

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

FRIDAY, JUNE 28, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 49

SENATE

FRIDAY, June 28, 1996

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

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Our Heavenly Father, in this moment of prayer, when there is silence in the Senate Chamber, may our hearts be still and peaceful, that we might know that You are God. Bless us with a measure of Your spirit of wisdom, power, and grace, sufficient to successfully meet all the challenges that face us this day in the service of Your people. Amen.

JOURNAL APPROVED

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

GENERAL COMMUNICATION

ANNUAL REPORT OF THE INSURANCE FRAUD PREVENTION AUTHORITY

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

COMMONWEALTH OF PENNSYLVANIA
Insurance Fraud Prevention Authority
4720 Carlisle Pike, Suite 205
Mechanicsburg, PA 17055-3023

June 26, 1996

The Honorable Mark R. Corrigan
Secretary of the Senate
Room 462
Main Capitol
Harrisburg, PA 17120

RE: 1995-96 Annual Report

The Honorable Mark R. Corrigan,

In accordance with Section 302(12) of the Insurance Fraud Prevention Act (Act 1994-166; enacted December 28, 1994), the Board of Directors does hereby submit to you the first annual report of the Commonwealth of Pennsylvania's Insurance Fraud Prevention Authority.

Our initial year of operations has been very challenging and exciting. We have formed a strong organization and delivered a new focus to insurance fraud prevention and prosecution. Important changes such as the new Worker's Compensation legislation have created a powerful public awareness of the economic and social issues involved within insurance crime.

The Board of the Insurance Fraud Prevention Authority looks forward to the coming year and the continued progress it promises to hold. The Directors extend to you our most sincere appreciation for your dedication and support. We welcome any inquiries and we remain at your service.

Best Regards,

DAVID A. BANO
Chairman

The PRESIDENT. This report will be filed in the Library.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor to consider House Bill No. 837.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Musto, who is attending a hearing with the Joint Legislative Air and Water Pollution Control Committee on a problem with Nescopeck State Park. I also request a legislative leave for Senator Porterfield, who also is attending a legislative meeting with regard to a problem in his district.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Musto and Senator Porterfield. Without objection, those leaves are granted.

CALENDAR

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1485 (Pr. No. 2210) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in House amendments, as amended, to Senate Bill No. 1485?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended, to Senate Bill No. 1485.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

Table listing names of Senators who voted 'YEAS' (49 total): Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Peterson, Piccola, Porterfield, Punt, Rhoades, Robbins, Salvatore, Schwartz, Shaffer, Stapleton, Stewart, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, Williams.

NAYS—0

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

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

LEGISLATIVE LEAVE

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

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

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

CONSIDERATION OF CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 753 (Pr. No. 2142) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 753?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 753.

On the question,

Will the Senate agree to the motion?

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

Senator TILGHMAN. Mr. President, this is the funding for the Office of Consumer Advocate in the Office of Attorney General, and last night during the meeting of the Committee on Rules and Executive Nominations when this bill came out of committee, I mentioned that I had an amendment to cut this appropriation by \$456,000. I did not offer the amendment and, obviously, I am not going to offer it at the present time, but I do want the Members of the Senate to know that we are going to monitor the spending of this account, as we do not believe that those issues are going to come up before the PUC Commission that will require all of these funds. So throughout the year, we will be looking at the status of the appropriation to see that the money is used wisely and expeditiously.

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—49

Table listing names of Senators who voted 'YEAS' (49 total): Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Peterson, Piccola, Porterfield, Punt, Rhoades, Robbins, Salvatore, Schwartz, Shaffer, Stapleton, Stewart, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, Williams.

NAYS—0

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

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

HB 544 CALLED UP OUT OF ORDER

HB 544 (Pr. No. 3911) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration

Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED**

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

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5699:

Amend Sec. 3, page 5, line 11, by striking out "202(H)(9)(V)" and inserting: 303(h)(9)(v)

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.

**PREFERRED APPROPRIATION BILLS ON
CONCURRENCE IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1480 (Pr. No. 2143) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1480?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1480.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

Fisher	Loeper	Salvatore	Wenger
Fumo	Madigan	Schwartz	Williams
Gerlach			

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1481 (Pr. No. 2144) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1481?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1481.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1483 (Pr. No. 2145) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1483?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1483.

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

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

YEAS—49

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1487 (Pr. No. 2147) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1487?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1487.

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

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

YEAS—49

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1313 (Pr. No. 2134) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1313?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1313.

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

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

YEAS—49

Afflerbach	Greenleaf	Mellow	Shaffer
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 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 REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 544 (Pr. No. 3915) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question,
Shall the bill pass finally?

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

Senator O'PAKE. Mr. President, I rise in support of this legislation. The gentleman from Bucks, Senator Heckler, the gentleman from Philadelphia, Senator Salvatore, and I have been very concerned about the fact that many senior citizens have lost their PACE eligibility because they got a Social Security cost-of-living increase. What this bill does is to restore to PACE eligibility all those senior citizens who were eligible for PACE as of the end of December of last year. We are told by the Department of Aging that in 1996, if we pass this and it is signed into law, about 18,000 senior citizens will be restored to their PACE benefits. This is the best we can do at this time.

In one case in Berks County which we discussed a few weeks ago, a Social Security cost-of-living adjustment put a Berks County couple 4 cents over the eligibility limits, costing that couple over \$4,000 a year in medication costs. This provision temporarily fixes what was broken, and it will help, as I said, about 18,000 senior citizens who were dropped from PACE since January 1. We will continue to seek other ways, and I am encouraged that both Senator Heckler and Senator Salvatore and Secretary of Aging Browdie are also concerned about seeking other ways to make even more senior citizens eligible between now and December 31, 1996, which is the date that this will sunset.

It is also necessary, Mr. President, briefly, to clarify our legislative intent that the Department of Aging will promptly take the initiative to reenroll all those senior citizens who were bumped from eligibility since January 1, 1996, rather than waiting for these senior citizens to reapply for PACE. Given the ease with which that can be accomplished, and Secretary Browdie last night assured Senator Heckler and me that he is eager to do that using the PACE computerized system, it makes far more sense for the department to assume that responsibility rather than to demand new applications from those senior citizens who, in an advanced age and with limited in-

comes, may not learn what we are doing and may not learn that their eligibility is being restored if this becomes law.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I rise to support this bill today because, obviously, it is a noble gesture to our senior citizens, and certainly all of us here in this Chamber support that idea. But I think that is all it is, a gesture. This bill certainly does help the 18,000 people who were taken off the PACE program last year, and that is great for them. But, Mr. President, what about the senior citizens who were removed in December of 1994, who may be \$50 over? What about those who were removed in 1993, who may be \$200 over, or in 1992, and so on? I am very much concerned about the fact that we had an opportunity to help those folks.

And one step further, what about those folks who have always been \$200, \$500, and \$800 over? We had an opportunity today to help all those folks, and I am concerned because I know all of us in this body, at one time or another, have either sponsored or cosponsored legislation to raise the income eligibility requirements so we could bring more people under the umbrella.

We have all been in our senior citizen centers back home telling the folks there, yeah, we are going to do the right thing and help you out because that is what we want to do in Harrisburg. We want to bring more people under this umbrella, and we want to help you out because we realize there are folks out there who are paying as much as several hundred dollars a month in medication bills, and we have been promising them we are going to do something.

So, it concerns me that we had an opportunity today that we did not take advantage of, but I will support this bill because it is better than nothing at all. But I would hope that when we come back this fall that there is a sincere effort to reach out and help those folks who are having the problems and who are just over that limit. Let us make sure we come back and do the right thing. I would hope that we would have that commitment that we are going to address that situation and that problem and go out and help the folks whom we in this Chamber and in the Chamber across the hall have been telling that we are going to help, we are going to do something about it, and, quite frankly, even the Governor this past February stated that he was going to address that problem and work with us to make that happen. Let us make that commitment today that we are going to help those folks, and let us make sure that we live up to that promise this time.

Thank you very much, Mr. President.

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

Senator SALVATORE. Mr. President, as I approach those wonder years myself, I have been concerned for many, many years because I might get there myself. But seriously, we have been trying to help the senior citizens, and this is the best we can do at this time. I wish that we could give them a lot more. And there is always going to be a need, there are always going to be people falling out of the program. Many of us in this

room spoke last night about this program and that program, and if you look through that budget, you can pick any program and it is a high priority. But, bear in mind that we have an aging population and there are going to be more and more people involved needing help. I would hope that when we come back in the fall that we can address this situation. I think we made a step in the right direction by trying to help the people who just fell out of the program.

Last but not least, I want to thank the gentleman from Bucks, Senator Heckler, and his staff; the gentleman from Berks, Senator O'Pake, and his staff; and people from my staff for trying to work together with the Secretary of Aging and his staff to try to bring something about that will help the people in our State who have done the most, and it seems that we always penalize the people who have done things, saved their money, not squandered their money, for that rainy day, and now because they have done the right things in life, they cannot get a thing because they do not qualify. So I hope that when we come back we can make more people qualify.

Thank you, Mr. President.

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

Senator HECKLER. Mr. President, first of all, just so that everyone is clear about the bill which is now before us, as has been alluded to by previous speakers, it does essentially three things. One, it guarantees the opportunity of every senior citizen who was a PACE beneficiary on December 31 of last year to reenroll in the program. And as the gentleman from Berks, Senator O'Pake, pointed out, we have been assured by the Secretary of Aging that they will receive notice of that opportunity, and that a facilitated, streamlined program, which simply requires their indication of a desire to reenroll, will automatically reenroll them.

The second feature of this bill, and one that I want to be crystal clear about, is that reenrollment, by the terms of this act, will expire December 31 of this year, so this is a window. This is, as has been pointed out, an extremely temporary measure intended only to solve the immediate problem to address the first priority that the Governor had in his budget message. It is not a solution to this problem. It does not come near to addressing that, and we will get to that in just a moment.

The third thing that this bill will do, most very importantly from a fiscal responsibility standpoint, is that it pays for the extra costs that are imposed on the program by the reinclusion of these individuals, as has been pointed out, roughly 18,000 of them, by going to mandatory generics, eliminating the ability of the physician to automatically substitute with a brand-necessary notation on the prescription. There will still be provision, where there is proper medical reason, for a nongeneric to be used, so this benefit we are providing pays for itself.

Now, the gentleman from Fayette, Senator Kasunic, very appropriately called upon us in the future to do the right thing. One of the reasons I was very concerned that we have this deadline, this expiration date in this particular stopgap interim measure, is to assure that we must, all 50 of us in this Chamber and our colleagues in the House, confront this issue as the

Governor has called upon us to confront this issue before the end of this legislative Session.

This has been a bipartisan effort. I want to join the gentleman from Philadelphia, Senator Salvatore, in thanking the many staff people and the many Members who have shown an interest on both sides of the aisle: the gentlewoman from Philadelphia, Senator Tartaglione, the Minority chair of the Committee on Aging and Youth; the gentleman from Berks, Senator O'Pake; the gentleman from Allegheny, Senator Wagner; the gentleman from Luzerne, Senator Lemmond; the gentleman from Philadelphia, Senator Salvatore. Of course, many other Senators have expressed their active interest in this and have been involved in the process.

I invite all the Members of this Chamber on both sides of the aisle to a renewed bipartisan effort to get the real job before us done, and there are two parts to that job. One, which we have already done a great deal of talking about and which I am sure there will be more rhetoric about in this building during the course of this day, is the issue of the design of a benefit package. The Governor proposed a straight across-the-board increase of \$1,000 in the eligibility of recipients for a PACE benefit. We have at least one House Member, who has access to a lot of funny-colored Xerox paper, who insists that there is a \$2,000 increase which can be achieved, apparently magically by funds that will appear from somewhere.

We have proposed, Senator Salvatore and I, and have shared with our colleagues on both sides of the aisle a second-tier program, which we have christened PACENET, which would reach out to a total of 72,000 new enrollees, encompassing the \$1,000 increase which the Governor has proposed, and, in addition, reaching out to many other additional senior citizens with a benefit which has a deductible, which has an additional copay, but which would make the PACE dollars go further to reach those in need, particularly in the years when they are in need. I wish that we had had that proposal before us to take up a week or so ago.

The difficulty and the other challenge we face beyond designing a benefit package is designing the way to pay for it. We know that there are no new dollars coming into the Lottery Fund. We know that revenues are level, so if we are to achieve a benefit enhancement, it must come from a savings in the moneys already spent by PACE. Now, PACE spends a great deal of money, more than \$220 million a year, reaching out to hundreds of thousands of senior citizens with more than, as I recall, 80 million individual prescriptions filled. We reimburse the pharmacists who fill those prescriptions and the pharmaceutical manufacturers who provide the materials at a rate that is somewhere between 25 percent and 30 percent more generous than virtually any other program, public or private, anywhere in this Commonwealth or anywhere in the United States. There are funds available to finance the benefit enhancements that we would wish. There are funds available to do, as Senator Kasunic suggests, the right thing.

The challenge we face is to shape that funding package together with the benefit package, and I will tell you, Mr. Pres-

ident, we have all had a long and very productive Session over the last several months, and really over this year, and one of the difficulties with being in this Chamber is you really do not get much exercise, you do not get to do much but sit and talk and walk up and down the stairs. I know a lot of us are looking forward to getting out. Some of us will have golf clubs in our hands. Unfortunately, I am not safe to have one in my hand. I think maybe my wife envisions me having a paint brush or a hammer in my hand over the summer. Many of us will have tennis rackets or hoes or rakes. I plan, during the course of this summer, to get another utensil in my hand and bring it back to this Chamber in the fall, and that is a cattle prod.

Let me say that I intend to work and I invite Members on both sides of the aisle to take this discussion out of the halls of this Chamber and the House and out into the communities of our State, and I would welcome invitations or indications of interest from any of my colleagues on both sides of the aisle to have hearings on this subject, because I think we need to put the facts of this program before the public of this State. We need to, in particular, engage the senior citizens of this State, because they have historically made rational, responsible choices about their own spending. That is how they have gotten through the tough years they saw in their lives, and I think they can be of great assistance to us in making rational choices about how we spend nearly a quarter billion taxpayer dollars to provide them a benefit. And I suggest when we come back this fall, that some of the activities which have, I believe, confused many Members of this Chamber, which have detracted from the efforts we have had to put together a package, and frankly, I think when the of people of this State take a look at the way their tax dollars are being spent in providing a PACE benefit, they will conclude that all of the folks who receive the dollars that provide those benefits are behaving in a way of something that many of you, I am sure, are familiar with.

Most of us at least either grew up on farms in this State or lived around them and know what barnyard animals look like, and I think what we have seen in the hearings we have held and in the resistance to any kind of cost savings in this program, by all the parties involved, is just exactly the behavior you see with hogs at a trough. You put that slop in and one thing you are sure of is their snouts are just not coming out of that stuff until it is all gone. And you know, one gets bumped down the line and he will run around to the other end and get right back in there, and I think we have seen that level of activity. I think when the public in this State steps back and looks at it outside of the context of this Chamber, I think that there has been enough misinformation and confusion beamed at Members and flying around about just what this program is, what it spends and who should be responsible to contribute cost savings to make this process work. I think that is the analogy that is going to come to their minds as well. And I think it is going to be our job, with a summer to gather facts, with a summer to review what the clear record is on this matter, I think they are going to encourage all of us to come back here this fall, having left our golf clubs and tennis rackets and our rakes and our hoes aside, and come back here with cattle prods

and move those hogs back from the trough a little bit so we can thin that gruel out just a little bit. None of them are going to starve, but so we can reach out to at least 72,000 more of our senior citizens to give them the kind of benefits which PACE intended, which PACE originally reached in its early inception.

I look forward to working with all of you over the course of this summer to get the information, to share that information with our colleagues, and then to move forward into the fall and get the job done, and as the gentleman from Fayette, Senator Kasunic, has said, to do the right thing.

Thank you.

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

Senator MELLOW. Mr. President, I guess today we are going to be here a little longer than many of us had anticipated since we did not leave until the early hours of the morning, but I think since there has been some information spread on the record by a number of speakers with regard to how good House Bill No. 544 is and what it is going to do for senior citizens, that perhaps we should continue to discuss and debate the issue. I just heard, I believe, and I would stand corrected, I would only be too happy to be corrected, but I did hear the previous speaker talk something about dealing with the summer recess and how he would have to paint and use a hammer while other people were using a tennis racket and playing golf. I do not know the relevancy of that except to say that perhaps we will have to hammer out some type of a compromise, and maybe we are trying to sugarcoat and paint over what obviously this bill does not do. I also heard a reference of senior citizens to hogs at a trough and barnyard animals. I would hope that there is no reference being made to senior citizens who are receiving benefits from the Lottery Fund. Incidentally, if memory serves me correctly, the individuals in the Senate today who voted for the Lottery back in the early 1970s are the gentleman from Delaware, Senator Bell, and the gentlemen from Montgomery, Senator Holl and Senator Tilghman, on the Republican side, and the gentleman from Allegheny, Senator Stapleton, the gentleman from Berks, Senator O'Pake, and myself on the Democratic side. So there are 6 of us out of the 50 Members who originally voted back some 25 years ago to make the Lottery available for the sole purpose of funds to be used to benefit senior citizens. And when I look at Senate Bill No. 544, Mr. President, I do not believe that is taking place, and to suggest on the record that it is hogs at the trough that lift up their snouts every time things go around, I do not really understand what the reference is, and I hope the gentleman is not saying that because more and more senior citizens are dependent upon the Lottery and dependent upon a paid prescription PACE program, Mr. President, that we are comparing these people to hogs at the trough, because they are not barnyard animals.

Also, Mr. President, I have a little bit of a problem with the fact that there is a mandatory provision in here that will make senior citizens use generic drugs, unless the doctor states otherwise. We do not have that same mandatory provision for Members of the Senate. We have a paid prescription program,

Mr. President, that is paid for truly by the taxpayer, and the PACE program is paid for truly by the individual who buys the Lottery ticket and is not necessarily the same person who is the taxpayer. We do not say to Members of the Senate, because maybe we are an elite group, that you must also use generic drugs, unless your doctor suggests otherwise, so that we can save money.

Mr. President, this bill does not go far enough. I believe this bill reeks with the political discussion of what may take place in the fall. What is the difference between trying to right the wrong of the Lottery and of the PACE program today? Quite frankly, I support the Governor in his proposal, that we increase the minimum by at least \$1,000, and give people the opportunity to be able to receive the benefits of the PACE program. Senator O'Pake has been talking about doing this for the past 2 years and it has been falling on deaf ears. So for us to proclaim victory today on the part of the senior citizens and say that we have bailed the senior citizens out, we in fact have not done that at all. Why do we not make this retroactive with regard to the benefit? If we are going to say prospectively those who did not qualify for PACE on December 31, 1995, if you were enrolled in PACE and because of an increase you received in Social Security, we are now going to give you the opportunity to accept a generic substitute for what you are receiving now and we are going to be able to do that effective July 1 for a 6-month period of time, and then tell the senior citizens that we have done something for them, let us not be intellectually dishonest with people. Let us tell it the way it is. There is a group of individuals not only in this body but in that other Chamber who want to make this a political football for the fall election. They want to come back in and say to the senior citizens of Pennsylvania in September and October that we have been able to take the lead and now right before the election we are going to guarantee you that we are going to increase the amount of money that you can earn and still qualify for the PACE program. This is a short-sighted approach, Mr. President. It is not doing the job properly for the senior citizens but, unfortunately, if you vote against it here today you are going to be perceived as voting against the needs of senior citizens.

What happens to an individual who because of some particular windfall of money may not have qualified in 1995 for the PACE program, but now that money is gone and they do not have the availability of being able to utilize that money again? Under this proposal, because they did not meet the eligibility requirements in 1995, although they may meet the eligibility requirements in 1996, they cannot reapply for the PACE program. They cannot benefit from a paid prescription drug program that is made available through the receipts of the Lottery program. So let us call this the way it is. This is a very short-sighted approach to try to go ahead because of the criticisms that have been leveled over and over by Members of this Caucus, spearheaded by Senator O'Pake. This bill does not go far enough, and if we do not have the \$20 million right now to increase the minimum by \$1,000, where is it going to come from in October? Can someone in this Chamber tell me where that money is going to come from?

So I just cannot sit back idly, and I realize that there is going to be a response to what I just said, but I just cannot sit back idly and let the people of Pennsylvania believe that we are doing something for them and something for the senior citizens, something for their parents or their grandparents, when in fact we are falling very, very short of what we are supposed to do by extending the program to people who need it. What we are going to do is continue to have senior citizens make the choice between food and drugs. There are too many senior citizens today in Pennsylvania who have to take heart medicine on a daily basis and because they cannot afford it, because they cannot qualify for PACE, and this is not going to make them eligible for PACE, instead of taking it daily they take it every other day or every third day, or they take half the pill today and the other half tomorrow because they cannot afford to pay for the prescription. So if we are going to correct the system, let us correct it. Let us not make our senior citizens second-class citizens by saying it is mandatory now that you must take a generic substitute. Let us extend to them the same privileges that we have extended to ourselves, because the only difference between us, basically, is that they have come under hard times and they do not qualify financially to be able to have their drugs paid for like we do, and they happen to be, in most cases, a little older than we are.

So let us talk about this thing the right way. What we are doing here is applying a tourniquet, Mr. President, and the tourniquet is only going to last for a very, very short period of time. We should be doing the right thing. We should be increasing the amount of money you can still earn and still be eligible for PACE so that senior citizens are treated like they should be treated, like the senior citizens of Pennsylvania who have made everything we have possible, whom we admire and respect. So let us do it the right way. Senate Bill No. 544 is a Band-Aid approach to try to correct a problem, Mr. President, that needs a lot more work than what we have here in Senate Bill No. 544, but, unfortunately, if we do not vote for it, we are going to be perceived as individuals who are not in favor of providing benefits for senior citizens.

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

Senator HECKLER. Mr. President, the remarks just concluded could not more perfectly illustrate the difficulty we are going to have doing the right thing, as the gentleman from Fayette, Senator Kasunic, has urged, if we do not approach this in a bipartisan way and if we are not upfront about all of the difficulties we face.

First off, senior citizens in Pennsylvania are not second-class citizens. The PACE program right now as it stands, before we enhance any of the benefits that we all want to accomplish, is not only the most generous of such a program in the United States, it pays in benefits an amount which equals the total of all, each and all of the other such programs in any of the States that have them. So we certainly right now have made a major and dramatic commitment to our senior citizens. And I was not in the legislature when that was done. My hat is off to the gentlemen who shaped both the PACE program and made the commitment to begin with to

have a Lottery, which is sort of a doubtful idea, but to have it and commit its proceeds to the benefit of senior citizens. So that is number one.

Number two, I do not believe there could have been any misunderstanding, and I am sure that the gentleman from Berks, Senator O'Pake, and the other folks who have been working on this program did not misunderstand whom I was talking about when I talked about hogs at the trough. But since evidently the gentleman from Lackawanna, Senator Mellow, has some confusion about this, let us be very clear and explicit. I am suggesting to you that the behavior of the special interests, the folks who receive all of the money that PACE pays out, now they receive it for either a service rendered in prescribing drugs, filling prescriptions or a service rendered, a product provided in the manufacture of those pharmaceuticals, and they provide a very valuable service to our senior citizens, but they are paid 25 to 30 percent on average more than any other program, either our public Medicaid or any private program pays. And I am telling you, just so we are very clear, that their insistence on that kind of a margin is piggish behavior and it is one which we will have to confront.

And that brings us to the real dilemma which the remarks we have just heard put before us. At the same time the gentleman complains that we are not doing more and that we are not doing it now, and I could not agree with him more, this is a Band-Aid, stopgap, tourniquet, call it what you will, it is what we can accomplish right now, but you cannot on the one hand complain about that and decry that and on the other hand say, but this includes mandatory generics, this is a terrible idea, this is something that we are not sure we want to see. It does not apply to us. For every extension of benefits, we have to find a source of money to pay for them. We are not Washington, we cannot print money. It is not going to fall down out of the sky. We have to identify cost savings. Mandatory generics is simply the least onerous and the most agreed to of several cost savings that need to be imposed in order to accomplish the Governor's mission, in order to accomplish the cost savings of roughly \$40 million, which was proposed in the Governor's budget, and within which we could accomplish the benefit design program that at least I have been advocating.

Other cost-saving measures which apply both to the pharmacists and the pharmaceutical manufacturers are going to be necessary to get this job done. I invite everyone in this Chamber, as well as the representatives of the administration, to join in an open factfinding process. We have identified a number of potential savings. We have looked at ways of tackling potential fraud in the system. Already I look forward to sharing that effort with you through the summer and to taking this show on the road, to letting people, anybody who wants to know throughout the Commonwealth, what the numbers are, what the facts are, take a look at them, and then we will come back. And when we come back in the fall, believe me, it is not senior citizens who any of us want to push back from any benefit, it is the folks who stand between the senior citizens, about 72,000 senior citizens by my count, and the opportunity to receive an enhanced benefit. We are all going to have to do what we get paid to do: stand up, deal with the issue honestly

and pass a piece of legislation we can all be proud of. I am confident we can do that. I look forward to working with the gentleman on that process.

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

Senator MELLOW. Mr. President, in conclusion, I am glad that Senator Heckler made the difference between what he actually meant as the hogs at the trough and the barnyard animals, that he really was referring to the special interests and not to the greed possibly or the need of senior citizens, but I have to point out to you, from this side of the aisle, the track record of this administration is not good in the way they have treated the story of the human interest. Several weeks ago we knocked 220,000 working Pennsylvanians off Medical Assistance. Last week this body voted to, quote, "reform workers' compensation." And in that reform of workers' compensation they put the injured worker, the legitimate injured worker, in jeopardy from he or she being able to collect if, in fact, that person is injured.

Yesterday, Mr. President, we passed a budget that does not address the real needs of the people of Pennsylvania with regard to education. It just does not do that, and I am concerned because when we take a bill like we have here, which is a Band-Aid approach and we then insist that senior citizens must receive generic drugs, that it is mandatory that they receive generic drugs for the purpose of saving an additional \$40 million, and you add into that what has taken place with Medical Assistance, what has happened with workers' compensation, the fact that the budget has not been funded properly with regard to education and the fact that the administration was pushing for an additional \$60 million reduction in taxes to the largest of businesses in Pennsylvania, you have to realize why we have a great reluctance and that we are very cynical, Mr. President, in what is taking place right here and how things are being presented to us. We are concerned that the senior citizen in Pennsylvania is not being fairly dealt with. And Senate Bill No. 544, with the amendment that was placed in it, does not fairly deal with the senior citizen who is in the greatest of need, that person who must be able to provide for him or herself for the life-sustaining prescription that they in fact need.

So, we have some problems with this, Mr. President. We are going to vote to support what the gentleman, Senator Heckler, wants done in this proposal, but we have some great problems because this does not go far enough. And if we had the opportunity on the floor of this Senate right now and we knew it would be acceptable, we immediately would offer the amendment to increase the minimum requirements of money by an additional \$1,000, to make an additional 10,000 or 12,000 people available to give them the opportunity to be able to receive a benefit of a paid prescription drug program that is made possible by the Lottery. And that is our problem. So I am just very, very happy that you at least made the clarification with regard to the special interests and how they have been treating this program.

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

Senator O'PAKE. Mr. President, very briefly. I think these floor discussions have been very enlightening. I think the fact that we have carried on this debate has focused the attention of the people of Pennsylvania on the problem. What I want to make clear today is that this is indeed a temporary fix. And I welcome the Committee on Aging and Youth hearings because we intend to use those hearings to hold their feet to the fire and try to do something to help more senior citizens become eligible. I was the first chairman of the Committee on Aging and Youth back in the 1970s, and as a result of those statewide hearings and the input we received across the State, we now have a Department of Aging and many other senior citizen benefit programs. I would have preferred to vote, as the gentleman from Lackawanna, Senator Mellow, pointed out, on an across-the-board increase raising eligibility for everyone by \$1,000 a year. We are down to 288,000 senior citizens who are now on PACE. At one time, we were at 450,000. So they are dropping from the rolls when they get a Social Security adjustment, but we do not run this Chamber and my suggestion is that we take what we can get, that we at least restore benefits to those who were dropped because they got a cost-of-living adjustment from Social Security in 1996, and with the 6-month sunset, it forces this body and the other body to come up with a solution that will make PACE more available to more deserving senior citizens. The Lottery can only sustain so much.

In conclusion, I would like to say that this is, yes, a temporary fix, but it is the best we can do today. We will come back and try to do a better job. The Committee on Aging and Youth hearings, I think, are a good idea, and in the fall we will know whether or not the Majority in here is really committed to improving the benefits for more senior citizens.

In conclusion, I urge everybody to play the Lottery so that more senior citizens can qualify for these benefits.

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate 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.

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, first, for any Members who did not have an opportunity to have lunch yet, to do that. I would ask all Republican Members to report to the first floor caucus room at 2:30 for the purpose of a Republican caucus.

For the information of the Members, it is my understanding that we still have a number of bills coming over from the House, and I would ask the Members to bear with us as the day moves on.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I do not know if we are in need of a caucus. I would just like to tell the Democratic Members that if we are, we will place a call through the Chair, but at this point in time I do not know if that is necessary.

The PRESIDENT. For purposes of Members to enjoy lunch and a Republican caucus to start at approximately 2:30 p.m., the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1432 (Pr. No. 2184) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1432?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1432.

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

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

YEAS—49

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

NAYS—0

A 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
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 564, 674, 1181, 1251, 1254, 1344, 1345, 1346, 1374, 1496, 1600, and House Bill No. 1130, as well as certain nominations.

RECESS

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

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

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to be held in the Rules room in the rear of the Chamber, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

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

HB 2064 (Pr. No. 3914) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the designation of certain scenic byways; and 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 special library registration plates, for the State-owned and State-related institution scholarship funds, for a special Pennsylvania College of Technology registration plate, for the Pennsylvania College of Technology Scholarship Fund and for a Guardian of Liberty plate; and creating the Guardian of Liberty Memorial Fund.

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 BILL ON THIRD
CONSIDERATION AND FINAL PASSAGE

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 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.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 31 (Pr. No. 2190) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments, for certificates of authority for issuance of nonassessable policies, for life and endowment insurance and annuities, for alternative plan of conversion and for mutual companies insolvent or in hazardous financial condition.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

BILLS OVER IN ORDER

HB 225 and HB 299 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

Considered the 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
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 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.

BILLS OVER IN ORDER

HB 1053, SB 1158 and SB 1291 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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
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
Gerlach

Madigan

Schwartz

Williams

NAYS—0

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

Ordered, That the Secretary of the Senate 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 1466 (Pr. No. 2211) -- 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; further providing for expungement of certain criminal records; and providing 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 PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, just very briefly on Senate Bill No. 1466, in community after community we are working hard to improve the job base to hold on to and attract manufacturing, retailing, and other commercial establishments and the jobs involved. Economic competition is tough these days, but it is even tougher when some of the competition that business must face comes, unfortunately, from product counterfeiters. Medicines, baby formula, clothing, jewelry, auto parts, computers, software, the list of bogus products is absolutely staggering.

Pennsylvania suffers from the problem. Experts believe that Philadelphia, for example, may rank only behind New York City and Los Angeles as a hotbed of hot products. Where this goes unchecked, we all pay a price in job losses, higher costs, and health and safety risks. Other States are acting to make product counterfeiting a serious crime, and Pennsylvania should, too. By increasing the penalties, we raise the stakes in terms of enforcement and prosecution. These are not nuisance crimes. This activity hurts the economy and jeopardizes consumer safety. While a rip-off artist might treat a fine just as another cost of doing illegal business, a jail term is a greater deterrent.

Clearly, Mr. President, we have an obligation to crack down on this dangerous and fraudulent activity. It is a rare chance that we have to vote on a bill that is proconsumer, proworker, and probusiness. This measure is, and I urge its approval.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 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 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.

BILLS OVER IN ORDER

SB 1493 and SB 1521 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1711 (Pr. No. 3910) -- 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.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

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

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for utility trailers and for the designation of certain scenic byways; further providing for application for certificate of title by agent, for vehicle registration periods of less than one year, for temporary registration cards, for duties of agents, for suspension or revocation of vehicle business registration plates, for financial responsibility, for a steelworker registration plate, for chemical testing to determine amount of alcohol or controlled substance, for commercial drivers' licenses, for annual hauling permit, for exemptions from the motor carriers road tax; providing for prohibiting minors from operating with any alcohol in their

systems; further providing for driving under influence of alcohol or controlled substance, for homicide by vehicle while driving under the influence, for accidents involving death or personal injury while not properly licensed, for semiannual vehicle inspections, for issuance of certificate of inspection and for conditions of permits and security for damages; providing for movement of wooden structures; further providing for authorization of salvors; providing for installing pilot programs for motor vehicle license transactions, for liability insurance and for penalties; further providing for securing loads in vehicles and for containerized cargo; and making a repeal.

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 AMENDED

HB 1855 (Pr. No. 3909) -- 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. A5730:

Amend Bill, page 4, by inserting between lines 13 and 14:
Section 4. The addition of Section 3(g.1) of the act shall apply retroactively to January 1, 1990.

Amend Sec. 4, page 4, line 14, 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.

BILLS OVER IN ORDER

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

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

HB 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 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 AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5707:

Amend Title, page 1, line 4, by striking out "Commerce" and inserting: Community and Economic Development

Amend Sec. 2, page 2, line 22, by striking out "Commerce" and inserting: Community and Economic Development

Amend Sec. 2, page 6, line 5, by striking out "Commerce" and inserting: Community and Economic Development

Amend Sec. 2, page 6, line 7, by striking out "Commerce" and inserting: Community and Economic Development

Amend Sec. 3, page 6, line 17, by striking out "Commerce" and inserting: Community and Economic Development

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

HB 2668 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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.

SECOND CONSIDERATION CALENDAR

BILL LAID ON THE TABLE

SB 1479 (Pr. No. 2101) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the provision of certain stimulants to minors; and providing penalties.

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

BILLS OVER IN ORDER

SB 1502 and SB 1506 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 1533 (Pr. No. 1983) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for mandatory minimum penalty for possession of a controlled substance by an inmate.

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

BILLS OVER IN ORDER

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

SURPLUS PROPERTY DISPOSITION PLAN No. 1, RESOLUTION A, ADOPTED

Senator LOEPER, without objection, called up from page 9 of the Calendar, **Surplus Property Disposition Plan No. 1, Resolution A**, entitled:

Resolved, That Surplus Property Disposition Plan No. 1 of 1995, transmitted by the Governor under The Administrative Code of 1929 to the General Assembly under date of June 11, 1996 which is incorporated herein by reference be approved.

On the question,
Will the Senate adopt the resolution?

Senator LOEPER. Mr. President, I move that the Senate do adopt Surplus Property Disposition Plan No. 1, Resolution A.

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

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

YEAS—49

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

NAYS—0

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 208** and **SB 537**, 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.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for approximately 20 minutes until 6:15, at which time I request a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber. It is my understanding in order to have the material prepared for that meeting it is still about 15 minutes away yet, and if we could stand in recess until 6:15 to hold that meeting.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at approximately 6:15, the Senate stands in recess.

ANNOUNCEMENT OF COMMITTEE MEETING

The following announcement was made by the Clerk:

The Committee on Rules and Executive Nominations has been given permission to add Senate Bill No. 208 to its committee meeting to be held off the floor today in the Rules room.

AFTER RECESS

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

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

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

SB 1325 and SB 1353.

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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 ACCOUNTANCY

June 28, 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, John W. Kuhn, 2906 William Penn Highway, Easton 18045, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor

is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

June 28, 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, Samuel Cali, 303 West Elm Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice William C. Cole, Sr., Chinchilla, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

June 28, 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, Joseph M. Cognetti, 238 Vassar Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

June 28, 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, Theodore J. Giglio, 100 Alirosa Lane, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Dominick Touch, Archbald, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

June 28, 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, Wanda Neyman, 813 Lincoln Street, Dickson City 18519, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Charles LeStrange, Scranton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

June 28, 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, Nick Trunzo, 1732 Bulwer Street, Scranton 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Frank Russo, Scranton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHARMACY

June 28, 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, Frank A. Rubino, 7836 Lexington Avenue, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until May 17, 2000 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Francis R. Wiercinski, Dickson City, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 28, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul D. Halliwell, 60 Country Club Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 28, 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, Kwan H. Won, M.D., 135 Sample Bridge Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 28, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert E. Gregory, 721 East 28th Division Highway, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 28, 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, Pattee J. Miller, 855 North Park Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE**

June 28, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George R. Tufts (Republican), 620 West Main Street, Smethport 16749, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1998, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

MEMBER OF THE STATE BOARD OF NURSING

June 28, 1996

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 1996 for the appointment of Valerie Smith (Public Member), 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Nursing, to serve until November 10, 1998 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Brenda Kahe, Pittsburgh, resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

**HOUSE ADOPTS REPORT OF COMMITTEE
OF CONFERENCE**

The Clerk of the House of Representatives informed the senate that the House has adopted the Report of the Committee of Conference on Senate Bill No. 1583.

**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 Senate amendments to House amendments to SB 284.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 1689, HB 2041, HB 2360, HB 2536 and HB 2580.

REPORTS FROM COMMITTEES

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

SB 208 (Pr. No. 2219) (Rereported) (Concurrence)

An Act providing for the transfer of certain roadways between the County of Lackawanna and the Department of Transportation and for the adoption of Township Road 632 in Susquehanna County as a State highway; directing the Department of Transportation to transfer a portion of Maclay Street in the City of Harrisburg to the City of Harrisburg and to assume temporary responsibility for the Paxtang Parkway in the Borough of Paxtang and the Township of Swatara from the City of Harrisburg; and providing for the transfer of a road-

way from the Borough of Wormleysburg, Cumberland County, to the Department of Transportation; authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to convey to the 900 North Broad Corporation certain real estate situate in the City and County of Philadelphia and the Commonwealth of Pennsylvania; and making repeals.

SB 564 (Pr. No. 1999) (Rereported) (Concurrence)

An Act amending the act of July 10, 1990 (P. L. 404, No. 98), entitled "Real Estate Appraisers Certification Act," further providing for certification, for applications, for qualifications, for disciplinary measures and for scope of practice; and making a repeal.

SB 674 (Pr. No. 2214) (Amended) (Rereported) (Concurrence)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "The Borough Code," providing for budget and tax ordinances; and further providing for Commissions of Waterworks.

SB 1181 (Pr. No. 2183) (Rereported) (Concurrence)

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," regulating mobile home space recovery; and providing for recovery of mobile home space.

SB 1251 (Pr. No. 2215) (Amended) (Rereported) (Concurrence)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," transferring the Scotland School for Veterans' Children from the Department of Education to the Department of Military and Veterans Affairs; providing for a Pennsylvania Historical and Museum Commission Volunteer Program; further providing for the Aviation Restricted Account; specifically authorizing collective bargaining between school administrators in school districts of the first class and their public employers; providing for arbitration in order to settle disputes; requiring compliance with collective bargaining agreements and findings of arbitrators; providing for pay to certain inspectors, for contribution to Korea-Vietnam Memorial National Education Center and for an exclusion from sales and use tax; making repeals; and making editorial changes.

SB 1254 (Pr. No. 2216) (Amended) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of possessing instruments of crime; providing for liability for reimbursement of costs for outside counsel; further providing for corruption of minors; permitting persons to construct, deliver, convert or repair vessels equipped with gambling devices; and imposing a penalty.

SB 1344 (Pr. No. 2217) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," further providing for powers, for a limitation on certain employment and for joint audits.

SB 1345 (Pr. No. 2109) (Rereported) (Concurrence)

A Supplement to the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," requiring the commission to adopt competitive purchasing, equal opportunity employment and competitive hiring practices.

SB 1346 (Pr. No. 2110) (Rereported) (Concurrence)

An Act amending the act of May 8, 1919 (P. L. 148, No. 102), entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River," adding members of the commission.

SB 1374 (Pr. No. 2218) (Amended) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the unauthorized practice of law and for reappointment of district justice; further providing for the Judicial Computer System Augmentation Account and for scope of chapter relating to limitation of time; providing for assignment to orphans' court; regulating rental purchase transactions; and making a repeal.

SB 1496 (Pr. No. 2221) (Amended) (Rereported) (Concurrence)

An Act providing for the capital budget for the fiscal year 1996-1997; itemizing public improvement projects and furniture and equipment projects and redevelopment assistance projects to be constructed, acquired or assisted by the Department of General Services, together with their estimated financial costs; incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services; stating the useful life of the projects; authorizing certain contract provisions; making appropriations; and making repeals.

SB 1600 (Pr. No. 2208) (Rereported) (Concurrence)

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

HB 1130 (Pr. No. 3932) (Amended) (Rereported)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for emergency powers of the mayor or chief executive, for sales of personal property, for regulations concerning contracts and for limited vested pension benefits.

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

HB 837 (Pr. No. 3930) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for certain contracts and payments; providing for a standard employment application form for school districts for certain applicants and for grants relating to computers in education; and further providing for school subsidies, for eligible lists of persons qualified to teach, for special education, for reports related to special education payments and for certain court-ordered payments.

CONSIDERATION OF CALENDAR RESUMED

HB 2668 CALLED UP

HB 2668 (Pr. No. 3643) -- Without objection, the bill, which previously went over in its order temporarily, was called

up, from page 7 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5765:

Amend Title, page 1, lines 1 through 6, by striking out all of said lines and inserting:

To enhance job creation and economic development by providing for an annual financing strategy, for opportunity grants, for job creation tax credits, for small business assistance and for the Small Business Advocacy Council; conferring powers and duties on various administrative agencies and authorities; further providing for various funds; and making repeals.

Amend Bill, page 1, lines 9 through 19; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 4, by striking out all of said lines on said pages and inserting:

CHAPTER 1 PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Job Enhancement Act.

Section 102. Intent and purpose.

It is the intent of this act and its purpose shall be:

(1) To create a partnership of State government and private industry to provide resources to enhance business development in this Commonwealth.

(2) To attract major enterprise to this Commonwealth and to secure the expansion or preservation of existing industry within this Commonwealth.

(3) To provide a comprehensive strategy for the Commonwealth to respond to the need for job creation and economic development.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Community and Economic Development of the Commonwealth.

"Developer." Any person, partnership, corporation or other for-profit business entity or any nonprofit corporation, that has as a purpose the promotion or construction of industrial development projects and that is engaged in the development of real estate for use by more than one company.

"Export service enterprise." A person, partnership, corporation or other for-profit business entity that renders more than half of its sales or services to customers outside of this Commonwealth.

"Financing programs." All of the following programs:

(1) The Pennsylvania Industrial Development Authority.

(2) Pennsylvania Economic Development Financing Authority.

(3) Pennsylvania Minority Business Development Authority

Board.

(4) The Infrastructure Development Program.

(5) The Opportunity Grant Program.

(6) The Industrial Sites Reuse Program.

(7) The Customized Job Training Program.

(8) The Machinery and Equipment Loan Program.

(9) The Small Business First Program.

(10) Job Creation Tax Credit.

(11) Any other similar program operated by the department.

"Private matching funds." Any new private investment made by a company or developer in a facility or infrastructure improvement at the site of the enterprise, as provided by the department in guidelines under section 702(a).

"Research and development enterprise." A person, partnership, corporation or other for-profit entity engaged in the discovery of new and the refinement of known substances, processes, products, theories and ideas.

"Secretary." The Secretary of Community and Economic Development of the Commonwealth.

CHAPTER 3 ANNUAL FINANCING STRATEGY

Section 301. Annual financing strategy.

(a) Development.—The department shall develop, in consultation with each board which administers a financing program within the department, an annual financing strategy which sets forth in detail the terms and conditions under which the department's financing programs will be administered during the upcoming fiscal year. In developing the annual financing strategy, the department shall gather input and recommendations from businesses, community leaders and organizations, legislators and private citizens.

(b) Contents.—The annual financing strategy shall include the following:

(1) A financial audit or statement of operations for each financing program.

(2) A narrative description of accomplishments during the preceding fiscal year.

(3) A description of the parameters of operation for the financing programs during the upcoming fiscal year.

(4) A description of the performance measurements and accountability factors to be applied and the performance targets or goals to be met.

(5) A description of long-range planning for the financing programs through the next five fiscal years.

(6) A listing of, and details regarding, loans, grants or credits approved by the financing programs during the fiscal year and a description of each.

(7) A review of pending projects.

(c) Submission.—The final annual financing strategy shall be presented to the General Assembly, by submitting the strategy to the Secretary of the Senate and the Chief Clerk of the House of Representatives and the Chairman of the Appropriation Committee of the Senate and the Chairman of the Appropriation Committee of the House of Representatives concurrent with the submittal of the annual budget message.

(d) Review.—The General Assembly shall utilize the annual financing strategy in the consideration and development of appropriations and legislation for economic development.

CHAPTER 7 OPPORTUNITY GRANT PROGRAM

Section 701. Establishment of program.

There is established within the department the Opportunity Grant Program, for the purpose of securing job-creating economic development opportunities, including the expansion or preservation of existing industry within this Commonwealth.

Section 702. Guidelines.

(a) Development.—The department shall develop written guidelines for the use of the Opportunity Grant Program, which shall address the geographic diversity of funded projects, limits on the amount of funds available for any single project, eligible uses of funds, standards for eligibility and a mechanism for insuring that recipient projects maintain operations within this Commonwealth for an appropriate period of time.

(b) Use.—No projects may be approved until the written guidelines have been completed and copies of the guidelines have been submitted to the General Assembly.

Section 703. Eligibility.

(a) Entities.—The following entities shall be eligible to receive grants from the Opportunity Grant Program:

- (1) Municipalities.
- (2) Industrial development authorities and agencies.
- (3) Municipal or redevelopment authorities.
- (4) Developers engaged in the development of real estate for use by more than one company.
- (5) Companies.

(b) Enterprises.—The following types of enterprises shall be eligible to receive grants from the program:

- (1) An agricultural enterprise.
- (2) An industrial enterprise.
- (3) A manufacturing enterprise.
- (4) A research and development enterprise.
- (5) An export service enterprise.
- (6) An enterprise which would offer a significant economic impact, as determined by the department.

(c) Use.—A grant under this chapter may be used for costs necessary for the development or operation of an eligible project at a specific site in this Commonwealth.

(d) Limit.—An applicant may not receive money under this chapter for more than two consecutive fiscal years for the same project.

Section 704. Uses.

(a) Eligible uses.—Eligible uses of awards under this chapter include:

- (1) Job training.
- (2) Construction or rehabilitation of infrastructure.
- (3) Acquisition of land, buildings and rights-of-way.
- (4) Construction or rehabilitation of buildings.
- (5) Purchase or upgrading of machinery and equipment.
- (6) Working capital.
- (7) Site preparation including demolition and clearance.
- (8) Environmental assessments.
- (9) Remediation of hazardous material.
- (10) Architectural and engineering fees up to 10% of the award.

(b) Ineligible uses.—Ineligible uses for awards under this chapter include:

- (1) Refinancing or retirement of existing debt.
- (2) Cost unrelated to expansion or location at a site in this Commonwealth.

Section 705. Requirements.

(a) Private match.—Applications for assistance under this chapter must include a written commitment from the applicant to invest private matching funds at the project site. The amount of private matching funds must be at least \$4 for every \$1 of Opportunity Grant Program assistance.

(b) Economic impact.—Program applications must identify the economic impact of the project to the region and the estimated impact on State and local revenues.

(c) Security.—The department may require a company or developer that receives program assistance to secure a possible penalty obligation under section 706 with a mortgage lien, a letter of credit or other collateral.

Section 706. Penalties.

An eligible entity that fails to create the number of jobs specified in funded application or that fails to inject the required amount of private matching funds into the project shall be liable for a penalty of up to the full amount of the grant plus an additional payment of up to 10% of the amount of the grant, unless the penalty is waived by the department because the failure is due to circumstances outside the control of the eligible entity. The penalty shall be payable in one lump sum or in installments, with or without interest, as the department deems appropriate.

CHAPTER 9

JOB CREATION TAX CREDIT

Section 901. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Base period." The three years preceding the date on which a company may begin creating new jobs which may be eligible for job creation tax credits.

"Job creation tax credits." Tax credits for which the department has issued a certificate under this chapter.

"New job." A full-time job, the average hourly rate, excluding benefits, for which must be at least 150% of the Federal minimum wage, created within a municipality located in this Commonwealth by a company within three years from the start date.

"Start date." The date on which a company may begin creating new jobs which may be eligible for job creation tax credits.

"Year one." A one-year period immediately following the start date.

"Year three." A one-year period immediately following the end of year two.

"Year two." A one-year period immediately following the end of year one.

Section 902. Eligibility.

In order to be eligible to receive job creation tax credits, a company must demonstrate to the department the following:

(1) The ability to create the number of jobs required by the department within three years from the start date.

(2) Leadership in the application, development or deployment of leading technologies.

(3) Financial stability and the project's financial viability.

(4) The intent to maintain operations in this Commonwealth for a period of five years from the date the company submits its tax credit certificate to the Department of Revenue.

(5) An affirmation that the decision to expand or locate in this Commonwealth was due in large part to the availability of a job creation tax credit.

Section 903. Application process.

(a) Application.—A company must complete and submit to the department a job creation tax credit application.

(b) Creation of jobs.—The applicant must agree to create at least 25 new jobs or to increase the applicant's number of employees by at least 20%, within three years of the start date.

(c) Approval.—If the department approves the company's application, the department and the company shall execute a commitment letter containing the following:

(1) A description of the project.

(2) The number of new jobs to be created.

(3) The amount of private capital investment in the project.

(4) The maximum job creation tax credit amount the company may claim.

(5) A signed statement that the company intends to maintain its operation in this Commonwealth for five years from the start date.

(6) Such other information as the department deems appropriate.

(d) Commitment letter.—After a commitment letter has been signed by both the Commonwealth and the company, the company shall receive a job creation tax credit certificate and filing information.

Section 904. Tax credits.

(a) Maximum amount.—A company may claim a tax credit of \$1,000 per new job created up to the maximum job creation tax credit amount specified in the commitment letter.

(b) Determination of new jobs created.—

(1) New jobs shall be deemed created in year one to the extent that the company's highest employment quarter during year one exceeds the company's average monthly employment level during the company's base period.

(2) New jobs shall be deemed created in year two to the extent that the company's highest employment quarter during year two exceeds the company's highest employment quarter during year one.

(3) New jobs shall be deemed created in year three to the extent that the company's highest employment quarter during year three exceeds the company's employment quarter during year two.

(c) Applicable taxes.—A company may apply the tax credit to 100% of the company's State corporate net income tax, capital stock and franchise tax or the capital stock and franchise tax of a shareholder of the company if the company is a Pennsylvania S corporation, gross premiums tax, gross receipts tax, bank and trust company shares tax, mutual thrift institution tax, title insurance company shares tax, personal income tax or the personal income tax of shareholders of a Pennsylvania S corporation or any combination thereof.

(d) Tax credit term.—A company may claim the job creation tax credit for each new job created, as approved by the department, for a period determined by the department, but not to exceed five years from the date the company first submits a job creation tax credit certificate to the Department of Revenue.

(e) Maximum.—The total amount of all tax credits approved in a year under this chapter shall not exceed \$15,000,000.

Section 905. Prohibitions.

(a) Prohibitions.—The following actions with regard to job creation tax credits are prohibited:

(1) Approval of jobs that have been created prior to the start date.

(2) Approval for a company which is relocating operations from one municipality in this Commonwealth to another, unless special circumstances exist and the municipality that is losing the existing jobs has an opportunity to submit comments prior to action by the department. If the department approves the tax credits, the company must commit to preserving the existing employees, and the credit shall apply only to the new jobs.

(3) The assignment, transfer or use of credits by any other company.

(b) Allocations.—Twenty-five percent of all tax credits approved in any fiscal year shall be available to companies with fewer than 26 employees.

Section 906. Penalties.

(a) Failure to maintain operations.—A company which receives job creation tax credits and fails to substantially maintain existing operations and the operations related to the job creation tax credits in this Commonwealth for a period of five years from the date the company first submits a job creation tax credit certificate to the Department of Revenue shall be required to refund to the Commonwealth the total amount of credit or credits granted.

(b) Failure to create jobs.—A company which receives job creation tax credits and fails to create the approved number of new jobs within three years of the start date will be required to refund to the Commonwealth the total amount of credit or credits granted.

(c) Waiver.—The department may waive the penalties outlined in subsections (a) and (b) if it is determined that a company's operations were not maintained or the new jobs were not created because of circumstances beyond the company's control. Such circumstances include natural disasters, unforeseen industry trends or a loss of a major supplier or market.

CHAPTER 13

SMALL BUSINESS FIRST PROGRAM

Section 1301. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agricultural processor." A person or entity that adds value by subjecting one or more farm commodities to a process of manufacture, development or preparation for sale; a person or entity that converts a farm product into a marketable form, including, but not limited to, livestock by slaughtering, fruits and vegetables by canning and freezing and forest products by secondary processing.

"Apparel products." Products manufactured, woven, cut, sewn or otherwise similarly processed by mechanical or human effort from fabrics, leather or cloth made for use as clothing, shoes or other attire.

"Area loan organization." A local development district, an industrial development agency organized and existing under the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act, or any other nonprofit economic development organization certified by the department as possessing the qualifications necessary to evaluate and administer loans made under this chapter.

"Capital development project" or "project." Land, buildings, equipment and machinery and working capital which is acquired, constructed, renovated or used by a small business enterprise:

(1) As part of a for-profit project or venture not of a mercantile or service-related nature, except for hospitality industry projects.

(2) To bring a small business enterprise into compliance with Federal or State environmental laws or regulations or to complete an approved remediation project or to permit the small business enterprise to adopt generally acceptable pollution prevention practices.

(3) To provide assistance to small business enterprises that are recyclers of municipal or commercial waste or that are manufacturers using recycled municipal or commercial waste materials.

(4) To assist a small business enterprise with defense conversion activities.

(5) For the manufacture of products to be exported out of the United States by a small business enterprise as part of a for-profit project or venture not of a mercantile or service-related nature, except for export-related services and international export-related mercantile ventures or advanced technology and computer-related services and mercantile ventures, which will increase this Commonwealth's national or international market shares.

"EDA loans." Loans made under this act, utilizing funds made available to the department under the Public Works and Economic Development Act of 1965 (Public Law 89-136, 42 U.S.C. § 3121, et seq.).

"Farm commodity." Any Pennsylvania-grown agricultural, horticultural, aquacultural, vegetable, fruit and floricultural product of the soil, livestock and meats, wools, hides, furs, poultry, eggs, dairy products, nuts, mushrooms, honey products and forest products.

"Hospitality industry project." A for-profit project or venture that involves a small business enterprise which operates a hotel, motel or other lodging facility and which employs at least five full-time equivalent employees at the time an application is submitted to the department for financing. The term also includes a for-profit project or venture that involves a small business enterprise which operates a restaurant or food service operation open to the public which has been in continuous operation for at least five years and employs at least five full-time equivalent employees at the time an application is submitted to the area loan organization for financing.

"Small business enterprises." A for-profit corporation, partnership or proprietorship which meets the eligibility requirements established by the department. The term shall include, but is not limited to, small business enterprises located in small business incubator facilities, small business enterprise which are agricultural processors and small business enterprises which manufacture apparel products.

"Working capital." Capital used by a small business enterprise for operations, excluding fixed assets and production machinery and equipment.

Section 1302. Small Business First Fund.

(a) Creation.—There is hereby created a special revolving fund in the State Treasury, to be known as the Small Business First Fund, to which shall be credited all program appropriations made by the General Assembly for this chapter, Federal funds made available under the Public Works and Economic Development Act of 1965, (Public Law 89-136, 42 U.S.C. § 1321 et seq.), or any other statute, regulation or program, all proceeds from loan repayments and any and all other deposits, payments and contributions from any other source made available to the department for the purposes of this chapter.

(b) **Accounts.**—Except as otherwise provided in this section or as otherwise required by the Economic Development Administration for use of Federal funds under the Public Works and Economic Development Act of 1965, all moneys held in the Small Business First Fund as of the effective date of this chapter shall be consolidated into one account, and all previously created account categories based on the loan classes that were formerly delineated in the act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act, shall be eliminated. After the effective date of this chapter, within the Small Business First Fund, there shall be accounts as described in this act, including an account for Federal accounting purposes. After consolidation of the accounts, all moneys held in the Small Business First Fund shall be available for use in accordance with of this chapter.

(c) **Requisitions.**—The department shall requisition from the Small Business First Fund such amounts as are necessary to provide adequate funds for payments under this chapter. Moneys available in the Small Business First Fund may be used by the department and by area loan organizations, as approved by the department, for administrative costs. Area loan organizations may establish and charge reasonable processing fees with the approval of the department. When and as the amounts so allocated and appropriated by the department as loans are repaid to the department pursuant to the terms of the bonds, notes or other agreements made and entered into by the department, the department shall pay such amounts into the Small Business First Fund.

(d) **Credits to Small Business First Fund.**—All appropriations, deposits and contributions made to the Small Business First Fund shall be credited in full to the Small Business First Fund and earnings on the moneys held in the Small Business First Fund shall also be credited to the Small Business First Fund for the purposes of this chapter.

(e) **Loans receivables.**—The department shall have authority to utilize the outstanding portfolio of loans made under this chapter to raise additional funds by selling, securing, hypothecating or otherwise using such loan proceeds as a financing vehicle, provided that the funds so raised shall be used by the department solely for:

(1) The making of new and additional loans in accordance with the purposes of this chapter.

(2) Costs associated with the financing.

Section 1303. Eligibility for, and terms and conditions of loans.

(a) **EDA loans.**—Eligibility requirements for EDA loans shall be established by the department and shall be consistent with the requirements imposed by the Economic Development Administration for use of Federal funds under the Public Works and Economic Development Act of 1965, (Public Law 89-136, 42 U.S.C. § 1321 et seq.).

(b) **Terms and conditions.**—

(1) The department may make advances from the Small Business First Fund, subject to the terms, conditions and restrictions provided under this chapter, to area loan organizations for the purpose of making loans to eligible small enterprises for capital development projects which demonstrate a substantial likelihood of creating or preserving employment opportunities. All loans shall be limited to projects that demonstrate the creation or preservation of one job for every \$25,000 received from the Small Business First Fund.

(2) No loans shall be made which would do any of the following:

(i) Cause, aid or assist in, directly, the relocation of any business operations from one part of this Commonwealth to another, unless there is at least a 25% net increase in employment.

(ii) Refinance any portion of the total project cost or other existing loans or debt.

(iii) Finance projects located outside the geographic boundaries of this Commonwealth.

(iv) Provide funds, directly or indirectly, for payment, distribution, or as loan owners, partners or shareholders of the small business enterprise, except as ordinary compensation for services rendered.

(v) Provide funds for speculation in any kind of property, real or personal, tangible or intangible.

(3) All loans shall carry an interest rate and term, and shall be secured by lien positions on collateral at the highest level of priority as may be determined by the area loan organization with the approval of the department.

Section 1304. Application and administration.

(a) **EDA loans.**—Application and administration procedures for EDA loans shall be established by the department and shall conform in all respects to those procedures required or established by the Economic Development Administration for use of Federal funds under the Public Works and Economic Development Act of 1965 (Public Law 89-136, 42 U.S.C. § 1321 et seq.).

(b) **General procedures.**—

(1) The department may designate an area loan organization to receive loan applications from small business enterprises and administer loan portfolios in each area of this Commonwealth. Applications shall be made to the area loan organization in the form and manner as the department and the area loan organization may require.

(2) Upon receipt of the application, the area loan organization shall investigate and review the application and either approve or disapprove the loan application by proper action of the governing body of the area loan organization. The decision of the area loan organization to approve or disapprove an application shall be based, in whole or in part, upon the following criteria:

(i) Ability of applicant to meet and satisfy all debt service as it becomes due and payable.

(ii) Sufficiency of available collateral, including satisfactory lien positions on real and personal property.

(iii) Relevant criminal and credit history and ratings of the applicant as determined from outside credit reporting services and other sources.

(iv) Number of employment opportunities to be created or preserved by the proposed project.

(v) Conformity or nonconformity of the project, in all respects, to the provisions of this chapter.

(vi) Any additional criteria established by the department.

(3) Upon approval of the loan application by the area loan organization, the area loan organization shall forward the application and all supporting documentation which the department shall require, including a copy of the proper resolution of the governing body of the area loan organization, to the department for review and final approval or disapproval of loans under this act shall be final.

(4) The department shall notify the area loan organization and the applicant of the department's final approval or disapproval of the loan application within 30 business days after the receipt of a completed application. In the case of approval of a loan application, the department shall arrange to draw the loan amount from the Small Business First Fund and advance the sum to the area loan organization. The advance shall be a debt obligation of the loan organization in an amount equal to the amount actually advanced and secured in a manner as the department shall require. Upon receipt of the advance, the area loan organization shall make the advance available to the small business enterprise in the form of a loan transaction, which loan shall be evidenced by a note executed by the small business enterprise, secured in a manner as the area loan organization and the department shall require and conform in all respects to the loan package as approved by the area loan organization and the department.

(5) All loans shall be administered and monitored by the appropriate area loan organization in accordance with policies and procedures prescribed by the department. Each area loan organization shall submit annual reports to the department as the department shall require. The report shall show the following:

(i) Each outstanding loan.

(ii) The date approved.

(iii) The original principal amount.

(iv) The current principal balance.

(v) The interest rate.

(vi) The purpose for which the loan was made.

(vii) An enumeration of any problems or issues which have arisen with regard to each loan.

(viii) A statement regarding the progress of the small business enterprise in creating or preserving its requisite number of employment opportunities.

(ix) Such other information and documentation as the department shall require.

(6) In the event that a small business enterprise shall fail to create or preserve the number of employment opportunities specified in its approved application, the department may impose a penalty equal to an increase in the interest rate to 2% greater than the current prime interest rate for the remainder of the loan. The penalty may be waived by the department because the failure is due to circumstances outside the control of the small business enterprise. The penalty may be payable in one lump sum or in installments, with or without interest, as the department deems appropriate.

(7) The department may take title by foreclosure to a project where acquisition is necessary to protect a loan previously made under this act by the department. The department may pay all costs arising out of the foreclosure and acquisition from moneys held in the Small Business First Fund. The department may, in order to minimize financial losses and sustain employment, lease the project. The department may also purchase first mortgages and make payments on first mortgages on any project where purchase or payment is necessary to protect a loan previously made by the department under this chapter and may sell, transfer, convey and assign such first mortgages, or any payments thereon, which shall be withdrawn from the Small Business First Fund, and any moneys derived from the sale of any first mortgages shall be deposited by the department in the Small Business First Fund.

Section 1305. Other programs.

The department may provide grants and other financial assistance to area loan organizations for the purpose of establishing loan reserve funds or reimbursing loan losses to commercial banks and other financial institutions in order to encourage the expansion and financing of small business enterprises consistent with the purposes of this chapter.

Section 1306. Annual financing strategy.

The department shall set forth in the annual financing strategy submitted to the General Assembly those policies, procedures and guidelines necessary to carry out the provisions of this chapter.

Section 1307. Reporting and inspection.

(a) Inspection.—Each small business enterprise which applies for or receives assistance under this chapter, upon reasonable request of the department or area loan organization, shall permit authorized employees of the department and area loan organization to inspect the plant, books and records of the small business enterprise.

(b) Updating.—Each small business enterprise shall update the information given to the department and area loan organization in the application if conditions change or to the extent that the information given originally becomes inaccurate or misleading.

(c) Periodic reports.—Each recipient of assistance under this chapter shall provide the department and the area loan organization with such periodic financial reports as the department or area loan organization may require until such time as the loan is paid off.

(d) Financial and performance audits.—Each year, each area loan organization shall submit to the department, at the area loan organization's expense. An independent financial audit of the area loan organization. In the event that the audit reveals misconduct of a material nature on the part of the area loan organization, the department may take such action as it deems appropriate.

Section 1308. Capital Loan Fund.

(a) Transfer of existing funds.—As of the effective date of this chapter, all funds, accounts, assets, encumbrances and liabilities located in or associated with the Capital Loan Fund shall be transferred to the Small Business First Fund and shall thereafter be handled in accordance with section 1302. As of the effective date of this chapter, the Capital Loan Fund shall be terminated as a separate account in the State Treasury.

(b) Transfer of future funds.—Any and all funds received by the department for loans made under the act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act, regardless of whether the loans were made before or after the effective date of this chapter, as well as all other funds received by the department in relation to projects which received loan funds under the Capital Loan Fund, shall be returned to the Small Business First Fund established by section 1302.

Section 1309. Air Quality Improvement Fund; Storage Tank Loan Fund; and Recycling Incentive Development Account.

As of the effective date of this chapter, all funds, accounts, assets, encumbrances and liabilities located in or associated with the Air Quality Improvement Fund, the Storage Tank Loan Fund and the Recycling Incentive Development Account shall be transferred to the Small Business First Fund and shall thereafter be handled in accordance with the provisions of section 1302 with the proviso that the funds shall be maintained and accounted for in a separate account of the Small Business First Fund and shall be available for use only for those capital development projects which will bring a small business enterprise into compliance with Federal or State environmental laws or regulations, or which will permit the small business enterprise to adopt generally acceptable pollution prevention practices. Any transfers of moneys from the Department of Environmental Protection to the Small Business First Fund after the effective date of this chapter shall likewise be deposited into the separate account and be available only for the capital development projects described in this section. The department shall report annually to the Department of Environmental Protection on the status of the account and the loans made with the funds. As of the effective date of this chapter, the Air Quality Improvement Fund, the Storage Tank Loan Fund and the Recycling Incentive Development Account shall be terminated as separate accounts within the State Treasury.

Section 1310. Transitional provisions.

The following eligibility requirements and eligible uses shall apply to all requests for funding received after this chapter becomes effective and before submission of the first annual financing strategy:

(1) A small business enterprise with 100 full-time employees or less that proposes to undertake a capital development.

(2) (i) The maximum loan amount for land, buildings and machinery and equipment is \$200,000 or 50% of the total eligible project costs, whichever is less. The maximum loan amount for working capital is \$100,000 or 50% of the total eligible project costs, whichever is less.

(ii) Loans used for real estate shall have a repayment period of up to ten years. Loans used for machinery and equipment shall have a repayment period of up to seven years. Loans used for working capital shall have a repayment period of up to three years. In projects where two or more uses of funds are planned, the loan terms may be blended.

(iii) Interest rates shall be fixed at 5%.

(iv) All loans must be adequately secured.

(3) (i) Applications for assistance under the Capital Loan Fund Act which have been approved prior to the effective date of this act will be processed in accordance with the act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act. Applications for assistance which have been received but which have not been approved prior to the effective date of this chapter will be evaluated and processed in accordance with this chapter.

(ii) Applications for assistance under section 7.13 of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, section 709 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, and the Recycling Incentive Development Account which have been approved prior to the effective date of this chapter shall be processed in accordance with those respective provisions. Applications for assistance which have been received but which have not been approved prior to the effective date of this chapter shall be evaluated and processed in accordance with this chapter.

CHAPTER 17

SMALL BUSINESS ADVOCACY COUNCIL

Section 1701. Legislative intent.

The General Assembly finds and declares as follows:

(1) There are in excess of 250,000 small businesses throughout this Commonwealth which are potentially affected by the laws, regulations, policies and programs put forth by the Commonwealth.

(2) The intent of this chapter is to ensure that the impact on small business of certain Commonwealth policies and programs, laws and regulations receive due consideration and to ensure that the small business community and its experts have the opportunity to provide comment to the department regarding these matters.

Section 1702. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Council." The Small Business Advocacy Council established under this chapter.

"Small business." A person, sole proprietorship, partnership, corporation, association or other business entity that employs fewer than 25 employees.

Section 1703. Small Business Advocacy Council.

(a) Establishment.—The Small Business Advocacy Council is established in order to assist with developing policies and regulations that might affect small business in this Commonwealth. The council shall provide advice relating to the nature of small business practices and problems in this Commonwealth and provide a review of existing policies and regulations which are relevant to small business.

(b) Representative membership.—The council shall consist of 13 members. Members must have a background in small business practices and problems. They must represent present owners and operators of small businesses in this Commonwealth, members of the academic community who have expertise regarding small business practices and problems and professionals who specialize in representing businesses with fewer than 25 employees.

(c) Appointments.—Four of the council members shall be appointed by the Governor. The secretary shall serve ex officio. Two members shall be appointed by each of the following:

- (1) The President pro tempore of the Senate.
- (2) The Minority Leader of the Senate.
- (3) The Speaker of the House of Representatives.
- (4) The Minority Leader of the House of Representatives.

(d) Term.—Each member of this council shall serve for two years.

(e) Organization.—

(1) The secretary shall serve as chairperson.

(2) The council may adopt bylaws or procedural guidelines it deems necessary to accomplish its purposes.

(3) Recommendations, positions and other actions of the council shall require approval by a majority of its members.

(f) Administrative assistance.—The department shall provide appropriate administrative and technical support needed by the council in order to accomplish its purposes. The department shall publish notices of meeting dates, times, locations and a list of topics to be discussed no less than 14 days before the meeting, in accordance with the notice requirements set forth in the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

(g) Mailing list.—The department shall maintain a mailing list of persons who have requested specific notification of meetings and activities of the council. The department shall name a deputy secretary to attend council meetings and serve as the public's liaison to seek and obtain information relating to the council's work.

(h) Access to documents.—The council may request and shall be provided with officially promulgated regulatory and nonregulatory documents of any department regulating or undertaking the regulation of small business in this Commonwealth which the council deems necessary to carry out its purpose.

(i) Expenses.—Members of the council shall be reimbursed for their travel, room and board expenses incurred when attending council meetings.

Section 1704. Regulatory review.

(a) Notification.—Every six months, the department shall provide to the council a list of prospective regulations being considered or developed by any administrative agency which may affect small businesses of this Commonwealth, to the extent that such prospective regulations are known to the secretary.

(b) Conference.—Upon the council's request, the department shall convene representatives of an administrative agency to meet with the council to confer on that administrative agency's regulatory proposals and policy initiatives which might affect small businesses of this Commonwealth.

(c) Written comments.—Written comments regarding the council's position on the proposed regulations shall be provided to the department for transmittal to the administrative agency considering the prospective regulations. These comments shall contain an impact statement and any other information the council deems important for the public to make an informed opinion on the proposals.

(d) Exceptions.—The requirements of subsections (a) and (b) shall not apply to the promulgation of the following regulations relating to small businesses:

- (1) Regulations required by court order to be adopted.
- (2) Regulations necessitated by a Federal or State declaration of emergency.
- (3) Interim regulations which are authorized by statute.

CHAPTER 51

MISCELLANEOUS PROVISIONS

Section 5101. Transfer of Sunny Day Fund loans and commitments.

On July 1, 1996, all outstanding loans closed with Sunny Day Funds and approved Sunny Day Fund loan commitments which have not closed prior to July 1, 1996, along with sufficient funds to provide for the loans, and all documentation and collateral security associated with all the loans shall be transferred to the Pennsylvania Industrial Development Authority. All amounts received or receivable on account of the loans and collateral security shall be revenues of the Pennsylvania Industrial Development Authority and shall be used for any purpose permitted under the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act. Any approved Sunny Day Fund loan commitments which have been closed prior to July 1, 1996, and are transferred to the Pennsylvania Industrial Development Authority shall be closed by the authority with the transferred funds in accordance with the provisions of Chapter 1 of the act of July 1, 1985 (P.L.120, No.32), known as the Sunny Day Fund Act. In the event that any loan commitment is unable to be closed, all transferred funds shall remain with the Pennsylvania Industrial Development Authority. The ability of the Pennsylvania Industrial Development Authority to close the loans and to extend or restructure any outstanding loans closed under the Sunny Day Fund Act shall not be affected by the limitations of the Pennsylvania Industrial Development Authority Act.

Section 5102. Transfer of Pennsylvania Capital Loan Fund, accounts, assets and liabilities.

(a) Transfer of existing funds.—As of the effective date of this chapter, all funds, accounts, assets, encumbrances and liabilities located in or associated with the Capital Loan Fund shall be transferred to the Small Business First Fund and shall thereafter be handled in accordance with the provisions of this act. As of the effective date of this chapter, the Capital Loan Fund shall be terminated as a separate account in the Treasury Department.

(b) Transfer of future funds.—Any and all funds received by the department for loans made under the act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act, regardless of whether the loans were made before or after the effective date of this chapter, as well as all other funds received by the department in relation to projects which received loan funds under the Capital Loan Fund Act shall be returned to the Small Business First Fund established by this act.

Section 5103. Transfer of Air Quality Improvement Fund, Storage Tank Loan Funds and Recycling Incentive Development Account.

As of the effective date of this chapter, all funds, accounts, assets, encumbrances and liabilities located in or associated with Air Quality Improvement Fund, the Storage Tank Loan Fund, and the Recycling Incentive Development Account shall be transferred to the Small Business First Fund and shall thereafter be handled in accordance with the provisions of this act, provided the funds shall be maintained and accounted for in a separate account of the Small Business First Fund and shall be available for use only for those capital development projects which will bring a small business enterprise into compliance with Federal or State environment laws or regulations or which will permit the small business enterprise to adopt generally acceptable pollution prevention practices. Any transfers of moneys from the Department of Environmental Protection to the Small Business First Fund after the effective date of this chapter shall likewise be deposited into the separate account and be available only for capital development projects. The department shall report annually to the Department of Environmental Protection on the status of the separate account and the loans made with funds in the account. As of the effective date of this chapter, the Air Quality Improvement Fund, the Storage Tank Loan Fund and the Recycling Incentive Development Account shall be terminated as separate accounts within the Treasury Department.

Section 5104. Transitional provisions.

(a) Capital Loan Fund applications.—Applications for assistance under the act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act, which have been approved by the department prior to the effective date of this chapter shall be processed in accordance with the provisions of the Capital Loan Fund Act. Applications for assistance which have been received by the department but which have not been approved prior to the effective date of this chapter shall be evaluated and processed in accordance with the provisions of this chapter.

(b) Air Quality Improvement Fund, Storage Tank Loan Fund and Recycling Incentive Development Account applications.—Applications for assistance made under section 7.13 of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, section 709 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, and made to the Recycling Incentive Development Account, which have been approved by the Secretary of Environmental Protection or the Department of Environmental Protection prior to the effective date of this chapter shall be processed in accordance with these respective statutory provisions. Applications for assistance which have been received by the Department of Environmental Protection, but which have not been approved prior to the effective date of this chapter shall be evaluated and processed in accordance with Chapter 13.

Section 5105. Power and authority of the Pennsylvania Economic Development Financing Authority.

In addition to the powers set forth in section 6.3 of the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law, the Pennsylvania Economic Development Financing Authority established under that act shall have the power and is hereby authorized to issue its limited obligation revenue bonds and other types of financing, as in the judgment of the financing authority shall be necessary, to provide sufficient funds for any activity the department or the Pennsylvania Industrial Development Authority is permitted to take with respect to the loan portfolios subject to their respective administrative authority as set forth in section 1302. Bonds authorized to be issued under this section shall not be a debt or liability of the Commonwealth and shall not create or constitute any indebtedness, liability or obligation of the Commonwealth, except to the extent the bonds are secured by the pledge of loan portfolios. Bonds authorized to be issued under this section shall be payable solely from the revenues or funds pledged or available for their repayment.

Section 5106. Public record exemption.

Financial statements, business plans and marketing information submitted to the department by companies seeking or receiving finan-

cial assistance under any of the department's financing programs are not public records for purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

Section 5107. Repeals.

(a) The following acts and parts of acts are repealed:

Act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act.

Act of July 2, 1984 (P.L.568, No.113), known as the Employee-Ownership Assistance Program Act.

Chapter 1 of the act of July 1, 1985 (P.L.120, No.32), known as the Sunny Day Fund Act.

Section 709 of the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act.

(b) The following acts and parts of acts are repealed insofar as they are inconsistent with this act:

The second sentence of section 5.2(a) and section 13.1 of the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act.

Section 10 of the act of December 20, 1985 (P.L.492, No.116), known as the Customized Job Training Act.

Section 702(h) of the act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act.

Chapter 7 of the act of June 27, 1996 (P.L. , No.58), known as the Community and Economic Development Enhancement Act.

Section 5108. Effective date.

This act shall take effect July 1, 1996, or immediately, whichever is later.

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 1334 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 1334, Printer's No. 3371, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 11

BILL AMENDED

HB 1334 (Pr. No. 3371) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for stadium and restaurant licenses in third class cities.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5757:

Amend Title, page 1, line 18, by striking out all of said line and inserting: use of The State Stores Fund.

Amend Sec. 1, page 4, lines 13 through 25, by striking out all of said lines and inserting:

Section 1. Section 802 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a subsection to read:

Section 802. Moneys Paid Into The State Stores Fund for Use of the Commonwealth.—* * *

(g) The sum of five million dollars (\$5,000,000) shall be transferred from the State Stores Fund in accordance with subsection (f) to the Children's Health Fund for health care for indigent children established by section 1296 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," to carry out the provisions of the act of December 2, 1992 (P.L.741, No.113), known as the "Children's Health Care Act," for the fiscal year July 1, 1996, to June 30, 1997. Funds transferred under this subsection shall not be subject to the limitation set forth in section 3101 of the "Children's Health Care Act."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 14

SENATE CONCURS IN HOUSE AMENDMENTS

SB 564 (Pr. No. 1999) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P. L. 404, No. 98), entitled "Real Estate Appraisers Certification Act," further providing for certification, for applications, for qualifications, for disciplinary measures and for scope of practice; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 564?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 564.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1181 (Pr. No. 2183) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," regulating mobile home space recovery; and providing for recovery of mobile home space.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1181?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1181.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1345 (Pr. No. 2109) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," requiring the commission to adopt competitive purchasing, equal opportunity employment and competitive hiring practices.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1345?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1345.

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

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

YEAS—49

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1346 (Pr. No. 2110) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 8, 1919 (P. L. 148, No. 102), entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River," adding members of the commission.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1346?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1346.

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

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

YEAS—29

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

NAYS—20

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

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1600 (Pr. No. 2208) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1600?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1600.

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

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

YEAS—49

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

NAYS—0

A 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. 2**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2666 (Pr. No. 3927) -- 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 Community and Economic Development, for eligibility requirements and application procedures; 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 PRESIDENT pro tempore. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, before we vote on House Bill No. 2666, which essentially is the package of the restructuring of grants and loans and infrastructure programs for the new Department of Community and Economic Development, I would like to note for the record that earlier today the gentleman from Butler, Senator Shaffer, who heads the Committee on Community and Economic Development, expressed to us many of his concerns about the merging of these programs. However, Mr. President, I believe that it sets a new tone and a new direction for a new department, and I would ask for an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Shaffer

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. 3**

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

HB 837 (Pr. No. 3930) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for certain contracts and payments; providing for a standard employment application form for school districts for certain applicants and for grants relating to computers in education; and further providing for school subsidies, for eligible lists of persons qualified to teach, for special education, for reports related to special education payments and for certain court-ordered payments.

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—48

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

NAYS—1

Schwartz

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. 5**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1855 (Pr. No. 3931) -- 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.

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. 4**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 674 (Pr. No. 2214) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "The Borough Code," providing for budget and tax ordinances; and further providing for Commissions of Waterworks.

On the question,
Will the Senate concur in House amendments, as amended, to Senate Bill No. 674?

Senator LOEPER. Mr. President, I move that the Senate do concur in the House amendments, as amended, to Senate Bill No. 674.

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

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

YEAS—49

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

NAYS—0

A 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. 6**

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

HB 1130 (Pr. No. 3932) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for emergency powers of the mayor or chief executive, for sales of personal property, for regulations concerning contracts and for limited vested pension benefits.

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. 7**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1254 (Pr. No. 2216) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of possessing instruments of crime; providing for liability for reimbursement of costs for outside counsel; further providing for corruption of minors; permitting persons to construct, deliver, convert or repair vessels equipped with gambling devices; and imposing a penalty.

On the question,

Will the Senate concur in House amendments, as amended, to Senate Bill No. 1254?

Senator LOEPER. Mr. President, I move that the Senate do concur in the House amendments, as amended, to Senate Bill No. 1254.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

A 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. 8**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1344 (Pr. No. 2217) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," further providing for powers, for a limitation on certain employment and for joint audits.

On the question,

Will the Senate concur in House amendments, as amended, to Senate Bill No. 1344?

Senator LOEPER. Mr. President, I move that the Senate do concur in the House amendments, as amended, to Senate Bill No. 1344.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

A 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. 10**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1251 (Pr. No. 2215) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," transferring the Scotland School for Veterans' Children from the Department of Education to the Department of Military and Veterans Affairs; providing for a Pennsylvania Historical and Museum Commission Volunteer Program; further providing for the Aviation Restricted Account; specifically authorizing collective bargaining between school administrators in school districts of the first class and their public employers; providing for arbitration in order to settle disputes; requiring compliance with collective bargaining agreements and findings of arbitrators; providing for pay to certain inspectors, for contribution to Korea-Vietnam Memorial National Education Center and for an exclusion from sales and use tax; making repeals; and making editorial changes.

On the question,
Will the Senate concur in House amendments, as amended,
to Senate Bill No. 1251?

Senator LOEPER. Mr. President, I move that the Senate do
concur in the House amendments, as amended, to Senate Bill
No. 1251.

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

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

YEAS—36

Andrezeski	Fisher	Lemmond	Robbins
Armstrong	Gerlach	Loeper	Salvatore
Belan	Greenleaf	Madigan	Schwartz
Bell	Hart	Mellow	Shaffer
Bodack	Heckler	Musto	Tartaglione
Brightbill	Helfrick	Peterson	Thompson
Corman	Holl	Piccola	Tomlinson
Costa	Hughes	Punt	Uliana
Delp	Jubelirer	Rhoades	Wenger

NAYS—13

Afflerbach	Mowery	Stapleton	Tilghman
Fumo	O'Pake	Stewart	Wagner
Kasunic	Porterfield	Stout	Williams
LaValle			

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. 12**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1334 (Pr. No. 3933) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21),
known as the Liquor Code, further providing for use of The State
Stores Fund.

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.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, June 28, 1996

RESOLVED, (the House of Representatives concurring), That
when the Regular Session of the Senate adjourns this week it recon-
vene on Tuesday, September 24, 1996, unless sooner recalled by the
President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of
Representatives adjourns this week it reconvene on Tuesday, Septem-
ber 24, 1996, unless sooner recalled by the Speaker of the House of
Representatives.

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

DISCHARGE PETITION

The PRESIDENT pro tempore laid before the Senate the
following communication, which was read by the Clerk as fol-
lows:

In the Senate, June 28, 1996

A PETITION

To place before the Senate the nomination of Leslie Gromis, as
District Justice, Allegheny County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section
8 (b) of Article IV of the Constitution of Pennsylvania, do hereby
request that you place the nomination of Leslie Gromis, as District
Justice, Allegheny County, before the entire Senate body for a vote,
the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Robert J. Mellow
Michael A. O'Pake
Vincent J. Fumo
Patrick J. Stapleton

The PRESIDENT pro tempore. This communication will be
laid on the table.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 9**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1374 (Pr. No. 2218) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the unauthorized practice of law and for reappointment of district justice; further providing for the Judicial Computer System Augmentation Account and for scope of chapter relating to limitation of time; providing for assignment to orphans' court; regulating rental purchase transactions; and making a repeal.

On the question,

Will the Senate concur in House amendments, as amended, to Senate Bill No. 1374?

Senator LOEPER. Mr. President, I move that the Senate do concur in the House amendments, as amended, to Senate Bill No. 1374.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

A 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. 13**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2668 (Pr. No. 3934) -- The Senate proceeded to consideration of the bill, entitled:

An Act to enhance job creation and economic development by providing for an annual financing strategy, for opportunity grants, for job creation tax credits, for small business assistance and for the Small Business Advocacy Council; conferring powers and duties on various administrative agencies and authorities; further providing for various funds; 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 PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would like to submit, on behalf of the gentleman from Philadelphia, Senator Fumo, the following remarks on House Bill No. 2668.

The PRESIDENT. They will be included in the record.

(The following prepared remarks were made a part of the record on behalf of the gentleman from Philadelphia, Senator FUMO:)

June 28, 1996

TO: VJF.

FR: Randy.

RE: Opportunity Fund Legislation.

While I fully understand that we have agreed to give the Governor this new \$25 million grant program as part of the negotiated budget, before we enact its enabling legislation, I provide the following memo to make sure you are aware of the broad latitude this legislation would provide to the Governor.

The program authorizes the Department of Commerce, now renamed the Department of Community and Economic Development, to make direct grants to any business or developer with almost no limitations. There is no provision for review or approval from local development agencies. Any retail or service enterprise "which would offer a significant economic impact, as determined by the Department" would qualify for assistance.

The legislation is silent on how or when funds could be provided to eligible projects, but without further clarification the current authorizing legislation would allow up front grants with no collateral or other sufficient protection for the Commonwealth's investment in the project.

Weakly worded security and penalty provisions that are included in the language are "may" provisions with full discretion given to the Department.

The Sunny Day program was structured to provide significant public subsidies for speculative investment projects that could provide substantial new employment and investment in the Commonwealth. Using the potential Piper airplane projects that were approved as Sunny Day loans as examples, we provided the loan commitments, but the projects never occurred. Fortunately, because of the structure of the state's commitment, no funds were lost when the project did not come to fruition.

A direct grant for the same project would have been lost forever, with no ability for the commonwealth to protect its position.

Given the added risk of providing grants rather than loans, I simply raise these concerns suggesting that the Opportunity Fund legislation could include some additional protections to provide for prior review, and stronger collateral requirements to protect commonwealth investments.

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—1

Shaffer

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. 15

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1496 (Pr. No. 2221) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1996-1997; itemizing public improvement projects and furniture and equipment projects and redevelopment assistance projects to be constructed, acquired or assisted by the Department of General Services, together with their estimated financial costs; incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services; stating the useful life of the projects; authorizing certain contract provisions; making appropriations; and making repeals.

On the question,

Will the Senate concur in House amendments, as amended, to Senate Bill No. 1496?

Senator LOEPER. Mr. President, I move that the Senate do concur in the House amendments, as amended, to Senate Bill No. 1496.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

Afflerbach	Greenleaf	Mellow	Shaffer
Andrezeski	Hart	Mowery	Stapleton
Armstrong	Heckler	Musto	Stewart

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

NAYS—0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 208 (Pr. No. 2219) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the transfer of certain roadways between the County of Lackawanna and the Department of Transportation and for the adoption of Township Road 632 in Susquehanna County as a State highway; directing the Department of Transportation to transfer a portion of Maclay Street in the City of Harrisburg to the City of Harrisburg and to assume temporary responsibility for the Paxtang Parkway in the Borough of Paxtang and the Township of Swatara from the City of Harrisburg; and providing for the transfer of a roadway from the Borough of Wormleysburg, Cumberland County, to the Department of Transportation; authorizing and directing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to convey to the 900 North Broad Corporation certain real estate situate in the City and County of Philadelphia and the Commonwealth of Pennsylvania; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 208?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 208.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

A 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.

RECESS

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

Senator LOEPER. Mr. President, I request that the Regular Session of the Senate recess to the call of the Chair.

The PRESIDENT. Until the call of the Chair, this Senate stands in recess.

AFTER RECESS

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

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 434 and SB 1332, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1607, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 216, HB 2753, HB 2754 and HB 2755.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Recess adjournment.

BILLS SIGNED

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

SB 208, SB 284, SB 564, SB 753, SB 1181, SB 1313, SB 1345, SB 1346, SB 1432, SB 1480, SB 1481, SB 1483, SB 1487, SB 1583, SB 1600, SB 1607, HB 216, HB 1689, HB

2041, HB 2223, HB 2344, HB 2360, HB 2470, HB 2536, HB 2580, HB 2680, HB 2720, HB 2721, HB 2722, HB 2723, HB 2724, HB 2725, HB 2726, HB 2727, HB 2728, HB 2729, HB 2730, HB 2731, HB 2732, HB 2733, HB 2734, HB 2735, HB 2736, HB 2737, HB 2738, HB 2739, HB 2740, HB 2741, HB 2742, HB 2743, HB 2744, HB 2745, HB 2746, HB 2747, HB 2748, HB 2749, HB 2750, HB 2751, HB 2752, HB 2753, HB 2754, HB 2755 and HB 2768.

RECESS

The PRESIDENT pro tempore. The Chair has not been more pleased than to recognize the Majority Leader, the gentleman from Delaware, Senator Loeper, at this time.

Senator LOEPER. Mr. President, at this time I request a recess of the Regular Session of the Senate to the call of the Chair.

The PRESIDENT pro tempore. The Regular Session of the Senate stands in recess to the call of the Chair.

AFTER RECESS

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

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

HOUSE MESSAGE

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 2668.

BILL SIGNED

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

HB 2668.

RECESS

Senator LOEPER. Mr. President, I request a recess to the call of the Chair.

The PRESIDENT. At the request of Senator Loeper, the Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 100, HB 837, HB 950, HB 1130, HB 1174,

HB 1334, HB 1415, HB 1711, HB 1712, HB 1855, HB 2064 and HB 2666.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

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 674, SB 1251, SB 1254, SB 1344, SB 1374, SB 1485 and SB 1496.

BILLS SIGNED

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

SB 674, SB 1251, SB 1254, SB 1344, SB 1374, SB 1485, SB 1496, HB 100, HB 837, HB 950, HB 1130, HB 1174, HB 1334, HB 1415, HB 1711, HB 1712, HB 1855, HB 2064 and HB 2666.

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to John and Beatrice Johnson, David Lee Votaw and to Gary Lee Eastman by Senator Andrezeski.

Congratulations of the Senate were extended to the Honorable Tom Murphy by Senators Bodack, Costa, and Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. LeRoy J. Evey and to Royal Allen Kline, Sr., by Senator Corman.

Congratulations of the Senate were extended to the National Korean War Veteran's Day Committee by Senator Fisher.

Congratulations of the Senate were extended to Joseph Frank Morsello by Senators Greenleaf and Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Harold James Shaffer by Senator Helfrick.

Congratulations of the Senate were extended to Andrew Milligan and to Matthew R. Hayes by Senator Holl.

Congratulations of the Senate were extended to PaulMichael Carrighan by Senator Mellow.

Congratulations of the Senate were extended to New London Grange No. 1151 of Tidioute by Senator Peterson.

Congratulations of the Senate were extended to Elizabeth P. Overton by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. David J. Roberts, Mr. and Mrs. Robert F. Balliet and to Reverend Clarence Russell Funk by Senator Rhoades.

Congratulations of the Senate were extended to the Butler Veterans Administration Medical Center by Senator Shaffer.

Congratulations of the Senate were extended to Giles & Ransome by Senator Tomlinson.

Congratulations of the Senate were extended to the citizens of Emsworth Borough by Senator Wagner.

REMAINING BILLS REFERRED TO COMMITTEE

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

Senator PICCOLA. Mr. President, I move that all of the remaining bills be rereferred to the Committee on Rules and Executive Nominations.

The motion was agreed to.

ADJOURNMENT

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Tuesday, September 24, 1996, at 2 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

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