations Commission for verification of occupancy. Regulations under this paragraph shall do all of the following:

(A) Provide for verification by reliable surveys and affidavits. Surveys and affidavits under this subparagraph shall be admissible in administrative and judicial proceedings for the purpose of verification under this paragraph.

(B) Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of paragraph (iii).

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of unoccupied units provided that such units are reserved for occupancy by persons who meet the age requirements of this clause.

* * *

Section 5. Unlawful Discriminatory Practices.—It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or in the case of a fraternal corporation or association, unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States or the Commonwealth of Pennsylvania:

* * *

(h) For any person to:

* * *

(9) Nothing in this clause, regarding age or familial status, shall apply with respect to housing for older persons. A person shall not be held personally liable for monetary damages for a violation of this act if the person reasonably relied, in good faith, on the application of the exemption of this subclause. A person may only prove good faith reliance on the application of the exemption of this subclause by proving that, at the time of the act complained of, all of the following applied:

(i) The person had no actual knowledge that the housing was not eligible for exemption under this subclause.

(ii) The owner or manager of the housing had stated formally, in writing, that the housing complied with the requirements for exemption under this subclause.

* * *

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

HB 1711 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

HB 1712 (Pr. No. 3858) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for utility trailers and for the designation of certain scenic byways; further providing for application for certificate of title by agent, for vehicle registration periods of less than one year, for temporary registration cards, for duties of agents, for suspension or revocation of vehicle business registration plates, for financial responsibility, for a steelworker registration plate, for chemical testing to determine amount of alcohol or controlled substance, for commercial drivers' licenses, for annual hauling permit, for exemptions from the motor carriers road tax; providing for prohibiting minors from operating with any alcohol in their systems; further providing for driving under influence of alcohol or controlled substance, for homicide by vehicle while driving under the influence, for accidents involving death or personal injury while not properly licensed, for semiannual vehicle inspections, for issuance of certificate of inspection and for conditions of permits and security for

damages; providing for movement of wooden structures; further providing for authorization of salvors; providing for installing pilot programs for motor vehicle license transactions, for liability insurance and for penalties; further providing for securing loads in vehicles and for containerized cargo; and making a repeal.

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

BILL OVER IN ORDER

HB 1855 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2002 (Pr. No. 3089) -- 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 auxiliary appeal boards in counties of the second class A; and further providing for rules and regulations.

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.

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.

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

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	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 with amendments in which concurrence
of the House is requested.

HB 2446 (Pr. No. 3411) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania
Consolidated Statutes, affirming the opportunity for an electric public
utility to restructure, buy down or buy out a nonutility generation
contract from which such utility has an obligation to purchase elec-
tricity and affirming rate recovery of certain electric utility payments
for such purposes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BRIGHTBILL. Mr. President, I have a letter here
from Representative Paul Semmel, who is the prime sponsor
of this legislation. I respectfully ask that this letter be made
part of the record, and I have been informed by counsel, Steve
MacNett, that it is necessary for me to read the letter in order
for it to be appropriately part of the record, and I appreciate
Counselor MacNett's advice in that regard. We do have copies
of the letter for anyone who is interested, and I apologize to
the Members for having to do this, and I will do it as rapidly
as possible. *(Reading:)*

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

June 26, 1996

The Honorable David J. Brightbill
Senate of Pennsylvania
337 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Brightbill:

This letter reviews and confirms the content of our recent conver-
sation about issues that have been raised about House Bill 2446, of
which I am the prime sponsor. This legislation seeks to encourage
electric utilities to buy out uneconomic contracts under which electric
utilities agreed to buy power from nonutility generators by confirming
the electric utilities' ability to recover the buy out costs.

**1. Does House Bill 2446 adequately protect customers from
rate increases that could result from electric utility buy outs of
contracts with nonutility generators?**

The answer is yes. The effect of buy outs on charges to custom-
ers depends on two factors: the amount of the buy out, and the length
of the period over which this amount is recovered from customers--
the "amortization period."

House Bill 2446 expressly states that an electric utility may only
recover buy out costs if they are "prudently incurred." This assures
that the buy out costs are reasonable compared to the amount the
utility (hence, the utility's customers) would have to pay over the life
of the contract if it were not bought out. The requirement that the buy
out costs must be "prudently incurred" protects customers regarding
the amount of these costs.

The second factor regarding how buy out costs will affect rates
is the length of the period over which the utility is permitted to recov-
er these costs from customers. House Bill 2446 does not in any way
restrict the PUC's existing authority to decide the appropriate time
period for recovery of buy out costs. While the utility and the non-
utility generator may attempt to control the recovery period in their
agreement, this agreement must be approved by the PUC, and the
Commission retains authority to require a longer amortization period
if the public interest requires it.

What are the factors the PUC should consider in setting the re-
covery period? Among other things, it should consider is that an un-
duly short period could cause a "rate spike" that would harm custom-
ers, particularly residential customers with modest means and business
customers who need stable electric rates to stay competitive. An un-
duly long recovery period, on the other hand, would increase the
carrying charges on the amount of the buy out, which may be unfair
to both utility and nonutility generator. An unduly long recovery
period would also be counterproductive because it would provide a
disincentive for utilities to buy out uneconomic contracts, even when
the broad public interest would be served by such buy outs.

As with many decisions confronting the PUC, the Commission
must balance several competing considerations in determining what
is a reasonable recovery period for buy out costs.

**2. Does House Bill No. 2446 establish a precedent that utilities
must be guaranteed recovery of 100% of their so-called "stranded
costs"?**

The answer to this question is no. With the growing momentum
for competition in the electric generation industry, there is much
current discussion of utility "stranded costs" -- costs that utilities are
recovering under regulation, but that they would not be able to recov-
er under competition without a mechanism to insulate these costs
from market forces.

Utilities incurred costs for contracts with nonutility generators because of a Federal law -- the Public Utility Regulatory Policies Act (PURPA) -- basically required them to. PURPA said that utilities must sign contracts with nonutility generators if they had a need for power, and PURPA also dictated on how the price in these contracts would be set -- at the cost that the utility would have incurred if it had built its own generating plant (The utilities "avoided costs"). In addition, utilities do not earn a profit on contracts with nonutility generators because this is not an item which is included in the utilities' "rate base." Instead, these costs are recovered through utilities' "energy cost rate."

All these factors distinguish the costs of these contract buy outs from costs related to utility-owned generation plants, because utilities exercised some discretion in building such plants, and also earned a profit on these investments since they were included in the utility's rate base.

In short, the fact that House Bill 2446 allows recovery of prudently incurred costs of buy outs of contracts between utilities and non utility generators does not establish a precedent that is in the Commonwealth's policy to guarantee utilities recovery of 100% of their so-called "stranded costs." Legitimate distinctions between different types of standard costs must be recognized.

Thank you for your consideration.

Very truly yours,

PAUL W. SEMMEL
State Representative

The PRESIDENT. Senator Brightbill, does that conclude your remarks?

Senator BRIGHTBILL. Mr. President, that does conclude my remarks, and to whoever gave me this note comparing this speech to my sabbatical leave speech, I thank you.

(Laughter.)

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, one of the largest Proctor and Gamble plants in the world is in Wyoming County. One of the largest makers of paper products is up there tucked away in the hills. A substantial power user, they have substantial questions with the provisions of House Bill No. 2446. Representative Semmel's letter, as feelingly and emotionally and clearly read by the gentleman from Lebanon, Senator Brightbill, has addressed and answered those questions. I thank him. I adopt the provisions of the letter and certainly will now vote affirmatively for the bill.

Thank you.

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—39

Afflerbach	Greenleaf	Mellow	Shaffer
Andrezski	Hart	Mowery	Stapleton
Armstrong	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bodack	Hughes	Peterson	Tartaglione
Brightbill	Jubelirer	Piccola	Thompson
Corman	Kasunic	Porterfield	Uliana
Delp	LaValle	Punt	Wagner

Fisher	Lemmond	Robbins	Wenger
Gerlach	Madigan	Schwartz	

NAYS—10

Bell	Holl	Salvatore	Tomlinson
Costa	Loeper	Tilghman	Williams
Fumo	Rhoades		

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 OVER IN ORDER

HB 2470 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 2580 (Pr. No. 3857) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act, further providing for definitions.

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

NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 2720 (Pr. No. 3722) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

HB 2721 (Pr. No. 3723) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2722 (Pr. No. 3724) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2723 (Pr. No. 3725) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2724 (Pr. No. 3726) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2725 (Pr. No. 3727) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2726 (Pr. No. 3728) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2727 (Pr. No. 3729) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2728 (Pr. No. 3730) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2729 (Pr. No. 3731) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2730 (Pr. No. 3732) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2731 (Pr. No. 3733) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2732 (Pr. No. 3734) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2733 (Pr. No. 3735) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2734 (Pr. No. 3736) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2735 (Pr. No. 3737) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2736 (Pr. No. 3738) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2737 (Pr. No. 3739) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2738 (Pr. No. 3740) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2739 (Pr. No. 3741) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

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

HB 2740 (Pr. No. 3742) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

HB 2741 (Pr. No. 3743) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2742 (Pr. No. 3828) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2743 (Pr. No. 3745) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2744 (Pr. No. 3746) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2745 (Pr. No. 3747) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2746 (Pr. No. 3748) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

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

HB 2747 (Pr. No. 3749) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2748 (Pr. No. 3750) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2749 (Pr. No. 3751) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 2750 (Pr. No. 3752) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 2751 (Pr. No. 3753) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 2752 (Pr. No. 3831) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 2753 (Pr. No. 3755) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 2754 (Pr. No. 3756) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 2755 (Pr. No. 3757) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 81, HB 1415, SB 1479, SB 1502, SB 1506, SB 1533, SB 1579 and SB 1584 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1585 (Pr. No. 2189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1986 (P. L. 1646, No. 188), entitled "Chiropractic Practice Act," providing for chiropractic assistant.

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

BILLS OVER IN ORDER

SB 1587, HB 1985 and HB 2031 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 2336 (Pr. No. 3132) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of the Exton Bypass as a scenic byway.

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

BILL OVER IN ORDER

HB 2344 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AMENDED

HB 2360 (Pr. No. 2989) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impoundment of vehicles.

On the question,

Will the Senate agree to the bill on second consideration?
Senator SALVATORE offered the following amendment
No. A5445:

Amend Sec. 1 (Sec. 6309), page 2, line 2, by inserting after "the": defendant's

Amend Sec. 1 (Sec. 6309), page 2, line 14, by inserting brackets before and after "sheriff" and inserting immediately thereafter: appropriate law enforcement officer

Amend Sec. 1 (Sec. 6309), page 2, line 18, by inserting brackets before and after "sheriff" and inserting immediately thereafter: appropriate law enforcement officer

Amend Sec. 1 (Sec. 6309), page 2, line 27, by inserting brackets before and after "sheriff" and inserting immediately thereafter: appropriate law enforcement officer's

Amend Sec. 2, page 3, line 3, by striking out "a section" and inserting: sections

Amend Sec. 2 (Sec. 6309.1), page 3, line 24, by inserting after "the": defendant's

Amend Sec. 2 (Sec. 6309.1), page 4, line 12, by inserting after "order": for the defendant's vehicle

Amend Sec. 2 (Sec. 6309.1), page 4, line 17, by striking out "sheriff" and inserting: appropriate law enforcement officer

Amend Sec. 2 (Sec. 6309.1), page 4, line 21, by striking out "sheriff" and inserting: appropriate law enforcement officer

Amend Sec. 2, page 5, by inserting between lines 3 and 4:

§ 6309.2 Immobilization, towing and storage of vehicle for driving without operating privileges or registration.

(a) General rule.—Subject to subsection (d), the following shall apply:

(1) If a person operates a motor vehicle or combination on a highway or trafficway of this Commonwealth while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified, or where the person is unlicensed, as verified by an appropriate law enforcement officer in cooperation with the department, the law enforcement officer shall immobilize the vehicle and the appropriate judicial authority shall be so notified.

(2) If a motor vehicle or combination for which there is no valid registration or for which the registration is suspended for failing to maintain financial responsibility, or where no financial responsibility has been secured, as verified by an appropriate law enforcement officer, is operated on a highway or trafficway of this Commonwealth, the motor vehicle or combination shall be immobilized by the law enforcement authority and the appropriate judicial authority shall be so notified.

(b) Procedure upon immobilization:

(1) When a vehicle is immobilized pursuant to subsection (a)(1), the operator of the vehicle may appear before the appropriate judicial authority within 24 hours from the time the vehicle was immobilized. The judicial authority may issue a certificate of release upon:

(i) the furnishing of proof of registration and financial responsibility by the owner of the vehicle; and

(ii) receipt of evidence that the operator of the vehicle has complied with the pertinent provisions of Title 42 and this title.

(2) When a vehicle is immobilized pursuant to subsection (a)(2), the owner of the vehicle may appear before the appropriate judicial authority within 24 hours from the time the vehicle was immobilized. The appropriate judicial authority may issue a certificate of release upon:

(i) the furnishing of proof of registration and financial responsibility by the owner of the vehicle; and

(ii) receipt of evidence that the operator of the vehicle has complied with the pertinent provisions of Title 42 and this title.

(3) If a certification of release is not obtained within 24 hours from the time the vehicle was immobilized, the vehicle shall be towed and stored by the appropriate impounding agent under subsection (c).

(c) Procedure upon towing and storage:

(1) Except as provided in paragraph (2), the following steps shall be taken:

(i) The appropriate judicial authority shall notify the appropriate law enforcement officer of the county in which the violation occurred.

(ii) The officer notified under subparagraph (i) shall notify the appropriate impounding agent to tow and store the vehicle or combination and provide notice by the most expeditious means and by first class mail, proof of service, of the towing, storage and location of the vehicle or combination to any owner whose name and address is known or can be ascertained by investigation, or any lienholder whose name and address is known or can be ascertained by investigation and to the owner of a load being carried.

(2) In a city of the first class, the following steps shall be taken:

(i) The appropriate judicial authority shall notify the appropriate towing agent.

(ii) The agent notified under subparagraph (i) shall tow and store the vehicle or combination and provide notice by the most expeditious means and by first class mail, proof of service, of the towing, storage and location of the vehicle or combination to any owner whose name and address is known or can be ascertained by investigation, or any lienholder whose name and address is known or can be ascertained by investigation and to the owner of a load being carried.

(d) Recovery of towed and stored vehicle.

(1) The owner of any vehicle or combination which has been towed and stored under this section may obtain possession of the vehicle or combination by doing all of the following:

(i) Furnish proof of valid registration and financial responsibility.

(ii) Pay all fines, together with costs as provided by local ordinance, associated with the towing and storage of the vehicle, or make arrangements with the appropriate judicial authority to make payments of all fines and costs by installments as provided by the Pennsylvania Rules of Criminal Procedure.

(2) Any vehicle not recovered under subsection (d) may be sold as unclaimed vehicle or load under § 6310 (relating to disposition of impounded vehicles and loads) or the applicable local ordinance. The proceeds of the sale shall be applied to the payment of the fines and costs associated with the towing and storage of the vehicle.

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

"Appropriate judicial authority." In counties of the first class, the Philadelphia Traffic Court. In all other counties, the district justice in whose district the violation occurred.

"Appropriate towing and storage agent." In counties of the first class, the Philadelphia Traffic Court or any agency appointed by the traffic court. In other municipalities, towing and storage agent designated by local ordinance.

Amend Sec. 3, page 5, line 4, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

(1) The addition of section 6309.2 shall take effect as follows:

(i) In cities of the first class, in 120 days.

(ii) In all other areas of this Commonwealth, upon adoption of a local ordinance electing applicability of section 6309.2

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL ON SECOND CONSIDERATION

HB 2536 (Pr. No. 3498) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law, providing for accelerated mortgage payment providers, for exemptions, for release of reports, for examinations, for foreign applicants for license to consent to service of process upon the department, for injunctive powers and for civil money penalties.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE 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 STATE HORSE RACING COMMISSION

May 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, Paul D. Mills, 275 South Wilson Lane, York 17406, York County, Twenty-eighth Senatorial Dis-

trict, for reappointment 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.

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

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

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.

REPORT FROM COMMITTEE

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

SB 1583 (Pr. No. 2157) (Rereported) (Concurrence)

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1996, to June 30, 1997, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund and the Banking Department Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1996, to June 30, 1997, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Community and Economic Development to meet in the Rules room to consider House Bills No. 2666 and 2668.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1

PREFERRED APPROPRIATION BILL
ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1583 (Pr. No. 2157) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1996, to June 30, 1997, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State

Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund and the Banking Department Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1996, to June 30, 1997, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1996.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1583?

Senator LOEPER. Mr. President, I move that the Senate nonconcur in the amendments made by the House to Senate Bill No. 1583, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

Senator SCHWARTZ. Mr. President, just briefly, I wanted to rise to say that I will be voting to concur on the House-passed budget not because it is a perfect budget document, but because they really did incorporate I think some changes that were very important, and I will not go into them at length. Obviously, the budget is quite an elaborate process and quite a long document, but the fact is that some of the issues that we have raised, particularly on this side of the aisle, the most important on the top of the list for me is education. The House actually added \$107 million, including a funding formula that dealt with the issue of equity and some foundation funding, restored homebound instruction, funding that was left out there, also increased Intermediate Unit funding from \$5.5 million to \$11 million, and it also restored \$3 million in vocational education, a key component of education.

So, if for no other reason, the attention to basic education in the House-passed budget is reason enough for me to concur with that budget, and I think that was particularly important, not just for Philadelphia, of course, but for school districts across this Commonwealth. And while I fully expect this budget to go to Conference Committee and expect the budget to look somewhat different, I would hope that the conferees would take seriously the dramatic interests in basic education from the House.

Let me make it clear also that there are just a couple of other areas where the House did restore some funding, including PHEAA grants which were increased by \$11 million, helping Pennsylvania residents go on to higher education, including a small amount in additional breast cancer screening, an additional \$1.5 million for domestic violence programs in this Commonwealth. It included a million dollars to implement Act

70, which protects the archeological sites in this Commonwealth, which we passed under Act 70 last year but did not fund.

Let me just mention also that it did restore the amount for special medical needs for children. We do have the Governor speaking today about creating a hotline to refer children to special needs programs. Obviously, I think that cutting \$1 million from the \$6 million, which was the original proposal, was not a good idea and hopefully that will be restored as well.

Lastly, let me just mention that the Homeowners Emergency Assistance Program, which again this side of the aisle has talked about consistently, \$18 million was restored rather than eliminating that program, so those who actually are at risk of losing their homes during a time of unemployment where they had gotten assistance from the State would be able to continue to do so.

So, for all of those reasons, although there are other changes I might make as well in the budget, and I am not satisfied, of course, with all of the language, I think it is important. I feel strongly that I wanted to stand up and be able to say that while as imperfect as it might be, it is a better budget than we sent to them. It includes some of my very high priorities in education and health care. And let me also point out that the bottom line is exactly the same. There is no increase in this budget, except for that \$107 million which the administration acknowledged might be available because of a surplus and business tax cuts not getting done, this is not about a tax increase, not about spending more money, it is about a difference in priorities, it is about spending money in a way that invests in our children, in our communities, in our small businesses, and it helps people across Pennsylvania.

So I will be voting to concur on this budget, and I wanted to make clear the reasons for doing so.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I urge nonconcurrency on this bill. I do not think it has changed one iota in its profile, in its fundamental characteristics as when many of us stood up a couple of weeks ago and said that this legislation was a ripper bill on the poor, that it was an attack and an assault on poor people, defenseless people, people on the edge. Some of us said that, indeed, it was a death warrant because over 200,000 Pennsylvanians will be without any kind of health benefits or health care. There is nothing in this bill that has changed a bit to vitalize education and, Mr. President, as I said then, there is absolutely nothing proposed here to vitalize and energize and grow the urban economy. There is nothing here, as the Governor promised, to help young men in my community support families and to get off the corners and into jobs.

Mr. President, I see no reason from the time we were here before to visit this bill until today to support it. I reject it equally as aggressively as I rejected it before, and even more so because it may have some very small trimmings. But the heart of what we do in this, if we concur, is to stomp those citizens who are least able to exist. It is inhumane, insensitive,

cold and calculating, and one that totally turns our backs on respect for life.

I urge a nonconcurrency, Mr. President, because the reasons have not changed, the results have not changed, the dangers inherent in such an attack on people have not changed.

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

Senator BELL. Mr. President, I rise to oppose this bill. I listened to the gentlewoman from Philadelphia, Senator Schwartz, and realized she was talking about highly desirable projects. There is a difference between absolutely essential and highly desirable. It is like a person going into the store to Christmas shop. They would like to get a lot of things, but if you only have so much cash in your pocket or credit you can only buy what you have the money for. This budget bill right now is more than \$100 million out of whack. That means, if this bill is passed, the Governor, on advice of his advisors, will blue-line many of these items, and I am afraid he might blue-line essential items, not just highly desirable. Now, if we non-concur, it goes to a Conference Committee - three Senators, three House Members - and I will tell you, when it comes to cutting this budget, cutting the highly desirables out so we can meet the revenue estimates, I have great confidence in the three Senators and the three House Members.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, a point of clarification. An "aye" vote is to concur with Senate Bill No. 1583, is that correct?

The PRESIDENT pro tempore. No, it is the reverse.

Senator WAGNER. It is the reverse, Mr. President? Okay. A "no" vote is to agree with the bill in front of us?

The PRESIDENT pro tempore. Correct.

Senator WAGNER. Thank you, Mr. President.

The PRESIDENT pro tempore. An "aye" vote supports nonconcurrency.

Senator WAGNER. Mr. President, thank you for that clarification.

Mr. President, I rise to urge a "no" vote on Senate Bill No. 1583. It is my understanding that within this bill, and just receiving the bill, which is the budget, the Home Emergency Mortgage Assistance Program is in this budget. Could anyone please clarify that, Mr. President?

The PRESIDENT. Senator Wagner, are you asking that someone stand for interrogation to answer questions?

Senator WAGNER. Yes, Mr. President.

The PRESIDENT. Who might that be?

Senator WAGNER. Mr. President, whoever could tell me whether or not the Home Emergency Mortgage Assistance Program is in this budget or not in this budget.

The PRESIDENT. Well, the Chair would respectfully remind the Senator that it is a point of your privilege for you to choose the person to answer the questions.

Senator WAGNER. Mr. President, would the gentleman from Delaware, Senator Loeper, stand for interrogation?

The PRESIDENT. Senator Loeper, would you stand for interrogation?

Senator LOEPER. Yes, Mr. President.

The PRESIDENT. Senator Wagner, carry on.

Senator WAGNER. Mr. President, could the gentleman please inform me as to whether or not the item of interest, at least to myself and I know many of my colleagues, the Home Emergency Mortgage Assistance Program, is part of this budget?

Senator LOEPER. Mr. President, my understanding is that there were 100-some amendments offered in the House and adopted over 3 days and that may or may not be included there, but I am certain that should this budget go to a conference committee that particular program would be well considered.

Senator WAGNER. Thank you, Mr. President.

Mr. President, I appreciate the response of my colleague, and I have just been informed that it is in the budget. I think that is a very positive item that was amended in the House that is extremely important that it end up in the final budget, so, Mr. President, the way I interpret what the gentleman has told me, if I want that to be in the budget, that should be a "no" vote because I support what is here.

Thank you, Mr. President.

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

Senator RHOADES. Mr. President, to say I am in a quandary on Senate Bill No. 1583 is quite something because I look at the \$107 million that has been added to basic education, I look at the restoration for the intermediate units for education, as well as a number of other areas, and I say this is what is needed, this is what we have to do. By the same token, too, we are \$100 million short. There is no way I can support a bill that comes up \$100 million short. I would say to the conferees, please, in the process, consider funding for basic education, for restoration of the IUs, and for higher education as you bring this report back to us.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

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

RECESS

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

Senator LOEPER. Mr. President, I ask for a recess of the Senate for purposes of a meeting of the Committee on Education, to be followed by a meeting of the Committee on Community and Economic Development, to be held in the Rules room at rear of the Senate Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Education, as well as a meeting of the Committee on Community and Economic Development, the Senate stands in recess.

AFTER RECESS

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

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

REPORTS FROM COMMITTEES

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

SB 284 (Pr. No. 2205) (Amended) (Rereported) (*Concurrence*)

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.

SB 1353 (Pr. No. 2196) (Rereported) (*Concurrence*)

An Act to enhance community and economic development in this Commonwealth by restructuring certain administrative functions and entities; changing the name of the Department of Commerce to the Department of Community and Economic Development; transferring functions of the Department of Community Affairs into the Department of Community and Economic Development and other agencies; providing for a Deputy Secretary for Community Development in the Department of Community and Economic Development; establishing the Center for Local Government Services and the Local Government Advisory Committee; establishing the Small Business Advocacy Council; conferring powers and duties on the Legislative Reference Bureau; and making repeals.

Senator SHAFFER, from the Committee on Community and Economic Development, rereported the following bills:

HB 2666 (Pr. No. 3805)

An Act providing for an infrastructure development program, for grants and loans for infrastructure improvements in relation to private developer investment, for duties of the Department of Commerce, for eligibility requirements and application procedures; and making repeals.

HB 2668 (Pr. No. 3643)

An Act establishing a loan program for the purpose of making loans to business enterprises for the purchase of machinery and equipment; creating a special account within the Industrial Development Fund and providing for the use of funds made available through the account; establishing standards for and requirements of the program; and making a repeal.

Senator RHOADES, from the Committee on Education, reported the following bill:

HB 2680 (Pr. No. 3674)

An Act amending the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, further defining "private licensed school."

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a brief recess of the Senate for the purpose of a Republican caucus to begin immediately in the Rules room at the rear of the Senate Chamber, with an expectation of returning in about 10 minutes.

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

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

Senator FUMO. Mr. President, I ask the Democrats to also convene in our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, the Senate stands in recess.

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider Senate Bills No. 1476, 1493, House Bills No. 2064, 2223, 2768, and Special Session House Bill No. 3.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves on behalf of Senator Afflerbach, Senator Belan, Senator Bodack, and Senator O'Pake, who have been called to their offices.

The PRESIDENT pro tempore. Senator Fumo requests temporary Capitol leaves for Senator Afflerbach, Senator O'Pake, Senator Belan, and Senator Bodack. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Shaffer and Senator Tomlinson have been called to their offices, as well as Senator Salvatore and Senator Lemmond, and I request temporary Capitol leaves for them.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Tomlinson, Senator Shaffer, Senator Salvatore, and Senator Lemmond. And without objection, those leaves will also be granted.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1353 (Pr. No. 2196) -- The Senate proceeded to consideration of the bill, entitled:

An Act to enhance community and economic development in this Commonwealth by restructuring certain administrative functions and entities; changing the name of the Department of Commerce to the Department of Community and Economic Development; transferring functions of the Department of Community Affairs into the Department of Community and Economic Development and other agencies; providing for a Deputy Secretary for Community Development in the Department of Community and Economic Development; establishing the Center for Local Government Services and the Local Government Advisory Committee; establishing the Small Business Advocacy Council; conferring powers and duties on the Legislative Reference Bureau; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1353?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1353.

On the question,

Will the Senate agree to the motion?

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

Senator FUMO. Mr. President, I wonder if the gentleman from Delaware, Senator Loeper, would stand for brief interrogation.

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Loeper, indicates that he will, and the gentleman may proceed.

Senator FUMO. Mr. President, is the gentleman familiar with the provisions of section 301(a), as they relate to the transfer of functions of the Department of Community Affairs to the newly merged department?

Senator LOEPER. Yes, I am, Mr. President.

Senator FUMO. Mr. President, would the gentleman direct his specific attention to section 305(a), subsection (16), which refers to, quote, "All other powers and duties delegated to the Department of Community Affairs not otherwise expressly transferred elsewhere by this act and currently performed by the Department of Community Affairs under:" end of quote, and then, quote, "The act of April 9, 1929...known as The Administrative Code of 1929, as amended by the acts of February 1, 1966...and December 18, 1968...and other such related laws." In the gentleman's opinion, would the phrase, quote, "and other such related laws," end of quote, include the act of June 22, 1994, which added a new subsection (n) to section 2501-3 of the Administrative Code relative to the powers of the Department of Community Affairs?

Senator LOEPER. Mr. President, the short answer to the gentleman's inquiry is, yes, and in addition to that, not only

this section in particular which the gentleman cited but also all other amendments to the Administrative Code.

Senator FUMO. I thank the gentleman, Mr. President.

LEGISLATIVE LEAVE

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

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

The PRESIDENT pro tempore. Senator Fumo requests a temporary Capitol leave for Senator Williams. Without objection, that leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—29

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

NAYS—20

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

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

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

CONSIDERATION OF CALENDAR RESUMED

HB 216 CALLED UP

HB 216 (Pr. No. 3505) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 216 (Pr. No. 3505) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1905 (P. L. 312, No. 218), entitled "An act creating a Department of Health, and defining its powers and duties," further providing for organization and for administrative powers and duties; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GERLACH offered the following amendment No. A5468:

Amend Sec. 1 (Sec. 1), page 6, line 22, by inserting after "**BE**": either a graduate of an accredited medical or osteopathic medical school who is a practicing physician licensed by the Commonwealth or

Amend Sec. 1 (Sec. 1), page 6, line 28, by removing the period after "**GOVERNOR**" and inserting: by and with the advice and consent of the Senate.

Amend Sec. 2 (Sec. 8), page 9, lines 2 and 3, by striking out "**A MAXIMUM OF FOUR**" and inserting: three

Amend Sec. 2 (Sec. 8), page 9, line 4, by striking out "**TWO**" and inserting: one

Amend Sec. 2 (Sec. 8), page 9, line 4, by striking out "**URBAN AREAS**" and inserting: an urban area

Amend Sec. 2 (Sec. 8), page 9, line 5, by striking out "**AND TWO**" and inserting: one

Amend Sec. 2 (Sec. 8), page 9, line 5, by striking out "**SUBURBAN AREAS**" and inserting: a suburban area

Amend Sec. 2 (Sec. 8), page 9, line 6, by inserting after "**COMMONWEALTH**": and one of which shall be in a rural area of this Commonwealth

Amend Sec. 2 (Sec. 8), page 9, lines 9 and 10, by striking out: "**TWO URBAN AND TWO SUBURBAN**"

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?

Senator SCHWARTZ offered the following amendment No. A5426:

Amend Sec. 2 (Sec. 8), page 9, lines 14 through 17, by striking out "**THE DEPARTMENT MAY RENEW OR EXTEND THE**" in line 14, all of lines 15 and 16 and "**REPORT REQUIRED IN PARAGRAPH (4).**" in line 17

Amend Bill, page 11, by inserting between lines 6 and 7:

Section 4. Section 8(c)(2) and (3) of the act shall expire December 31, 1997.

Amend Sec. 4, page 11, line 7, by striking out "4" and inserting: 5

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

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

SB 1526 (Pr. No. 2201) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	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 1466 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 1466, Printer's No. 2211, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

RECESS

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

Senator LOEPER. Mr. President, at this time I once again ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For a meeting of the Committee on Appropriations, the Senate stands in recess.

AFTER RECESS

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

SB 1476 (Pr. No. 2104) (Rereported)

An Act establishing a legislative bipartisan commission for women and the Women's Commission Fund; and making an appropriation.

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

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

HB 2064 (Pr. No. 3879) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for submarine veterans, 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, for the State-owned and State-related institution scholarship funds, for a special Pennsylvania College of Technology registration plate and for the Pennsylvania College of Technology Scholarship Fund.

HB 2223 (Pr. No. 2899) (Rereported)

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

HB 2768 (Pr. No. 3786)

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

DISCHARGE PETITIONS

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

In the Senate, June 26, 1996

A PETITION

To place before the Senate the nomination of Frank R. Herron, as a member of the Professional Standards and Practices Commission.

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 Frank R. Herron, as a member of the Professional Standards and Practices Commission, 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

In the Senate, June 26, 1996

A PETITION

To place before the Senate the nomination of Edward J. Matisak, as a member of the Board of Trustees of White Haven Center.

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 Edward J. Matisak, as a member of the Board of Trustees of White Haven Center, 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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Northampton High School Girls Softball Team and to the Northern Lehigh High School Girls Softball Team by Senator Afflerbach.

Congratulations of the Senate were extended to Patricia Heasley by Senator Andrezeski.

Congratulations of the Senate were extended to Robert Ackerman by Senator Belan.

Congratulations of the Senate were extended to Dora M. Greene and to Nolan L. Shively by Senator Corman.

Congratulations of the Senate were extended to Gerald A. Hostelley and to the North Penn Goodwill Service of Souderton by Senator Holl.

Congratulations of the Senate were extended to the 1996 Graduating Class of the Berkeley Education and Training Center's Business Software Applications Training Program by Senator Hughes.

Congratulations of the Senate were extended to Julio Santos by Senator Lemmond.

Congratulations of the Senate were extended to Harry Kearney by Senators Loeper and Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. James Palumbo by Senators Mellow and Musto.

Congratulations of the Senate were extended to Kathryn R. Walck by Senator Musto.

Congratulations of the Senate were extended to Reverend David N. Kistler by Senator O'Pake.

Congratulations of the Senate were extended to Adam K. Storey by Senator Peterson.

Congratulations of the Senate were extended to Anne Carey by Senator Piccola.

Congratulations of the Senate were extended to James P. Fairall, Jr., by Senator Punt.

Congratulations of the Senate were extended to St. Joseph Roman Catholic Church of Jim Thorpe and to the Tri-Valley High School Baseball Team of Hegins by Senator Rhoades.

Congratulations of the Senate were extended to the Hampton Family Reunion by Senator Schwartz.

Congratulations of the Senate were extended to Ruth Beck, William C. Shannon, Violet J. Miller, Norman Hawn, Kathleen Dillaman, James H. Galbreath, Howard L. Halstead, Frederick B. McGuire, Frances Platt, Margaret J. Say, Margaret Karnes, Della O'Brien, W.C. Norris, Charles R. Hartzell, Mary Albert, W. Dale Miller, David A. Goehring, Willa V. Thompson, Bryson Kennedy, Eleanore Greenawalt, Robert L. Farrington, Walter Mikalaukas, Ada Martin Scott, Adam S. Schaffer, Jr., Jack H. Kerr, Mildred Snyder, Frederick A. Backhaus, Dora Emery, Floyd L. McCandless, Lois L. Whitesell, Marguerite Geibel, Eudora Van Dyke, Eunice Nevins, Sara Jean Bicker, Mary Hulton Phillips, Marion H. Stewart, Alberta Yost Gilkey, Harry S. Schoffel, G.O. Morris, Harry R. Burns, Walter G. Wiegand and to Edith M. Heckard by Senator Shaffer.

Congratulations of the Senate were extended to F. Karl Schauffele and to QVC, Inc., by Senator Thompson.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Alice Peters was extended to the family by Senator Shaffer.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

HB 2666, HB 2668, HB 2680 and HB 2768.

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 Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, I would just like to make a few remarks, if I may, about House Bill No. 1031, the sabbatical leave bill that passed yesterday. I was not able to be on the floor when the bill passed. Had I been on the floor, I would have offered an amendment that I believe would have helped some of the teachers who have sabbaticals due them but which they may not be able to take under this piece of legislation. I am sorry that I was not here to offer the amendment.

Thank you.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1313** and **SB 1432**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 1583

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 1583**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1031**.

PETITIONS AND REMONSTRANCES (Continued)

The PRESIDENT. Without objection, we will return to the order of business of Petitions and Remonstrances.

The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I rise once again to raise, hopefully, for some action but at least to attempt to raise the consciousness of this body about the lingering issue that still remains in front of us, which is the issue of addressing a raise in Pennsylvania's minimum wage. My comments may be somewhat repetitive but they are relevant because as time moves on, and within the next 48 hours, it is projected that this Senate and the House will adjourn their activities, recess their activities, until September of this year without taking action on an increase in Pennsylvania's minimum wage.

Now, in the past, for all those paying attention, we need to be clear about the history. We have had legislation confronting this Chamber for over 18 months attempting to deal with raising Pennsylvania's minimum wage, and there has not been one single bit of activity by this Chamber on that matter - no hearings by the committee, no counterproposals from the other side, nothing of any substance, any legislative activity on what is clearly an issue that all of Pennsylvania's people, or an overwhelming majority of Pennsylvania's people, clearly favor and support.

Now, in context, the House of Representatives of this Commonwealth has passed an increase in Pennsylvania's minimum wage, a very substantial increase, an increase that, in fact, surpasses the increase proposed by the President of the United States. The Congress of the United States in Washington has also passed an increase in the minimum wage. It was supposed, it was projected, it was alleged almost 2 months ago that we should wait here in Pennsylvania because within a very short time, I believe it was said the first week of June of this year, the United States Congress would take action, and the Senate, the Senate itself, would pass an increase in the minimum wage.

Well, they have not. They have not taken any action, and while that is going on, thousands of people in this Commonwealth are still suffering at the bottom end of the economic ladder. They are working hard, they are playing by the rules, they are pulling themselves up by the bootstraps, and nothing is occurring to provide them relief. In fact, they are getting kicked in the tail by policies that this assembly, this Senate, this House, and this Governor are supporting, vis-a-vis the reduction in benefits under the workers' compensation program. But we choose not to take action, and we say we are going to wait. Well, while we keep on waiting, people are still hurting.

Last Friday, the Philadelphia Inquirer reported a story that said that the overwhelming majority of the people in Philadelphia and across this Commonwealth cannot afford rent. They just cannot afford it. They just do not make enough money to afford to pay their rent. And something very simple as an increase in the minimum wage will go a long way in helping them attain the necessary income to do a very basic thing, raise the minimum wage.

So the issue here at this time, Mr. President, is very simple. While we are running out of time, let us do something significant. Let us do something that will have a real substantive impact on Pennsylvania's people. Our House of Representatives has voted an increase, the House of Representatives in Washington, D.C., has voted an increase, the President supports an increase, let us take this opportunity to show some leadership and stop avoiding the issue and let us take a vote on increasing Pennsylvania's minimum wage.

There are over 10 different proposals in the Senate right now that can provide us with a vote on increasing. If you do not like the level that Senate Bill No. 845 has projected, well, we have nine other versions that are available for us to consider. Let us have committee hearings, let us have discussion, let us have a vote in committee, let us have some action that indicates that this Senate is considerate of the issues of Pennsylvania's people, especially around a basic issue of having an increase in their salaries, in their minimum wage.

Thank you very much, Mr. President.

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

Senator COSTA. Mr. President, as you all know, I have been in this body, in this prestigious body, for only a short number of weeks, 5 or 6 weeks, and in that period of time, Mr. President, we have had the opportunity to vote on and work with very specific pieces of legislation which, in my opinion, have truly affected the lives of not only the working men and women of Pennsylvania but also injured working men and women. I am specifically referring to the welfare reform bill which knocked about 200,000 able-bodied men and women off the rolls of Medicaid. I am also talking about the injured workers who were harmed by the recent legislation enacted relating to workers' compensation.

Mr. President, as we looked at this legislation, as I indicated earlier, in my opinion, it was an attack upon the working men and women of Pennsylvania, and as this Session draws to a close in the next few days, it was my hope and desire that my colleagues in the Senate here would consider looking at legis-

lation that I have introduced which I believe would help working men and women across Pennsylvania as it relates to the Pennsylvania inheritance tax, a tax that in the short time that I have been in government is one which I believe is a tremendously inequitable tax.

Mr. President, I introduced legislation last week which essentially would exempt from the Pennsylvania inheritance tax the first \$100,000 of assets solely owned by a decedent. Mr. President, that legislation was written specifically to provide a middle-class tax break to the working men and women of Pennsylvania in the sense that their family members would not have to bear the brunt of this inequitable tax.

Before I came to the Senate, Mr. President, my job and my role in government was to serve as the Allegheny County Register of Wills, and in that capacity it was my job to collect the Pennsylvania inheritance tax. In my county alone, Allegheny County, we collected in the short 4 1/2 years I was there nearly \$350 million in the Pennsylvania inheritance tax. Mr. President this inheritance tax is not earmarked for any particular fund like the Lottery Fund which would provide benefits to the senior citizens, it is only placed into the General Fund. Throughout the Commonwealth of Pennsylvania, approximately \$600,000 is collected annually. My legislation, as I indicated earlier, would attempt to provide a middle-class tax break to the men and women of the families, and business owners in particular, in the sense that they would be able to be exempt from this inequitable tax. In the capacity of Register of Wills, I had the opportunity to visit and speak to in excess of over 300 or so various civic groups, senior groups, community groups, and AARP groups, and in each meeting that I went to and spoke at, inevitably there was tremendous hostility with regard to Pennsylvania's inheritance tax. In the office of Register of Wills we conducted studies year in and year out which indicated that 70 percent of the estates, with inheritance tax returns filed with their particular estate, were under the \$100,000 figure. It is my hope, Mr. President, in light of the information that we deem from these studies and the legislation that we have introduced, that at some point during the summer, as my colleagues go back into their districts and discuss this issue and many other issues over the next several weeks, that they take the time to maybe consider participating in hearings that I would like to see happen throughout the Commonwealth. I think it is an extremely important issue, and as I mentioned earlier, it is time that we as a body take a look at doing something good for the working men and women. And I think this legislation does that, particularly in light of some of the things that have gone on with our Senate and with our Commonwealth in the last few years.

Thank you, Mr. President.

The PRESIDING OFFICER (Daniel S. Delp) in the Chair.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed by the President in the presence of the Senate:

HB 1031, HB 1977, HB 2002, HB 2446 and HB 2619.

The PRESIDING OFFICER. The Chair wishes to announce the following bill was signed by the President pro tempore in the presence of the Senate:

SB 1353.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Thursday, June 27, 1996, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:23 p.m., Eastern Daylight Saving Time.