

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

THURSDAY, JUNE 27, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 48

SENATE

THURSDAY, June 27, 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 of the Senate, Hon. MARK R. CORRIGAN, offered the following prayer:

Heavenly Father, do not cease to bestow Your gifts upon this Commonwealth, but rather help us to make more abundant the offerings this Commonwealth returns to You. Do not withdraw Your interest and concern in working for us, but rather renew our zeal and dedication in working for You. Do not lose the faith You have placed in us, but rather strengthen the faith we have placed in You. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 26, 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 MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1374, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

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

June 26, 1996

- HB 655 -- Committee on Banking and Insurance.
- HB 1012 -- Committee on Environmental Resources and Energy.
- HB 1166 and HB 1988 -- Committee on Consumer Protection and Professional Licensure.

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

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

The PRESIDENT. Senator Bodack requests a legislative leave for Senator Williams. Without objection, that leave is granted.

CALENDAR

HB 2336 CALLED UP OUT OF ORDER

HB 2336 (Pr. No. 3132) -- Without objection, the bill was called up out of order, from page 9 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate to the call of the Chair, and I request all Members of the Republican Caucus, upon the recess, to gather around the desk up front.

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

Senator MELLOW. Mr. President, there will be no need for the Democratic Members to caucus at this point.

The PRESIDENT. The Senate stands in recess, to reconvene at the call of the Chair.

AFTER RECESS

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

June 27, 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, Harriet J. McAlister, 1103

Ridge Avenue, Coraopolis 15108, Allegheny County, Forty-second Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

June 27, 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, Norbert O. Gannon, D.D.S., 1208 Milton Avenue, Pittsburgh 15218, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

June 27, 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, Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1999 and until his successor is appointed and qualified, vice Robert Mitchell, Wilkes-Barre, whose term expired.

THOMAS J. RIDGE
Governor

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

June 27, 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, Janet Rich-Ziegler, 536 Brighton Place, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Richard M. Angelo, Ph.D., Bloomsburg, whose term expired.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES**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 1571.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 1583, AND APPOINTS
COMMITTEE OF CONFERENCE**

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, and has appointed Representatives RYAN, PITTS and EVANS, as a Committee of Conference to confer with a similar committee of the Senate, if the Senate shall appoint such committee, to consider the differences existing between the two houses in relation to said bill.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 577.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 847, SB 1348, SB 1504 and SB 1566, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 150, SB 564, SB 1181, SB 1344, SB 1345, SB 1346 and SB 1600, 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, these bills will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

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

SB 577, SB 847, SB 1348, SB 1504, SB 1566, HB 1571 and HB 2336.

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 1583**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LOEPER, TILGHMAN and FUMO, as a Committee of Conference on

the part of the Senate to confer with a similar committee of the House, already appointed, to consider the differences existing between the two houses in relation to Senate Bill No. 1583.

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

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider House Bills No. 544, 1712, 2666, and 2668; also the Conference Committee on Senate Bill No. 1583 will convene in Room 461.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR****BILLS OUT OF ORDER**

Without objection, the bills on today's Third Consideration Calendar were called out of order by Senator LOEPER, as Special Orders of Business.

BILL AMENDED

HB 216 (Pr. No. 3878) -- 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 LOEPER offered the following amendment No. A5556:

Amend Sec. 2 (Sec. 8), page 8, line 21, by striking out "**FOUR**" and inserting: three

Amend Sec. 2 (Sec. 8), page 9, line 27, by striking out "**FOUR**" and inserting: three

Amend Sec. 2 (Sec. 8), page 10, line 6, by striking out "**FOUR**" and inserting: three

Amend Sec. 2 (Sec. 8), page 10, line 10, by striking out "**FOUR**" and inserting: three

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.

NONPREFERRED APPROPRIATION BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5640:

Amend Sec. 1, page 2, line 1, by striking out all of said line and inserting:

(1) For educational and general expenses.. \$138,987,000

On the question,

Will the Senate agree to the amendment?

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

YEAS—49

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Helfrick, Senator Salvatore, and Senator Brightbill have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Without objection, that leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

NONPREFERRED APPROPRIATION BILLS AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5643:

Amend Sec. 1, page 1, line 26, by striking out all of said line and inserting:

(1) For educational and general expenses.. \$9,763,000

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.

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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator LOEPER, on behalf of Senator TILGHMAN, offered the following amendment No. A5642:

Amend Sec. 1, page 1, line 26, by striking out all of said line and inserting:

(1) For educational and general expenses.. \$132,235,000

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.

BILLS AMENDED

SB 1466 (Pr. No. 1875) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of trademark counterfeiting; and providing penalties.

On the question,
Will the Senate agree to the bill on third consideration?
Senator JUBELIRER offered the following amendment No. A2614:

Amend Sec. 1 (Sec. 4118), page 1, line 8, by striking out "4118" and inserting: 4119

Amend Sec. 1 (Sec. 4118), page 1, line 9, by striking out "will-fully" and inserting: knowingly

Amend Sec. 1 (Sec. 4118), page 2, line 30; page 3, lines 1 through 3, by striking out all of said lines on said pages and inserting:

(e) Fine.—Any person convicted under this section shall be fined in accordance with existing law or an amount up to three times the retail value of the items or services bearing or identified by a counterfeit mark, whichever is greater, unless extenuating circumstances are shown by the defendant.

Amend Sec. 1 (Sec. 4118), page 3, lines 12 through 20, by striking out the underscored period in line 12, all of lines 13 through 20 and inserting: , unless the prosecuting attorney responsible for the charges and the intellectual property owner consent in writing to another disposition.

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 MELLOW offered the following amendment No. A2339:

Amend Sec. 1 (Sec. 4118), page 1, line 15, by striking out "shall" and inserting: may

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

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

Senator HECKLER offered the following amendment No. A5638:

Amend Title, page 1, line 3, by inserting after "counterfeiting;": further providing for expungement of certain criminal records;

Amend Bill, page 4, by inserting between lines 15 and 16:

Section 2. Section 9122(c) of Title 18 is amended to read:

§ 9122. Expungement.

* * *

(c) Maintenance of certain information required or authorized.—Notwithstanding any other provision of this chapter, the prosecuting attorney and the central repository shall, and the court may, maintain a list of the names and other criminal history record information of persons whose records are required by law or court rule to be expunged where the individual has successfully completed the conditions of any pretrial or post-trial diversion or probation program. Such information shall be used solely for the purpose of determining subsequent eligibility for such programs and for identifying persons in criminal investigations. Criminal history record information may be expunged as provided in subsection (b)(1) and (2). Such information shall be made available to any court or law enforcement agency upon request.

* * *

Amend Sec. 2, page 4, line 16, 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.

HB 1855 (Pr. No. 3548) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate agree to the bill on third consideration?
Senator CORMAN offered the following amendment No. A5546:

Amend Sec. 1, page 1, line 16, by striking out "a subsection" and inserting: subsections

Amend Sec. 1 (Sec. 3), page 1, by inserting after line 20:

(g.1) To receive and record all filings of the names and fictitious names of providers of dental services but shall not make determinations or judgments as to the appropriateness of such names.

* * *

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.

HB 1711 (Pr. No. 3285) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania Game Commission to implement at least two junior hunter projects to increase and sustain interest in hunting.

On the question,
 Will the Senate agree to the bill on third consideration?
 Senator MELLOW offered the following amendment No. A2044:

Amend Sec. 1 (Sec. 326), page 2, line 14, by striking out "approval" and inserting: review
 Amend Sec. 1 (Sec. 326), page 2, lines 16 through 19, by striking out "If, after" in line 16, all of lines 17 through 19 and inserting: The respective committees shall have 60 days to review the program and submit comments to the commission. Prior to completion of the review by the respective committees, the commission shall not take any action to initiate the program.

On the question,
 Will the Senate agree to the amendment?
 It was agreed to.
 Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 284 (Pr. No. 2205) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
 Will the Senate concur in House amendments, as amended by the Senate, to Senate Bill No. 284?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 284.

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

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

The PRESIDENT pro tempore. Mr. President, I just want to underline the significance of the bill I have asked us to concur in. The measure provides for a constitutional amendment allowing for a homestead exemption on property taxes.

Mr. President, for as long as I have been a Member of this body, property tax relief has been an issue. There is growing optimism, though, that we are drawing closer to developing some acceptable answers to the overall issue. It is necessary, concrete, deadline-driven, and a step forward. To make property tax relief available to most people, a homestead exemption is absolutely essential. It is the fairest, most practical way to provide property tax relief to homeowners and avoids creating a windfall for the owners of commercial property. It targets relief while allaying concerns about shifts and tax burden. Given this tool, Mr. President, local officials could offer homeowners the chance to have a portion of the assessed value of their homes exempted from taxation. People understand the

real advantages of a homestead exemption, which is why many other States offer such an option.

The Senate has passed such measures before with bipartisan backing, and our action today can make the first-round legislative approval a certainty with the expected concurrence of the House of Representatives. The next General Assembly then can give a second round approval in 1997 and have the question presented to the voters of Pennsylvania for their approval.

Mr. President, this measure is absolutely vital in providing an answer to a major public worry, unfair property taxes, something that we will deal with now and in legislation in the future.

Thank you, Mr. President, and I urge a positive vote on the motion.

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

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

YEAS—49

Afflerbach	Greenleaf	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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 216 (Pr. No. 3900) -- 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.

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—29

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

NAYS—20

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

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

Ordered, That the Secretary of the Senate 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.

LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, Senator Salvatore has returned, and I ask that his temporary Capitol leave be cancelled.

The PRESIDENT. That leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

BILLS OUT OF ORDER

Without objection, the bills on today's Second Consideration Calendar were called out of order by Senator LOEPER as Special Orders of Business.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 2666 (Pr. No. 3805) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

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

HB 2668 (Pr. No. 3643) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 31 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

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

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

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.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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, Tomlinson, Uliana, Wagner, Wenger, Williams.

NAYS-0

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

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

HB 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 third time and agreed to,

On the question, Shall the bill pass finally?

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

Senator ULIANA. Mr. President, just the way this proceeding is moving on, as quickly as possible, I would like to be recorded in the negative on House Bills No. 2721 to House Bill No. 2729. I think that those are all worthwhile and meaningful projects, but there are hundreds, if not thousands, of fine museums in Pennsylvania which deserve similar attention. I think that this money should be rolled over into helping all museums in the Commonwealth, not just a select few that have made the list of political favorites here in the nonpreferred appropriations, so if I could be voted in the negative on those, I would appreciate it.

The PRESIDENT. And that will be done.

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-47

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, 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, Wagner, Wenger, Williams.

NAYS-2

Delp Uliana

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

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

HB 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 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-47

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, 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, Wagner, Wenger, Williams.

NAYS-2

Delp Uliana

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

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

HB 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 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—47

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	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	Salvatore	Williams
Gerlach	Madigan	Schwartz	

NAYS—2

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

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

HB 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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Gerlach	Madigan	Schwartz
Andrezeski	Greenleaf	Mellow	Shaffer
Armstrong	Hart	Mowery	Stapleton
Belan	Heckler	Musto	Stewart

Bell	Helfrick	O'Pake	Stout
Bodack	Holl	Peterson	Tartaglione
Brightbill	Hughes	Piccola	Thompson
Corman	Jubelirer	Porterfield	Tilghman
Costa	Kasunic	Punt	Tomlinson
Delp	LaValle	Rhoades	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	Salvatore	Williams

NAYS—1

Uliana

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

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

HB 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 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—47

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	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	Salvatore	Williams
Gerlach	Madigan	Schwartz	

NAYS—2

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

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

HB 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 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—47

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	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	Salvatore	Williams
Gerlach	Madigan	Schwartz	

NAYS—2

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

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

HB 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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Uliana

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

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

HB 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 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—47

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	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	Salvatore	Williams
Gerlach	Madigan	Schwartz	

NAYS—2

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

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

HB 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 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—47

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	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	Salvatore	Williams
Gerlach	Madigan	Schwartz	

NAYS-2

Delp Uliana

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAYS—0

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

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

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

NAYS—0

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

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

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

NAYS—0

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

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

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

NAYS—0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An Act making appropriations to the Hahnemann University, Philadelphia.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS-49

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

NAYS-0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2753 (Pr. No. 3906) -- 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 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 two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

HB 2754 (Pr. No. 3907) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (PL.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 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 two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

HB 2755 (Pr. No. 3908) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,
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 two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to convene in the Rules room to consider House Bills No. 225, 544, 1712, 2666, and 2668.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a brief recess of the Senate for a meeting of the Committee on Appropriations to be held immediately in the Rules room at the rear of the Senate Chamber.

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

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

HB 225 (Pr. No. 207) (Rereported)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for retirement of justices, judges and justices of the peace.

HB 544 (Pr. No. 3911) (Amended) (Rereported)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the powers and duties of the Secretary of Revenue and for assignability of prizes drawn; providing for a temporary PACE moratorium; and making a repeal.

HB 1712 (Pr. No. 3858) (Rereported)

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.

HB 2666 (Pr. No. 3805) (Rereported)

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) (Rereported)

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.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during this evening's Session to consider Senate Bills No. 1753, 1313, 1432, 1480, 1481, 1483, 1485, 1487, and certain nominations.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 299, HB 950, HB 1053 and SB 1158 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1174 (Pr. No. 3872) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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

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

BILL OVER IN ORDER TEMPORARILY

SB 1493 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 1521 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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.

HB 1689 (Pr. No. 3873) -- The Senate proceeded to consideration of the bill, entitled:

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

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—45

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

NAYS—4

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

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

SB 1493 CALLED UP

SB 1493 (Pr. No. 2083) -- Without objection, the bill, which previously went over in its order temporarily, was called

up, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

BILL OVER IN ORDER

SB 1493 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

HB 2360 (Pr. No. 3877) -- 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.

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?

RECONSIDERATION OF VOTE

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

Senator LOEPER. Mr. President, I ask that we reconsider the vote by which House Bill No. 2360 was agreed to on third consideration.

The motion was agreed to.

And the question recurring,
Will the Senate agree to the bill on third consideration?
Senator LOEPER. Mr. President, I request that House Bill No. 2360 go over temporarily.

The PRESIDENT. House Bill No. 2360 will go over in its order temporarily.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Afflerbach	Greenleaf	Mellow	Shaffer
Andrezeski	Hart	Mowery	Stapleton
Armstrong	Heckler	Musto	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Piccola	Thompson

Brightbill	Jubelirer	Porterfield	Tilghman
Corman	Kasunic	Punt	Tomlinson
Costa	LaValle	Rhoades	Uliana
Delp	Lemmond	Robbins	Wagner
Fisher	Loeper	Salvatore	Wenger
Fumo	Madigan	Schwartz	Williams
Gerlach			

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 2536 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED AND OVER TEMPORARILY

HB 2064 (Pr. No. 3879) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate agree to the bill on second consideration?
Senator GERLACH offered the following amendment No. A5646:

Amend Title, page 1, line 12, by striking out "AND" and inserting a comma

Amend Title, page 1, line 13, by removing the period after "FUND" and inserting: and for a Guardian of Liberty plate; and creating the Guardian of Liberty Memorial Fund.

Amend Sec. 1, page 4, by inserting between lines 24 and 25:
§ 1363. Guardian of Liberty plate.

The department, in consultation with the Pennsylvania Historical and Museum Commission, shall design a special Guardian of Liberty registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car or truck with a gross vehicle weight rating of not more than 9,000 pounds. The Guardian of Liberty Memorial Fund shall receive \$15 of the fee paid by the applicant for the plate.

Amend Sec. 2 (Sec. 1905), page 12, by inserting between lines 27 and 28:

(h) Guardian of Liberty Memorial Fund.—Fifteen dollars of each fee received under section 1358 (relating to Guardian of Liberty plate) shall be credited to the Guardian of Liberty Memorial Fund, created as follows:

(1) There is hereby established a special account in the Treasury Department which shall be known as the Guardian of Liberty Memorial Fund. The purpose of the Guardian of Liberty Memorial Fund is for the establishment, restoration or renovation of memorials or cemeteries and for conducting commemorative activities to honor persons who have served in the armed forces.

(2) All moneys in the Guardian of Liberty Memorial Fund are hereby annually appropriated to the Pennsylvania Historical and Museum Commission to be expended by authorized municipalities and veterans groups, upon application, approved for the purposes of this subsection.

(3) Amounts to be expended under this subsection shall be submitted to the Governor by the Pennsylvania Historical and Museum Commission for his approval.

Amend Sec. 3, page 12, line 29, by striking out "§ 1905(d)" and inserting: §§ 1363 and 1905(d)

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

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

Senator PETERSON offered the following amendment No. A5555:

Amend Title, page 1, line 10, by inserting after "AND," for special library registration plates,

Amend Sec. 1, page 4, by inserting between lines 24 and 25: § 1363. Library plates.

The department, in consultation with the Department of Education and representatives from the district library centers' advisory councils, shall design a special library registration plate. Upon application of any person, accompanied by a fee of \$35 which shall be in addition to the annual registration fee, the department shall issue the plate for a passenger car or other vehicle with a registered gross weight of not more than 9,000 pounds. The library which solicited the purchase of the library registration plate shall receive \$15 of each additional fee for this plate.

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 temporarily at the request of Senator LOEPER.

HB 2536 CALLED UP

HB 2536 (Pr. No. 3498) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator MELLOW offered the following amendment No. A5449:

Amend Sec. 5 (Sec. 13.1), page 5, line 23, by striking out "THAT ANY PERSON HAS COMMITTED OR IS ABOUT" and inserting: based upon consumer complaints, audits or evaluations that any person has committed or continues

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.

HB 2360 CALLED UP

HB 2360 (Pr. No. 3877) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 2360 (Pr. No. 3877) -- 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 third consideration?
Senator LOEPER offered the following amendment No. A5552:

Amend Title, page 1, line 2, by inserting after "providing": for chemical testing to determine amount of alcohol or controlled substance; prohibiting a person under 21 years of age from driving with any alcohol in the person's system; further providing for driving under the influence of alcohol or controlled substances and

Amend Bill, page 1, lines 5 and 6, by striking out all of said lines and inserting:

Section 1. Section 1547(d) of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

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

* * *

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

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

(2) That the amount of alcohol by weight in the blood of [the person tested] an adult is in excess of 0.05% but less than 0.10%, this fact shall not give rise to any presumption that the [person tested] adult was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the [person] adult was or was not under the influence of alcohol. This provision shall not negate the provisions of section 3731(i).

(3) That the amount of alcohol by weight in the blood of [the person tested];

(i) an adult is 0.10% or more[, this]; or

(ii) a minor is 0.02% or more.

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

* * *

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

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

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

Section 2. Title 75 is amended by adding a section to read: § 3718. Minor prohibited from operating with any alcohol in system.

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

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

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

Section 3. Section 3731(a) and (a.1) are amended and the section is amended by adding a subsection to read:

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

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

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

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

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

(4) [while] While the amount of alcohol by weight in the blood of [the person];

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

(ii) a minor is 0.02% or greater.

(5) [if] If all of the following apply:

(i) At the time of a chemical test of a sample of the person's breath, blood or urine, the amount of alcohol by weight in the blood of [the person];

(A) an adult is 0.10% or greater [at the time of a chemical test of a sample of the person's breath, blood or urine, which sample is]; or

(B) a minor is 0.02% or greater.

(ii) Either:

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

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

(a.1) Defense.—It shall be a defense to a prosecution under subsection (a)(5) if the person proves by a preponderance of evidence [that the] all of the following:

(1) The person consumed alcohol after the last instance in which he drove, operated or was in actual physical control of the vehicle[and that the].

(2) The amount of alcohol by weight in [his];

(i) an adult's blood would not have exceeded 0.10% at the time of the test but for such consumption; or

(ii) a minor's blood would not have exceeded 0.02% at the time of the test but for such consumption.

* * *

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

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

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

Section 4. Section 6309 of Title 75 is amended to read:

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

5

Amend Sec. 3, page 8, line 27, by striking out "3" and inserting:

6

Amend Sec. 3, page 9, by inserting between lines 3 and 4:

(2) The amendment or addition of 75 Pa.C.S. §§ 1547(d), 3718, 3731(a), (a.1) and (j) shall take effect in 30 days.

(3) This section shall take effect immediately.

Amend Sec. 3, page 9, line 4, by striking out "(2)" and inserting:

(4)

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.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 81 (Pr. No. 82) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the production of evidence of a lost, stolen, destroyed or illegible driver's license to avoid certain penalties.

Considered the second time and agreed to,

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

NONPREFERRED APPROPRIATION BILL

ON SECOND CONSIDERATION

HB 2768 (Pr. No. 3786) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

HB 1415 (Pr. No. 3853) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring reimbursement by insurers for certain services performed by a hospital emergency facility.

Considered the second time and agreed to,

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

SB 1476 (Pr. No. 2104) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

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 RECOMMITTED

SB 1587 (Pr. No. 2191) -- The Senate proceeded to consideration of the bill entitled:

An Act requiring Commonwealth agencies to evaluate potential constitutional infringements of private property rights; and providing for powers and duties of the Attorney General.

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

BILLS ON SECOND CONSIDERATION

HB 1985 (Pr. No. 3635) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, providing for notice to the local police department prior to the repossession of a motor vehicle.

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

HB 2031 (Pr. No. 3854) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for civil penalties and criminal penalties and for joint inspections with host municipalities; and making a repeal.

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

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

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

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

HB 2344 (Pr. No. 3031) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the confidentiality of certain records relating to credit and the credit policy of depository institutions.

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

HB 2680 (Pr. No. 3674) -- The Senate proceeded to consideration of the bill, entitled:

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."

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

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate, and also indicate that a meeting of the Committee of Conference on Senate Bill No. 1583 has been called for 11:15 in the Rules room. Upon completion of that conference committee meeting, we will return to the floor.

The PRESIDENT. Senator Loeper requests a recess, and at 11:15 the Conference Committee on Senate Bill No. 1583 will convene. The Senate conferees are as follows: Senator Loeper, chairman; Senator Tilghman; and Senator Fumo. With that, the Senate will stand in recess.

AFTER RECESS

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

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator LOEPER submitted the Report of Committee of Conference on SB 1583, which was placed on the Calendar.

THIRD CONSIDERATION CALENDAR RESUMED

HB 2064 CALLED UP

HB 2064 (Pr. No. 3879) -- Without objection, the bill, which previously went over in its order temporarily as amended, was called up, from page 10 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 2064 (Pr. No. 3879) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STEWART offered the following amendment No. A5676:

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

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

Amend Bill, page 2, lines 27 and 28, by striking out all of said lines and inserting:

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

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

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

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

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

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

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

* * *

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

3 Amend Sec. 2, page 6, line 22, by striking out "2" and inserting:

4 Amend Sec. 3, page 12, line 28, by striking out "3" and inserting:

Amend Sec. 3, page 12, by inserting between lines 28 and 29:

(1) the amendment of 74 Pa.C.S. § 8301(a) shall take effect immediately.

Amend Sec. 3, page 12, line 29, by striking out "(1)" and inserting: (2)

Amend Sec. 3, page 13, line 1, by striking out "(2)" and inserting: (3)

Amend Sec. 3, page 13, line 3, by striking out "(3)" and inserting: (4)

Amend Sec. 3, page 13, line 6, 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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

BILL REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

HB 544 (Pr. No. 3911) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (PL.351, No.91), known as the State Lottery Law, further providing for the powers and duties of the Secretary of Revenue and for assignability of prizes drawn; providing for a temporary PACE moratorium; and making a repeal.

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

BILL ON SECOND CONSIDERATION

HB 225 (Pr. No. 207) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for retirement of justices, judges and justices of the peace.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 7

CONFERENCE REPORT ADOPTED

SB 1583 (Pr. No. 2212) -- 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; to provide for the additional appropriation of State and Federal funds for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1995, to June 30, 1996, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1995.

Senator LOEPER. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 1583.

On the question,

Will the Senate agree to the motion?

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

Senator LOEPER. Mr. President, on the conference committee report that is before us, we have a State budget that, in my view, is balanced, it contains real restraint in State spending, and I believe it reflects the need to have Pennsylvania become more competitive, particularly with its surrounding neighbors. The news for taxpayers, Mr. President, is once again very good; that is, no tax increase, no deficit, no crisis. Naturally, Mr. President, there are various groups who are disappointed by the spending controls and limits, but the taxpayers have been asking and insisting that State government show the same kind of financial responsibility that many families across Pennsylvania have had to demonstrate themselves.

Mr. President, there was a genuine effort to do the best job possible in providing State funding, putting available dollars where they will be used most effectively and do the most good for people. Over the course of the budget deliberations, some false hopes and false expectations had formed over the past several weeks that somehow funding increases would be provided for the full range of programs. Many times I have said, Mr. President, in the time I have served in the Senate of Pennsylvania, I have never found a bad cause yet, and I think that anytime we have people who come to us with their various programs and services, they are all very worthwhile and very meritorious, but it is a matter of making choices and trying to have the resources allocated in order to try to meet as many of those needs as possible.

Mr. President, I think that the report before us indicates that there was no new windfall of revenue that all of a sudden came before us within the last month, or 2 months for that matter, since we had seen our last revenue projections. I think, Mr. President, we were left with many difficult decisions to try to shift money fairly, meet the needs, and reflect the priorities of Pennsylvania citizens. This budget maintains many of the changes that Governor Ridge proposed for State spending and State priorities. At the same time, we have restored or added to services for many of our most needy citizens, those who are dependent on special education or special health services, for example. I think, given the many concerns people have about holding on to their jobs, about the ability of communities to rebuild their job base, there are significant changes in Pennsylvania's economic strategy that are contained within this budget. The logical combination of community and economic development is just a start.

There is a fresh focus given to job creation and job training, and I believe, Mr. President, this will give us a better chance in the fight for jobs, to keep jobs, to attract new prospects, and to encourage job expansion here, and most importantly, to make Pennsylvania competitive with our neighbors who have been taking jobs from our State. I believe, Mr. President, that mixed in with the new approaches our oldest and most popular economic development program, PIDA, receives additional funding. Perhaps, Mr. President, the most promising feature of the budget before us is the Link to Learn Program that certainly is going to help students acquire the skills and gain the

training and technology that they are going to need in the workplace.

The final budget, Mr. President, was developed through cooperation instead of confrontation, and that helps to reflect the priorities all across Pennsylvania, reflective of the Membership of the bodies. This budget depended on the substantial steps taken in recent weeks to reshape policy, welfare reform, workers' compensation reform, the merger of community and economic development efforts. This budget is another major piece in an impressive reform agenda that has been approved this spring. It is never easy to confront so many earnest and compelling demands for spending for individuals and communities and to say here is where Pennsylvania must draw the line. But, Mr. President, the leadership of the Governor and Members of the Senate and House in combination has produced a budget that works for the taxpayers and for Pennsylvania's future.

Mr. President, I would also like to just take a moment to commend the gentleman from Lackawanna, Senator Mellow, and the gentleman from Philadelphia, Senator Fumo, who have been very cooperative during this process, and finally we have a bipartisan cooperation here in the Senate to try to afford a document that reflects some of the needs of both sides of the aisle. And I believe, Mr. President, that it is not everything that we wanted. Certainly, it reflects a balance of many of the programs and priorities that many Members of this Chamber have had. But I believe, Mr. President, it is a step in the right direction, and I would urge approval of this fair, responsible, and balanced State budget.

Thank you.

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

Senator FUMO. Mr. President, I will vote for the conference committee report, but I consider it my obligation to tell the people of Pennsylvania about the many shortcomings that I and other Senate Democrats find in this budget. Within the confines of our Minority position, we had some input into this document. But make no mistake about it, the boundaries were drawn by Republicans, and we all operated within those boundaries. This is a Republican budget, and we in the Senate Democratic Caucus believe it inadequately supports many worthwhile programs and services on which our citizens depend. Had we been in the Majority, we would have written a budget document radically different from the one we have before us this evening. We would not have knocked a quarter of a million people off of health care, and let us not forget for one minute that the travesty of denying health care to 220,000 poor Pennsylvanians was part of this budget. But that battle was fought and lost, and we will now deal within the parameters of what we have to deal with.

Had we been in the Majority, we would have provided funding for basic education, especially for the poorer school districts. Let this be a warning--and I am afraid that we Democrats stand here tonight destined to be remembered as the prophets whose early warnings were also ignored--the issue of

equity in education must be addressed if we are to comply with our own State's Constitution. That Constitution requires us to provide a thorough and efficient system of education for all the children in the Commonwealth, both poor and rich. Our failure to live up to that responsibility will come back to haunt us in the financial obligations we deal with in future budgets and in the lost educational opportunities for tens of thousands of Pennsylvania schoolchildren who are not fortunate enough to live in wealthy school districts.

Had we been in the Majority, we would have provided additional support for mass transit. Had we been in the Majority, we would have insisted on funding for dozens of worthwhile programs that this budget undercuts or eliminates. The shame of it is that we have already demonstrated that Pennsylvania has enough money to pay for these programs. In April we listed 478 million dollars' worth of money that we found in the budget, taxpayer money that should rightfully be used to improve the quality of life for the people of this Commonwealth. In that, too, Democrats were largely ignored.

Having said that, the process used to negotiate this budget this year was distinctly different than last year's. Although we were not permitted to participate in negotiations to the degree that we had in prior years, there was a marked change from last year's attitude in the courtesies that were extended to us and the degree of input that we were allowed to have in the process. Although this is not a budget of which Senate Democrats are proud, we were permitted to change some things we felt had to be changed. I said in February that this budget would cause pain in this State, and I still believe that is true. But through our input we have been able to mitigate the pain for some people and reduce the extent of damage this budget would otherwise have done. Quite frankly, the input we had was beyond what was required by our Minority position with 20 votes on this floor. Because of that, both I and the gentleman from Lackawanna, Senator Mellow, feel honor-bound to support and vote for this conference report. But our vote should in no way be construed as an endorsement of everything this budget contains. We are still unhappy with much that is in this report, but we do not believe that we should attempt to bring State government to a halt because of our position.

Finally, I want to take this opportunity to sincerely thank and commend the staff of the House Republican Committee on Appropriations, the staff of the Senate Republican Committee on Appropriations, and my staff. And I also want to give special praise to the Senate Republican staff who were faced with the challenge of drafting this bill at the last minute and came through with flying colors on their technical merit and expertise. Mr. President, in short, we did the best with what we had, and more than that you cannot ask of people. However, we believe that there were many things that should have been and could have been done that were not done.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, if you would recognize the presence of Senator Brightbill on the floor, he has returned from temporary Capitol leave and I ask that it be cancelled.

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

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

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

Senator BELL. Mr. President, looking backward, we started this budget process back in March. The chairman of the Committee on Appropriations and the staffs of both parties worked very hard since then. The budget that came from the Governor, I would not have voted for it, but there have been tremendous improvements made. I agree with the gentleman from Philadelphia, Senator Fumo, that we have not gone far enough in certain fields, but we just have so much money and I feel it is a very fair budget.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I rise to oppose this budget, to speak, I hope, briefly since the hour is late, but it is one of the most important responsibilities that we have to vote on this budget. I will start out by saying that, yes, I agree with some of the comments that were made before by our Majority Leader, that it is a balanced budget. We are required by law to have a balanced budget, so that is nothing new. But we are living within our means in this budget, that there are lean revenues, there is a call on us to be careful in the way we spend our money. And clearly, there was no interest in spending more or no allowance, given the law, to spend more than we have. And I also agree that we have to do the best that we can within our means. I do respect those who are involved in the budget process directly in trying to do the best that they could with the resources they had.

But, Mr. President, I have to say that \$16 billion is a lot of money. And there, in fact, were some very critical decisions made that left out a whole lot of people in the process and a whole lot of priorities in the process in determining how we would spend our money, not how much more we would spend, but how we would spend our money. And I could speak about the health care cuts, but we have talked a lot about that on this floor. I could talk about public transportation. That has been mentioned before, but I will not talk about that either. And there has obviously been discussion about PACE and some of the needs of our seniors, but I will not talk about that either. I could talk about small business and some of the greater efforts we could have made on behalf of small business that this budget does not make, but I will not talk about that either.

What I would like to talk about as Democratic chair of the Committee on Education is education. This budget, Mr. President, is a complete failure when it comes to the funding of education in this Commonwealth. There are 1.7 million children in public schools in this Commonwealth, and the Governor deserves, I believe, a giant F in his initiatives and his fund-

ing for education, an F for effort, an F for his attitude towards public education, and an F for the final product in the funding of public education. His disdain for teachers, the school boards, and, ultimately, for the children who go to public schools in this Commonwealth is clear in this budget. He has abdicated his responsibility for providing an adequate education for all of this Commonwealth's children, and seemingly has done so with glee. His administration has really, in some ways, thumbed their noses so far at the court cases that are pending that deal with the funding of education. His administration has said in court and quite publicly that they feel they have neither the moral nor legal obligation to fund public education in any greater way than they already do, and this budget clearly demonstrates just that.

There is zero increase in basic education in this Commonwealth. Zero. Now, we know costs go up. We know that this Governor has said, well, reduce your costs. And I know and I think all of you know that, in fact, our school districts have tried dramatically to keep their costs down, to be more efficient, to do what they can to spend their money much, much more carefully, and they will continue to do so as they have an obligation to do for their constituents. But zero additional funding for basic education really means a cut for our school districts, all 501 of them. There is zero funding for incentives that we know really make a difference, like early education initiatives, particularly one of my own favorites, full-day kindergarten. There were reductions in money for professional development. There is inadequate funding for alternative programs for disruptive students, to make sure that we have safe schools and that our classrooms are really places where they can learn. There is inadequate funding for special education, and if the principals and superintendents of your school districts have not visited you, they have visited me, superintendents from across this Commonwealth who say they cannot meet the needs of their students with the high costs of special education for them. And whether they come from very wealthy school districts or very poor school districts, they are not getting enough help from us.

And there is zero money for equity, and we have talked a lot about equity. Mr. President, what does that really mean? And we will have a great deal more discussion about equity in this Chamber and certainly in the months to come and the years ahead, because in the last 2 years we have done nothing, nothing to help make sure that every child in this Commonwealth has access to equal education, the same kinds of education. It may not mean exactly the same amount of money but, in fact, we know that there is tremendous inequity in the system across the Commonwealth of Pennsylvania, and we have a lawsuit of over 200 school districts that are suing the Commonwealth to try to get our attention to that matter.

I believe strongly that we should not leave it to the courts to decide, that it is our obligation for us to begin to do something about equity in education. We did some of that under the Casey administration. We have done nothing towards equity last year or this year. I think that is abdicating our responsibility, Mr. President, and we should not be doing that. We should be facing up to the fact that our school districts have great

needs and that we have a responsibility to all the children, regardless of where they live, to help fund their education.

How can this Governor and this administration be proud of their position on education? But they are. And we have a budget in front of us that, in fact, does not do what it should on education. How can we, Mr. President, and how can this Governor be proud of Pennsylvania as a place to do business when, in fact, if we do not do now what we have to do, we will not have a skilled work force in the future? We will not have a skilled work force tomorrow if we do not adequately educate our children today, and we all know that.

Education, Mr. President, has always been the cornerstone of opportunity in this country, it has been the cornerstone of achievement, it has been a cornerstone of how we help people succeed in this country, and we are saying with this budget that school districts, you are on your own, that where you live makes a difference in the kind of educational opportunity you will have. If you are a school district in a community that cares about education, you will raise your property taxes, and if you do not, you will have to squeeze money out of your school district, and if you cannot squeeze enough, you will see a reduction in the education of our children. And this will be true increasingly for all of our children, we will see lower and lower quality in education.

So I do believe that we have both a legal and a moral obligation to attend to education in this Commonwealth, that we cannot leave some children behind. So whether the children live in Chester Upland or in Schuylkill Haven or in Somerset or Clairton, they deserve our attention, and it is not adequate, Mr. President, to say that in years to come we will get to this at some point. We have to put it off for now. We have not even had that commitment from this administration to move ahead to try to tackle it in the future. We need to have that kind of commitment.

Mr. President, I think that we are telling our communities, our school districts, that they have to raise taxes or they will see less education for their children. The great initiative that we have in this budget, and I have been for technology in the schools, is in fact \$33 million to provide hardware computers in the schools. I can tell you, Mr. President, that if the Governor goes around the Commonwealth distributing computers to our schools and we do not have adequate teachers in the classrooms and we do not have children ready to learn and we do not have the size of the classes where the children can be paid attention to, that will be very interesting decoration in our classrooms and will be meaningless.

I do not have any interest, Mr. President, in providing meaningless decoration in our classrooms. I think we need to do a great deal more for our children, and I think that many of us know that. We need to do a whole lot more than provide nice decorations, even ones that look as fancy as computers, but if we do not have skilled teachers and if we do not have small enough classrooms and if we do not have children ready to learn with early childhood initiatives and if we do not have safe schools and if we do not have schools across the Commonwealth, Mr. President, so that a child will be able to learn and achieve and have success and opportunity in this country,

if they live in some areas and not in others, then we have not done our job. Our children deserve better, and we could and should do better.

If for no other reason, and there are other reasons, but if for no other reason I will vote against this budget because we have the opportunity and the support to provide more funding, more direction, more attention to the education of our children. We have almost 2 million children in the public schools in Pennsylvania, Mr. President. They deserve our attention. And when the Governor and the Secretary of Education say it is not all about money, they are not completely right. Money makes a difference. You cannot spend \$4,000 to educate a child in one school district and \$10,000 in another and not think that that makes a difference. Those people who have the resources know what it takes to provide them, and those without know that they can only do so much. Mr. President, we have an obligation in this Commonwealth to attend to the needs of all of our children, particularly in the area of education. I hope we do better next year. I hope there is attention publicly to what was not done in this budget, and, Mr. President, may we do a better job in the future for our children because they deserve it and because all of us, for our future, know we ought to do it.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I was not going to get up to speak on the budget, but I cannot allow the attacks of the Minority chair on the administration and the education budget of this Commonwealth to go without response. I think that the gentlewoman from Philadelphia, Senator Schwartz, forgets that last year this General Assembly, and I do not think it had her support at that time either, committed 140 million new dollars, over 140 million new dollars to the basic education formula. And there are ways of attacking the costs of education without pouring new money into a formula that I think everyone, especially the litigants in the litigation that she refers to, admits is not equitable. Putting new money into that formula simply does not answer the problem.

The cost of education in this Commonwealth is in large measure a result of the mandates that we placed upon our school districts, and just this week we attempted again, without the support of the gentlewoman from Philadelphia, to address one of those mandates which imposes great costs upon our school districts, that of unrestricted sabbaticals by schoolteachers. And, fortunately, we were successful in addressing that problem, and, hopefully, that will save the school districts of this Commonwealth at least \$40 million a year, and perhaps more.

A few months ago we tried to attack another problem, another mandate on the school districts of this Commonwealth, and we did not have the support of anyone from that side of the aisle, and that is the elimination or making a local option of prevailing wage, which imposes huge costs upon our school district. We have an agency shop mandate upon the school districts within the confines of Act 195 which promotes unionism among our schoolteachers, many times to the detriment of

the teachers' ability to devote their time and energy to the teaching of school children and the betterment of our public education system.

A few months ago the Senate Committee on Education had a hearing on the Governor's education budget, and during that hearing a school district from the coal regions of the Commonwealth came before the committee and indicated that the Governor's budget was inadequate, and what we discovered after questioning the superintendent from that particular school district was that that school district had settled a teacher's contract which averaged over 5 percent per year for 5 years in increased salaries for its teachers. And I told that gentleman and I told the Members of the committee at the time that I thought that the message that we were sending to the school districts of this Commonwealth with this budget is that we simply cannot continue to pour more and more and more money into basic education formulas that are not equitable, as the gentlewoman indicates, but into a system that imposes mandates that do not return good quality education for the costs that we impose.

We have to make major reforms in the educational system in this Commonwealth, and to attack the Governor, who has made education a priority, a bigger priority than any Governor during the 20 years I have served in this General Assembly, for not being concerned about the educational system of this Commonwealth I think is counterproductive and will not result in the kind of change that I think the gentlewoman and I both want to see accomplished. I think that we should work toward a change in the equity formula so it is truly equitable, but to attack and not deal with the basic reasons that drive the costs of education up in this Commonwealth at the same time is missing the point. We need good, quality education. We need good, quality, affordable education, and I think this budget takes a step in that direction, along with some of the other measures we have been able to adopt during this budget season.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise at 12:45 a.m. on June 28, 1996, to offer some comments in regard to Senate Bill No. 1583, the 1996-97 Commonwealth of Pennsylvania budget, a budget that was reported out of the conference committee approximately a half hour ago and was put on each one of our desks, I guess, at approximately the same time.

Mr. President, I rise to make some constructive comments in regard to the budget and a number of items in it, and I would hope that the Chair and my colleagues, the Governor, and others take it that way. I have not been an integral part of this budget process. I do not sit on the Committee on Appropriations, I was not on the conference committee. I am simply one of 50 here as a Senator. And as one of 50 though, I represent an equal constituency, a very important constituency in the Commonwealth of Pennsylvania. I think it is important to state that because even though some people in this Chamber may be irritated with my comment, I still think the process here related to this budget does not work in the proper open way for public

discussion and public discourse. And I say that because it is virtually impossible for me or any Member of this Senate, unless they have been an integral part of the budgetary process, to know precisely what is in Senate Bill No. 1583.

My staff and the staff of my colleagues and others have helped me in the last couple of hours to understand what we think is in it, and I would like to comment in regard to that. I stood on this floor last week in a preliminary vote on the budget and talked about some concerns that I had that were not in the original budget proposed by the Governor and the one that we had in front of us, and I want to thank the people who had input and listened, not just to myself but to many people who have lobbied for changes in the budget that appear to be in Senate Bill No. 1583 this evening. I would like to talk about a couple of them, and the reason why I want to talk about a couple of them is that I know, in fact, that there is tremendous discretionary money in this budget in a number of State departments, and I do not know precisely where and how that money is going to be spent that is so-called discretionary money, and I would like to make a couple of suggestions.

Number one, there is a program that was in this year's budget, 1995-96, that I talked about last week, the Home Emergency Mortgage Assistance Program. It was funded to the tune of \$18 million, and under the Governor's proposed budget, it was funded at zero. In the budget in front of us, it is my understanding that the program is funded at \$3 million, and I appreciate very much that this program has survived in the budget and those who have had an impact in that process. I stand here today, Mr. President, to ask that some of the discretionary funds that I see in the budget document go, hopefully, not only to keep this program alive but to make it work. The program has existed for 12 years. It has helped over 20,000 homeowners in the Commonwealth of Pennsylvania in every one of our senatorial districts. It has helped people who have lost their jobs save their American dream, their home. And the program has worked, it can work, and I hope it continues to work. It has been supported by Action Housing, the Pennsylvania Catholic Conference, the Consumer Credit Council Service, the Mon Valley Unemployment Commission, and many, many other organizations. Sheriff Coon of Allegheny County has written a letter because he is the person who has to take the orders to the people when they lose their home.

This program, Mr. President, works, and I am asking and I am making a plea here this evening, and being constructive, that possibly some of the discretionary funding that I see in the budget can go towards this program. There is a Community Revitalization and Assistance Program that had no funding that now has \$24,275,000. I, in fact, do not know where that is going. There is an Opportunity Fund, and if anyone needs an opportunity, it is someone who is losing their home. Or if a community revitalization project is going to work, let us let it work with those who need to keep their home. So I am making a request that some of this discretionary funding goes into this program to help it beyond the \$3 million that is in the budget, but again, I am very thankful that it has \$3 million.

On another item, Mr. President, the Keystone State Games. The Keystone State Games did not have any funding original-

ly. It is in there now at \$220,000, and I compliment those who made an effort to put that funding in it. It would have been an embarrassment to this Commonwealth if during an Olympic year that we would eliminate our Olympics for children and senior citizens in the Commonwealth of Pennsylvania. I compliment people like Owen Costello who lobbied all of us to put the funding back in.

The Supercomputing Center that I stood here a week ago and talked about for \$1.5 million is there in its full sense. How it ever was not in the original budget, I do not know. I am not concerned though, because it is here in full funding, and I would hope in future years it continues because it is by far one of the best programs that exists in America, not just in Pennsylvania, in terms of high technology, research and development, private funding, and public funding, and the Pennsylvania complement to that is only 7 percent.

Bidwell Training Center I understand is in there to the tune of \$3 million. It is an excellent program. The Connelly Technical Institute and Adult Education Center, Mr. President, is in there for \$1 million, and, quite frankly, it is not enough. And again I am making a request that somewhere in the discretionary funding that exists within this budget under education, the Connelly Technical Institute receive more funding or it may not survive. It is a program that has done an excellent job of taking dislocated workers and retraining them.

Mr. President, there are some other areas, and one in particular that I need to mention are the intermediate units, in particular the Allegheny Intermediate Unit, which has become a leader in integrating technology into the curriculum and the educational systems of Allegheny County through distance learning, through satellite communications, through video communications, a program that has been cut in half by State government in this budget.

Mr. President, I just sat in the conference committee and heard Representative Evans say that there was \$10 million in discretionary funding in education, and the response by the gentleman from Delaware, Senator Loeper, was that it was up to the Secretary of Education where that money should go. Well, I am making a plea, Mr. President, here today publicly that the intermediate units are a quality educational group that is progressive and is leading school systems in the direction we want them to go through high technology, and they deserve funding, particularly if it is discretionary funding.

Mr. President, I am going to close with one item. I am extremely disappointed but yet I have not given up on the repeal of the High Technology Computer Services Sales Tax as a manufacturing exemption. And I know, Mr. President, the Chair and I have talked about that, I have talked about it with a number of my colleagues, and it was part of the Governor's original budget proposal. It is very important that we talk about that here tonight, and I would like to quote the Governor in his original report to the General Assembly. He stated, "I call for the elimination of the 1991 sales tax on computer services in several sectors of our economy. Just listen to what Harrisburg did. A high-value, good-paying, future-oriented sector of our economy was beginning to take off. So what did Harrisburg do? It taxed it. That just doesn't make sense. These are pre-

cisely the jobs we want for Pennsylvanians." End of quote. That is what the Governor said back in February, Mr. President. And I am here to say tonight that I introduced a bill a year ago, and I stood on this floor a year ago at this time and talked about the need for the repeal of the computer services sales tax. So far this General Assembly and this administration have not accomplished its goal, and during the interim, Mr. President, we continue to lose high technology companies to outside of Pennsylvania. Now, we only have several growth industries that we can be sure of to invest in in this Commonwealth, and high technology is one of them. And it has been proven through surveys that there are quality jobs better than any other industry in high technology.

And what do we do as a State? What do we do as a Commonwealth? We have taxed that industry. We have sent repeated messages that we are going to repeal that tax, but as of this very day we have not done that. And I am making a request to this General Assembly, to the Governor, that we do not give up on that effort and that we attempt to do that in the fall of this year and prior to the end of this legislative Session, Mr. President. This industry needs to be sent a message that we support what they are doing.

Five of the six States bordering Pennsylvania do not have a computer services sales tax. So what that means, in essence, is that in the counties throughout Pennsylvania in comparison to those States there is a difference of a 6-percent profit margin for 65 counties versus those States, and in Allegheny and Philadelphia it is a 7-percent difference, if those companies move slightly outside of Pennsylvania and operate their business. And that is not difficult to do in the high technology industry that only requires a telephone and fiber optics and a computer.

So, Mr. President, I am standing here tonight to ask that we do not give up the effort of putting a tax bill on the floor of the General Assembly to make sure that this industry does not continue to leave Pennsylvania, and I believe we can still do that before this Session ends sometime in the lame duck Session of November, and make it effective January 1, 1997. I understand through the discretionary funds that exist in this budget that the necessary funds of \$10 million will be available.

Again, Mr. President, in summary, I stand in a constructive way to talk about this budget and the ways in which we can still improve it, and I am hopeful that there will be a bipartisan effort to continue to do that.

Thank you.

LEGISLATIVE LEAVE

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

Senator FUMO. Mr. President, I request a temporary Capitol leave for Senator Tartaglione, who has been called to her office.

The PRESIDENT. Without objection, that leave is granted.

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

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

Senator HUGHES. Mr. President, I rise to speak on this budget. I understand that at 12:59 a.m., the hour is definitely late. I also understand that looking through this budget document there are a number of things that, in the context of 1996 and where the administration is, who is in control in the Senate and who is in control in the House, I guess maybe we should be happy about. But in the end, as I think it through and I look through a number of areas, I guess that the basic feeling, Mr. President, is one of a big kind of blah feeling. This budget is not dynamic. It does nothing innovative. It moves no particular significant agenda. And it leaves in place as a continuation of the 2 years of this current administration the agenda that if you are rich you still get squared away, if you are middle income, the middle class, you are being forced down, and definitely if you are poor you are being locked out and left out and left behind.

Now, I cannot sit through this process, even noticing that there are some things that were done here in this budget document that as a Democrat in 1996 in this Senate I guess I should be happy about, but I cannot sit here in this budget process, looking at this budget document, thinking about what has occurred in the last 6 months and say this is just okay, that we can accept this and move on. There is clearly a "no" vote coming from this Senator in the 7th Senatorial District for this budget.

No increase, no support for homeless assistance, emergency homeless assistance, if you are in that category. And if you are watching TV right now, if you hear these comments later on and you are a homeless person, do not look to the State of Pennsylvania for extra help. You are not going to get it. It is not here. Community colleges, cut. PHEAA, cut. Middle-class people looking to send your kids on to higher education and looking for extra support from the State of Pennsylvania, do not look for it here. There is nothing extra coming from the Commonwealth. Cuts in the Pennsylvania Higher Education Assistance Agency.

I guess I should be thankful. Governor Ridge said he wanted to cut out HEMAP completely from \$18 million to \$0. We got \$18 million last year. The Governor proposed \$0. Now in this budget document there is all of \$3 million for HEMAP. I guess I should be thankful. I guess I should, but I do not feel thankful because the fact is that \$15 million was cut away from that program, and those people who benefited and who were supported through that program are not going to get the help and the benefits that they used to get. That is gone. And we could have done that, but, no, we took that \$15 million and gave it to some corporate communities that this State just so loves to take care of and gave them a little bit of a tax cut. If you are on the top, then you get squared away; if you are at the bottom end, you get jerked; and if you are in the middle income, get forced down and forced out. That is what is happening with this budget.

This is not a dynamic action that we are taking right now, Mr. President. Nothing dynamic happening here. Thirty-three million dollars for technology in the schools. We do not even

know what that program is going to be, but there is \$33 million put aside for something we do not know what it is going to be about. And I guess the pattern continues. Those who are squared away at the top, they will get help. Those who are down at the bottom, they will get jerked. Those who are in the middle income will get forced down and forced out. That is what is happening in this budget process.

And by the way, the Human Relations Commission, while we have issues of race and tension occurring all across the Commonwealth, the Human Relations Commission gets cut by almost a half-million dollars. Women's Commission, Latino Affairs Commission, the African-American Affairs Commission, and we cannot forget the fact that 220,000 people lost their Medical Assistance benefits. Beyond the fact that they lost their benefits and their Medical Assistance, there are about 10,000 working people in this State who are going to lose their jobs who work in the health care community.

And it may be late and it may be 3 minutes after 1:00 in the morning, but we cannot ignore the facts of what is going on. These people are going to get jerked, and they are getting jammed by this State, by this budget, by this Governor, by the Majority party in the Senate and the House. That is what is happening. And if we lost our values, if we lost our principles, we cannot forget what is happening with these people. We cannot. Because we were sent here to represent everybody, not just the corporate few who are getting squared away every day in this process. It is not right.

What dynamic process? I can see the press releases now: State of Pennsylvania does its budget early. Early. Wow. That is wonderful. We do our budget early, people in this Commonwealth get screwed, and that is what is happening. And if I am out of line, call me on it. I can change the language and make it more appropriate, but that is what is happening, and everyone needs to listen to it and understand it. In 1996, we can do better and we have a responsibility to do better.

And if I can just remind you, as we have gone throughout this whole process, we have deliberated over a year and a half now, there are people in this Commonwealth, and I will just remind my Majority colleagues here who control the process, who are working for \$4.25 an hour who would like to make a little bit more. Just a little bit. Not a whole lot. And we are going to walk out of here tomorrow after I am sure not dealing with that issue either. So who gets taken care of? Those at the top. Who gets jerked? Those in the middle. And who really gets jerked? Those at the bottom end. A responsive document. A budget for the 21st century. That is what we have here. But let us look at the facts. Let us look at the facts.

And the final message, Mr. President, and I hope everybody pays attention to this, especially those on the Democratic side, is those constituencies we represent who depend on the Commonwealth of Pennsylvania to try to help them get a better attitude about standing up for whom they are supposed to take care of on a daily basis, because there is no more money in here for basic education, and every public school district in this Commonwealth should have been rising up and standing up for more funding. And in poor districts, districts that have been disadvantaged, who have special problems in special education,

they get jerked also. And those folks should be standing up. And the people in the housing community, the people who depend on HEMAP, they should be standing up.

But if you do not stand up, this is what is going to happen to you. Maybe you have to go all the way down and hit rock bottom all the way before you understand how important this process is. Hopefully, you will not take too many folks down with you when you hit the bottom. The providers get squared away. They get taken care of. They find another way. They will find another job someplace else, but those who need the benefits and the help the most, they do not have that advantage. They get screwed, and that is what is happening in the budget of 1996-97.

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

Senator FUMO. Mr. President, not to belabor the debate, believe me, it is quite late and we have heard much, but I cannot in all good conscience let the comments of my colleague from Dauphin, Senator Piccola, go unanswered.

Mr. President, there is inequity between a child who receives \$4,000 spent on their education and a child who receives \$12,000 spent on their education. We can talk here for days and days and days about the evils or the good of unionism, we can talk about prevailing wage, we can talk about sabbaticals, we can talk about all of those sexy issues, Mr. President, but the bottom line still is there.

You cannot tell me, or anyone in this Commonwealth, that we comply with our constitutional mandate when we can honestly say that you can have the disparity of 300 percent in educational districts and say that is giving everyone a fair education. And, Mr. President, ultimately and regrettably, that will be decided in the courts. And whether or not formulas are accurate, whether or not formulas are equitable, there is no way in God's name that anyone can walk before a judge of this Commonwealth and justify the disparity of \$4,000 per student in our poorest districts to \$12,000 per student in our richest districts. It is simply not fair to the children of Pennsylvania. It has nothing to do with whether or not teacher contracts were signed, with whether or not prevailing wage is the law, because those things are universal across the board. It is plainly and simply unfair. And I know that given the political reality of the amount of money it would take to solve that problem, that it will not be solved by us, because we do not have the courage in here to do what has to be done. Regrettably, it is going to have to be done for us, and with the attitude and the way we have moved, we are only asking for that remedy.

And, Mr. President, I also cannot stand by, and although I am not tempted in any way, shape, or form to pick a fight with our Governor on any of those issues, I cannot stand by and watch him compared with his predecessors and have people tell me that he has done more for education than any other Governor. During Dick Thornburgh's 8 years he expended \$1 billion on education. During Bob Casey's 8 years he expended \$1.6 billion in education increases. And during the two budgets we have seen from this Governor, there has been a total of somewhere in the neighborhood of \$180 million. Mr. President, that is woefully short. You may argue that it might not be

needed. We do not agree with that. But you cannot stand here and tell me that this Governor has done more for education than his predecessors, be they Democrat or Republican. The facts speak for what they are. And I did not intend to get into that debate, but I cannot stand here and listen to those comments and allow them to go unanswered.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the motion?

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

Senator FISHER. Mr. President, first of all, I would like to say that the budget process that we are going through tonight has been a long one, it has been an arduous one, and I would personally like to commend the leaders of my Caucus and the leaders of the Democratic Caucus for the work that has been put in to get us where we are tonight, and having been a participant in some of the debate and the dialogue, I particularly want to commend the gentleman from Delaware, Senator Loeper, and the gentleman from Montgomery, Senator Tilghman, for all the hard work and for the hard work of their staffs in getting us to this point, which I believe will culminate in the passage of a budget which is a fair budget and a budget that is one that the people of this Commonwealth support and a budget which will get done on time.

Mr. President, I was not going to get up and speak tonight on the budget, but sitting here listening to the comments, and they were excellent comments by all the people, I might disagree with the perspective but the comments were good comments, and they certainly contained different perspectives that come from a body like this, the body of the Senate of Pennsylvania as unique as it is representing different districts across this great Commonwealth. But, Mr. President, I think as I sat back and listened to what we have gone through over the last 3 months or the last 2 months, I think it has been one of the more active times in our recent legislative history. It seems like there has been a lot of debate. There was a lot of highly charged debate about the welfare reform and certainly a lot of debate last week about workers' compensation, and there has been ongoing debate about whether or not we are spending enough money on education and what is going to happen if the Commonwealth Court hands down a decision that is adverse in the equity suit. And the focus of most of that debate seems to always be that we need to spend more money on more things for more people and try to do more across the Commonwealth than we are currently doing now and that we should not take any steps to try to spend less in any program that is in place.

Mr. President, as I sit here tonight, and this is the twenty-second budget that I have been part of as a Member of the General Assembly, and as everybody knows, at least in this part of the process, it will be my last. But, Mr. President, you know, when I look at where we were 20-some years ago in a budget of about \$5 billion, and we see a budget now that is at \$16.37 billion, we did not get there just by inflation. We got there by spending. But when you look at this budget, Mr. President, and if we think back a little bit, 2 years ago, as to what happened not just in this State but in this country, the people of Pennsylvania and the people of this country basically told us the direction they want us to go in spending. They said to all of us, you know, stop the train. Stop the effort. Quit spending all of our tax dollars on all of these programs and be a little more fiscally responsible in what you are doing at your level of government.

And, Mr. President, this budget tonight calls for a spending increase overall of about .6 of 1 percent, and I do not believe in the 22 years that I have been here that we have had a level of spending that low over those 22 years. And I think if we really think about what the people want, sure, everybody would like to see more money. I would like to take more money back to my school districts, as would every Member of this Senate, but when we all put the money in that we need to take back to our school districts, as the gentleman from Dauphin, Senator Piccola, said, last year we did that and it cost us an additional \$140 million, which, by the way, is still in this budget this year. The additional \$140 million that we put in last year we are putting in this year.

But the bottom line is, Mr. President, I believe the people of this Commonwealth sent the message out loud and clear that enough is enough. And beyond all the rhetoric and beyond all of our passions for wanting to do everything for everybody, if we go back to what the people have told us, and I say to you what I believe the people are continuing to tell us, they want us to go the direction we are going in this blueprint tonight. For that reason, I would urge support not just on my side of the aisle, but I would urge bipartisan support on both sides of the aisle to adopt this General Fund budget.

Thank you, Mr. President.

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

Senator TILGHMAN. Mr. President, hopefully, I will be the last speaker. I will be very brief. I have nothing to say on the budget. I want to repeat something that the gentleman from Philadelphia, Senator Fumo, and the gentleman from Allegheny, Senator Fisher, said and express my thanks to the staff who worked so hard on this budget. I would particularly like to express my thanks to the 11 people who work in Room 281, who handled this budget in a professional manner, and I see many people sitting on this side of the room who worked on the budget. I look on the other side of the room and I see members of Senator Fumo's staff over there who have always been very professional in their approach to budgetary matters, and it has been a pleasure to have worked with them for many years.

I would like to also express my thanks to the Members of the House of Representatives and many of their staff members who joined with many of us in working on this budget, the Committee on Appropriations, the Speaker's staff, the Majority Leader's staff. If we go a little further to the other end of the building, I would like to thank Secretary Bittenbender and his staff, as well as the Governor's staff. These budgets do not come together by the work that the elected Senators do. We obviously contribute. We must have these professional people who work in this building. They have done a great job, and I express to them my thanks, and I do want these words of thanks to be in the record.

Thank you.

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

Senator PETERSON. Mr. President, I rise reluctantly, but I think it is important for the record to look at how we got here. Pennsylvania has to be facing this year one of the most difficult budgets that has been faced in several decades, because we just do not have the revenues that we ought to have coming into the Commonwealth of Pennsylvania.

Mr. President, could we have a little order?

The PRESIDENT. I would consider this orderly.

(Laughter.)

Senator FUMO. Mr. President, wait until he gets to Congress, if he gets there.

(Laughter.)

Senator PETERSON. Mr. President, I think it is important to look at how we got here. Why are Pennsylvania revenues dragging behind all of our neighboring States and most States of the northeast? Why are we in an economic slump when neighboring States are growing? The reason that is happening is because in 1990 Pennsylvania faced a billion-dollar deficit. It was ignored by the Casey administration. They were warned by many people, so in 1991 when you ignored a billion-dollar problem, it more than doubled. We had a \$2.3 billion shortfall, and that year we passed a tax package that was worth more than \$3 billion, if you add them all up, a massive tax increase on Pennsylvania business.

We have heard a lot of talk this week and other weeks about how we have given so many breaks to business in Pennsylvania. Well, we could give them breaks for another decade and we would not get them back maybe where they ought to be in competing with neighboring States. I remember that year I introduced a tax reduction package in November of that year, because I predicted that the tax package that we passed on business would absolutely stunt the economic growth in this Commonwealth, and unfortunately I was right.

We raised our corporate tax to the highest in the nation. We raised the rate on the capital stock and franchise tax. We dealt with some exemptions there, loss carryforward, penalized those who invested in Pennsylvania, intercorporate dividends, electric bills, gas bills, telephone bills, interstate long distance, computer services, collection services, credit services, cleaning services, exterminating services, maintenance services, lawn and garden services, storage contracts, temporary employees, fuel purchases, tire purchases, periodical purchases, vehicle rental,

vehicle leasing, public relations, consulting services, answering services, lobbying services, cleaning services, and employment agency services, all paid by business. We taxed business every way that was thinkable, and then we wonder why our economic engine shut down.

At the same time, we ignored the workers' compensation problem, did not have bipartisan support for it then, and did not have the bipartisan support that was needed here when we worked on it recently. We also robbed the PIDA program, if my memory is correct, of \$280 million. A program that brought in \$100 million annually that could be loaned back out was neutered, made ineffective. Now we have to pump money in every year to make it effective. The SWIF program, robbed again by the Casey administration's budget practices.

POINT OF ORDER

Senator MELLOW. Mr. President.

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

Senator MELLOW. Point of order, Mr. President.

The PRESIDENT. The gentleman will state his point.

Senator MELLOW. Mr. President, we are discussing a General Appropriations budget for the 1996-97 fiscal year. We are not discussing workers' compensation, we are not discussing sabbatical leaves, we are not discussing tax increases that took place under previous governors in 1991, and I guess he missed the 1984 tax increase. We are not discussing workers' compensation that was or was not a bipartisan vote in 1993, Mr. President. I wish that the gentleman would stay on the budget, discuss the budget proposals, discuss the revenues within the budget so we can get on with the issue at hand. This is a great speech for Petitions and Remonstrances, Mr. President, but it is not proper where he is giving it.

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

Senator PETERSON. Mr. President, I will conclude quickly. As I was just stating, the Medicaid program was also so mismanaged by the last administration and grew way out of control, 20 percent one year. Mr. President, we are in trouble now because we killed the economic machinery of this Commonwealth with the practices of the last administration, which taxed business and punished business through regulatory processes in every way that they could, not realizing that the job creators are our future. We are paying the price today. We paid it last year. We will pay it this year. We will probably pay it next year, because it will take a while to recharge the economic engine of this Commonwealth so that we have adequate revenues coming in, so that we have adequate funds for education, so that we have adequate funds to serve the citizens of this Commonwealth, because we are competing with neighboring States.

And those of you who think you do not have to compete in this world will continue to think that the only way you can fund budgets is to pass tax increases, and of all the speeches I have heard here in the last few weeks about this year's budget, I have not heard anyone offering a tax increase to pay for the spending programs that they are talking about. We have

done the best that we can do with very limited resources, because we shut the economic engine of this Commonwealth down in 1991 and the years thereafter with past practices, and it will take us years to revive that engine. That is what we must be about, and we can complain about cutting business taxes, but if we do not cut business taxes, with workers' compensation reform and the other things that we are doing, we can bring Pennsylvania back and that is the only thing that will give us the resources we need to serve us.

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

Senator MELLOW. Mr. President, I think the Chair has allowed the gentleman to go far enough.

I realize he is running for Congress, but did he not go a little too far?

The PRESIDENT. We are ready for the vote on the motion.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I just want to conclude with one remark. The gentleman forces me to answer. Yes, we had a tax increase in 1991, and I assure you as we stand here today that there will be a tax increase in the first year of the next administration and the same game will be played. I believe that year will be 1999, and we will all be here and it will be your Governor.

Thank you, Mr. President.

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—36

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

NAYS—13

Belan	Kasunic	Porterfield	Stout
Bodack	LaValle	Schwartz	Tartaglione
Costa	O'Pake	Stewart	Williams
Hughes			

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2360 (Pr. No. 3913) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance; prohibiting a person under 21 years of age from driving with any alcohol in the person's system; further providing for driving under the influence of alcohol or controlled substances and for impoundment of vehicles.

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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2536 (Pr. No. 3912) -- 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 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
Andrezeaki	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.

SECOND CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF HB 2064

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 2064 (Pr. No. 3879) -- Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill went over in its order as amended.

The motion 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.

RECESS

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

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room immediately after this announcement, the Senate will stand in recess.

AFTER RECESS

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

UNFINISHED BUSINESS
REPORTS FROM COMMITTEE

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

SB 753 (Pr. No. 2142) (Rereported) (Concurrence)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

SB 1313 (Pr. No. 2134) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault on emergency medical health care workers.

SB 1432 (Pr. No. 2184) (Rereported) (Concurrence)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic animals; providing for the protection and assurance of animal health; providing for the safety and quality of foods of animal origin; providing for the prevention and control of animal diseases that may threaten human health; providing for research, diagnostic and epidemiologic investigation of animal diseases; providing for indemnification of industry losses stemming from Department of Agriculture regulatory action; providing for the promotion of desirable management practices for production, keeping and use of domestic animals; imposing penalties; providing for remedies; imposing powers and duties on the Department of Agriculture; and making repeals.

SB 1480 (Pr. No. 2143) (Rereported) (Concurrence)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996.

SB 1481 (Pr. No. 2144) (Rereported) (Concurrence)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996.

SB 1483 (Pr. No. 2145) (Rereported) (Concurrence)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

SB 1485 (Pr. No. 2210) (Amended) (Rereported) (Concurrence)

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

SB 1487 (Pr. No. 2147) (Rereported) (Concurrence)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Fay Louise Pendergrass Bange by Senator Delp.

Congratulations of the Senate were extended to Isabel M. Bernard by Senator Fumo.

Congratulations of the Senate were extended to the citizens of the Silverdale Borough by Senator Heckler.

Congratulations of the Senate were extended to Donald L. Heiter by Senator Helfrick.

Congratulations of the Senate were extended to Thomas M. Garrity by Senator Holl.

Congratulations of the Senate were extended to Sidney L. Booker II and to the Declaration of Independence Co-Signers' Convention in Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Robin Wilson by Senator Madigan.

Congratulations of the Senate were extended to James F. Clay and to the New Cumberland Town Band by Senator Mowery.

Congratulations of the Senate were extended to Robert J. Yatsko and to Robert J. Drabek by Senator Musto.

Congratulations of the Senate were extended to H. James and Charlotte Thomas, Lowell and Becky Fryxell and to Matt, Barb and Martha Ryan by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Christofano by Senator Porterfield.

Congratulations of the Senate were extended to Ray G. Miller by Senator Shaffer.

Congratulations of the Senate were extended to the Toney/Slocum/Crumbley Family by Senator Stewart.

Congratulations of the Senate were extended to Brian Campbell by Senator Uliana.

Congratulations of the Senate were extended to Reverend Dr. C.B. Harris-Ramsue, Courtney Turner, Aaron Scott, Diane McKinney-Whetstone, Dr. Martin Ryder and to Stacie Y. Greenwell by Senator Williams.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Nathaniel Trice by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Brett M. Cole by Senator Shaffer.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1251, 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.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Friday, June 28, 1996, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.