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SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 63

SENATE

TUESDAY, November 26, 1996

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

PRAYER

The Chaplain, Reverend JACK MOYER, of Fairview United Methodist Church, Altoona, offered the following prayer:

Let us pray.

Creator God, we begin this Session by giving thanks to You. We thank You that we live within this Commonwealth of Pennsylvania. We thank You for the privilege of being able to serve the people of this Commonwealth. We pray Your blessing upon each Member of this Senate. May they sense and follow Your guidance. May their actions and decisions be guided by a sensitivity to the needs of the residents of Pennsylvania.

We come from a background of diversity, a diversity of ideas, philosophy, party, race, gender, and religion, of city and town, rural and suburban homes. Some have known wealth, others poverty. May a unity of commitment, goodwill, and service come from all of our diversity so that the many needs of the people of Pennsylvania may be met.

We pray to the Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Moyer, who is the guest today of Senator Jubelirer.

STATEMENT BY PRESIDENT
PRO TEMPORE

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

The PRESIDENT pro tempore. Mr. President, the Chair correctly stated that Reverend Moyer is my constituent. Jack Moyer is not only my constituent, but he and his son, Brian, who accompanied him here, are very good friends. And I would just like to say that Reverend Moyer and Brian Moyer left Altoona this morning probably around 7 o'clock to get here in time for our opening, and as I look at my watch it is 10 minutes to 5:00. I would just like to thank Reverend Moyer for staying, offering a beautiful prayer, and indulging the Senate on its last day before we adjourn sine die. It is a very difficult day and I apologize for the difficulties we have had, though we cannot help it, but we certainly appreciate his commitment to

be here. He could have gone home, but we are just very appreciative that he stayed, and I thank the Chair for allowing me to offer these remarks on the record.

Thank you, Mr. President.

The PRESIDENT. The Chair appreciates that Senator Jubelirer took the time to offer those sentiments.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would also like to take this opportunity to extend my thanks for the patience of Reverend Moyer. Before we were able to get the Session started today I had the opportunity to stop in Senator Jubelirer's office a little earlier and saw Reverend Moyer sitting there and indicated to him that we were going to try to get started as quickly as possible, probably within the next 15 or 20 minutes, and I believe that was even about an hour and a half ago. So I also would like to just add my thanks to Reverend Moyer for coming and being with us today and delivering our opening prayer for our final Session.

JOURNAL APPROVED

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

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 1509.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 509, SB 1204, SB 1590 and SB 1681, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

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

HB 1509, HB 2348 and HB 2401.

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during this evening's Session to consider House Bills No. 640 and 2243.

REPORTS FROM COMMITTEES

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

HB 497 (Pr. No. 4308) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; adding a definition of "issuing agent"; further providing for application for certificate of title by agent, for temporary registration cards, for suspension or revocation of vehicle business registration plates, for revocation or suspension of operating privilege, for insurance premiums, for reports by issuing authorities and for reports by courts; authorizing the Commonwealth to enter into agreements with private firms for the development, financing, design, construction and operation of new transportation facilities and for the operation, improvement, financing or rehabilitation of existing transportation facilities; establishing the Pennsylvania Infrastructure Bank and providing for its powers and duties; and making a repeal.

HB 2362 (Pr. No. 4266) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for wiretapping and electronic surveillance and for windshield obstructions.

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

SB 2 (Pr. No. 2463) (Amended) (Rereported) (Concurrence)

An Act authorizing counties to impose sales, use, occupancy, personal income or earned income and net profits taxes; authorizing municipalities to impose personal income, earned income and net profits and municipal service taxes; empowering municipalities and school districts to require county sales and use taxes; authorizing school districts to impose taxes on personal income, earned income and net profits; providing for the levying, assessment and collection of such taxes; providing for the powers and duties of the Department of Community and Economic Development, the Department of Revenue and the State Treasurer; providing an additional exemption from the tax on intangible personal property; providing for limitations on debt of school districts; exempting political subdivisions from compliance with certain laws that require counties, municipalities and school districts to spend funds or that limit the ability of counties, municipalities and school districts to raise revenue; limiting reassessments in counties of the second class; restricting the taxing authority of certain political subdivisions; and providing for home rule school district tax charters.

SB 509 (Pr. No. 2452) (Rereported) (Concurrence)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to weights and measures; regulating the use and sale; providing for the inspection of weighing and measuring devices; regulating the sale and packaging of commodities; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; providing for certain standards, for testing and for the sale and packaging of certain commodities; providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold by weight; regulating the manufacture, sale, offering for sale, giving away and use of weights and measures and of weighing and measuring devices; providing for the approval and disapproval of such weighing and measuring devices; regulating the delivery of light fuel oil to domestic consumers; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

SB 689 (Pr. No. 2340) (Rereported) (Concurrence)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

SB 809 (Pr. No. 2417) (Rereported) (Concurrence)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for general authority of department.

SB 863 (Pr. No. 2433) (Rereported) (Concurrence)

An Act amending the act of July 2, 1996 (P. L. , No. 5A), entitled "An act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Commerce to provide for the expenses of administering the Workers' Compensation Act, the Pennsylvania Occupational Disease Act and the Office of Small Business Advocate 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," increasing the appropriation.

SB 1052 (Pr. No. 2464) (Amended) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for subpoena of records and use of certified medical charts or records; and providing for criminal victim aid good Samaritan civil immunity.

SB 1110 (Pr. No. 2420) (Rereported) (Concurrence)

An Act providing for review procedures pertaining to accident and health insurance form and rate filings; providing penalties; and making repeals.

SB 1197 (Pr. No. 2448) (Rereported) (Concurrence)

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," further providing for contents of subdivision and land development ordinance, for enforcement notice and for conditional uses; and making an editorial change.

SB 1509 (Pr. No. 2465) (Amended) (Rereported) (Concurrence)

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), entitled "Pennsylvania Commission on Crime and Delinquency

Law," further providing for composition of the commission and the Juvenile Advisory Committee.

SB 1585 (Pr. No. 2451) (Rereported) (Concurrence)

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Peterson and Senator Salvatore, and a temporary Capitol leave on behalf of Senator Heckler, who has been called to his office.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Peterson and Senator Salvatore, and a temporary Capitol leave for Senator Heckler. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Fumo, and a legislative leave for Senator O'Pake.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Fumo, and a legislative leave for Senator O'Pake. Without objection, those leaves are granted.

CALENDAR

HB 2118 CALLED UP OUT OF ORDER

HB 2118 (Pr. No. 3053) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2118 (Pr. No. 3053) -- 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 criminal mischief.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR TIM SHAFFER
PRESENTED TO THE SENATE**

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

Senator SHAFFER. Mr. President, the minister for today did indeed have a long wait, and we are grateful for his patience. As well as the minister, the two guest Pages from my district waited an equally long time, for which I am very thankful and pleased.

Susan and Eliza Wiencek are the children of Stephen and Patricia Wiencek, from Rimersburg in Clarion County. Their father is the business manager for Keystone School District and is also the school board secretary. Susan Wiencek, one of our Pages, is a freshman at IUP, and Eliza is a sophomore at Keystone High School.

Mr. President, for their patience and willingness to serve here today, I would ask that we give them our usual recognition.

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

The PRESIDENT. The Chair thanks Senator Shaffer for that auspicious start.

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 2 (Pr. No. 2463) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing counties to impose sales, use, occupancy, personal income or earned income and net profits taxes; authorizing municipalities to impose personal income, earned income and net profits and municipal service taxes; empowering municipalities and school districts to require county sales and use taxes; authorizing school districts to impose taxes on personal income, earned income and net profits; providing for the levying, assessment and collection of such taxes; providing for the powers and duties of the Department of Community and Economic Development, the Department of Revenue and the State Treasurer; providing an additional exemption from the tax on intangible personal property; providing for limitations on debt of school districts; exempting political subdivisions from compliance with certain laws that require counties, municipalities and school districts to spend funds or that limit the ability of counties, municipalities and school districts to raise revenue; limiting reassessments in counties of the second class; restricting the taxing authority of certain

political subdivisions; and providing for home rule school district tax charters.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 2?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 2.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, as the prime sponsor of Senate Bill No. 2, and after, unfortunately, too long a wait, I rise in support of the amendment that was placed in the bill this morning in the Committee on Rules and Executive Nominations. As many or all of the Members here know, we passed this bill a little over 11 months ago, and we have now restored it to the form that it was in when it first passed the Senate.

Mr. President, I think many of the Members are aware of what the House has done with this bill. There was an amendment placed in it that simply deferred our attention away from tax reform to another issue and, Mr. President, I believe we needed to refocus on what we discussed, debated, and passed here in the Senate. That is why it is before us again, Mr. President, to give the full House the opportunity to act on a bill that they have not, to this date, had the opportunity to vote on in front of them.

Mr. President, we finally have a bill that is optional. That is, municipalities, municipal governments will have the opportunity to design their own revenue raising system. It is an alternative clearly to what we here in Harrisburg have given them the opportunity to do in the past. Finally, local governments will have the opportunity to design a system that works for them. That is, Mr. President, they will be able to opt into earned or personal income taxes. That is, school districts, cities, boroughs, townships will be able to opt into either an earned or personal income tax.

The one thing, Mr. President, that is wonderful about this bill is they will use every dollar to reduce the real property tax. This is a tax that clearly, as I have traveled across the State over the last year or two, people have told me they believe is unfair, they need the opportunity to control it more, they need the opportunity to vote upfront on what kind of plan they want, and finally, Mr. President, we give them the opportunity to vote in what we would term a back-end referendum to accept or reject proposed property tax increases in the future.

Mr. President, we have presented some evidence about how much property taxes have increased over the last 10 or 20 years and how much people's incomes in the Commonwealth have. Clearly incomes have only increased about half as much as property taxes have. This bill, Mr. President, would simply repeal a number of nuisance taxes and allow communities to design a plan that works best for them. They have the opportunity under this plan, Mr. President, to opt into the tax reform

plan, which would eliminate that horrendous personal property tax that so many of us across the Commonwealth have found to be burdensome, and in fact which courts have found to be unconstitutional.

A number of our Members are now struggling back home with how to replace that revenue. This bill, Mr. President, presents a wonderful opportunity for them, especially the counties, to opt into a sales tax, but again it would have to be approved by those who reside in that county. Mr. President, unlike any other tax reform proposal that has been before us, this proposal, while like the one we had first that we passed last December, but unlike any other in the past, this gives the public the final say on tax increases. This gives the public the final say on whether or not they wish to have their personal income taxed in exchange for a reduction in property taxes.

Mr. President, this is not a windfall for local governments. It makes sure that it is a revenue-neutral proposal. Also, Mr. President, it is not a windfall for business as it is combined with the homestead exemption, which has already passed here and we hope to pass again in the spring, which will allow communities to give a break to homeowners, something that is long overdue. Mr. President, this proposal incorporates municipal government, school government, and counties into the proposal, all of which have been so heavily dependent over the years on property taxes and really need the relief that we offer them in this bill.

I would encourage my colleagues, especially those who have supported this proposal in the past, to support it today and send it to the House with the message that we have worked on this bill for a long time and they need the opportunity to vote on this proposal, not a portion of this proposal as they have had before them before but the entire proposal, and give the people of Pennsylvania what they have been asking for, and that is real tax reform, tax reform that gives them the control, that is the people of the Commonwealth of Pennsylvania. Let us not centralize it here in Harrisburg. Let us let the public make the decisions on their own.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, nearly a year ago the Senate, on a bipartisan vote, sent to the House of Representatives a comprehensive property tax relief measure. We recognized that soaring property taxes are indeed the crisis, a crisis that has been going on for some time, by the way, not newly created. Taxpayers are increasingly frustrated and angry over the system and the lack of reform. Since our action, there have been taxpayer rallies. People from Armstrong County, for instance, marched on the Capitol to protest. Property taxes were a leading voter concern in many campaigns this fall.

Nevertheless, after all this, the House sent back our bill and sent back a different kind of bill, a time bomb, if you will: vaporize school property taxes in a year and hope for some sort of political miracle in the meantime. Taxpayers want a fair solution now, not a spectacle of compound crisis a year from now. The crisis is here. In the next year nothing changes the predicament on property taxes. Nothing will change except it

will get worse. In November of 1997, the problems and the alternatives will be the same ones staring at us now. The only thing different will be that folks will be paying higher property taxes in community after community.

The eventual choices for cleaning up the situation are not pleasant - more than doubling the State income tax, jacking up and broadening the State sales tax to perhaps nearly 12 percent, or imposing high income or wage taxes at the local level in most school districts. Of course, property taxes could also be added in, but abolishing property taxes and then reinstating them would be a farce. Those here who believe in property tax relief, who have worked so long to bring about a solution, are committed to giving one last chance to a solution. If the Senate passes this measure, the House need only take an up or down vote, yes or no, for property tax relief or against property tax relief. They have the opportunity to send a bill to the Governor's desk and make tax relief available to people starting next year, not in the next century.

We have the ability, Mr. President, to let change begin, to have reform finally available to those who want to break the cycle of dependency on ever higher property taxes. This bill offers options for replacing property taxes and gives people a say in the decisions. It makes them equal partners with the local government bodies. It gives them a decision. It provides protections against property taxes rising sharply again and works to control the costs that drive up taxes. It is not the perfect answer, but it is the best answer devised to address complex and conflicting problems. It is not one-size-fits-all. It permits the local taxing districts across the Commonwealth and the people and the voters and the taxpayers to decide the menu of taxes and how they wish to be taxed.

Next Session we can then give second-round approval to the proposed constitutional amendment, which I introduced this Session, allowing for a homestead exemption. If that measure is approved by the voters, as we believe it will be, then each jurisdiction - school district, county, municipality - can decide on changing its tax structure and submit the issue to its voters. That is the opportunity. If we were to abolish all property taxes, I might point out, Mr. President, there are many, many out-of-State property owners who would gain a great windfall at the expense of the local citizens who would have to make that up in either income taxes or sales taxes. That is not fair. This is the opportunity. This is the responsible answer. It should not be denied again to taxpayers or a community.

Mr. President, I believe we have the best opportunity we will ever have to pass this bill here, and hopefully the House of Representatives will give its Members an opportunity to vote up or down on this measure, and if they support it, as I believe they would if given the opportunity to vote on it, I would hope that the Governor would sign this bill into law and that after so many years the crisis that we talk about, the crisis that the House talks about creating, a crisis that has been here for years and years and gets worse every year, would finally be ended.

Thank you, Mr. President. I urge concurrence in the amendment.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Mr. President, tonight's vote on Senate Bill No. 2 is the culmination of a lot of time and effort by pro-tax reform legislators, both Republican and Democrat, House and Senate, over the past 3 years. And I just want to, at the outset of my remarks, applaud the leadership in this Senate, both Republican and Democrat, for allowing Senate Bill No. 2 to be considered in the Committee on Rules and Executive Nominations and getting it moved out of the Committee on Rules and Executive Nominations so we may have this opportunity here this evening to try to bring a final, fair, and reasonable conclusion to this issue of tax reform.

Yes, as was mentioned by the gentlewoman from Allegheny, Senator Hart, and the gentleman from Blair, Senator Jubelirer, the time for tax reform really is right now. We have seen over the past 10 years school taxes going up at a rate of about 11 percent per year, every year on average across Pennsylvania, while at the same time our constituents' incomes were going up half of that amount over that same period of time, and with inflation even less than that, 43 percent or 4.3 percent per year over the last 10 years. And so it is very clear why our constituents have come to us time and time and time again, through phone calls, letters, town meetings, any way to communicate they can, and said that they need to have a mechanism at the local level to allow for a reduction of the reliance on property tax as the mainstay for local taxation.

So the answer, as we are in this last day of our legislative Session, is not to say, well, let us just forget about tax reform again now and try to deal with it next year. The answer that we got, at least the last time out of the House, was just that, let us put it off again. Well, that is not an acceptable answer, at least it is not acceptable to me, it is not acceptable to the people of the 44th Senatorial District, it is not acceptable to the people I know in the various counties that I represent, and I bet if we were honest we would realize that it is not acceptable to all the people across Pennsylvania. It is not the answer to put it off for another year. It is time to do what we get paid to do, and that is to sometimes vote on some tough issues, up or down, but vote them.

We passed major tax reform legislation now in two separate Chambers, in two consecutive years, and if we pass this in the Senate tonight, we will have passed three major tax reform pieces of legislation in three consecutive years. Clearly what we have come to realize is that Senate Bill No. 2 right now, while not perfect, is the best consensus of the 253 Members of the Pennsylvania General Assembly. It is not perfect, but it does contain the elements that we been searching for for a number of years now - reduction of reliance on the property tax through local option and flexibility, greater taxpayer participation in designing the tax structure that is fairest for them and their local officials, and taxpayer protection through dollar-for-dollar reductions. And as we move away from the property tax more towards an ability to pay system, the dollars created through that income tax based system are used dollar for dollar to reduce the reliance on property taxes.

Yes, that is the best consensus of what needs to be done by the Pennsylvania General Assembly on the issue of tax reform. It will never be perfect. It will never be everything to everybody, but we certainly have the responsibility to our constituents to make sure that we get the job done. We had the courage in this Chamber to pass Senate Bill No. 2 almost a year ago. Unfortunately, that courage has not been demonstrated on the other side of this Capitol building as of yet. But I think we have the responsibility to continue to do what we need to do for the people in our district to make sure that when we go back home we can show them that we did everything possible to bring them the fairest, the most reasonable tax reform that can best be generated through the efforts of Republicans and Democrats, and we will do that through the concurrence vote on Senate Bill No. 2.

We are going to have to again lead the way, and it is going to have to be tonight. And I think if we show our courage and our concern and our desire to do what our constituents would like us to do, then we will hopefully infuse the House with a little bit more courage and a little bit more leadership than they exercised just a few days ago, and hopefully we will see that they, too, will follow our lead and get the job done in this last day of this Session. I urge a concurrence vote by my colleagues.

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

Senator STAPLETON. Mr. President, I am not going to get into the details. The gentlewoman from Allegheny, Senator Hart, certainly spoke well on the options that local government will have and the importance of concurring on this, but I do want to say this, that many of us have fought for many years for tax reform, and certainly I have been one of them, back to the days when Governor Casey made every effort possible in this State to get tax reform, and the many times that I had the opportunities to vote for tax reform. I am pleased to hear that there will be bipartisan support for this piece of legislation because not too many weeks ago, months ago, we had a group from Armstrong County, which I represent, come down here and hopefully had the support of the Democrats as well as Republicans, but it turned out to be nothing more than a Republican rally on the front steps of the Capitol, which to this day many of those who came down could not do any more than apologize for the action that was taken down here.

I am pleased to see that they have put in school districts as well as the counties, as well as the municipalities. I believe that is the way it should be done. And also, as we all know, the people will have the final say as to whether or not they want to go into this plan. However, my main concern here this evening is the fact that I am not sure that the House will have the time or will even want to act on this piece of legislation, and that concerns me very, very much. I want action on this today in the Senate, and I am hopeful that the House will do something about it. I was one of the few, when they were down here a few months ago, who called the Speaker of the House and the Majority Leader asking both of them to move on this piece of legislation. However, we were not successful. I do not know what kind of pressure was put on the House

Members by the Republican side of the Senate, but I am hopeful that they were sincere and that they wanted the action of the House also. So I again insist that the House will do something with this piece of legislation once we pass it here tonight.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, it was just a year ago that I took my oath of office as a Senator in this body, and this is kind of like "deja vu all over again," as Yogi Berra would say. My first major vote was cast in favor of local tax reform. What have been the changes since then? Here in Harrisburg, precious little. This bill has languished in the House of Representatives and has actually been gutted and it is worse than what originally had been offered.

While nothing has happened to put Senate Bill No. 2 into law in Harrisburg, a lot has happened throughout the Commonwealth. There have been additional levies on real estate. There have been more court-ordered reassessments. Many are eliminating the personal property taxes as far as counties are concerned. In our home county of Chester, that will result in an increase in real estate taxes at the county level of one-third. Farmers are at greater risk now, as are people who have limited incomes. In fact, every family farm is in jeopardy until we have local tax reform. What is in Senate Bill No. 2 will give local governments, will give county governments, will give school districts the tools they need to bring equity and equality and fairness to taxation, and most importantly, the voters throughout Pennsylvania at each level of government will have the final say. So I think we have dillydallied about as long as we really should on this, and I urge that we all vote in favor of this bill.

Thank you.

LEGISLATIVE LEAVE CANCELLED

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

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, would the gentlewoman from Allegheny, Senator Hart, rise for brief interrogation, please.

The PRESIDENT. Senator Hart, will you stand for interrogation?

Senator HART. Yes, Mr. President.

The PRESIDENT. Senator Porterfield, you may proceed.

Senator PORTERFIELD. Mr. President, I am wondering if Senator Hart could explain to the body what would occur in a school district that utilized this particular proposal to its maximum and 5 years down the road decided that it needed additional revenues? Could the school district raise revenues without a referendum?

Senator HART. Mr. President, if a school district opted into Senate Bill No. 2 as we are looking at it today, it would be able to institute up to a 2-percent earned or personal income tax. It would have to reduce property taxes in conjunction with that increase in income taxes. Obviously, from year to year then it would have a natural increase in the revenue that it would gain, and the board would not have to be subjected to raising the tax rate every year because an income tax obviously is much more elastic and is much easier to deal with.

If, though, the school district found itself in a situation where it wished to increase its gain in revenue, it would have a number of options. One, it could get together with other districts or municipalities in the county and move for that county to institute a sales tax, a portion of which would go to the school district. Now again, that would reduce the property taxes, but again, those sales tax revenues would increase from year to year. It also, if it would qualify for one of the exceptions, Mr. President, then that school district would be able to institute an increase in the property tax without a referendum. Those exceptions are enumerated. They basically involve distress, they involve expenses that are related to current bond debt in some other situations, but otherwise, Mr. President, that district would have to go to the taxpayers to request an increase.

Also, different than the bill that we passed, slightly different, is a little bit more elastic opportunity for that school district. That is there is the opportunity for the district to increase the property tax, the percentage that the increase would be in that school district in the average weekly wage. This is a change from Senate Bill No. 2 as we had originally passed it last December, and it was a change that was requested of us by the House task force on tax reform.

Senator PORTERFIELD. Mr. President, what we are looking at then perhaps is an avenue for school districts to create new taxes and, at some point down the road, go back to the property tax and perhaps, and I do not know what those percentages of increase in average wage might be in a particular school district, but let us say it is 2 or 3 percent. Hypothetically, if the school district would come up with a budget that supported a needed increase, then the school district could indeed have implemented the various taxes that would be permitted by Senate Bill No. 2, and in addition to that, increase property taxes by perhaps 2 or 3 percent each and every year if they felt it was justifiable. Am I correct in that conclusion?

Senator HART. Mr. President, the gentleman would be correct if the school board chose to abuse its power in such a way. However, Mr. President, I believe that the voters would have the opportunity to turn out a school board that would abuse its powers in such a way. This elasticity was added to the bill in case districts, many of which may be in the gentleman's district, those that may find themselves with some difficulty because of perhaps a low tax base or perhaps a difficulty with some drop in income in the community that they may need the opportunity to go back to the property tax once again.

Senator PORTERFIELD. Mr. President, that answers my questions on interrogation. I would like to address the proposal.

Mr. President, it is quite evident that the cost of education across this State has driven the property taxes to the level that they currently are in in the various school districts across this State, and I rise to speak in direction of this proposal, not in regard to the county and municipal portion of this proposal, but to school property taxes, which as we all know makes up about 70 percent of the total tax base. And we have had a lot of proposals before us, but none does what I believe property owners out there want to see, and that is to do away with school property taxes forever and have them not come back. It is quite evident with the discussion that we just had with the interrogation of Senator Hart that we can create a multitude of mixed taxation bases from school district to school district, and I believe by our Constitution we, the Members of the body of the legislature, have the responsibility of funding education. And unfortunately, we have not been doing this. With the rising cost of education, we continue to put the burden back on the district, and therefore property taxes continue to rise.

As most everyone in this body knows, I have a proposal that addresses school property taxation and eliminates it completely over a 10-year period for school purposes, and we would never return to the burdensome taxation and the inequities of taxation for education based on real estate. And my proposal, over a 10-year period, would eliminate the school property tax and nuisance tax and implement a statewide dedicated income tax, statewide dedicated income tax, to fund the remainder of this State's obligation to fund education. We would do away with that burdensome property tax with a statewide dedicated income tax that would max itself out at 2.5 percent at the end of 10 years, and also create an in-lieu-of tax for commercial, industrial, and special purchase property so that they do not gain a windfall in any of the tax based programs that are before us.

Mr. President, based on the fact that I see that we are going to create a hodgepodge of taxation across this State that no one else has ever seen and the fact that many districts, including municipalities and counties, cannot opt into these programs due to the financial structure of the area and location that they are in in this particular State, I ask for a negative vote on this proposal.

Thank you.

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

Senator BODACK. Mr. President, I have sat on the floor of this Senate for 18 years. That means I came through 18 Thanksgivings, and true to the words of that famous State Senator, the gentleman from Delaware, Clarence Bell, I would have to remind everyone once again that we are in the midst of turkey season and not only are we serving up these turkeys, but this late in the game they are preparing them with rotten eggs. Mr. President, it seems to me that what we are doing with Senate Bill No. 2 is we are playing a game, and it is called the last one with the local tax reform bill is a rotten egg.

I do not want to see those rotten eggs, Mr. President, served up on the tables of our constituents and the people of this State this year.

Is that why we are here? Is that what we do here? We come up at the last minute with these turkeys and expect the public to go along with us to think that we are great people and to get us reelected to this body? Is that the kind of point-the-finger-of-the-blame game that the sponsors of Senate Bill No. 2 are playing at the eleventh hour as we stand here tonight, on the last day of this Session? Well, maybe it is not, but that is what Bob Moran of The Philadelphia Inquirer reported in today's newspaper, and to me, Mr. President, it certainly looks that way.

We all know, and some of us more than others, how complex and vexing this whole issue of local tax reform can be, and, Mr. President, it is in that vein that I, for one, am thankful and believe that the vast majority of Pennsylvanians should also be thankful that the governing structure set by our Founding Fathers does consist of a bicameral legislature. It is no accident, Mr. President, that we have a built-in system of checks and balances not only between the legislative and executive branches of government, but within this General Assembly itself. We have a State Senate, but we also have a State House. And in this particular case, I rise today to commend both Republicans and Democrats on the other side of this building for sticking by their guns, in helping to assure that when we finally achieve a resolution on this issue, that we do it the right way.

You will recall, as will most Members in this body, that last week in the interest of achieving a responsible and workable local tax reform plan that honestly reduces the burden of crushing homeowner property taxes, the State House gutted the provisions of Senate Bill No. 2. That amended bill's return to this Senate without a shred of its original content should have been viewed by the bill's prime sponsors not as a defeat, Mr. President, but as a strong signal that the House recognizes the bill's very, very serious flaws. I pointed out some of those flaws a year ago, Mr. President, and I tried to correct them on the floor of the Senate. Unfortunately, the bill's sponsors would not have it that way. It was their way, Mr. President, or no way. Now, once again, what is before us right now embraces their way or no way. This bill, no matter what the final Senate vote, is destined to die of its own weight in the other Chamber. It will have been torpedoed not by Democrats, Mr. President, but by a Republican-controlled State House that only last week effectively turned it down on a vote of only 189 to 7.

Mr. President, today in the Committee on Rules and Executive Nominations we amended most, about 95 percent, of what the old Senate Bill No. 2 did back into this bill. I would like to know where any maker of any bill can go and suffer a defeat in the House of Representatives on a bipartisan basis of 189 to 7 and have the audacity to come before this group and say the heck with those guys over there, we are going to send it back to them and we know that we are going to get the votes to pass this thing. Well, I do not know. I never had a problem with mathematics, Mr. President, and I can tell you right here and now it will not pass this Session by what I have

seen in the House of Representatives. Thank God that they see the flaws and the very serious flaws in this bill.

But, you know, let us be honest. We all know that the replacement language which was inserted by the House last week to eliminate all school property taxes was primarily and only designed as the restart to discussions to finally achieve a realistic solution on this very serious issue. Maybe, too, it would have focused some attention on the need for State government to once again contribute its fair share of dollars to the education of our kids in this State. But be that as it may, last week's action by the House was also, and do not forget it, a repudiation of a proposal which is surely doomed to not work. I have said it all along and I also alluded to it, like the spokesman for the House Republican Leader in today's newspapers. He said that you cannot do logical tax reform the right way without a guarantee of a homestead exemption constitutional amendment. I totally agree with that, Mr. President, and that constitutional amendment has cleared this legislature in its first Session this year, this time, and it is set up for the second passing early next year. It must be clear that the General Assembly early in the next Session would have to go to the voters when they pass the constitutional amendment provision for the voters for their final consideration. And, Mr. President, that is the first step to meaningful local tax reform. The State House knows it and we in the Senate of Pennsylvania should know it. We should know that without the homestead exemption guarantee that the Hart-Jubelirer reform amounts to a tax hoax, another turkey to be served up this Thanksgiving.

Without that constitutional amendment, the homeowners who are expecting tax relief from tax reform will only find that the replacement income taxes, before there is any reduction to their homeowner and property taxes, goes towards a windfall tax break provided by them for large corporations and commercial establishments such as shopping malls. This homestead exemption, Mr. President, is the crucial piece of this puzzle for a fairer system of taxation at the local level. It is the essential ingredient that will ensure that the hard-pressed homeowners, senior citizens, and individual citizens will become the principal beneficiaries of anticipated property tax relief. The House, in bipartisan fashion, if you will, has acknowledged that, and I think that we should be big enough over here to acknowledge it. It is something that I wish the makers of Senate Bill No. 2 would fully acknowledge as well.

As noted, Mr. President, by Mr. Perzel's spokesman, the House wants to resolve this issue in a logical, methodical, and workable way, and enacting Senate Bill No. 2 without the guarantee of a homestead exemption is a prescription for over-taxation of an already tax-strapped public. Now, if we really want to reduce property taxes for our people, then we must do this, we need to do this, but we must do it in the proper order. Senate Bill No. 2, without the precondition of a homestead exemption constitutional guarantee, puts the cart before the horse.

In the interest of protecting citizen taxpayers, our working families, from having to pick up the tab for another big business windfall tax break, I urge each and every Member of this Senate to give their constituents and all constituents of the

Commonwealth of Pennsylvania a Christmas present that has been very, very well earned and give us a negative vote on this thing that we call Senate Bill No. 2.

Thank you, Mr. President.

MOTION TO SUSPEND RULE XV

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

Senator RHOADES. Mr. President, I have just received my amendment from the Legislative Reference Bureau, and therefore I move to suspend Senate Rule XV for the purpose of offering further amendments to House amendments to Senate Bill No. 2 to remove special exemptions for facilities that are in my district that will affect my municipalities and school districts affected by the amusement tax.

The PRESIDENT. Senator Rhoades moves that the Senate suspend Senate Rule XV for the purpose of offering further amendments to House amendments, and the Chair would remind the Members that this motion is not debatable.

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

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

Senator LOEPER. Mr. President, I am simply going to ask for a negative vote.

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

Senator MELLOW. Mr. President, I just merely want to tell the Chair that we are prepared to proceed.

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

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

YEAS—1

Rhoades

NAYS—49

Table listing names of Senators who voted 'NAYS' (49 total). Includes names like Afflerbach, Andrezeski, Armstrong, etc.

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

And the question recurring,

Will the Senate agree to the motion to concur in amendments made by the House, as amended by the Senate, to Senate Bill No. 2?

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

Senator HECKLER. Very briefly, Mr. President. I believe that all of us came here to this Senate because there were things about Pennsylvania and the way it is governed that we believed we could improve, and in the 10 years that I have served in the legislature, with perhaps the exception of the way we select our appellate court judges in this State, there is no matter, no feature of the way we govern ourselves that I am more anxious to change, that I am more convinced does injury to all of the individuals that the gentleman from Chester, Senator Thompson, mentioned, that makes nonsense of the way we try to fund our local government services, and particularly education, than the way in which we impose local taxes. This bill moves Pennsylvania in a direction we must go. It is high time that it gets done, and I urge that tonight we do it.

And the question recurring,

Will the Senate agree to the motion to concur in amendments made by the House, as amended by the Senate, to Senate Bill No. 2?

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

YEAS—38

Table listing names of Senators who voted 'YEAS' (38 total). Includes names like Afflerbach, Hart, Mowery, Shaffer, etc.

NAYS—12

Table listing names of Senators who voted 'NAYS' (12 total). Includes names like Belan, Greenleaf, Madigan, Tartaglione, etc.

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 FAREWELL ADDRESSES

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

Senator LOEPER. Mr. President, as a Special Order of Business, before we go back and consider today's Calendar or go to our caucuses, this is the last day of this current Session, as was indicated earlier, and Members looking at the Calendar

before them see that there are some Members here with us today for which this is going to be their last Session in the Senate of Pennsylvania. Mr. President, the tradition has been in the Senate, and I would hope that it would be again today, that those Members who are retiring from the Senate of Pennsylvania as of today would have the opportunity to address this body.

Mr. President, I would ask first if we could call on the gentleman from Butler, Senator Shaffer, for a few remarks.

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

Senator SHAFFER. Mr. President, believe me, the record should state very clearly that I have been informed, as have the other retirees, that this is the 5th hour of what is probably going to be a 12- to 14-hour day, as it were, Senate time, and that it is 2 days before Thanksgiving and that there is a full and complete Calendar ahead of us.

I have to take at least a few brief moments after my 16 years as a Member of this august body to say thank you, first and foremost of course to my colleagues, to you, Mr. President, and to all the predecessor Senators and Presidents pro tempore, for the courtesies that have been afforded to me over the last 16 years and for the wonderful friendships that I have made. While I have indeed tired somewhat at least, perhaps only temporarily, of the legislative process, I certainly have not in any way tired of the people with whom I have worked, the staff, the staff in my office, the staff of the other Senate offices, and the people with whom we work every day, including, I hasten to say, many of the lobbyists, many of the people whose job it is to tell us what they think is in certain legislation.

It is a shame, Mr. President, that we have such a bad reputation as politicians, that we are not thought of as public servants quite so much anymore, or elected officials, but the word "politicians" and all the negativity that goes with that connotation is cast upon us. And I say that is a shame, Mr. President, because in my view, after all these years, the truth is that the kindest, the most honest, the hardest working, and the most generous people whom I have met in my 52 years of life on this earth I have met through the Senate of Pennsylvania.

Mr. President, it is my view that this system does work. Contrary to what the pundits say, contrary to what the journalists say, the system does work. Sometimes in fits, sometimes in starts, sometimes not too well, but over the long haul, the people are well-served by the General Assembly of Pennsylvania and the constitutional processes that are at work here in Pennsylvania and have been for over 200 years.

So I have had a wonderful life here, Mr. President. I am grateful to each and every one of you, my colleagues and the staff here today, and with that I will simply say, until next we meet, I thank you and Godspeed.

(Applause.)

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

Senator LOEPER. Mr. President, I would like to just make a few remarks on behalf of Senator Shaffer for the purpose of the record and indicate that for the past 15 years Tim Shaffer

has provided outstanding service to the residents of the counties he has represented in the State Senate. If ever there was a Senator who fought for the needs of his constituency, it has been Tim, and I think any of us in our Caucus certainly realize the advocacy that he has put forth on many occasions on behalf of his district and his constituency. During that time, and most recently serving as chairman of the Committee on Community and Economic Development, Tim has worked tirelessly to improve economic conditions in western Pennsylvania. He inherited a troubled region, hit hard by factory closings and tough economic times, but I think he leaves the district a much stronger one, overcoming many of its problems and moving forward toward better days ahead.

Senator Shaffer has been very instrumental in creating some of our most effective economic development programs, such as the Capital Loan Fund, and more recently the new Industrial Sites Reuse Program. He has always looked to the future, encouraging the growth of high-tech firms in Pennsylvania and pushing small businesses to expand in the new world markets, long before the term "global marketplace" was a common catch phrase in government.

And I think, Mr. President, on a particular matter close to his heart, Tim has dedicated his career to fighting the crime of drunk driving. He has waged a tireless crusade that has earned him the respect of all of his fellow legislators, not only here in the Senate but also in the House of Representatives. Tim leaves certainly a legacy to all of us of honesty, hard work, and perhaps most importantly in his district, good jobs and brighter futures for the people of western Pennsylvania.

We certainly will miss him in the Senate. And in fact yesterday it was interesting in our caucus. Tim brought in one of those little box cameras, a throwaway camera, but he wanted the opportunity to be sure to get a picture of every Member of the Caucus sitting there to take with him as he moves on to better things ahead. I think that we are certainly going to miss him in the Senate, and no doubt the people he has served regret his leaving, too. But we all wish him well and are sure that he will have much success in the future, whatever endeavor he may attempt.

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

The PRESIDENT pro tempore. Mr. President, this has always been a very difficult day for me because it is difficult not to say goodbye but to recognize that colleagues with whom you have worked, you have laughed, you have argued with and fought with at times are no longer going to be an active part of our body.

Tim Shaffer is indeed remarkable and a very special person. I first got to know Tim as he was running in 1980. It was a pretty good year for us, a year in which we took over the Majority, and Tim Shaffer was a very important part of that. As our friend Tom Andrews decided to retire for health reasons, Tim Shaffer was in a very, very contested race in the Butler County district. He worked incredibly hard. He had been a candidate before that for another office and decided to run for the Senate and won a very smashing victory at that time and came to us. When he first got here, frankly, I had just

been elected Majority Leader and I had not quite figured this guy out yet and I think we kind of clashed a little bit, and as I remember congressional reapportionment in 1981, I think we had some words and I was not sure where we were going to go. Well, I found out where we were going to go. We became the very best of friends and we became two people who respected one another and had enough respect to disagree without being disagreeable at times, and those were rare times, and to work together for the betterment of not only each of our districts and our Caucus but all of Pennsylvania.

He has the mix of humor and practical perspective that I am not sure we will ever see in our Caucus again. He had the ability to bring us back to reality when the discussion veered off the trail. And let me tell you, Mr. President, here is a man who knew when to step down. He is stepping down at the absolute pinnacle of his popularity. Because he chose to retire on his own, obviously we did polls out in that district and we always threw Tim's name in. And let me tell you, after 16 years, Mr. President, I am not sure any Member can say they had a 74-percent positive popularity rate and a 3-percent negative. I would believe that is unprecedented, not only in this body but in any body, and Tim Shaffer, because he works so hard for his constituents, because he cared so much about his people, had those kind of numbers, and that was very, very remarkable.

But I guess, Tim, the most important thing that I am going to remember about you, and our friendship does not stop here, it will go on, when I was in the depths of a tragedy in 1981 when my son was struck by a car and was in a coma for 5 days, one of the first people I heard from was Tim Shaffer. He came and brought my son tapes and records, sent him cards, came to Altoona and really cared. The measure of a man is not necessarily in the legislation that he gets passed; the measure of a man is in his heart and in his character.

And Tim Shaffer, thank you. Thank you for your friendship. Thank you for your heart. Thank you for your character. I know that we are just saying not goodbye but farewell for the time being, because you see, there are some friendships that never end, and I am privileged to have the friendship of Tim Shaffer for years to come. Godspeed to you, Tim Shaffer.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise, like the speakers before me, with mixed emotions. Clearly, it is a sad day as we say goodbye to Tim as a Member of this body, but a happy day for the people back home who will get to share Tim's humor on a much more daily basis than they have been while he has been up here representing them for 16 years.

I share Butler County with Tim, and in fact that was a little bit of a difficulty when it first occurred. During redistricting, actually 10 years after the one the gentleman from Blair, Senator Jubelirer, discussed, the population of that county, unlike every other county in the west, had grown, and Tim Shaffer realized that he was going to lose part of his constituency. Now, being the statesman that he is, he realized that he had to make sure they were put in good hands. So let us just say that

I went through kind of an intense training program on Butler County, the people I needed to know, a tour of the area that I was going to be taking over in the redistricting because Tim Shaffer wanted to make sure that I did right by those people who were his constituents.

I think there are three important things to make a statesman, and I have seen evidence in the 6 years that I have known Tim that shows that he is a great example of each one of those. One is that you do have to have the ability and take the time to learn and study the issues and make sure that you are an advocate for your district. Tim clearly is one of the brightest Members here. He has shared that with us on the important occasions when he is trying to advance an issue and always so successfully does that. He has offered a lot on issues. He was very key as part of the impeachment committee, and he gave much time and much of his energy and his background to this body in that effort and in others and had been very successful. So key number one of a statesman is the intelligence, the brightness, the enthusiasm that Tim has and he has shared with us. I think that is obvious.

But number two, I think you have to be outspoken. You can have the smartest person in the world be a legislator, but to be a statesman that person has to have the intestinal fortitude to really do the work and do it well. We know that Tim has done that for the last 16 years.

But I think finally and the most important, and this is one that will probably make him blush, he truly cares about people. And that has been evidenced here over and over again. Not only his constituency, as he clearly cares about their issues, not only the issues here that we deal with that affect everyone across the Commonwealth, but those issues where you need to take a lot of time back home with local officials, Senator Shaffer was always there. Whether it was in the farthest corner of Clarion County, Lawrence County, or right near his home in Butler County, Senator Shaffer was there every time to make sure that the things that his constituency needed were done. He dealt with the administration, Democratic or Republican, to make sure that those things were done and he did it well.

He cares about his colleagues, and I think all of us here in our Caucus and on the other side of the aisle know that Tim always has a smart comment, a kind word, to make us all, maybe in our worst moments, understand why we are all here, and that is to work together to get things done. Thoughtful little gifts many of us have received, cards, a little teasing here and there, Tim is really a great colleague, and I am seriously going to miss him, as I know the rest of us will.

Finally, and I think it is something that some of you probably have never seen that I have, and that is the people back home. Tim cares about the people back home. I have never seen a person so loved so widely by the people in his district as Tim Shaffer. When we were at the Republican National Convention in San Diego, and those of you who have ever attended a convention know that there are souvenirs everywhere and people hawking souvenirs everywhere, let me just say that Tim Shaffer probably spent every last dime he had in his pocket on souvenirs for the people back home. There were so many souvenirs that he had to have them shipped home because

there was no way he could carry them. I think every person in that senatorial district got something from the Republican Convention. And just those kinds of actions show how much he really cares about the folks back home. He takes the time to learn about them, to know them, to know their families, and I think that made him a much better Senator here because that carried over in his passion for his work.

So, Tim Shaffer, we are going to miss you, and we have learned a lot from you.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, one of the other Members of the Senate who may have his last Session on this Senate floor, but he is also a Member who has been an invaluable Member of the Senate, and particularly as my alter ego and a Member of our leadership team, and that is the Majority Whip, Senator D. Michael Fisher.

As we all know, our good friend Mike Fisher ran an arduous campaign for the past year running for the office of Attorney General, and thank goodness when all the returns were finally in on election night he was victorious in achieving that goal, one that he had worked long and hard for. But yet, Mr. President, I think that just demonstrates the determination that Mike Fisher has demonstrated here in the Senate of Pennsylvania. I think if we take a look at Mike Fisher and the record that he has achieved here legislatively, we know that we have an outstanding individual who is going to be the new Attorney General of Pennsylvania.

I think we in the Senate, Mr. President, are going to miss Mike's leadership, his experience, and his knowledge, because all of us have consistently relied on Mike to take the lead on some real tough issues, from welfare reform and education reform to particularly the fight against crime. And despite the complexity of the topic or the inevitable controversy that follows difficult issues, he has never let us down in the Senate Republican Caucus, and I think that some of the issues that Mike took the lead on in this current Session were no exceptions, some very difficult issues to tackle but ones that he was able to master and to have passed into law.

Mike, I think, has the ability to see both the big picture and grasp the small complexities of any particular legislative issue. He is great at forging coalitions and compromises in areas where many times there is often little room for any kind of a particular solution. He led the fight to establish a statewide recycling law when many were convinced that that kind of a law would not work in Pennsylvania, and thanks to his efforts we have a strong and effective law that has gained overwhelming public support.

More recently, as we all know, Mike served as the Senate's point man on crime issues during our Special Session on crime. And under his leadership, we passed more than three dozen laws aimed at making our communities safer. One of those laws which Mike sponsored is cracking down on juvenile violence by imposing adult time for adult crimes, and it is just one of the many important laws that he has sponsored during his career in the House and Senate. His legislative accomplish-

ments are too numerous to mention in this short period of time, but I think that they reflect and say a great deal about the ability that Mike Fisher possesses in order to get things done for the people of Pennsylvania. I think, particularly if we look at the legislative process, we see that in a business where it is tough to get one major law passed, Mike has a very high batting average, and that is because he works hard, he knows how to build consensus and does not shy away from complicated and controversial issues. Mr. President, it is these qualities that have served him well here in the Senate of Pennsylvania and in his previous service in the House of Representatives, and it is those qualities which he will exhibit as Pennsylvania's top law enforcement officer as he moves on after today.

Mike, on behalf of all of us, I wish you well as you move to the Attorney General's Office, and particularly on a personal note, you have been a tremendous colleague and a great person to work with as part of the team as we move forth here in Pennsylvania.

Congratulations.

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

Senator FISHER. Mr. President, I thank my friend Joe Loeper for those very kind words on my behalf, and to all of my colleagues here in the Senate, I guess there was something about the class of 1980. I guess some of us are only destined for 16 years. I note that three of us in that class on both sides of the aisle are leaving after 16 years. Some of you remain. Some left before. But to all of my colleagues, and when I went down the list today, I counted and noted that there were only 13 of you who were here before I arrived in 1980, and obviously a lot who have come subsequent to then.

But I want to thank each and every one of you for the work that we have been able to accomplish, for the help that you gave to me, particularly Members of my leadership, people who have been Members of my leadership with me, people who were there before, people who are going to come after, and to all of my colleagues on both sides of the aisle. I remember very fondly the years, I do not know how many it was, 6 or 8, that I spent working as chairman of the Committee on Environmental Resources and Energy with the gentleman from Luzerne County, Senator Ray Musto, who was on the floor just a few minutes ago, and working with him and with other Members of that committee on both sides of the aisle, we were able to forge the kinds of compromises that Senator Loeper just talked about. So I thank each and every one of you.

But I also thank my staff and your staffs and all of the employees here in the Senate of Pennsylvania who have been so helpful not just to me, not just to us, but to this entire institution. So often our staff gets overlooked for all the hard work that they do, for the work that they do week after week, day after day to get the Senate ready to operate when we come back here after a long recess or after a long weekend, but to each and every one of you who perhaps labored, whether it be on the floor here with us or anonymously in the offices, I want to say thanks to you as individuals and as part of this fine institution.

I also want to say to my constituents who gave me the opportunity to serve here for 16 years, and for 6 years before that in the House of Representatives, a big thanks, and thank you for trusting me for all those years and putting your faith in my ability to do the job that you sent me here to do. For all of us, I think we realize what a particular honor it is to be able to be elected by approximately 250,000 people of this great Commonwealth and to be sent here to be their Senator, to act in their stead and to represent them and to vote the way they would like to vote and to perform the way they would like us to perform, to come to a consensus for the people of Pennsylvania.

And not only was I sent here on one occasion, but I was sent back on three other occasions and in representing the people of Allegheny County and northern Washington County, I was able to be their Senator and do the things that were important not just for the people of my district, but I always felt we worked for the people of the region and for the people of the State. And I would say to my colleagues, particularly our newer colleagues on both sides of the aisle, one of the things I felt was so important to the successes I had in that region was our ability, particularly in Allegheny County and all over southwestern Pennsylvania in this Senate, to be able to work together and transcend some of the bitter partisanship that we see here in this Senate so often, and I would hope that all of you would continue that and continue to work for the place that we will continue to call our home in southwestern Pennsylvania, in Pittsburgh and Allegheny County.

And last among the thanks, of course, is to my family, who allowed me all these years to be here, to serve the people of this great Commonwealth. Last night, in fact--the gentleman from Northumberland, Senator Helfrick, and I were joking about this just a little bit ago--yesterday my staff told me I only had about 24 hours to clean out the office. Since I was leaving at the end of business today, Senator Helfrick was moving in. You know, you do not get much time. In fact, you may get elected Attorney General, but when you leave the Senate they throw you out on the street. You do not move into the Attorney General's Office until January 21, so it is tough. You do not have anywhere to go, so you go back home.

But to my family, it was my family who allowed me to be here. And in cleaning out my desk, I saw pictures of my kids as they grew up. They grew up during the course of time that I was here, and I guess I say to all of you, and I look across, whether it be the President, my friend Senator Uliana, other Members across the aisle, you know, your kids and your family, they are only young once, and one of the things that I guess I am proudest of through my entire career was the time I was able to spend with my family, with my children, and I would say to all of you do not forget, do not forget the people who are most important to you. Do not forget the time that you need to spend with the people who are closest to you. I was able to do that. It never interfered with my career, and I hope that none of you will ever let it interfere with yours.

Thank you, and I look forward to seeing you.

(Applause.)

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

The PRESIDENT pro tempore. Once again, Mr. President, we see the measure of the man, the character in the heart, the sensitivity, love of family, love of community, love of State, love of country. Mike Fisher represents all of that. Mike and I came in together in that great Watergate year of 1974, he in the House of Representatives and I in the Senate. I stand here as the president, vice president, secretary, and all members of my class in the Senate of Pennsylvania, since I was the only one who survived that year. But we did survive. We were friends before that because we were both in the Young Republicans of Pennsylvania, active in our respective areas, he in Allegheny County and I in Blair County, and we became friends before that and it was natural that we continued that friendship afterwards.

Let me say one other thing about Mike Fisher that he and I also shared. Not only did he have that loving relationship with his children and his wonderful wife, Carol, but Fran Fisher sticks out in my mind. What a guy. When it comes to the Ten Commandments, honor Thy father and mother, to me it was always one of the most important. Mike Fisher honored his father and his mother, his mother who became ill and his father, with whom he traveled in a golf cart at his golf outing, and I thought what a wonderful thing. And I did that with my mother, and as I remember Fran Fisher tonight, how proud he would be. How proud he would be to know that his son had the courage to lift himself up when he lost statewide not once but twice, but like the Steelers of Monday night, with very little time remaining in the game--

The PRESIDENT. I knew that was coming.

The PRESIDENT pro tempore. --put that ball across the goal, and in spite of what some of the pundits said, because they made Miami a 2.5 point favorite down there, too, Mike Fisher had the courage and the tenacity and, frankly, through pure, sheer hard work to get that ball over the goal line and win for that third time, and victory was very sweet because, by God, he earned it. He really did. He worked hard and he earned it. And I believe that he is going to be one of the most exceptional, outstanding attorney generals not only in Pennsylvania but anywhere. As Senator Loeper said, he has been so active in so many issues for which he will be known - environmental, criminal justice system, economic development. He is a lawmaker in the truest sense of that word. He is a leader not by title but by the fact that he has earned it through the respect of this body and people across the Commonwealth of Pennsylvania.

For me to call him a friend is an honor, and I know that as we move on, and we all must move on someday, that Mike Fisher's future is very bright and Pennsylvania's future is very good because Mike Fisher will be one of its top elected officials and I know that he will acquit himself admirably.

Mr. President, I am indeed honored to be able to make these remarks about my dear friend Mike, and I know that as he moves on our friendship, as in the past, will continue in the future.

Thank you, Mr. President.

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

Senator MOWERY. Mr. President, I would just like to make a few comments as far as Mike Fisher goes. Back when we served in the House together, he certainly showed at that point that he was going to be a leader because everyone respected and thought an awful lot of Mike Fisher. He came to the Senate, and my first contact again with Mike was back when I ran for Lieutenant Governor and Mike had just run 4 years before that for Lieutenant Governor. We both ended up at about the same place, Mike. However, you were a big help and you gave me a lot of good, positive thoughts at a time when I needed many of those.

But more importantly, Mike, you have been a good friend now that I am in the Senate, and when I came over, you were one of the first people I really looked to for help and advice, I guess because of our relationship in the House. So I want to wish you the very best. You have a great family, you have a lot to be proud of. The kids grow up in spite of us, you and I both know that, and you certainly have a fine family. I just want to wish you the very best as far as your new challenge is concerned. You will do well, and if you bring to that job what you have brought to the Senate of Pennsylvania, we are all going to be very proud of you.

Congratulations.

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

Senator LOEPER. Mr. President, also at this time I would like to recognize Senator Andrezeski, the gentleman from Erie County, who has served this Senate for many years. And, Mr. President, the one thing I always recall about Senator Andrezeski is after a long, arduous day on this Senate floor, every once in a while we would have an order of business called Petitions and Remonstrances, and everyone in this room would leave the floor except me, and Senator Andrezeski and I would spend good quiet time here together for about 20 or 30 minutes each evening as we listened to him articulate the needs of his district and the needs of his constituency.

And I think, Mr. President, the gentleman was very sincere in his remarks and also very sincere in his efforts to serve his constituency, and I am certain that we all in the Senate of Pennsylvania will miss Senator Andrezeski and wish him well as he moves on into his future endeavors.

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

Senator ANDREZESKI. Mr. President, my interest in public policy started with reading the newspaper when I was in grade school and continued into high school and being involved in college political activities. I ended up being a State Senator. It is kind of interesting. When I was working in a boiler shop, Zurn Energy Division, I was a boilermaker. I helped put boilers together. If somebody would have told me that within a 5-year period I would be going from working in a boiler shop to a structural ironworker to a State Senator, I would have asked what therapist they were seeing, but this is America and dreams come true. I ended up being in the Senate of Pennsylvania.

Another thing I remember, and I have told this to some of you at some time, I always thought, well, people come up and say you should join this club or that club; I never did. There I was, about 33 years old and ended up being in the most exclusive club in Pennsylvania, the Pennsylvania State Senate. The first time I walked on the floor of the Senate, I drove down here and I walked on the floor and I said, my gosh, I will never be in a more beautiful Chamber than this, and as I look around tonight for my last official time as a State Senator here, I know that maybe I will serve in other places or other chambers, but I will never be in a more beautiful Chamber than the Senate of Pennsylvania.

Others have referred to their family growing up. Probably the best advice I received was from a House Member who backed me into a corner, Representative Bennie Dombrowski, and said, do not forget your kids. And I thought, wow, I have to step back and do that, and from that point on in the early 1980s I started going to the YMCA with my children. Saturday night I went to the Y and I started hanging out with them and it did me a lot of good having somebody remind me of that, and I say that again for the second time on the floor because although Senator Fisher and I are just a couple of years older, we have a few new younger Members with some younger kids coming in here and they should be reminded of that also.

Public life is a tough life and it does take its toll on its Members. It takes its toll politically over the years. We used to have a little more camaraderie here. Maybe it is because we do not have as many people switching back and forth anymore. I do not know. Joe Rocks, who sat on your side of the aisle also, was the best coach we had for our softball team when we used to get together and play some softball games together. But in leaving, you know, I turn back and say to you get back to some of those events, because we forget that we are real people and we have real feelings.

Unfortunately, a lot of times we forget that. I do not know, my one kid used to, when she was very young and people asked what does your daddy do for a living, she would tell them my daddy shakes hands for a living, and she thought that was my occupation. But what we have done is we have become, in many instances, a little too slick. One of the problems we have here on the Senate floor is that sometimes we follow a maxim: if you cannot explain your vote in a 30-second TV ad, it might be the wrong vote. And then we balance that off, ladies and gentlemen, with the irony that people are expecting much more from their government, but they are respecting it much less. And we end up living by a modern political equivalent of the four horsemen of the apocalypse, which are fundraiser, sound bite, poll, and attack ad. And we were elected to represent and not live by the four horsemen.

That being said, I do believe that the process still works. I have never enjoyed a job more than this. I liked being a structural ironworker. I still carry my ironworkers' card, but I have never enjoyed being in a body and working on public policy and having a vote on where we go on issues more than being here in the Senate of Pennsylvania. I leave here a better person for that. I would like to thank my kids for understanding every time I stopped at the Mill Creek Mall and talked to somebody.

Of course they finally got wise to that and they would just look me in the face and say, do we have to listen to this? But I put together a top-notch staff, and the people who worked for me in the trenches in Erie, no one was better, and I had people who worked for me for 16 years, 15 years, 14 years, and they worked very hard and they put their hearts and souls into serving the constituents of the 49th district. My staff in Harrisburg was from Erie. They knew the district. No one was committed more or worked harder in trying to help people in the great northwest.

As I leave here, I thank you, my colleagues, for agreeing with me on the issues on which we have agreed. I thank you people for being part of my Senate experience, and I thank the people of the 49th Senatorial District, the people of Erie County, who gave me 16 good years of public life. I came in in the class of 1980. I have had an excellent legislative experience, and I look forward to seeing all of you in some way, shape, or venue, and for those of you staying here, I say carry on, fight on, but not too harshly. We are here for public policy, not public war. And for those of you who, like me, are retiring, I wish you all the best also.

Thank you very much.

(Applause.)

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

Senator MELLOW. Mr. President, I would just like to, on behalf of our leadership and the Democratic Members of the Senate, thank Senator Andrezeski for the tremendous job that he has always been able to accomplish in his 16 years as a Member of the Senate, and more importantly, in his years as a Member of our Democratic leadership. The one thing that impresses me most about Senator Andrezeski is not the fact that he was elected to the State Senate but what he has been able to do since he has been here.

Mr. President, Senator Andrezeski came here as an ironworker and is leaving as an individual who served in the Senate for four terms, or 16 years, but also as an individual who has been able to go to law school and earn a degree in law. So, Senator Andrezeski, yes, it has been a good ride. You came here as an ironworker, you had the opportunity to serve for 16 years as a Member of the Senate, and you are leaving here as a member, hopefully in the very near future, of the Bar Association. So we would like to offer to you and your family congratulations and wish you well, and always try to remember that anything we can do for you, we will always be here as a family to try to help. God bless you.

Thank you.

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

Senator LOEPER. Mr. President, the next retiring Member I would like to take the opportunity to speak about is the gentleman from Westmoreland County, Senator Gene Porterfield. Senator Porterfield also has served the Senate very well, representing his district and articulating issues of concern, particularly issues dealing with reassessment, and bringing his expertise and background on those types of issues to the Senate of Pennsylvania but yet not limit his abilities only to those partic-

ular issues but to be a very active voice on behalf of the constituents he has represented in Westmoreland County for a number of years. Mr. President, we are going to miss Senator Porterfield here in the Senate of Pennsylvania. He and I have had an excellent relationship in the time that he has been here, and I have thoroughly enjoyed working with him and certainly wish he and his wife and his family well as he moves on to new ventures.

Mr. President, again, on behalf of all of us in the Senate of Pennsylvania, and particularly the Members of my Caucus, we wish Senator Porterfield good health, good luck, and God-speed.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, I thank Senator Loeper for those kind words. I have served in this body for 8 years and I will leave here with mixed emotions, but I will leave here knowing how few people have this great opportunity to serve the people of Pennsylvania, and in my case, to serve people in Westmoreland County, to take the oath of State Senator, to represent the interest of those people and to move Pennsylvania forward. And I know that each and every one of us in this body has taken that challenge, and we have done the best we possibly can to see that that challenge is accomplished.

Working with my colleagues on both sides of the aisle during the last 8 years has definitely been an interesting learning experience, to say the least. You know, they always make jokes about people coming to either the Capitol here or to Washington, D.C., and taking 10 or 12 years to find the restroom. Well, there is some truth to that, but it is not the restroom that you find, it is learning to know the individuals who make up this body, their ins and their outs, how they respond to you, learning to know what to say, when to say it, and how to get a job done. Whether you are working with the Republican side of the aisle or the Democratic side of the aisle, each of us has our own special interests of our district at heart, because that is where we come from, that is whom we represent. And learning how to accomplish a task by understanding each person in this body is probably the greatest challenge, and that is an experience that I have found quite remarkable.

The accomplishments that I have had here have been many and could not have been if it had not been for my staff both here in Harrisburg and back in my district, and as was mentioned by several of the previous speakers, the tremendous amount of work and effort that is done for each and every one of us as Senators by the various staff members and leadership giving us the guidance and the understanding and the wisdom that they have gained over the years acting in the capacity that they have. And during the last 4 years, I believe that there has been a mutual respect that has been gained between individuals I have directly worked with on the various issues that we have before us day in and day out, the 2,500-plus pieces of legislation that we work on in any given Session, the many diverse efforts put forth by this body to make Pennsylvania a better place.

And I would hope that my efforts in some small way have made Pennsylvania and Westmoreland County a better place to live, work, and raise a family. And I can only say from my family's humble background and mine, it is definitely a pleasure to have served with the Members here and a pleasure to have represented the people of Westmoreland County, and I hope that my efforts have made things a little better.

Thank you very much.

(Applause.)

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

Senator MELLOW. Mr. President, I also would like to say a few words on behalf of the gentleman from Westmoreland, Senator Porterfield.

Mr. President, Senator Porterfield, in his own right, has been a very important part of our Caucus and indeed a very important part of this Senate for the past 8 years. I have some very vivid memories of the discussions that I have had with Senator Porterfield over the years and his humor, his dry humor and his dry wit. Especially at some times in our caucus when it has been quite tense, he has been able to cut through some of the tension with some of the things that he would say. And what really sticks in my mind, Mr. President, is to watch the joy when I saw him walking around with his young baby boy at the time. He is probably 4 or 5 years old now, Senator, just an absolutely beautiful young baby and a beautiful young man. And Senator Porterfield will be missed in our Caucus. He was a very valuable asset and gave us a very valuable contribution when it came to the issues in which he had tremendous expertise, and that expertise had to deal with taxation and property assessment and how basically we could handle those particular things.

The one thing that he would always talk about, even this past year when he was going through a very difficult primary election, he talked to us over and over about one municipality in his district that needed a substantial amount of money from the Commonwealth to make sure that a project they had been working on would have been guaranteed, and the individual he was working with, to my surprise, Mr. President, was not a Democrat, he was a Republican. He had the Republican call me, a gentleman who at one time served in a former Governor's cabinet, and he said to me that it is very important that we get this money. Senator Porterfield has worked with us and he has given us his total commitment and we think he has done a great job, and I, as one Republican who served in a Republican Governor's cabinet, would like not only to help Senator Porterfield get reelected, but will do everything I can to guarantee that.

So Gene, on behalf of your Democratic colleagues and indeed on behalf of all the Members of the Senate, we recognize what a great job you have done, what a tremendous contribution you have made to the people of your district and also to the Senate of Pennsylvania. And once again, if there is anything that we can ever do for you in the future, collectively as a family, I am sure that each and every one of us will be there to help in any way. But to you and your lovely wife and your little boy, God bless you and congratulations on a great career.

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

Senator LOEPER. Mr. President, the next gentleman who is retiring tonight from the Senate of Pennsylvania is the gentleman from Cambria County. Mr. President, Senator Stewart has been a longtime friend during the time that he has served here in the Senate of Pennsylvania. Early on in both of our service here, our sons attended the main campus of Penn State University, and they attended there for several years. In fact, I often said that I thought my oldest boy was the academic red shirt on campus. Finally, it was about 5 years when he received his degree there, but during that time Senator Stewart's son and my son had an opportunity to get together and get to know one another, and also Senator Stewart and his lovely wife and Joann and I had a chance on many weekends when we would be there to get a chance to get to know each other better.

And you know, Mr. President, sometimes when you follow the remarks like those of Senator Fisher, dealing with family and how important family is, many times in this kind of a job it is so easy to forget how often or how fast your youngsters grow up, and all of a sudden the years go by and you look back and you really appreciate the time you were able to spend with them, and certainly Senator Stewart was exemplary as far as carrying out that role as a father and supporter of his family.

In addition to that, Mr. President, here in the Senate of Pennsylvania, serving as the Minority Caucus Secretary, Senator Stewart and also the gentleman from Philadelphia, Senator Salvatore, on this side of the aisle, had an excellent relationship in working together to try to shepherd the Governor's nominations through the confirmation process here in the Senate. And, Mr. President, I had the opportunity several years ago to serve as the Majority Caucus Secretary for 4 years dealing with nominations, and it is very difficult to explain to someone what that job is like unless they carry out that responsibility to try to represent the Members of their Caucus as far as those confirmations are concerned. And there is no one who has carried out that responsibility better than Senator Stewart in a bipartisan fashion working on both sides of the aisle.

We are certainly going to miss Senator Stewart and his humor, his camaraderie, and his dedication to the Senate of Pennsylvania and to the Members of the Senate of Pennsylvania. But again, I speak on behalf of all the Members in wishing him well, wishing him much success in the future endeavors that he may pursue.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, Bill Stewart is in a sense a partner. We come from Blair and Cambria Counties, and even though Johnstown and Altoona have been competitors in athletics and for jobs over the years, our region needed help. And I cannot tell you how many times I have had the pleasure of working with Bill Stewart, working on things like congressional reapportionment, working on things like highways, economic development that benefitted a region, a

region that desperately cried out for jobs, a region that was decimated by the loss of steel and mining jobs in Cambria County and by railroad jobs in Blair County, and even though the demographics of our counties are so very different once you go over that mountain, nevertheless, the people are very much the same. They are blue collar. All they want is an opportunity to have a job, a day's work for a day's pay.

Bill Stewart represented that district extremely well, and I want to pay tribute to him tonight because he has been a friend. He has been a colleague whom I have admired and respected and someone who has just been a genuine good guy, easy to work with, low key, transcended partisanship, and certainly represented an area where people expect concrete results, results on jobs, on highways, and the things that bring about economic recovery, and when you come from our area, we better do it or they are going to get somebody else to do it for us.

And frankly, Bill, if I may, working between Wozniak on one side who is coming in and Singel, whom you succeeded, I think the people are going to remember the low key kind of personality and the professionalism that you have brought to this job. I know that we are neighbors and we will see each other frequently. I have had the pleasure of knowing your family and having the opportunity to work with your son, and I wish you and Kitty and your family nothing but the best of health and happiness, and Godspeed to you, Bill. I look forward to continuing our friendship as we go our ways.

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

Senator STEWART. Thank you, Mr. President, and thank you, Senator Jubelirer, I think, for those kind words. It is kind of tough when you are put between Senator and Lieutenant Governor Singel and a Representative and Senator like John Wozniak to say very much after that, but I think the other Members of the Senate know what the Senator is talking about.

And thank you, Senator Loeper, for your kind comments this evening. He is right, our two sons did share dorm space and I was still in the House then, I believe. And my first meeting with Joe Loeper was after someone in the dorm had thrown a TV through the third floor window and they were all lining up to divvy up the cost, and my son said he had nothing to do with it and Joe's son said he had nothing to do with it and the fight ensued therein. And Joe and I carried it along, but I think when it was all said and done we did what we try to do here many, many times and we compromised and split the cost among ourselves.

I really had not intended to say much this evening, and I will not. I will try to keep this to an hour. But it is indeed an honor and a privilege to take this microphone. Not just because it is the occasion of my retirement and leaving, but I have always considered it a distinct honor and privilege to take this microphone at any time during the Session on behalf of constituents that I represented, just as you all consider it an honor and a privilege to take these microphones on behalf of your constituents. You know, not many people in Pennsylvania can stand here or out there at any one of these microphones and

say anything. It is a rare privilege afforded by them to us. I have always taken that very, very seriously.

And the friendships that I have developed here taking these microphones, both on the floor and in committee meetings and elsewhere, I will never forget. The other speakers have alluded to the fact that there are friendships developed here like no other on the face of the earth. And a lot of that friendship I think is not only because we relate to our activities and legislating policy for the Commonwealth, but because of the forces outside this room, outside of our jobs that sometimes seem to constantly work against us. Ed Helfrick is moving into Mike Fisher's office before Mike is even out. Do not worry, Mike, Leonard Bodack was in my office all afternoon measuring, moving things around while I was packing boxes. It does not change.

But those forces on the outside I think are what really bring us together as a family. It was interesting, even on the way out, in this job, in this business, even on the way out, forces out there are working against you. I got a call from a person at the State Retirement Board and she said, I just wanted you to know that your newspaper called and wants to know how much your retirement benefit is. I guess it never ends, whether you retire or not. I think those kinds of forces are what brings this group here together as a family, because we all face them and we face them pretty much alone, because there are only 50 of us out of 12 million Pennsylvanians, and it is very difficult to relate to somebody outside of this body certain things that happen to individuals here collectively and individually.

It is hard enough, God knows, to relate to our families, and family has been brought up by the previous speakers, and I will reiterate what has been said to some of the younger Members who have young children: do not neglect them. If you have a birthday party, unless we are voting on the end of the Commonwealth up here, go home. Do it. You will never get those moments back. I tried over the years to balance that, and I think I did a pretty good job, but it is really good advice that you get not from me but from others to make sure you take care of your family.

I have considered this a family. I have considered the General Assembly a family. I always will. I appreciate the courtesies that you have afforded me over the years. I will truly miss the friendship and camaraderie that has developed here, and I wish you all, as you wish me, Godspeed in the future.

Thank you, Mr. President.

(Applause.)

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator O'Pake has returned, and his legislative leave is cancelled. And also Senator Furno, and his temporary Capitol leave is cancelled.

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

Senator MELLOW. Mr. President, I would also just like to say a few words on behalf of the Democratic Members of the Senate about Senator Stewart, the things that we believe that

he has been able to accomplish and some of the enjoyable times that we have had with him.

Senator Stewart has been a part of our leadership for the last several years and in that particular job he has excelled. He has worked every way he possibly can to bring about some type of a cooperative and cohesive effort when it came to executive nominations. If you walk into Senator Stewart's office you will see on the credenza behind his desk, which he shall have for the next 5 days, you will see a photo of one of his sons who is a baseball player, a catcher, in his uniform, and I am sure that Senator Stewart is very happy and very proud of that accomplishment and about his boys, especially the athletic accomplishments of the young baseball player.

But, Mr. President, just like Senator Porterfield was the type of fellow in our Caucus who at times when things would get very strained and would be very difficult, Senator Stewart had the same knack of being able to cut through a lot of things, and it was not uncommon in our caucus that on occasions Senator Stewart would take the top piece off the microphone and would have the microphone playing back to you, and you were not quite certain what was taking place as you talked into your own microphone, but you realized once you looked over at Senator Stewart's smile and the laugh on his face that he gimmicked his microphone in such a way that the playback was coming through your microphone.

And, Mr. President, it was funny today when I was in his office and I saw all those boxes, and I realize that Senator Bodack is going to take over his office and was in there measuring for various types and pieces of furniture, but somebody came into the office and said, is Mr. Stewart here? And I jokingly said to Bill, well, in 5 more days you are going to be Mr. Stewart, but I guess they have already forgotten that today you are still Senator Stewart. Some way along the line we all seem to have that first name of "Senator," but today Senator Stewart became Mr. Stewart for a constituent, and I guess he was kind of confused as to what was happening with the way the furniture has been moved out of his office.

But to Bill and his lovely wife and his two sons, once again, we are going to miss you. I know I am going to miss you. I am sure that Senator Fumo and other Members of our Caucus who have had the opportunity of working very closely with you over the last several years are going to miss you. You have done a great job, Bill, and once again, if there is anything that we as your extended family can ever do in any small way, please do not hesitate to come back. And to you and your lovely wife and two boys, congratulations.

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

Senator FUMO. Mr. President, this seems to be the first year that we have kind of formalized this thing into a system. It is new to me. I have been here a long time and I have lived through some of these, and I hate to break the system, but I remember a time when Senators got up as individuals and said goodbye to people. So in addition to our leadership saying goodbye, I would like to add mine and a few remarks.

First to Senator Fisher. We fought a lot on a lot of issues. Philosophically we differ, but in reality we do not differ much.

And although I did not support him in his election for Attorney General, I do want to wish him well in that job and I will honestly say as we said the other night, no candidate has ever worked harder. And I just want you to know that Mike Fisher knows every headwaiter in every political restaurant in the city of Philadelphia on a first-name basis now, and, Mr. President, you had better watch out because he tells me he is coming back to Philadelphia to raise more money. I wonder what that is for? But Mike, come on back and we will go to dinner, and I certainly do wish you well and I will miss you here.

Timmy Shaffer. I remember the first time Timmy and I ever really got together, we took a ride on a boat on the Delaware River to look at the Port of Philadelphia. It is still there, not much has changed. The boat is not there anymore, though. But I wish you well, too, Timmy, in your future endeavors and I know what it is like to have the strain here lifted from your shoulders. It must be a great relief. I do not know that personally, but I look at Bill Lincoln now who seems a lot younger, lost some weight, plays golf all of a sudden. It must do something for your psyche.

On our side of the aisle, I want to say goodbye to Gene Porterfield, to whom I became very close and we helped out a lot in his primary and he lost. That is certainly a shame. I think the Senate is losing a good person with a good heart, a person who tried his best to do what he thought was right. Gene, I will miss you, too.

To Buzz Andrezeski, who has been here so long we never thought we would see him go, and this last time he gave us a few palpitations, went up and went down, and unfortunately for us he will not be here again, but believe me, he will be missed with his background. He came here as an ironworker and leaves as a lawyer. I do not know if he is better off or worse off, to tell you the truth. He said he wants to go back to being an ironworker. I would probably advise that, and probably Senator Jubelirer might even second that, as we both practice law. Skip the bar and do not even worry about it, Buzz, but we will miss you, too.

And to Bill Stewart, my very close friend, who is a big Trekkie, if you do not know. Every year I try to find him something from Star Trek. He has an office with a phone down there and all kinds of laser rays and buzzers and every other darn thing. He is like the class clown, I guess, in a sense. As Senator Mellow alluded to before, he will break the public address system, you name it, he is there. He is great with his one-liners. He will have signs made up, the most bizarre signs and posters you have ever seen. He is always there for a laugh, even in our darkest hours, and I, too, will miss Bill enormously.

And you know, it is like everything else, there are those times in a group like this when there are people who are difficult to say goodbye to and, quite honestly, let us not be hypocritical, there are people who are easy to say goodbye to. And I remember 2 years ago when no one was at this desk and for the first time I got the responsibility of doing these goodbyes, and I will admit it was not difficult saying goodbye to Bruce Marks, but it is difficult saying goodbye to the people I am saying goodbye to tonight.

But, Mr. President, on another note, on a happier note, and on a much more serious note, but before I do that, though, I want to say something else that Senator Zemprelli said to me and he remarked when he came back, and I want to tell the five of you as you leave. He said every Christmas, as we all know, we are fortunate that people send us fruit baskets, food baskets, poinsettias, wreathes, all those kinds of things, all within the legal limits of the Ethics Act, just mementos, and Zemp said, he left here on December 1 and looked around at Christmastime and said, Marge, what happened to all that stuff? We did not have room in the kitchen for all that stuff. Everybody forgot him. So he called me up and I did send him a basket. That was only that year, though. So for the outgoing Members, I want to say that I will continue my tradition and send you all a basket this year, but next year I do not know what is going to happen.

But, Mr. President, on a very serious note, I think, I am particularly happy from a personal standpoint that I do not have to say goodbye to some people tonight. And it is sad around here because the whole atmosphere at times is bizarre and surreal. On the one hand, we do battle on legislation and sometimes, believe me, and you know I am a fighter, it gets real tough. On the other hand, you cannot help but develop relationships with people. And then there come elections when you have targeted seats and swing seats and all of a sudden you are supposed to be out there beating in the heads of the guys you got close to, and the women. You kind of feel like a gladiator, and it is really sad.

So on a happier note tonight, I am particularly happy that I do not have to say goodbye to my good friend Gib Armstrong, and I had to say that, because we have to do something around here. Some things have to change or else we are going to destroy our own psyche. As I look forward to the next 2 years, I do not see a lot of happiness. I see some distress, some things that are going to happen that I do not know what is going to happen, but it is not going to bring us closer together, and maybe I have been here too long and I get a little sentimental about these things and I start to really worry about the institution that we work in and the things that we have to do. I dream someday for a day when we do not have to be partisan. I guess I dream someday for a day that Stew Greenleaf once said, he would rather see us sit here in alphabetical order than by party. I thought that was a little unrealistic when I first heard it, but as I am here more and more I am beginning to think that maybe we should do that.

So, Mr. President, on that note, it is sad that my friends are leaving. It is happy that some of my friends are staying, and God help all of us and I hope that we get through the future years, as I know we will, because this institution has been here a long time, but I hope it gets better rather than worse.

Thank you all and goodbye.

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

Senator MELLOW. Mr. President, I just want to add a little addendum to what we are talking about today, and that is saying goodbye, because I believe that we would all be remiss if we did not all say goodbye I guess one more time to Senator

Roxanne Jones. And on the front of today's Calendar when we say goodbye to our six colleagues who are retiring from the Senate, also on the bottom it says, "Lest we forget, Please God...rest her soul with Thee."

We had the opportunity at the appropriate time of eulogizing Senator Jones. Senator Kitchen has now had the opportunity of being able to take her seat here in the Senate. Senator Jones is a very difficult individual to try to replace, but I would like to just close with the remembrance of what she would talk about, Mr. President. And she would always say to us over and over, and I am going to read it. She would say, "In your time and in your space, with God's grace, you can make a difference." And the six gentlemen who are retiring today have made a difference, and certainly our deceased brethren, Senator Jones, who passed away in May, made a difference, and we would like her to be remembered here this evening.

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

Senator LOEPER. Mr. President, also retiring from this body today but moving on to the United States Congress is Senator John Peterson. Senator Peterson is on legislative duties today. Last week we had an opportunity for the Members of the Senate to have a nice farewell dinner, and at that time we were able to hear Senator Peterson and also to make some remarks on behalf of his career and dedication to legislative service here in the Senate of Pennsylvania.

Mr. President, at this time I would like to have the following remarks made part of the record.

(The following remarks were made a part of the record at the request of the gentleman from Delaware, Senator LOEPER:)

Mr. President, as our friend and colleague John Peterson departs the Senate to serve his State and his nation as a Member of the United States Congress, I think it would be appropriate to acknowledge this gentleman's accomplishments and dedicated service to the Commonwealth of Pennsylvania.

Twenty years ago, John Peterson came to Harrisburg as a Member of the House of Representatives, where he served with distinction for 8 years before becoming a Member of the Senate. For the past dozen years, he has represented the State's largest legislative district—a 10-county area the size of Connecticut and Rhode Island combined.

During that time, he has been a tireless advocate—indeed, an activist—for rural Pennsylvania, for senior citizens, for the poor, for those in need of better health care, and for Pennsylvania businesses, both large and small.

As chairman of the Senate's Public Health and Welfare Committee and Republican Policy Committee, John Peterson has demonstrated remarkable leadership qualities that have often found him leading the fight for important legislation, both behind the scenes and here on the Senate floor.

One of his most important legacies as a Member of this body is Act 24 of 1992, which established Pennsylvania's "Living Wills" law and allows patients to choose the kind of care they would want if they are terminally ill or incapacitated.

Another of his greatest achievements was helping to create the PENNVEST program, which provides major funding to upgrade, expand and construct new municipal water and sewage systems throughout the Commonwealth.

More recently, John Peterson initiated legislation which established the newly created position of Physician General, who will promote good health throughout the State and work closely with the Departments of Health, Welfare and Aging for the benefit of all Pennsylvanians.

As he leaves for Congress, John has promised to continue his fight against out-of-state trash shipments which threaten our rural regions and endanger our environment. So as you can see, we are not losing a valued colleague here in Harrisburg--we are gaining a friend in Washington.

John Peterson's loyalty, his dependability, and his never wavering sense of bipartisan cooperation will be missed in the Senate, but we know his heart will remain here with us in the Commonwealth of Pennsylvania.

The PRESIDENT. The Chair would like to thank each of our speakers and particularly the retiring Members for your heartfelt remarks, and above all recognize your leadership and contribution to our Commonwealth.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, at the time of the year when we get a little bit tired and we are trying to finish up the Calendar, we also have people who come to Harrisburg because of issues that are very special to them and of great concern, and in the gallery we have people from northwestern and northern Pennsylvania from the Pennsylvania Independent Petroleum Producers who have been in the Capitol for the day trying to make many of us aware of their issues. We have Bill and Joyce Kline, and Joyce is the president of the Pennsylvania Independent Petroleum Producers. Along with them are Mike and Kathy Perett, and Ray Stiglitz, and I apologize to the rest for whom I do not have their names.

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

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

**BILLS ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

BILLS OUT OF ORDER

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 537 (Pr. No. 2457) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for recovery of costs related to certain distribution system improvement projects; and providing for State correctional institutions.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 537?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 537.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 1098 (Pr. No. 2453) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for investment of moneys of the Commonwealth; providing for the Zoological Enhancement Fund and for transfers from the Motor License Fund, for the Organ Donation Awareness Trust Fund; and making a repeal.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1098?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 1098.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 150 (Pr. No. 2456) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 150?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 150.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 31 (Pr. No. 2379) -- 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 limitation on actions, for alternative plan of conversion and for mutual companies insolvent or in hazardous financial condition.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 31?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 31.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 1315 (Pr. No. 2426) -- 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 deceptive business practices; and prohibiting use of tobacco in schools.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1315?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1315.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 1316 (Pr. No. 2427) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," further defining "unfair methods of competition" and "unfair or deceptive acts or practices"; further providing for unlawful acts or practices, for sales contracts and for civil penalties; and providing for attorney fees in private actions.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1316?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1316.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 1317 (Pr. No. 2388) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1317?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1317.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 1322 (Pr. No. 2401) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, amending provisions relating to child victims and witnesses.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1322?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1322.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

SB 1397 (Pr. No. 2389) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of July 10, 1986 (P. L. 1263, No. 116), entitled "Community Services Act," further providing for functions of the agency and for apportionment of appropriations; and extending the expiration date of the act.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1397?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1397.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

THIRD CONSIDERATION CALENDAR

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

HB 299 (Pr. No. 4305) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, allowing owners of securities to register the title to same in transfer-on-death form; and providing for reports for school district trustees.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 397 (Pr. No. 4292) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the Dog Law, further providing for preliminary material, for licenses, tags and kennels, for dogs at large, for duties of officers, for duties of the department, for offenses, for dangerous dogs, for injuries to dogs, for damages by dogs, for statements and proofs and for enforcement and penalties; providing for sterilization of dogs and cats; further providing for funds, for liability of the Commonwealth, for applicability, for abandonment and for repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1181 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

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

HB 2021 (Pr. No. 4293) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for settlement of accounts, for audit of accounts, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; providing for refusal to submit to examination and for the procedure for approval; further providing for refunds of unconstitutional taxes for counties of the second, second class A and third through eighth classes and cities of the first class coterminus with counties of the first class; providing for eligibility for retirement allowances for certain employees in counties of the second class; making a repeal; and repealing certain provisions of law imposing liability on counties for certain 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 PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, very briefly, I know the hour is late. I am going to vote "no" on this bill. I have a very strong concern about relieving the counties from liability on two different cases from forensic MA costs, as well as the costs to take care of any nursing home patients that they may have to take care of without having some sort of sunset provision. I am going to vote "no." I think it is a bad deal that we do not have that, and I just wanted to make sure that that was part of the record, Mr. President.

Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—1

Uliana

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 1181 CALLED UP

HB 1181 (Pr. No. 4304) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

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

HB 1181 (Pr. No. 4304) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for orders for protection from domestic abuse and for the release of confidential reports.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

RECONSIDERATION OF HB 2021

BILL ON FINAL PASSAGE

HB 2021 (Pr. No. 4293) -- Senator LOEPER. Mr. Presi-
dent, I move that the Senate do now reconsider the vote by
which House Bill No. 2021, Printer's No. 4293, just passed
finally.

The motion was 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—46

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

NAYS—4

Bell Gerlach Hart Uliana

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 REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER TEMPORARILY

HB 2031 -- Without objection, the bill was passed over in
its order temporarily at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 168 (Pr. No. 3374) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Govern-
ment) of the Pennsylvania Consolidated Statutes, providing for special
supplemental postretirement adjustments.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 304 (Pr. No. 4297) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending the act of November 6, 1987 (P.L. 381, No.
79), known as the Older Adults Protective Services Act, further pro-
viding for definitions; providing for criminal history for employees at
certain facilities; and making editorial changes.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 305 (Pr. No. 4298) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 6, 1987 (P. L. 381, No. 79), known as the Older Adults Protective Services Act, further providing for definitions, for reporting and for investigations and for confidentiality of records; providing for reporting suspected abuse by employees; and making editorial changes.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger

Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 306 (Pr. No. 4296) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for Statewide nurse aide training programs relating to nursing facilities.

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—1

Kitchen

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

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

BILL OVER IN ORDER

HB 647 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 682 (Pr. No. 1647) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for contracts.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 683 (Pr. No. 755) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for contracts.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

NAYS—0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 684 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 686 (Pr. No. 758) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for contracts.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 974 (Pr. No. 4299) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further regulating liquidated damages; empowering the Governor to authorize the transfer of certain convicted offenders pursuant to outstanding treaties; providing for Accelerated Rehabilitative Disposition; 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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 981 (Pr. No. 4300) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Special Independent Prosecutor's Panel and providing for its powers and duties; and providing for special investigative counsel and for independent counsel.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 TEMPORARILY

HB 1117 and HB 1182 -- Without objection, the bills were passed over in their order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1470 (Pr. No. 2439) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for causes of action; and providing for priority of restitution.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

NAYS—0

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

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

BILL OVER IN ORDER AND RECOMMITTED

SB 1559 (Pr. No. 2047) -- 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 arson and related offenses.

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

Pursuant to Senate Rule X, the bill was recommitted to the Committee on Judiciary.

BILL OVER IN ORDER TEMPORARILY

HB 1972 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2046 (Pr. No. 4288) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1968 (P.L.1158, No.365), entitled "An act creating and establishing the Legislative Data Processing Committee; providing for its membership; prescribing its powers, functions and duties; and making an appropriation," providing for the members of the Legislative Data Processing Committee and for access to legislative information within computer information systems by persons outside the General Assembly.

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-50

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, 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 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 2186 (Pr. No. 4303) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for clarification of the status of members of the Fish and Boat Commission, its Boating Advisory Board and deputy waterways patrolmen; providing for a volunteer program; further providing for classification of offenses and penalties, for boating under the influence and for Class A regulated fishing lakes; and providing for marking of dams.

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-50

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, 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 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 2191 (Pr. No. 4271) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for supervision of child-care facilities; and conferring powers and duties on the Department of Public Welfare.

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-50

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, 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 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 2379 (Pr. No. 3562) -- 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 credit card fraud; defining the offense of unlawful device-making equipment; 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 yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS-50

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, 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 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 2393 (Pr. No. 4301) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 54 (Names) of the Pennsylvania Consolidated Statutes, providing for mandatory minimum penalty for possession of a controlled substance by an inmate; requiring the Pennsylvania State Police to receive notification when the court orders a change of name for a person with a criminal record; regulating change of name after conviction of a felony; and further providing for certain injunctive relief.

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-50

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, 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 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 2403 (Pr. No. 4268) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for police animals and for the sale of dogs; 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 yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS-50

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Costa, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, 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 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 TEMPORARILY

HB 2522, HB 2579, HB 2586 and HB 2592 -- Without objection, the bills were passed over in their order temporarily at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2627 (Pr. No. 4249) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for definitions, for duties of facility owners, for a One Call System, and for designers and contractors for a One Call System; and providing for 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-50

Table listing names of Senators who voted 'Yeas' for HB 2627, including Afflerbach, Greenleaf, Mellow, Shaffer, etc.

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 2657 (Pr. No. 4158) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, requiring notice to be sent to certain taxpayers who fail to make timely payment of certain taxes.

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-50

Table listing names of Senators who voted 'Yeas' for HB 2703, including Afflerbach, Greenleaf, Mellow, Shaffer, etc.

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 2703 (Pr. No. 4285) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions, for determination of contribution rates and for employer reserve accounts.

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-50

Table listing names of Senators who voted 'Yeas' for HB 2703, including Afflerbach, Greenleaf, Mellow, Shaffer, etc.

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 684 CALLED UP

HB 684 (Pr. No. 756) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 684 (Pr. No. 756) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for contract procedures.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator CORMAN, offered the following amendment No. A8326:

Amend Title, page 1, line 5, by inserting after "for": the collection of county taxes during vacancies in the office of elected tax collectors in municipalities and for

Amend Title, page 1, line 5, by removing the period after "procedures" and inserting: ; and providing for an excise tax in certain counties

Amend Bill, page 1, lines 8 through 11, by striking out all of said lines and inserting:

Section 1. Section 1701.1 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended by adding a subsection to read:

Section 1701.1. Billing and Collection of Third, Fourth, Fifth, Sixth, Seventh and Eighth Class County Taxes.—* * *

(b.2) Notwithstanding any law to the contrary, if, as a result of a vacancy in the office of elected tax collector in a municipality within a county of the third, fourth, fifth, sixth, seventh or eighth class, an employe or paid official of the municipality is appointed or directed by the governing body of the municipality to assume the duties of tax collector, the county commissioners may, by resolution, provide, until a successor tax collector is elected in accordance with law, for either:

(1) The county treasurer to have the duties and responsibilities of billing and collecting all county and county institution taxes levied within the municipality.

(2) Payment to the municipality, rather than the employe or paid official appointed or directed by the governing body of the municipality to assume the duties of tax collector, the compensation that otherwise would be attributable to the billing and collecting of county and county institution taxes levied within the municipality.

Section 2. The act is amended by adding a section to read:

Section 1770.2. Authorization of Excise Tax.—(a) The county commissioners of any county which has a recognized tourist promotion agency designated to act within the county may impose an excise tax not to exceed two per centum of the consideration received by each operator of a hotel within the county from each transaction of renting a room or rooms to transients. The tax shall be collected by the operator from the patron of the room or rooms and paid over to the county as herein provided.

(b) The county commissioners may by ordinance impose requirements for keeping of records, the filing of tax returns and the time and manner of collection and payment of tax. The county commissioners may also impose, by ordinance, penalties and interest for failure to comply with recordkeeping, filing, collection and payment requirements.

(c) The treasurer of each county electing to impose the tax authorized under this section shall collect the tax and deposit the revenues received from the tax in a special fund established for that purpose. After deducting from the fund any direct or indirect costs attributable to collection of the tax, the county shall distribute to the recog-

nized tourist promotion agency designated to act within the county all revenues received from the tax not later than sixty (60) days after receipt of the tax revenues. The revenues from the special fund shall be used by the recognized tourist promotion agency to directly fund county-wide tourist promotion.

(d) In any county electing to impose the tax authorized under this act, the recognized tourist promotion agency may, after receiving any revenues from the special fund established under subsection (c), apply to the Department of Community and Economic Development for, and be awarded, a matching grant under the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law." A copy of the application to the Department of Community and Economic Development and any amendment shall be given to the county commissioners.

(e) The tax year for a tax imposed under this section shall run concurrently with the calendar year.

(f) An audited report on the income and expenditures incurred by a recognized tourist promotion agency receiving any revenues from the tax authorized under this section shall be submitted annually by the recognized tourist promotion agency to the county commissioners.

(g) As used in this section, the following words and phrases shall have the meaning given to them in this subsection:

"Consideration." Receipts, fees, charges, rentals, leases, cash, credits, property of any kind or nature, or other payment received by operators in exchange for or in consideration of the use or occupancy by a transient of a room or rooms in a hotel for any temporary period.

"County." Any county which is on the effective date of this act a county of the fifth class having a population under the 1990 Federal Decennial Census in excess of one hundred twenty-three thousand (123,000) residents.

"Hotel." A hotel, motel, inn, guest house or other structure which holds itself out by any means, including advertising, license, registration with an innkeepers' group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space for consideration to persons seeking temporary accommodation; any place which advertises to the public at large or any segment thereof that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large; or any place recognized as a hostelry. The term does not include any portion of a facility that is devoted to persons who have an established permanent residence or a college or university student residence hall.

"Occupancy." The use or possession or the right to the use or possession by any person other than a permanent resident of any room in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services accompanying the use and possession of the room.

"Operator." An individual, partnership, nonprofit or profit-making association or corporation or other person or group of persons who maintain, operate, manage, own, have custody of or otherwise possess the right to rent or lease overnight accommodations in a hotel to the public for consideration.

"Patron." A person who pays the consideration for the occupancy of a room or rooms in a hotel.

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding sixty (60) consecutive days.

"Recognized tourist promotion agency." The nonprofit corporation, organization, association or agency which is engaged in planning and promoting programs designed to stimulate and increase the volume of tourist, visitor and vacation business within counties served by the agency as that term is defined in the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law."

"Room." A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodation in a room or group of rooms.

"Transaction." The activity involving the obtaining by a transient or patron of the use or occupancy of a hotel room from which consid-

eration is payable to the operator under an express or an implied contract.

"Transient." An individual who obtains accommodation in a hotel by means of registering at the facility for the temporary occupancy of a room for the personal use of the individual by paying a fee to the operator.

Section 3. The introductory paragraph of subsection (h) of section 1802 of the act, amended July 10, 1990 (P.L.379, No.89), is amended to read:

Amend Sec. 2, page 1, line 19, by striking out "2" and inserting:
4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1182 CALLED UP

HB 1182 (Pr. No. 3561) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 1182 (Pr. No. 3561) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A8190:

Amend Sec. 2 (Sec. 5704), page 2, line 19, by striking out "**FIRST**"

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 2579 CALLED UP

HB 2579 (Pr. No. 4204) -- 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 REVERTED TO PRIOR PRINTER'S No. ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2579 (Pr. No. 4204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and

Recovery Act, further providing for contents of actuarial valuation report and for municipal obligations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that the Senate revert to prior Printer's Number 3601.

The motion was agreed to.

The PRESIDENT. The Senate now has before it House Bill No. 2579, Printer's Number 3601.

On the question,

Will the Senate agree to the bill on third consideration?

It was 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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 2586 CALLED UP

HB 2586 (Pr. No. 4252) -- 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 ON THIRD CONSIDERATION, OVER IN ORDER TEMPORARILY ON FINAL PASSAGE

HB 2586 (Pr. No. 4252) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing counties to make appropriations to municipal corporations for disaster or emergency aid.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator LOEPER. Mr. President, I request that House Bill No. 2586 go over in its order temporarily on final passage.

The PRESIDENT. House Bill No. 2586 will go over in its order temporarily.

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 the Republican Members to have some dinner, and then if they would report to the first floor caucus room at 8:30 for a Republican caucus, hopefully to be back on the floor by 9:15.

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

Senator MELLOW. Mr. President, I ask that the Democratic Members report to our caucus in the rear of the Chamber immediately.

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

AFTER RECESS

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

PERMISSION TO ADDRESS

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

Senator LOEPER. Mr. President, as a special order of business, I ask that you recognize Senator Shaffer for the purpose of some remarks.

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

Senator SHAFFER. Mr. President, I know the hour is late, we have been in Session now on and off for almost 10 hours with a number of hours yet to go and the Calendar is still full. However, during this break in the proceedings something has caught my attention that I wanted to bring to the attention of the Senate of Pennsylvania. Earlier tonight on a number of occasions when Senators were retiring they made note of the very important fact that it is so important for each of us, those of us in public life and those who are our constituents, to remember that no matter how busy you are with your professional life, with the things that seem important to you and earning a living, that you should not neglect your family, especially your kids.

And that is a poignant topic, at least to those of us in Butler County these days, Mr. President, because 16 days ago, on November 9, a young high school senior named John Baglier went, as so many teenagers do in Butler, to the Clearview Mall, the local shopping mall, one Saturday evening and has not been seen since. It is believed, because of evidence that has been gathered, that young John Baglier was abducted by

another individual, an individual in his 20s, and perhaps has been killed and his body has not yet been recovered.

The individual who we believe perpetrated this act drove for 3 solid days thereafter clear to Arizona, where he was confronted by police about 4 days after the event itself at the Clearview Mall, and during a scuffle with police he committed suicide. So the only witness, the perpetrator himself, to this tragic event is now deceased. We have now gone for 16 days in Butler County, hundreds of volunteers have put in tens of thousands of hours searching the highways and the byways, the creeks and the lakes in and around Butler and Armstrong Counties trying to find some indication of what happened to John Baglier. His vehicle was recovered with the perpetrator and some of his clothes were recovered as well, but the body itself was not.

And what struck me when a number of our retirees mentioned how important it was for those of us to be close to our families, we are now just about 48 hours from one of the most holy seasons, that of Thanksgiving, where we think of our families, and I would like, first of all, to express on behalf of the Senate of Pennsylvania the sincere sorrow and the depth of our sorrow of the Senate of Pennsylvania to Dennis and Judi Baglier, the parents of John Baglier, who was their only child, and to express our fervent hope and our prayers to that family that very, very soon there will be some conclusion to this terror and this nightmare that has entered their lives. That is the first reason for my remarks here tonight, Mr. President.

Second of all, I want to remind each and every one of us this Thanksgiving season of how important not only our own health is but the health and the closeness that we have with our family members, particularly those with children.

Thank you, Mr. President.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1662** and **SB 1667**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 212**, **SB 471** and **SB 857**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

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

SB 31, **SB 1315**, **SB 1316**, **SB 1317**, **SB 1322**, **SB 1397**, **SB 1662** and **SB 1667**.

**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 this evening's Session to consider the following Senate Bills: 212, 509, 857, 860, 1038, 1204, 1219, 1234, 1444, 1448, 1469, 1590, 1646; House Bill No. 2685, and certain nominations.

REMARKS ON VOTES

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

Senator GREENLEAF. Mr. President, I rise to request that my vote in regard to House Bill No. 2021, Printer's No. 4293, be registered in the negative. At the time when we were going through the Calendar the Chamber took a fast roll call and I was not able to indicate my opposition to the legislation at that time. I would like these comments to be spread upon the record, that I am absolutely opposed to this legislation and want to be registered in the negative on this legislation, House Bill No. 2021.

The PRESIDENT. Your opposition to this legislation will be made known by virtue of spreading it upon the record.

The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, I rise in regard to House Bill No. 2021, which was just referred to by the gentleman from Montgomery, Senator Greenleaf, and I join him in his efforts and request that I be recorded in the negative for the very same reasons indicated by Senator Greenleaf.

The PRESIDENT. That will be done, Senator. The Chair should be clear that those remarks will be spread upon the record.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, as I understand it, the gentleman from Lackawanna, Senator Mellow, is still in caucus. He indicated he will be out as soon as possible. We have several Supplemental Calendars and meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations, and my understanding is that the House is leaving by 11 o'clock, so we have our work cut out for us and we will await the arrival of the Democratic Caucus.

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator Williams, who have been called to their offices.

The PRESIDENT. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDENT. Without objection, those leaves will be granted.

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

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 684 (Pr. No. 4309) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as The County Code, further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities and for contract procedures; and providing for an excise tax in certain counties.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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 1182 (Pr. No. 4310) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

HB 2873 (Pr. No. 4291) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending the act of January 17, 1968 (P.L.11, No.5),
known as The Minimum Wage Act of 1968, further providing for the
minimum wage of certain employees.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No.
A8288:

Amend Title, page 1, lines 8 and 9, by striking out "the minimum
wage OF CERTAIN EMPLOYEES" and inserting: definitions

Amend Sec. 1, page 4, lines 18 through 30; page 5, lines 1
through 3, by striking out all of said lines on said pages and inserting:

Section 1. Section 3(d) of the act of January 17, 1968 (P.L.11,
No.5), known as The Minimum Wage Act of 1968, amended Decem-
ber 15, 1988 (P.L.1232, No.150), is amended to read:

Section 3. Definitions.—As used in this act:

* * *

(d) "Wages" mean compensation due to any employe by reason
of his employment, payable in legal tender of the United States or
checks on banks convertible into cash on demand at full face value,
subject to such deductions, charges or allowances as may be permitted
by regulations of the secretary under section 9.

"Wage" paid to any employe includes the reasonable cost, as
determined by the secretary, to the employer for furnishing such
employe with board, lodging, or other facilities, if such board, lodg-
ing, or other facilities are customarily furnished by such employer to
his employes: Provided, That the cost of board, lodging, or other
facilities shall not be included as a part of the wage paid to any
employe to the extent it is excluded therefrom under the terms of a
bona fide collective-bargaining agreement applicable to the particular
employe: Provided, further, That the secretary is authorized to deter-
mine the fair value of such board, lodging, or other facilities for de-
fined classes of employes and in defined areas, based on average cost
to the employer or to groups of employers similarly situated, or aver-
age value to groups of employes, or other appropriate measures of fair
value. Such evaluations, where applicable and pertinent, shall be used
in lieu of actual measure of cost in determining the wage paid to any
employe.

In determining the hourly wage [of] an employer is required to
pay a tipped employe, the amount paid such employe by his employer
shall be [deemed to be increased on account of tips by] an amount
[determined by the employer, but not by an amount in excess of forty-
five percent of the applicable minimum wage rate upon the effec-
tive date of this amendment: Provided, That the amount of the in-
crease] equal to: (i) the cash wage paid the employe which, for the
purposes of the determination, shall be not less than the cash wage
required to be paid the employe on the date immediately prior to the
effective date of this subparagraph; and (ii) an additional amount on
account of the tips received by the employe, which is equal to the
difference between the wage specified in subparagraph (i) and the
wage in effect under section 4 of this act. The additional amount on
account of tips [determined by the employer] may not exceed the
value of tips actually received by the employe. The previous sentence
shall not apply with respect to any tipped employe unless:

(1) Such employe has been informed by the employer of the
provisions of this subsection;

(2) All tips received by such employe have been retained by the
employe and shall not be surrendered to the employer to be used as
wages to satisfy the requirement to pay the current hourly minimum
rate in effect; where the gratuity is added to the charge made by the
establishment, either by the management, or by the customer, the
gratuity shall become the property of the employe; except that this
subsection shall not be construed to prohibit the pooling of tips
among employes who customarily and regularly receive tips.

* * *

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.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a
recess of the Senate for the purpose of a meeting of the Com-
mittee on Rules and Executive Nominations to take place im-
mediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the
Committee on Rules and Executive Nominations to begin im-
mediately at the rear of the Senate Chamber in the Rules room,
the Senate will stand in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 212 (Pr. No. 2469) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts; and providing for reimbursement for county expenses for judges.

SB 857 (Pr. No. 2459) (Rereported) (Concurrence)

A Supplement to the act of July 11, 1996 (P.L.595, No.101), entitled "An act providing for the capital budget for the fiscal year 1996-1997," itemizing public improvement projects and furniture and equipment projects to be constructed or acquired by the Department of General Services, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services; stating the estimated useful life of the projects; and making appropriations.

SB 860 (Pr. No. 2472) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 29, 1996 (P. L. , No. 1A), known as the General Appropriation Act of 1996, providing additional State appropriations for the Attorney General, the Auditor General and the State Treasurer for transition expenses; providing an additional Federal appropriation to the Pennsylvania Infrastructure Investment Authority; and further providing for the maintenance program for State roads.

SB 1204 (Pr. No. 2462) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for hindering apprehension or prosecution; and further defining "bottle club."

SB 1219 (Pr. No. 2470) (Amended) (Rereported) (Concurrence)

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to Wayne S. Oldham certain excess land situate in the Township of Richland, Cambria County.

SB 1234 (Pr. No. 2471) (Amended) (Rereported) (Concurrence)

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," providing for hospice services; and further providing for certificate of need requirement and for expiration of certificate of need requirement.

SB 1469 (Pr. No. 2473) (Amended) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records and for conduct of certain proceedings; authorizing immunity for employers who disclose certain information regarding employees; further providing for the definition of "local agency" for purposes of governmental immunity; further providing for restitution; and suspending a statute.

SB 1590 (Pr. No. 2454) (Rereported) (Concurrence)

An Act authorizing and directing the Department of General Services with the approval of the Governor to grant and convey oil, gas and mineral rights, including coal, that the Commonwealth possesses in a certain parcel of land situate in Cambria Township, Cambria County, Pennsylvania, to Jack L. Scansaroli of Ebensburg, Cambria County, Pennsylvania; authorizing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to sell and convey three tracts of land, together with the building and structures thereto, in the Borough of Mt. Pleasant, Westmoreland County, Pennsylvania and the Borough of Warren, Warren County, Pennsylvania and the Borough of Ford City, Armstrong County, Pennsylvania; authorizing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to exchange a tract of land and building in the Borough of Wellsboro, Tioga County, with Tioga County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to the Williamsport Sanitary Authority certain land situate in the City of Williamsport, Lycoming County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey a tract of land situate in Conewango Township, Warren County, Pennsylvania, to the Warren County Commissioners; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land and buildings known as the Eastern State School, located in Bensalem Township, Bucks County; authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Growth Horizons, Inc., certain improved land situate in the Township of Bristol, Bucks County; authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Philadelphia State Hospital, located in the 58th Ward of the City of Philadelphia; and making a repeal.

HB 2685 (Pr. No. 4245) (Rereported) (Concurrence)

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Adams-Croyle Recreation Authority and required for improvements to Croyle Township Road 352, Cambria County, in return for the imposition of Project 70 restrictions on certain lands being conveyed to the Adams-Croyle Recreation Authority; and authorizing the release of Project 70 and Project 500 restrictions on certain lands owned by the City of Pittsburgh, Allegheny County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands to be conveyed to the City of Pittsburgh.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 10

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1509 (Pr. No. 2465) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), entitled "Pennsylvania Commission on Crime and Delinquency Law," further providing for composition of the commission and the Juvenile Advisory Committee.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1509?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 1509.

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—50

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	Kitchen	Rhoades	Uliana
Delp	LaValle	Robbins	Wagner
Fisher	Lemmond	Salvatore	Wenger
Fumo	Loeper	Schwartz	Williams
Gerlach	Madigan		

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.

REMARKS ON VOTES

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

Senator SCHWARTZ. Mr. President, just briefly, I wanted to put on the record my opposition to House Bill No. 2021, which we voted on by fast roll call previously, and I understand it is too late to ask for a reconsideration. In addition to my two colleagues from Montgomery County who I understand spoke previously, I, too, want to add to the record my opposition. I would have asked to be recorded in the negative had I had the opportunity.

Thank you, Mr. President.

The PRESIDENT. Certainly that will be spread upon the record.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would like the record to show that there was a fast roll call taken on Senate Bill No. 150 and that roll call reflected all Members of the Democratic Caucus voting in favor of Senate Bill No. 150. I would like the

record to reflect that all Members of the Democratic Caucus actually were opposed to Senate Bill No. 150, and I would like the record to show that indication.

The PRESIDENT. Those remarks will be spread upon the record.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2873 (Pr. No. 4314) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 17, 1968 (PL.11, No.5), known as The Minimum Wage Act of 1968, further providing for definitions.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—35

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

NAYS—15

Andrezeski	Costa	Kitchen	Tartaglione
Belan	Fumo	LaValle	Wagner
Bell	Hughes	Schwartz	Williams
Bodack	Kasunic	Stout	

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

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

LEGISLATIVE LEAVE

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

Senator STEWART. Mr. President, I request a temporary Capitol leave for Senator Andrezeski, who has been called to his office.

The PRESIDENT. Without objection, that leave is granted.

LEAVE OF ABSENCE

Senator LOEPER asked and obtained leave of absence for Senator SALVATORE, for the remainder of today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 863 (Pr. No. 2433) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1996 (P. L. , No. 5A), entitled "An act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Commerce to provide for the expenses of administering the Workers' Compensation Act, the Pennsylvania Occupational Disease Act and the Office of Small Business Advocate 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," increasing the appropriation.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 863?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 863.

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

**BILLS ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 509 (Pr. No. 2452) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to weights and measures; regulating the use and sale; providing for the inspection of weighing and measuring devices; regulating the sale and packaging of commodities; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; providing for certain standards, for testing and for the sale and packaging of certain commodities; providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold by weight; regulating the manufacture, sale, offering for sale, giving away and use of weights and measures and of weighing and measuring devices; providing for the approval and disapproval of such weighing and measuring devices; regulating the delivery of light fuel oil to domestic consumers; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 509?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 509.

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

SB 689 (Pr. No. 2340) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 689?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 689.

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

SB 809 (Pr. No. 2417) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for general authority of department.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 809?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 809.

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	Madigan	Shaffer
Andrezeski	Hart	Mellow	Stapleton
Armstrong	Heckler	Mowery	Stewart

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

SB 1110 (Pr. No. 2420) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for review procedures pertaining to accident and health insurance form and rate filings; providing penalties; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1110?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1110.

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—44

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

NAYS—5

Afflerbach	O'Pake	Schwartz	Stout
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.

SB 1197 (Pr. No. 2448) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code,"

further providing for contents of subdivision and land development ordinance, for enforcement notice and for conditional uses; and making an editorial change.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1197?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1197.

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

SB 1585 (Pr. No. 2451) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1585?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1585.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, I support the motion to concur and merely wish to put a clarifying statement in the record. There had been some confusion about this bill and the substantial amendment that was made by the House of Representatives. I can assure the Members of the Chamber that this

bill has now been agreed to by all of the professional associations that are directly affected by it. In addition to that, it has been agreed to by the Governor and the Department of State. Essentially, the bill remedies a legal advisory opinion that was rendered earlier this year in response to an inquiry to the State Board of Licensure and the Bureau of Licensure.

Essentially what the amendment says is that doctors of chiropractic do in fact have authority to utilize assistance and supportive personnel so long as those individuals are not delegated to duties that require the education, training, or skill and knowledge of a doctor of chiropractic. Now, that essentially means that these individuals will be able to do those kinds of things which do not permit discretion or exercise of independent judgment with respect to the application or efficacy of chiropractic treatment, and the doctor of chiropractic indeed remains responsible through direct, on-premise supervision in assuring that the supportive personnel to whom he has delegated duties do not modify or otherwise deviate in the performance of those duties from the explicit instructions of the doctor.

As I indicated, this language now remedies the legal advisory response that was rendered earlier this year and has been agreed to by all parties who have been involved in the formation of the language.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—49

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 2592 CALLED UP

HB 2592 (Pr. No. 3936) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 8 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2592 (Pr. No. 3936) -- 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 exceptions to the interception and disclosure of communications by inmates of county correctional 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	Madigan	Shaffer
Andrezeski	Hart	Mellow	Stapleton
Armstrong	Heckler	Mowery	Stewart
Belan	Helfrick	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Peterson	Thompson
Brightbill	Jubelirer	Piccola	Tilghman
Corman	Kasunic	Porterfield	Tomlinson
Costa	Kitchen	Punt	Uliana
Delp	LaValle	Rhoades	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	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 2586 CALLED UP

HB 2586 (Pr. No. 4252) -- Without objection, the bill, which previously went over in its order temporarily on final passage, was called up, from page 7 of the Calendar, by Senator LOEPER.

BILL ON FINAL PASSAGE

HB 2586 (Pr. No. 4252) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing counties to make appropriations to municipal corporations for disaster or emergency aid.

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	Madigan	Shaffer
Andrezeski	Hart	Mellow	Stapleton
Armstrong	Heckler	Mowery	Stewart
Belan	Helfrick	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Peterson	Thompson
Brightbill	Jubelirer	Piccola	Tilghman
Corman	Kasunic	Porterfield	Tomlinson
Costa	Kitchen	Punt	Uliana
Delp	LaValle	Rhoades	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	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 brief recess of the Senate for the purpose of a Republican caucus to be held immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a Republican Caucus meeting, this Senate stands in recess.

AFTER RECESS

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

RECESS

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

Senator LOEPER. Mr. President, since we have completed our caucus, I now ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate stands in recess.

AFTER RECESS

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

HB 8 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 8, Printer's No. 3582, be taken from the table and printed on a Supplemental Calendar.

The motion was agreed to.
The PRESIDENT. The bill will be placed on the Calendar.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 16**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 8 (Pr. No. 3582) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing programs for the education of disruptive students.

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 Schuykill, Senator Rhoades.

Senator RHOADES. Mr. President, I would like to speak on the bill very briefly. House Bill No. 8 creates the alternative education program. I think it is important to know that our schools need alternative education programs to cope with students who are disruptive, students who disregard school authority, and students who are violent or threatening. Disruptive students are often expelled, but expulsion is only a short-term solution which actually ends up costing the local district more. Alternative education programs ensure that we continue to meet our obligation to students who want to learn in orderly classrooms and begin to find a way to manage uncooperative students.

This bill would establish clear direction for school districts regarding alternative education program design, eligibility, and responsibility. I hope my colleagues will join me in supporting this important program.

Thank you, Mr. President.

LEAVE OF ABSENCE

Senator LOEPER asked and obtained leave of absence for Senator HELFRICK, for the remainder of today's Session, for personal reasons.

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	Shaffer
Andrezeski	Greenleaf	Mellow	Stapleton
Armstrong	Hart	Mowery	Stewart
Belan	Heckler	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Peterson	Thompson
Brightbill	Jubelirer	Piccola	Tilghman
Corman	Kasunic	Porterfield	Tomlinson

Costa	Kitchen	Punt	Uliana
Delp	LaValle	Rhoades	Wagner
Fisher	Lemmond	Robbins	Wenger
Fumo	Loeper	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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 14**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 857 (Pr. No. 2459) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 11, 1996 (PL.595, No.101), entitled "An act providing for the capital budget for the fiscal year 1996-1997," itemizing public improvement projects and furniture and equipment projects to be constructed or acquired by the Department of General Services, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services; stating the estimated useful life of the projects; and making appropriations.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 857?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 857.

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—48

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 11**

**PREFERRED APPROPRIATION BILL
ON CONCURRENCE IN HOUSE
AMENDMENTS, AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 860 (Pr. No. 2472) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P. L. , No. 1A), known as the General Appropriation Act of 1996, providing additional State appropriations for the Attorney General, the Auditor General and the State Treasurer for transition expenses; providing an additional Federal appropriation to the Pennsylvania Infrastructure Investment Authority; and further providing for the maintenance program for State roads.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 860?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 860.

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—48

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 12**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1219 (Pr. No. 2470) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to Wayne S. Oldham certain excess land situate in the Township of Richland, Cambria County.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1219?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments, as amended by the Senate, to Senate Bill No. 1219.

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—48

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 17**

BILLS OUT OF ORDER

Without objection, the bills on Supplemental Calendar No. 17 were called out of order by Senator LOEPER, as Special Orders of Business.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1204 (Pr. No. 2462) -- 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 hindering apprehension or prosecution; and further defining "bottle club."

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1204?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1204.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—48

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

SB 1590 (Pr. No. 2454) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services with the approval of the Governor to grant and convey oil, gas and mineral rights, including coal, that the Commonwealth pos-

sesses in a certain parcel of land situate in Cambria Township, Cambria County, Pennsylvania, to Jack L. Scansaroli of Ebensburg, Cambria County, Pennsylvania; authorizing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to sell and convey three tracts of land, together with the building and structures thereto, in the Borough of Mt. Pleasant, Westmoreland County, Pennsylvania and the Borough of Warren, Warren County, Pennsylvania and the Borough of Ford City, Armstrong County, Pennsylvania; authorizing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to exchange a tract of land and building in the Borough of Wellsboro, Tioga County, with Tioga County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to the Williamsport Sanitary Authority certain land situate in the City of Williamsport, Lycoming County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey a tract of land situate in Conewango Township, Warren County, Pennsylvania, to the Warren County Commissioners; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land and buildings known as the Eastern State School, located in Bensalem Township, Bucks County; authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Growth Horizons, Inc., certain improved land situate in the Township of Bristol, Bucks County; authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Philadelphia State Hospital, located in the 58th Ward of the City of Philadelphia; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1590?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1590.

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—48

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

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 2685 (Pr. No. 4245) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Adams-Croyle Recreation Authority and required for improvements to Croyle Township Road 352, Cambria County, in return for the imposition of Project 70 restrictions on certain lands being conveyed to the Adams-Croyle Recreation Authority; and authorizing the release of Project 70 and Project 500 restrictions on certain lands owned by the City of Pittsburgh, Allegheny County, in return for the imposition of Project 70 and Project 500 restrictions on certain lands to be conveyed to the City of Pittsburgh.

On the question, Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 2685?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 2685.

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—48

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, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Lemmond, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Peterson, Piccola, Porterfield, Rhoades, Robbins, Schwartz, Shaffer, Stapleton, Stewart, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, 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 NONCONCURS IN HOUSE AMENDMENTS

SB 212 (Pr. No. 2469) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts; and providing for reimbursement for county expenses for judges.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 212?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 212.

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—25

Table listing names of Senators who voted in favor (Yeas): Afflerbach, Armstrong, Bell, Brightbill, Corman, Delp, Fisher, Gerlach, Greenleaf, Holl, Jubelirer, Kasunic, LaValle, Loeper, Madigan, Mowery, Peterson, Piccola, Punt, Shaffer, Stout, Thompson, Tilghman, Uliana, Wenger.

NAYS—23

Table listing names of Senators who voted against (Nays): Andrezeski, Belan, Bodack, Costa, Fumo, Hart, Heckler, Hughes, Kitchen, Lemmond, Mellow, Musto, O'Pake, Porterfield, Rhoades, Robbins, Schwartz, Stapleton, Stewart, Tartaglione, Tomlinson, Wagner, Williams.

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER, That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor. Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table certain nominations and ask for their consideration. The Clerk read the nominations as follows:

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

October 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, Elaine M. Cassalia, 1 Moredon Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1998 and until her successor is appointed and qualified.

THOMAS J. RIDGE Governor

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

October 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, Stuart Levin, 151 Conestoga Road, Malvern 19355, Chester County, Nineteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until his successor is appointed and qualified, vice Sharon S. Laverdure, East Stroudsburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION

August 26, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Timothy J. Carson, 227 Curwen Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve until terminated, vice Robert S. Taylor, Esquire, Doylestown, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

November 8, 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, Wallace H. Nunn, 1030 Mason Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2002 or until his successor is appointed and qualified, vice William R. Smith, Indiana, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

October 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, GERALYN M. BARBATO (Public Member), 1013 Nicholas Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until September 20, 1998 and until her successor is appointed and qualified, but not longer

than six months beyond that period, vice Diana R. Jannetta, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

July 26, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Keith R. Bloom (Public Member), 1353 School Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel J. West, Jr., Ph.D., Gouldsboro, whose term expired.

THOMAS J. RIDGE
Governor

COMMONWEALTH TRUSTEE OF THE UNIVERSITY OF PITTSBURGH--OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

November 4, 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, Elizabeth Jeanne Gleason, 552 Elknud Lane, Johnstown 15905-2064, Cambria County, Thirty-fifth Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh--of the Commonwealth System of Higher Education, to serve until October 5, 2000, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE TRANSPORTATION COMMISSION

July 1, 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, Bonney C. Daubenspeck, 4921 Tamaralac Lane, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin W. Parkinson, Lemoyne, deceased.

THOMAS J. RIDGE
Governor

MEMBER OF THE WORKMEN'S COMPENSATION APPEAL BOARD

October 4, 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, Herbert Hoffman, 1001 Eric Drive, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified, vice Leta Pittman, Esquire, Pittsburgh, declined appointment.

THOMAS J. RIDGE
Governor

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

QUESTION DIVIDED

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

Senator LOEPER. Mr. President, if we could consider all the nominations just read by the Clerk, with the exception of the nomination of Wallace H. Nunn to the State Board of Education, which I would ask to be considered as a separate item, and then we will deal with that secondly.

The PRESIDENT. The question is divisible.

And the question recurring,

Will the Senate advise and consent to the nominations, with the exception of the nomination of Wallace H. Nunn to the State Board of Education?

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

YEAS—48

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

Senator LOEPER. Mr. President, I now ask for consideration of the nomination of Wallace H. Nunn to the State Board of Education.

On the question,

Will the Senate advise and consent to the nomination of Wallace H. Nunn to the State Board of Education?

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

YEAS—46

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

NAYS—2

Rhoades Schwartz

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY

October 8, 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, William J. Ober, Esquire, R. D. #5, Box 331, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 1998, vice The Honorable Gilfert M. Mihalich, mandatory retirement.

THOMAS J. RIDGE
Governor

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

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

Senator MELLOW. Mr. President, I ask for a negative vote on this nomination, please.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—27

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

NAYS—21

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

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Without objection, those leaves are granted.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD

November 13, 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 F. McManus, 312 Glenn Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 2000, vice Oliver L. Slinker, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

Senator WAGNER. Mr. President, as Minority chairman of the Senate Committee on Law and Justice, I would like to say a few words on behalf of the confirmation of George McManus as a member, hopefully, of the Pennsylvania Liquor Control Board. Many of you have known George longer than

I have in that he was employed by Senator Scanlon for a number of years and presently works for me. As a result of that employment for a number of years, he has been very involved in the Liquor Control system here in the Commonwealth of Pennsylvania. He has also been associated with the Committee on Law and Justice for the last 20 years. Mr. President, as you know, this committee oversees the Liquor Control Board, and this is where you get to know the nuts and bolts of that operation. During those years, George became what I feel is an expert on Liquor Board matters, and that is one of several reasons why I recommend him for this position.

George's experience with the Committee on Law and Justice extends over the time the Liquor Control system has been rewritten and is much more user-friendly today than it was 10, 15, or 20 years ago. As many of you know, many of the liquor stores in the Commonwealth of Pennsylvania have finally moved into the modern era, and that has required the diligence of people overseeing it, people like Mr. George McManus.

Mr. President, I stand in front of you and my colleagues here in support of George McManus for another very good reason. He is a man of high character, a man of high integrity, a man with a good work ethic, and a person who respects the system and can work with the people in the system. He is a person who can work with the new chairman, Mr. John Jones, who has done an exceptional job of managing and overseeing the Liquor Control Board. Mr. President, I ask for a positive vote on behalf of a fine individual for this appointment.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, unfortunately at 1 o'clock in the morning, I find myself in a very difficult and rather uncomfortable position, and that is to ask the Democratic Members to go against a nominee who has been an employee of the Democratic Caucus of the Senate, and before that an employee of the Democratic Caucus of the House of Representatives for many years. And I do so, Mr. President, not because of anything in particular against the nominee, Mr. McManus, a man whom I personally have known for the entire length of time that I have been here in the Senate, because when I first came to the Senate he was an employee of the House of Representatives, but because at this particular time, Mr. President, as we face the conclusion of this Session, having had this vacancy in existence since May of this year, some 7 months now, we do not feel that we are in a position to make a vote to confirm anyone to the Liquor Control Board. We think the more prudent thing to do would be to allow the new General Assembly to be sworn in on January 7, to have the vacancy continue, to discuss and negotiate with the Governor's Office, and to have the Governor submit another individual or individuals to the Senate for confirmation, knowing full well, Mr. President, that the person whose name that must be submitted by law must be an individual who is registered in the Democratic Party. So with that, Mr. President, I ask for this negative vote not with any malice, not against Mr. McManus in a personal way, except to say at this point in time, Mr. President, our Caucus is not prepared to vote to

confirm anyone to the Liquor Control Board, and for that reason, Mr. President, and that reason only, I ask for a negative vote on the nominee.

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

Senator MOWERY. Mr. President, I would like to rise on behalf of George McManus. He is a gentleman whom I have known for many years, and most recently as chairman of the Committee on Law and Justice here in the Senate I have had the pleasure of working with him and find him to be extremely knowledgeable due to the many years that he has served in that capacity with other chairmen. For that reason, I would like to ask for a positive vote on behalf of George McManus.

Thank you.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—31

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

NAYS—17

Andrezeski	Hughes	Musto	Stapleton
Belan	Kasunic	O'Pake	Stewart
Bodack	Kitchen	Porterfield	Tartaglione
Costa	Mellow	Schwartz	Williams
Fumo			

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator LOEPER. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

RECONSIDERATION OF SB 1590

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1590 (Pr. No. 2454) -- Senator MELLOW. Mr. President, I move that the Senate reconsider the vote by which the Senate concurred in the amendments made by the House to Senate Bill No. 1590.

The motion was agreed to.

And the question recurring,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1590?

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

Senator FUMO. Mr. President, on the motion, I ask for a negative vote. Let me explain some of the facts here, and this was inserted in the House. This is land in Philadelphia where the Byberry State Hospital was. It was originally owned by the city of Philadelphia. It was conveyed to the Commonwealth with a reverter clause in it that the Commonwealth could have it as long as they were going to use it for a State Hospital, and if not it was to revert back to the city. Senate Bill No. 1590 allows it now to be transferred to other people, in clear violation of the chain of title, and I do not know why we want to put us through this because all we are going to do is precipitate a lawsuit, the Commonwealth will pay legal fees, the city will pay legal fees. I ask for a negative vote. I do not think you can disrupt a reverter by an act of the General Assembly and not call it a taking, and I do not know if the citizens of the Commonwealth want to buy this from the city of Philadelphia at its fair market value. It was not considered in eminent domain, Mr. President.

And the question recurring,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1590?

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

YEAS—30

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

NAYS—18

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

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 now move that the Senate recess to the call of the President pro tempore.

The motion was agreed to.

AFTER RECESS

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

**UNFINISHED BUSINESS
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 299, HB 304, HB 397, HB 685, HB 1116, HB 1118, HB 2292, HB 2463 and HB 2585.**

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 537.**

HOUSE BILL FOR CONCURRENCE

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

November 26, 1996

HB 2899 -- Committee on Consumer Protection and Professional Licensure.

BILL INTRODUCED AND REFERRED

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

November 26, 1996

Senators **BELL, MELLOW, MUSTO and TILGHMAN** presented to the Chair **SB 1739**, entitled:

An Act amending the act of July 9, 1990 (P. L. 334, No. 74), entitled "An act designating Interstate 476 as Veterans Memorial Highway," designating the entire length of Interstate 476 as Veterans Memorial Highway.

Which was committed to the Committee on TRANSPORTATION, November 26, 1996.

BILLS SIGNED

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

SB 509, SB 537, SB 689, SB 809, SB 857, SB 863, SB 1110, SB 1197, SB 1204, SB 1585, SB 1590, HB 168, HB 299, HB 304, HB 397, HB 682, HB 683, HB 685, HB 686, HB 1116, HB 1118, HB 2118, HB 2292, HB 2463, HB 2579, HB 2585, HB 2592, HB 2627, HB 2657, HB 2685 and HB 2703.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. John McNeill, Mr. and Mrs. Richard F. Vanucci, Sr., and to the Central Dauphin High School Football Team by Senator Bodack.

Congratulations of the Senate were extended to Frank M. Brown and to A Woman's Place of Doylestown by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Frye, Mr. and Mrs. C. Frank Huntington, Mr. and Mrs. John E. Miller, Mr. and Mrs. Francis Sobotor, Mr. and Mrs. Harry Swope, Mr. and Mrs. Robert J. Zechman, Sr., and to Thomas J. Welliver by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Merle Barnes, Mr. and Mrs. Charles K. Dodson, Mr. and Mrs. George Nelson, Mr. and Mrs. Earl Pattillo, Mr. and Mrs. George Pekala, Mr. and Mrs. Ralph E. Rhule, Mr. and Mrs. Charles Ritchey, Mr. and Mrs. George W. Rouzer, Mr. and Mrs. Charles R. Schmitt, Mr. and Mrs. Dwight Strait and to Mr. and Mrs. Harold O. Welch by Senator Jubelirer.

Congratulations of the Senate were extended to Dorothy Davis Tremayne by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Berguson, Mr. and Mrs. Howard Kerr, Mr. and Mrs. Eugene Layton, Mr. and Mrs. Walter Lee Manley, Mr. and Mrs. William Powers, Mr. and Mrs. Harold Snyder, Mr. and Mrs. Donald Stout and to Mr. and Mrs. Robert Yonkin by Senator Madigan.

Congratulations of the Senate were extended to Scott E. Shirley by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. John Samella, students and faculty of Bovard Elementary School and to the United States military veterans of Bovard by Senator Porterfield.

Congratulations of the Senate were extended to James and Dixie Moser, Wade and Caroline Cooper, Stanley and Clarence McCandless, Clinton P. and Charles C. McGowan, Bryan M. Bosley, Colin M. Mann and to James R. Huselton by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Davis, Mr. and Mrs. Fred Mac and to Mr. and Mrs. Lorenzo Shank by Senator Stapleton.

HOUSE MESSAGE**HOUSE BILL FOR CONCURRENCE**

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

November 26, 1996

HB 2964 -- Committee on Judiciary.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, I move that the Senate do recess to the call of the President pro tempore.

The motion was agreed to.

The PRESIDENT. The Senate will stand in recess to the call of the President pro tempore.

(NOTE: The Senate did not reconvene but Session constitutionally expired November 30, 1996, at 12 o'clock midnight.)