

Legislative Journal

MONDAY, FEBRUARY 10, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 10

SENATE

MONDAY, February 10, 1997

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Monsignor THOMAS CRAVEN, of St. Agnes Roman Catholic Church, West Chester, offered the following prayer:

Let us pray.

Lord God, holy God, God of life, of justice and love, we come before You this day conscious of our strength in You, conscious of our weakness apart from You.

We beg You to bless this Senate and the men and women who assemble here to seek Your will. Make this, we beg You, a place of sincerity, a house of integrity, a forum for all that is true and good. Make all of us wellsprings of justice and right. Let these good men and women elected to serve Your people be consummate nourishers and protectors of life.

Lord of goodness, we thank You for the call You have given these Commonwealth Senators. Endow them with courage to seek the right and to do it. Inspire them with fresh initiatives, even bold endeavors, to further the day when every man, woman and child born or unborn, sick or in health, will enjoy without any fear of destruction the inalienable right to life, liberty, and the pursuit of happiness.

Lord God, holy God, holy God, hear us. Amen.

The PRESIDENT. The Chair thanks Monsignor Craven, who is the guest today of Senator Thompson.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 5, 1997.

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.

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

SECRETARY OF HEALTH

February 7, 1997

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, Daniel F. Hoffmann, 65 Brownstone Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as Secretary of Health, to serve at the pleasure of the Governor, vice Dr. Peter Jannetta, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 178, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

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

February 7, 1997

HB 1 and HB 134 -- Committee on Finance.

BILLS INTRODUCED AND REFERRED

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

February 5, 1997

Senators TILGHMAN and SALVATORE presented to the Chair **SB 338**, entitled:

An Act amending the act of September 30, 1983 (P.L. 160, No.39), entitled Public Official Compensation Law, providing compensation for the Secretary of Mental Health and Mental Retardation.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators TILGHMAN and SALVATORE presented to the Chair **SB 339**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for the establishment, the operation and the powers and duties of the Department of Mental Health and Mental Retardation; transferring certain powers and duties of the Department of Public Welfare; making repeals; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators TILGHMAN, STOUT, ULIANA, SALVATORE, O'PAKE, THOMPSON and RHOADES presented to the Chair **SB 340**, entitled:

An Act authorizing a real estate tax deferral program; and providing for definitions, for authority, for eligibility, for standards, for application procedures and for liens.

Which was committed to the Committee on FINANCE, February 5, 1997.

Senators TILGHMAN, STOUT, WILLIAMS, HECKLER, SALVATORE, O'PAKE, COSTA, BRIGHTBILL, PUNT, RHOADES and MADIGAN presented to the Chair **SB 341**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), entitled Unemployment Compensation Law, further providing for certain self-employed claimants.

Which was committed to the Committee on LABOR AND INDUSTRY, February 5, 1997.

Senators TILGHMAN, TOMLINSON, AFFLERBACH, COSTA, BRIGHTBILL and RHOADES presented to the Chair **SB 343**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), entitled Unfair Insurance Practices Act, further providing for unfair claim settlement.

Which was committed to the Committee on BANKING AND INSURANCE, February 5, 1997.

Senators TILGHMAN, PUNT, BRIGHTBILL and RHOADES presented to the Chair **SB 344**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, eliminating cross-filing by candidates for election to school boards.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators TILGHMAN, HECKLER, SALVATORE, WENGER, MUSTO, TOMLINSON, AFFLERBACH, ROB-

BINS, COSTA, SCHWARTZ, MADIGAN and KASUNIC presented to the Chair **SB 345**, entitled:

An Act providing for the prevention and treatment of Hepatitis B; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1997.

Senator TILGHMAN presented to the Chair **SB 346**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), entitled The Controlled Substance, Drug, Device and Cosmetic Act, removing fenfluramine from the schedules of controlled substances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1997.

Senators GERLACH, ARMSTRONG, BRIGHTBILL, SALVATORE, HELFRICK, HECKLER, DELP, PUNT, SCHWARTZ, MOWERY, O'PAKE, STAPLETON, CORMAN, WENGER, GREENLEAF, BELAN, KASUNIC, RHOADES, HART, FUMO, SLOCUM and COSTA presented to the Chair **SB 347**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for net gains or income from the disposition of property.

Which was committed to the Committee on FINANCE, February 5, 1997.

Senators RHOADES, SALVATORE, TARTAGLIONE, DELP, BELL, AFFLERBACH, BELAN, COSTA, O'PAKE, LEMMOND and KASUNIC presented to the Chair **SB 348**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for completion of the Pennsylvania State Police.

Which was committed to the Committee on LAW AND JUSTICE, February 5, 1997.

Senators RHOADES, BELL, TOMLINSON, WHITE, COSTA and FUMO presented to the Chair **SB 349**, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), entitled Solicitation of Funds for Charitable Purposes Act, further providing for registration fees and late filing fees.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators RHOADES, BELL, BELAN, HELFRICK, TARTAGLIONE, BRIGHTBILL, LAVALLE, TOMLINSON, SALVATORE, O'PAKE, KASUNIC, WHITE, COSTA and STAPLETON presented to the Chair **SB 350**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), entitled State Lottery Law, further defining "income" for pharmaceutical assistance to exclude certain veteran disability payments.

Which was committed to the Committee on AGING AND YOUTH, February 5, 1997.

Senators RHOADES, BELL, MOWERY, SCHWARTZ, AFFLERBACH, DELP, BRIGHTBILL, LAVALLE,

KUKOVICH, PUNT and HART presented to the Chair **SB 351**, entitled:

An Act regulating lobbying; providing for further duties of the State Ethics Commission; requiring the registration of lobbyists and the submission of certain reports; providing penalties; and making a repeal.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators RHOADES, HECKLER, BRIGHTBILL, KUKOVICH, MOWERY, WOZNIAK and KASUNIC presented to the Chair **SB 352**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, limiting certain campaign contributions; further regulating political committees and political action committees; and further providing for expenditures and reports.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators RHOADES, BELL, PUNT, KUKOVICH, DELP, HART, GERLACH and O'PAKE presented to the Chair **SB 353**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of the initiative and referendum as powers reserved to the people.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators RHOADES, PUNT and WOZNIAK presented to the Chair **SB 354**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, establishing a procedure for developing and voting on a general appropriation bill; and authorizing the General Assembly to contract with a private entity to provide revenue projections.

Which was committed to the Committee on APPROPRIATIONS, February 5, 1997.

Senator RHOADES presented to the Chair **SB 355**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for decals on registered snowmobiles and all-terrain vehicles.

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senators RHOADES, WOZNIAK and BELL presented to the Chair **SB 356**, entitled:

An Act providing for the Office of State Inspector General and for the powers and duties of the office.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators RHOADES, HECKLER, BELL and KASUNIC presented to the Chair **SB 357**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for the sale of gasoline.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1997.

Senators O'PAKE, MELLOW, AFFLERBACH, COSTA, SCHWARTZ, STAPLETON, BELAN, MUSTO and KASUNIC presented to the Chair **SB 358**, entitled:

An Act requiring the superintendent of every public school district to make available, upon request, lists of eighth or ninth grade students to the Pennsylvania Higher Education Assistance Agency, and providing a penalty for the misuse of any such lists.

Which was committed to the Committee on EDUCATION, February 5, 1997.

Senators O'PAKE, KUKOVICH, AFFLERBACH, STAPLETON, WILLIAMS, WOZNIAK and MUSTO presented to the Chair **SB 359**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), entitled The Local Tax Enabling Act, authorizing school districts to impose an additional tax on earned income; requiring school districts that impose the additional tax to reduce the rate of or eliminate certain taxes; and providing for local option.

Which was committed to the Committee on FINANCE, February 5, 1997.

Senator TOMLINSON presented to the Chair **SB 360**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of frozen dessert trucks equipped with side warning arms and flashing lights in this Commonwealth.

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senators CORMAN and STOUT presented to the Chair **SB 361**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senator TOMLINSON presented to the Chair **SB 362**, entitled:

An Act relating to the regulation of commercial spas.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1997.

Senators MELLOW, MUSTO, STOUT, HART and COSTA presented to the Chair **SB 363**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the duty of a judgment creditor to enter satisfaction.

Which was committed to the Committee on JUDICIARY, February 5, 1997.

Senator TILGHMAN presented to the Chair **SB 364**, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), entitled, as amended, Fire and Panic Act, further providing for pre-emption of local ordinances relating to clean indoor air.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1997.

Senator TILGHMAN presented to the Chair **SB 366**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, authorizing school districts in counties of the second class A to adopt annual budgets on a delayed basis.

Which was committed to the Committee on EDUCATION, February 5, 1997.

Senators HART, JUBELIRER, LEMMOND, HOLL, SALVATORE, DELP, WENGER, STOUT, AFFLERBACH, HECKLER, RHOADES, MURPHY and BELL presented to the Chair **SB 367**, entitled:

An Act providing for the tax exemption of institutions of purely public charity; exempting real property owned by State-related universities from taxation; and providing for unfair competition.

Which was committed to the Committee on FINANCE, February 5, 1997.

Senator HOLL presented to the Chair **SB 368**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senators KASUNIC and HART presented to the Chair **SB 369**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), entitled The Local Tax Enabling Act, prohibiting financially distressed municipalities from imposing a wage tax on nonresidents.

Which was committed to the Committee on FINANCE, February 5, 1997.

Senators KASUNIC, STOUT and STAPLETON presented to the Chair **SB 370**, entitled:

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), entitled, as amended, Disease Prevention and Control Law of 1955, providing for health care providers who have tested positive for human immunodeficiency virus (HIV).

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 5, 1997.

Senators KASUNIC, HUGHES, MELLOW, STOUT, AFFLERBACH, MUSTO, STAPLETON, O'PAKE, RHOADES and COSTA presented to the Chair **SB 371**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, creating the Department of Veterans' Affairs and defining its functions, powers and duties; transferring certain agencies to the Department of Veterans' Affairs; and making repeals.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 5, 1997.

Senators KASUNIC and STOUT presented to the Chair **SB 372**, entitled:

An Act providing for responsibility of owners of shopping centers and malls for short-term vendors.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 5, 1997.

Senators KASUNIC, SCHWARTZ, MELLOW, STOUT, BELAN, AFFLERBACH, MUSTO, STAPLETON, O'PAKE, RHOADES and COSTA presented to the Chair **SB 373**, entitled:

An Act providing for grants to persons for property damaged or destroyed by disasters; establishing the basis for the grants; creating the Disaster Relief Fund; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators KASUNIC, SCHWARTZ, MELLOW, STOUT, BELAN, AFFLERBACH, MUSTO, STAPLETON, O'PAKE, RHOADES and COSTA presented to the Chair **SB 374**, entitled:

An Act providing for grants to persons for property damaged or destroyed by disasters; establishing the basis for the grants; creating the Disaster Relief Fund; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators STOUT, CORMAN, COSTA, BELAN, MUSTO, O'PAKE and MELLOW presented to the Chair **SB 375**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting dealing in traffic-control devices or bridge parts as scrap.

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senators STOUT, WENGER, BELAN, COSTA, MUSTO, SCHWARTZ and MELLOW presented to the Chair **SB 376**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; and further providing for visual and audible signals on emergency vehicles.

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senators STOUT, COSTA, AFFLERBACH, BODACK, BELAN, MUSTO, O'PAKE, SCHWARTZ, MELLOW and KASUNIC presented to the Chair **SB 377**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the exemption of certain entities and vehicles from fees.

Which was committed to the Committee on TRANSPORTATION, February 5, 1997.

Senators STOUT, MUSTO, SCHWARTZ and MELLOW presented to the Chair **SB 378**, entitled:

An Act amending the act of November 26, 1978 (P.L.1309, No.317), entitled Public Works Contract Regulation Law, further providing for arbitration of disputes.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators STOUT, COSTA, BELAN, BODACK, KUKOVICH, MUSTO, HUGHES and RHOADES presented to the Chair **SB 379**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for the compensation of election officers.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 1997.

Senators BRIGHTBILL, THOMPSON, ARMSTRONG, HELFRICK, HART, MADIGAN, CORMAN, PICCOLA and RHOADES presented to the Chair **SB 380**, entitled:

An Act providing for the privatization of publicly owned and operated sewage treatment facilities and the private operation and maintenance of publicly owned and operated sewage treatment facilities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 5, 1997.

February 6, 1997

Senators BRIGHTBILL, WENGER, O'PAKE, ARMSTRONG, HELFRICK, HART, ROBBINS, RHOADES, THOMPSON, MADIGAN, CORMAN, LEMMOND, MELLOW and SLOCUM presented to the Chair **SB 381**, entitled:

An Act providing for the establishment of a privilege for environmental audit reports; and prohibiting the imposition of penalties when a person voluntarily discloses a violation under certain circumstances.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 6, 1997.

Senator TILGHMAN presented to the Chair **SB 382**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, providing counties of the second class A with the power to make grants to townships, boroughs and nonprofit corporations for parks, recreation areas, open space projects and such other outdoor projects and for historic and museum projects.

Which was committed to the Committee on LOCAL GOVERNMENT, February 6, 1997.

Senators GERLACH, HART, HECKLER, ROBBINS, MOWERY, TOMLINSON, COSTA, STOUT, O'PAKE, AFFLERBACH, HELFRICK, SLOCUM and DELP presented to the Chair **SB 384**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, reducing the capital stock and franchise tax.

Which was committed to the Committee on FINANCE, February 6, 1997.

Senators FUMO, STAPLETON, BRIGHTBILL, TARTAGLIONE, THOMPSON, COSTA, STOUT, BODACK, KASUNIC, PUNT, O'PAKE, KITCHEN, MUSTO, MELLOW, LAVALLE and HART presented to the Chair **SB 385**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require municipalities to spend funds or that limit the ability of municipalities to raise revenue.

Which was committed to the Committee on LOCAL GOVERNMENT, February 6, 1997.

Senators WOZNIAK, BODACK, MURPHY, AFFLERBACH, MUSTO, RHOADES, SCHWARTZ, STAPLETON and KASUNIC presented to the Chair **SB 386**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the statute of limitations for rape.

Which was committed to the Committee on JUDICIARY, February 6, 1997.

Senators KUKOVICH, AFFLERBACH, BELAN, BODACK, COSTA, FUMO, HUGHES, KASUNIC, KITCHEN, LAVALLE, MELLOW, MUSTO, O'PAKE, SCHWARTZ, STAPLETON, STOUT, TARTAGLIONE, WAGNER, WILLIAMS and WOZNIAK presented to the Chair **SB 387**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for the disposition of cigarette tax revenues.

Which was committed to the Committee on FINANCE, February 6, 1997.

Senators KUKOVICH, AFFLERBACH, BELAN, BODACK, COSTA, FUMO, HUGHES, KASUNIC, KITCHEN, LAVALLE, MELLOW, MUSTO, O'PAKE, SCHWARTZ, STAPLETON, STOUT, TARTAGLIONE, WAGNER, WILLIAMS and WOZNIAK presented to the Chair **SB 388**, entitled:

An Act amending the act of June 9, 1936 (Sp.Sess., P.L.13, No.4), entitled, as reenacted and amended, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board;....," further providing for the disposition of tax revenues; and making a repeal.

Which was committed to the Committee on FINANCE, February 6, 1997.

Senators CORMAN, STOUT, MADIGAN, MELLOW and KASUNIC presented to the Chair **SB 389**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for exceeding maximum weights.

Which was committed to the Committee on TRANSPORTATION, February 6, 1997.

Senators CORMAN, HOLL, STOUT, HELFRICK, MADIGAN, AFFLERBACH, DELP, O'PAKE, MELLOW, KASUNIC, COSTA, RHOADES and SLOCUM presented to the Chair **SB 390**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "pedestrian" and "vehicle" and for vehicles exempt from registration.

Which was committed to the Committee on TRANSPORTATION, February 6, 1997.

Senators CORMAN, STOUT, MUSTO, TOMLINSON and RHOADES presented to the Chair **SB 391**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for maximum speed limits, for alteration of maximum limits and for specific powers of the Department of Transportation and local authorities.

Which was committed to the Committee on TRANSPORTATION, February 6, 1997.

Senators CORMAN, STOUT, MUSTO and RHOADES presented to the Chair **SB 392**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for deputy secretaries of the Department of Transportation.

Which was committed to the Committee on TRANSPORTATION, February 6, 1997.

Senators CORMAN, STOUT, MUSTO, HELFRICK and MADIGAN presented to the Chair **SB 393**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for dirt and gravel road maintenance.

Which was committed to the Committee on TRANSPORTATION, February 6, 1997.

Senators CORMAN, STOUT, AFFLERBACH, WENGER, PUNT, MUSTO and ROBBINS presented to the Chair **SB 394**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration fee for trailers.

Which was committed to the Committee on TRANSPORTATION, February 6, 1997.

Senators SCHWARTZ, WILLIAMS, FUMO, HECKLER, AFFLERBACH and HUGHES presented to the Chair **SB 395**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for informed consent; and deleting provisions relating to parental consent, spousal notification and restrictions on the performance of abortions in publicly owned facilities and State payments for abortions.

Which was committed to the Committee on JUDICIARY, February 6, 1997.

Senators SCHWARTZ, WILLIAMS, FUMO, AFFLERBACH and HUGHES presented to the Chair **SB 396**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offenses of preventing passage to or from a health care facility and engaging in prohibited activity near a health care facility; and providing for civil damages.

Which was committed to the Committee on JUDICIARY, February 6, 1997.

Senators SCHWARTZ, WILLIAMS, FUMO, HECKLER, AFFLERBACH and HUGHES presented to the Chair **SB 397**, entitled:

An Act requiring practitioners of the healing arts to disclose their prenatal diagnosis policy to patients; imposing civil penalties; and providing for private rights of action.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 6, 1997.

Senators SCHWARTZ, STOUT, WILLIAMS, BODACK, BELL, AFFLERBACH, MUSTO, COSTA, O'PAKE, TOMLINSON, HUGHES, BELAN and FUMO presented to the Chair **SB 398**, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), entitled Loan Interest and Protection Law, providing for the payment of interest by residential mortgage lenders on certain amounts held in escrow.

Which was committed to the Committee on BANKING AND INSURANCE, February 6, 1997.

Senators SCHWARTZ, STOUT, WILLIAMS, HECKLER, AFFLERBACH, FUMO, MUSTO, O'PAKE, COSTA, RHOADES, MELLOW, KASUNIC and HUGHES presented to the Chair **SB 399**, entitled:

An Act providing for grants by the Pennsylvania Commission on Crime and Delinquency.

Which was committed to the Committee on JUDICIARY, February 6, 1997.

Senators SCHWARTZ, AFFLERBACH, HUGHES, KUKOVICH, O'PAKE, STOUT, BELAN and FUMO presented to the Chair **SB 400**, entitled:

An Act providing for community health partnerships and for grants; establishing the Community Health Partnership Technical Assistance Fund; providing additional powers and duties of the Department of Health; and making appropriations.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 6, 1997.

Senators SCHWARTZ, TARTAGLIONE, STOUT, KUKOVICH, BODACK, BELL, BELAN, AFFLERBACH, COSTA, O'PAKE, HUGHES, MELLOW and KASUNIC presented to the Chair **SB 401**, entitled:

An Act providing for health insurance coverage of children's hearing aids; and conferring powers and duties on the Department of Health.

Which was committed to the Committee on BANKING AND INSURANCE, February 6, 1997.

February 7, 1997

Senator TILGHMAN presented to the Chair **SB 365**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for affidavits of circulators of nomination petitions.

Which was committed to the Committee on STATE GOVERNMENT, February 7, 1997.

Senators SCHWARTZ, WILLIAMS, STOUT, AFFLERBACH, O'PAKE, HUGHES and MELLOW presented to the Chair **SB 402**, entitled:

An Act providing for grants to conduct women's health education programs; imposing powers and duties upon the Department of Health; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 7, 1997.

Senators SCHWARTZ, STOUT, AFFLERBACH, MUSTO, O'PAKE, HUGHES, KUKOVICH, TARTAGLIONE, COSTA and MELLOW presented to the Chair **SB 403**, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), entitled, as amended, Pennsylvania Human Relations Act, providing for evidentiary requirements; and further providing for unlawful discriminatory practices, for powers and duties of the Pennsylvania Human Relations Commission and for procedures.

Which was committed to the Committee on LABOR AND INDUSTRY, February 7, 1997.

Senators MUSTO, STOUT, SCHWARTZ, HECKLER, STAPLETON, KASUNIC and BELAN presented to the Chair **SB 404**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), entitled Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for restrictions on the disposal of newsprint.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 7, 1997.

Senators MUSTO, STOUT, SCHWARTZ, HECKLER, STAPLETON, LEMMOND and BELAN presented to the Chair **SB 405**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the unauthorized taking of newspapers from municipal recycling containers placed for collection.

Which was committed to the Committee on JUDICIARY, February 7, 1997.

Senators MUSTO, STOUT, AFFLERBACH, HART, DELP, STAPLETON, LEMMOND and BELAN presented to the Chair **SB 406**, entitled:

An Act amending the act of June 28, 1935 (P.L.477, No.193), entitled, as amended, Enforcement Officer Disability Benefits Law, extending benefits to county corrections officers of counties of the third class; and making editorial changes.

Which was committed to the Committee on LABOR AND INDUSTRY, February 7, 1997.

Senators MUSTO, STOUT, HART, DELP, STAPLETON, MELLOW, KASUNIC and BELAN presented to the Chair **SB 407**, entitled:

An Act amending the act of July 14, 1961 (P.L.637, No.329), entitled Wage Payment and Collection Law, prohibiting employers from requiring direct deposit of wages.

Which was committed to the Committee on LABOR AND INDUSTRY, February 7, 1997.

Senators MUSTO, STOUT, AFFLERBACH, RHOADES, SCHWARTZ, STAPLETON, LEMMOND, MELLOW,

KASUNIC and BELAN presented to the Chair **SB 408**, entitled:

An Act providing for workers' and occupational disease compensation for persons with a beryllium-related occupational disease, disability or injury; and making repeals.

Which was committed to the Committee on LABOR AND INDUSTRY, February 7, 1997.

Senators MUSTO, STOUT, O'PAKE, DELP, STAPLETON, LEMMOND, MELLOW and BELAN presented to the Chair **SB 409**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for the availability of food service employees to administer cardiopulmonary resuscitation.

Which was committed to the Committee on EDUCATION, February 7, 1997.

Senators MUSTO, STOUT, AFFLERBACH, O'PAKE, SCHWARTZ, STAPLETON, KASUNIC and BELAN presented to the Chair **SB 410**, entitled:

An Act amending the act of July 11, 1996 (2nd Sp.Sess., P.L. , No.6), entitled "An act authorizing abatement of real estate taxes because of destruction or damage of property by blizzard or flood, or the refund of the amount of such taxes by certain political subdivisions,....," providing for the abatement of real estate taxes imposed for the 1997 tax year.

Which was committed to the Committee on LOCAL GOVERNMENT, February 7, 1997.

Senators WILLIAMS, BELAN, KITCHEN, MELLOW and MUSTO presented to the Chair **SB 411**, entitled:

An Act establishing the State Board of Organized Anticrime Community Network Assistance; granting powers to the board; providing for grants; imposing duties upon certain public officers and agencies; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, February 7, 1997.

Senators WILLIAMS, BELAN, KITCHEN, STOUT and MUSTO presented to the Chair **SB 412**, entitled:

An Act establishing the Department of Family and Community Economic Security; providing for various divisions within the department; providing for powers and duties of the department; providing for assistance for certain businesses and economically distressed communities; establishing an advisory board; and providing for eligibility for receipt of services from the department.

Which was committed to the Committee on STATE GOVERNMENT, February 7, 1997.

Senators WILLIAMS, SALVATORE, SCHWARTZ, AFFLERBACH, O'PAKE, KITCHEN, MELLOW, KUKOVICH, STOUT, COSTA and MUSTO presented to the Chair **SB 413**, entitled:

An Act establishing the Advisory Council on the Needs of Children of Incarcerated Parents and providing for its powers and duties.

Which was committed to the Committee on AGING AND YOUTH, February 7, 1997.

Senators WILLIAMS, BELAN, KITCHEN, STOUT and MUSTO presented to the Chair **SB 414**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, creating the Office of Neighbors Allied for Mutual Economic Success as an independent office; prescribing the powers and duties of the office; and requiring Commonwealth departments and agencies and other entities to provide employment to certain persons.

Which was committed to the Committee on STATE GOVERNMENT, February 7, 1997.

Senators HECKLER, THOMPSON, SCHWARTZ and STOUT presented to the Chair **SB 415**, entitled:

An Act amending the act of April 25, 1986 (P.L.89, No.33), entitled "An act amending the act of March 23, 1972 (P.L.136, No.52), entitled 'An act relating to the practice of psychology, providing for licensing of psychologists, making certain acts illegal and providing penalties,'....," further providing for the implementation of the required transition period for prospective psychologists.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 7, 1997.

Senators HECKLER, TOMLINSON and HELFRICK presented to the Chair **SB 416**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), entitled Municipal Waste Planning, Recycling and Waste Reduction Act, providing for control of waste disposal capacity.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 7, 1997.

Senators HECKLER, THOMPSON, ULIANA, TAGLIONE, ARMSTRONG, SCHWARTZ, FUMO, AFFLERBACH, WILLIAMS, HUGHES and KITCHEN presented to the Chair **SB 417**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for the collection of information on crimes relating to sexual orientation.

Which was committed to the Committee on LAW AND JUSTICE, February 7, 1997.

Senators BRIGHTBILL, SALVATORE, WOZNIAK, SCHWARTZ, O'PAKE, BELAN, HART and RHOADES presented to the Chair **SB 418**, entitled:

An Act amending Titles 23 (Domestic Relations) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support orders; and further providing for revocation and suspension of drivers' licenses.

Which was committed to the Committee on JUDICIARY, February 7, 1997.

RESOLUTIONS INTRODUCED AND REFERRED

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

February 5, 1997

Senators ROBBINS, LEMMOND, HUGHES, BELL, STAPLETON, HELFRICK, PUNT, MUSTO, SLOCUM, BELAN, JUBELIRER, MOWERY, WAGNER, EARLL, TAGLIONE, CORMAN, AFFLERBACH, BRIGHTBILL, THOMPSON, SCHWARTZ, PICCOLA, MURPHY, FUMO, STOUT, WENGER, KASUNIC, LOEPER, GERLACH, O'PAKE, SALVATORE, TOMLINSON, TILGHMAN, GREENLEAF, HART and RHOADES presented to the Chair **Senate Resolution No. 16**, entitled:

Declaring the year 1997 to be a year to recognize 250 years of service by the Pennsylvania National Guard.

Which was referred to the Committee on MILITARY AND VETERANS AFFAIRS, February 5, 1997.

Senators MELLOW and MUSTO presented to the Chair **Senate Resolution No. 17**, entitled:

Urging the President and the Secretary of Defense to expedite the transfer of ground-communications-electronics operations from McClellan Air Force Base to Tobyhanna Army Depot pursuant to the 1995 Defense Base Closure and Realignment Commission recommendation.

Which was referred to the Committee on INTERGOVERNMENTAL AFFAIRS, February 5, 1997.

Senators LEMMOND, ROBBINS, STOUT, COSTA, STAPLETON, BELAN, WILLIAMS, TOMLINSON, ULIANA, SCHWARTZ, O'PAKE, AFFLERBACH, GERLACH, MUSTO, BELL, HECKLER, GREENLEAF and EARLL presented to the Chair **Senate Resolution No. 18**, entitled:

Designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

Which was referred to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 5, 1997.

GENERAL COMMUNICATIONS

ANNUAL REPORT ON SMALL MALT BEVERAGE BREWERS IN PENNSYLVANIA

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

COMMONWEALTH OF PENNSYLVANIA
Department of Revenue
Strawberry Square
Harrisburg, PA 17128-1100

February 6, 1997

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

Dear Mr. Corrigan:

In accordance with provisions of Article 20 of the Tax Reform Code of 1971, the enclosed report represents employment, production,

expenditures and tax credits authorized under Section 2010, related to small malt beverage brewers in Pennsylvania.

Sincerely,

ROBERT A. JUDGE, SR.
Secretary of Revenue

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

ANNUAL REPORT ON HAZARDOUS WASTE SITES CLEANUP

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

February 5, 1997

Mr. Mark C. Corrigan
Secretary of the Senate
462 Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Corrigan:

The Hazardous Sites Cleanup Act, Act 108 of 1988, (HSCA) requires that the Department of Environmental Protection (DEP) forward annually to the General Assembly a report on the status of the Act and activities undertaken to fulfill the intent of the Act.

In fiscal year 1995-1996, eight toxic waste sites were cleaned up and removed from the federal Superfund list. Seventeen more have completed response actions and are moving through the delisting process. These 25 sites represent more progress than anywhere else in the nation.

Through the eight years since the enactment of HSCA, DEP has realized the cleanup of 78 hazardous waste sites. This is in addition to the 25 sites noted above as part of the federal Superfund program. Of the 78, 50 were final cleanups consistent with the recently passed Land Recycling Program and will not need any further action.

In fiscal year 1995-1996 alone, 24 cleanup actions were begun in 18 counties — a record for the HSCA program. In addition to initiating a record number of cleanups, the Ridge administration has recovered a record amount of state money that had been used to fund cleanups. When a site is in need of cleanup to abate the hazardous condition and all of the responsible parties have not negotiated a settlement, then we move forward with a cleanup and seek reimbursement afterward. This year, over \$4,800,000 was recovered from companies responsible for the contamination of sites.

If you have any questions concerning information contained in the report, please do not hesitate to contact me at the above number or Pam Witmer, our Legislative Liaison, at 783-8303.

Sincerely,

JAMES M. SEIF
Secretary

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

COMMITTEE DESIGNATION BY PRESIDENT PRO TEMPORE, PURSUANT TO THE CHILD PROTECTIVE SERVICES LAW

The PRESIDENT. The Chair wishes to announce the President pro tempore, pursuant to section 6384 of the Child Pro-

TECTIVE SERVICES LAW, has designated the Senate Committee on Aging and Youth to perform the legislative oversight duties prescribed in 23 Pa. C.S. 6384.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Jeffrey Piccola as a member of the Legislative Budget and Finance Committee.

Senator Roger A. Madigan to serve on the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator J. Barry Stout as a member of the Local Government Commission.

Senator Robert J. Thompson as a member of the Local Government Commission.

Senator Robert D. Robbins as a member of the Local Government Commission.

Senator Noah Wenger as a member of the Legislative Audit Advisory Commission.

Senator Jane Earll as a member of the Pennsylvania Commission on Crime and Delinquency.

Senator David W. Heckler as a member of the Pennsylvania Commission on Sentencing.

Senator Robert M. Tomlinson to serve on the Joint Legislative Air and Water Pollution Control and Conservation Committee, as a member of the Children's Trust Fund Board, and as a member of the Pennsylvania Higher Education Assistance Agency.

Senator Jay Costa, Jr., as a member of the Pennsylvania Council on the Arts.

Senator Raphael J. Musto to serve on the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Richard A. Kasunic to serve on the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Albert V. Belan to serve on the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator William L. Slocum to serve on the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator Roy Afflerbach as a member of the Local Government Commission.

Senator Christine Tartaglione as a member of the Children's Trust Fund Board.

Senator Timothy F. Murphy as a member of the Children's Trust Fund Board.

Senator J. Doyle Corman, as a member of the Local Government Commission.

APPOINTMENT DESIGNATION

The PRESIDENT. The Chair wishes to announce the following appointment:

Senator James W. Gerlach has been designated by Senator Richard A. Tilghman to serve in his stead as a member of the Pennsylvania Commission on Crime and Delinquency.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings to occur during today's Session: Committee on Appropriations to consider House Bill No. 26; Committee on Rules and Executive Nominations to consider Senate Bill No. 178, Senate Resolution No. 18, and certain executive nominations; and the Committee on Intergovernmental Affairs to consider Senate Resolution No. 13.

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Williams.

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

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator HELFRICK and Senator ARMSTRONG, for today's Session, for personal reasons.

Senator MELLOW asked and obtained leaves of absence for Senator BODACK and Senator FUMO, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, February 10, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 10, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 10, 1997, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

YEA-46

Afflerbach	Holl	Murphy	Tartaglione
Belan	Hughes	Musto	Thompson

Bell	Jubelirer	O'Pake	Tilghman
Brightbill	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	La Valle	Robbins	Wenger
Earll	Lemmond	Salvatore	White
Gerlach	Loeper	Schwartz	Williams
Greenleaf	Madigan	Slocum	Wozniak
Hart	Mellow	Stapleton	
Heckler	Mowery	Stout	

NAY-0

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROY C. AFFLERBACH PRESENTED TO THE SENATE

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

Senator AFFLERBACH. Mr. President, today we have in the gallery directly above me several students, some teachers, and their parents and families -- that is the parents and families of the students, not the teachers.

Mr. President, these students represent the best authors of essays written in the second annual "Character Counts!" essay challenge. Students in the 16th Senatorial District were asked to, in 500 words or less, write about one or more of the six pillars of character, which include: respect, responsibility, caring, citizenship, fairness, and trustworthiness. The essays were submitted by over 300 students who participated in the challenge. They were judged by their individual school districts, and the most superior essays were sent to a panel of independent judges, which consisted of Judge Thomas Wallitsch, of the Lehigh County Court of Common Pleas; Kasey Michaels, a New York Times best-selling author; Sue Snyder, the education reporter for the Morning Call newspapers; and Fred Fuss, a retired physicist. These individuals then reviewed the most superior essays, and it was a blind review in that all identifying marks were removed so there was not the least chance of favoritism.

They selected the following students as the best essayists, all of which focused in one degree or another upon individual responsibility as the principal trait of character. These students are, and I ask that they rise as I introduce them, from the sixth grade, Stephanie Toth of Trexler Middle School and Ray Stopa of Salisbury Middle School. From the seventh grade, Kristin Kluskiewicz of Nazareth Middle School. From the eighth grade, Josiely Ferreira of Nitschmann Middle School and Elyse Yocum from Trexler Middle School. And from the ninth grade, T.J. Barron and Deborah Mensch of Salisbury Middle School.

Mr. President, I ask my colleagues in the Senate to afford these young writers the usual warm welcome from the Senate of Pennsylvania.

The PRESIDENT. Would the guests of Senator Afflerbach remain standing so that we may give you our usual warm welcome.

(Applause.)

GUESTS OF SENATOR ROBERT J. THOMPSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson, for the purpose of a very special introduction.

Senator THOMPSON. Mr. President, we have an exceptional young man in our gallery today to whom I would like to pay special tribute. Ten-year-old Peter Bodenshtab, a resident of Westtown Township, Chester County, represented Team Philadelphia in the 1996 United States Transplant Games held last August in Salt Lake City.

During this unique competition, Peter won three gold medals in individual swimming events and two silver medals in the swimming and track relays. What makes this young man's victory so special, Mr. President, is that he received a new liver during a transplant operation when he was just 3 years old.

Peter, stand up.

As we can plainly see, he had to overcome great personal adversity to represent this region and his State in the 1996 Transplant Games, and through his courage and determination he not only participated in this competition but did extremely well and was able to bring home some medals for his efforts. Mr. President, Peter is a remarkable young man and is an excellent example for all Pennsylvanians, especially our youth, who must strive to overcome illness or other types of adversity in their lives.

I ask that the Senate recognize not only Peter but his older brother, Phillip, and his parents, Mark and Julie, and give them our usual warm welcome.

(Applause.)

Mr. President, I would also like to recognize their escort, Representative Robert Flick.

(Applause.)

The PRESIDENT. The Chair thanks Senator Thompson for recounting what is an incredible story of tremendous personal achievement, given the physical challenges Peter faced.

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, I am pleased today to introduce four students who are serving as guest Pages in the Senate this week. They are Mary Rowe, daughter of James and Doris Rowe; Kenny Hoovler, son of Tom and Kenda Hoovler; Rebecca Brown, daughter of Rick and Debbie Brown; and John Waldron, son of Jerry and Clair Waldron. All four are eighth graders attending St. Michaels School in Greenville.

They are accompanied by their teacher, Mrs. Nancy Kremm, who is seated in the gallery. Please join me in welcoming my guests to the Senate of Pennsylvania.

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

(Applause.)

PERMISSION TO ADDRESS

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

Senator MELLOW. Mr. President, I rise for a personal order of business.

The PRESIDENT. The gentleman will state his intentions.

Senator MELLOW. Mr. President, I would just like for the Members to know that on Friday afternoon of this past week a good friend of those of us who have been here for a number of years passed away. His name was Cy Weisberger. Perhaps I should be saying this under Petitions and Remonstrances, but I think it is important that most of the Members hear it because I believe that a number of us had a working relationship with this man and certainly we knew him.

He will be remembered by a number of Members in the Senate as the fellow who represented tourism for the State, and maybe equally as important, represented the Pocono Mountain Vacation Bureau. He was a true friend to every Member of the Senate. Party line did not mean anything to Cy. He would work very hard for any Member who asked him for help. He supported any individual, whether it be in the House or the Senate. Although he was 84 years of age, he still continued to maintain his working relationship with tourism.

Unfortunately, about 10 days ago Cy had a stroke, and he died on Friday. I attended his funeral yesterday afternoon, and I know it would mean something to his family if the Members would know that Cy passed away. He spent a great deal of his life down here in Harrisburg trying always to advance the cause of State government and what we could do to help the people of Pennsylvania. It was a sad moment yesterday to attend the funeral, but it is something that I thought was important that we have the opportunity to mention it here on the floor of the Senate so that the Members who worked with Cy would know that he did pass away and also so that each and every Member who had the opportunity of knowing Cy also would realize how he kept everybody in very high regard and high esteem and talked with a tremendous degree of satisfaction any time you mentioned the legislative body, especially the Senate of Pennsylvania. I just wanted to spread that on the record.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman for the expression of those sentiments.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, on a personal note, I also would just like to express my condolences to Cy's family, and I think that the gentleman from Lackawanna, Senator Mellow,

well put the feelings that many Members of this Chamber had on both sides of the aisle as far as what a well-respected gentleman he was here in the halls of Harrisburg but so aptly and ably represented the tourism industry in the Pocono Mountains, and he is a figure who is going to be sadly missed.

Thank you, Mr. President.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, for the information of the Members, we do have a few bills that we want to take amendments on, a couple of off-the-floor committee meetings, and then finally deal with a piece of legislation before we go to caucus today, so if the Members could bear with us for a few moments.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 188 (Pr. No. 389) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 11, 1996 (P.L. 595, No. 101), entitled Capital Budget Project Itemization Act for 1996-1997, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance and redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation projects and forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission, 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, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; making appropriations; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

TILGHMAN AMENDMENT A0134

Senator TILGHMAN offered the following amendment No. A0134:

Amend Sec. 3, page 13, line 30; page 14, line 1, by striking out all of said lines on said pages and inserting:

- (II) Rehabilitation of lecture halls:
Barton, Beury, Speakman, Ritter 4,900,000
- (III) Roofing replacement and repairs:
Presser, Gladfelter, Anderson Classroom,
Anderson Engineering and Architecture,
Paley, Bio-Life, Physical Plant, Computer,
Tomlinson, Weiss, Sullivan, Conwell,

Thomas, Student Activities Center, Tyler
Hall, Mitten, Speakman, 1900 Block Park
Mall, Bright Hall, Dixon and Widener 4,410,000

Amend Sec. 3, page 14, by inserting between lines 21 and 22:

(IX) Additional funds for DGS 1104-53,
Classroom and Laboratory Building 3,000,000

Amend Sec. 3, page 14, lines 26 and 27, by striking out all of said lines and inserting:

(I) Masonry, sidewalk and walkway repairs;
Paley, Thomas, Ritter, Ritter Annex, Computer
Sullivan, Klein, Curtis Speakman, Bio-Life,
Barton, Beury, Pearson/McGonigle, Mitten,
Johnson/Hardwick, Peabody, FSUB, Old
Dental, Engineering and Architecture, Student
Activities Center, Kresge, Tyler, Dixon,
Widener, Park Mall, Berks Mall 7,812,000

Amend Sec. 3, page 15, line 1, by striking out all of said line and inserting:

conservation: Bio-Life, Beury,
Tomlinson, Medical Research,
Medical School 4,474,000

Amend Sec. 3, page 22, line 27, by striking out all of said line and inserting:

Archives Buildings 700,000
(Base Project Allocation - \$600,000)
(Design and Contingencies - \$100,000)

Amend Sec. 3, page 22, line 30, by striking out all of said line and inserting:

Museum and Archives Buildings 1,875,000
(Base Project Allocation - \$1,500,000)
(Design and Contingencies - \$375,000)

Amend Sec. 3, page 23, line 3, by striking out all of said line and inserting:

Buildings 4,750,000
(Base Project Allocation - \$3,800,000)
(Design and Contingencies - \$950,000)

Amend Sec. 3, page 23, line 6, by striking out all of said line and inserting:

Building 1,000,000
(Base Project Allocation - \$800,000)
(Design and Contingencies - \$200,000)

Amend Sec. 3, page 23, line 10, by striking out all of said line and inserting:

Museum and Archives Buildings 5,000,000
(Base Project Allocation - \$4,000,000)
(Design and Contingencies - \$1,000,000)

Amend Sec. 3, page 23, line 12, by striking out all of said line and inserting:

Building 1,500,000
(Base Project Allocation - \$1,200,000)
(Design and Contingencies - \$300,000)

Amend Sec. 3, page 23, line 14, by striking out all of said line and inserting:

Museum and Archives Buildings 1,000,000
(Base Project Allocation - \$800,000)
(Design and Contingencies - \$200,000)

Amend Sec. 3, page 23, line 16, by striking out all of said line and inserting:

systems in the State Museum Building 1,250,000
(Base Project Allocation - \$1,000,000)
(Design and Contingencies - \$250,000)

Amend Sec. 5, page 45, lines 7 through 9, by striking out all of said lines

Amend Sec. 5, page 45, by inserting between lines 17 and 18:

(iii) Infrastructure improvements, vehicle acquisition
and planning for a demonstration project
for the Harrisburg Transportation Center
to Carlisle rail corridor 1,000,000

- Amend Sec. 5, page 66, by inserting between lines 20 and 21:
- (16) Bradford County
 - (i) Airport at Towanda
 - (A) Construction of T-hangars 150,000
 - (17) Northumberland/Montour Airport Commission
 - (i) Land acquisition 100,000
 - (ii) Runway improvements 1,000,000
- Amend Sec. 6, page 71, lines 17 through 20, by striking out all of said lines and inserting:
- (i) Bedford Borough
 - (A) Acquisition, development and construction of joint borough/county handicapped accessible office and parking facility 3,500,000
- Amend Sec. 8, page 85, by inserting between lines 12 and 13:
- (xvi) Northampton County
 - (A) City of Bethlehem, nonstructural renovation of downtown pedestrian plaza/park area 750,000
- Amend Sec. 8, page 85, line 13, by striking out "(XVI)" and inserting: (xvii)
- Amend Sec. 8, page 85, line 17, by striking out "(XVII)" and inserting: (xviii)
- Amend Sec. 11, page 93, lines 27 through 29, by striking out "," in line 27, all of line 28 and "FOR LEGISLATIVE OFFICES" in line 29
- Amend Sec. 11, page 93, line 30, by striking out ", (D)"
- Amend Sec. 11, page 94, line 8, by inserting after "BUILDING": and DGS 946-2, renovation and conversion of the Old Museum Building for legislative offices
- Amend Sec. 12, page 94, line 17, by striking out "(V),"

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

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

WOZNIAK AMENDMENT A0153

Senator WOZNIAK offered the following amendment No. A0153:

- Amend Sec. 3, page 31, by inserting between lines 14 and 15:
- (E) Construction of building to serve as branch campus in Clearfield County 5,000,000

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

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

Senator WOZNIAK. Mr. President, amendment A0153 is for money for construction of a building to serve as the branch campus in Clearfield County, and I would appreciate an affirmative vote by the Members.

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

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

MELLOW AMENDMENT A0131

Senator MELLOW offered the following amendment No. A0131:

- Amend Sec. 3, page 25, by inserting between lines 5 and 6:
- (vi) Pennsylvania Law Center, Allegheny County
 - (A) Acquisition and construction 5,500,000

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

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

MUSTO AMENDMENT A0168

Senator MUSTO offered the following amendment No. A0168:

- Amend Sec. 5, page 54, by inserting between lines 20 and 21:
- (9.1) Carbon and Luzerne Counties
 - (i) Rehabilitation of the Reading, Blue Mountain and Northern Railroad between Dupont and White Haven including replacement of 19 miles of welded rail, replacement of deteriorating ties, resurface railbed, renew road crossings, adjust track alignment and other miscellaneous rehabilitation on both tracks to a minimum FRA Class II Track Standards 4,500,000
 - (ii) Rehabilitation of the Reading, Blue Mountain and Northern Railroad's Track 1 between Lehigh and M & H Junction to FRA Class 1 Track Standards and Track 2 between Laurel Run and Dupont to FRA Class 1 Track Standards 360,000

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

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

HB 26 CALLED UP OUT OF ORDER

HB 26 (Pr. No. 30) -- Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 26 (Pr. No. 30) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for alternatives to achieve 180 days of instruction for school districts of the third class affected by flash floods occurring July 19, 1996.

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

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a brief recess of the Senate, first for a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Intergovernmental Affairs in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations, the Committee on Appropriations, and the Committee on Intergovernmental Affairs, this Senate stands in brief recess.

AFTER RECESS

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

REPORTS FROM COMMITTEES

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

SB 178 (Pr. No. 390) (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 for the number of judges of the Philadelphia Municipal Court and the Philadelphia Traffic Court.

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

HB 26 (Pr. No. 30) (Rereported)

An Act providing for alternatives to achieve 180 days of instruction for school districts of the third class affected by flash floods occurring July 19, 1996.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 18 (Pr. No. 386)

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 178 (Pr. No. 390) -- 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 for the number of judges of the Philadelphia Municipal Court and the Philadelphia Traffic Court.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 178?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 178.

On the question,

Will the Senate agree to the motion?

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

Senator HECKLER. Mr. President, before we vote on this important piece of legislation, which creates a substantial number of new judgeships across the Commonwealth of Pennsylvania, I would like to remind my colleagues that we are presently in a situation where the Supreme Court of Pennsylvania has rendered a decision and purports to wish to enforce it, which would transfer virtually all, if not all, of the costs associated with the courts of our several counties to the State budget. Though what those costs ultimately might be were not made clear by the court's opinion, and the process is ongoing to attempt to determine what those costs might be, we are creating a substantial number of additional costs. We have done so because the county commissioners in each of these counties and the president judge have determined that it is appropriate to do so. And I am going to vote for this legislation because there is no question in my mind that in a number of counties, Centre County most conspicuously, the courts are substantially understaffed. They need more judges in order that justice may be done.

I want to call this Chamber's attention, however, to the fact that depending upon the ultimate outcome of that suit, and hopefully we will have a substantial part in that determination, the costs which we are creating today may be borne by the taxpayers of this Commonwealth, and they are certainly going to be borne by the taxpayers of the counties involved and the Commonwealth in some combination.

I anticipate in the next few weeks to circulate to you for your consideration legislation that would assign to some appropriate agency of State government the responsibility for gathering data concerning the work of the courts, attempting to measure their productivity, so that in the future we will have a better way of knowing whether it is appropriate to create new judgeships, whether those judges are needed, so that we will have the opportunity of truly understanding, particularly if at some point we are going to bear the entire cost of these judges' work and the places in which they work and the various staffs and support agencies they require to do their job, so that we understand whether money is being well spent.

We here all know that Pennsylvania has one of the lowest per capita ratios of public employees to citizenry in the United States. Pennsylvania government is lean and efficient. Many courts are. Frankly, from some of the data that is presently available, it is hard to determine whether other courts are. I

hope that in the future, the next time a bill like this comes around, we may be able to be in a better position to know whether or not each of the judgeships which is proposed to be created is truly needed.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I thank the gentleman from Bucks, Senator Heckler, for his very proper remarks, and also as he started his remarks he pointed out that we must not delay justice. And this has been happening in my counties of Delaware and Chester, and also in other parts of the State. Now, I want to close these brief remarks with this statement: Let us never forget that justice delayed is justice denied.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Hughes.

The PRESIDENT. Without objection, that leave is granted.

LEGISLATIVE LEAVE CANCELLED

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

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:

YEA-43

Afflerbach	Holl	Mowery	Stout
Bell	Hughes	Murphy	Tartaglione
Brightbill	Jubelirer	Musto	Thompson
Corman	Kasunic	Piccola	Tilghman
Costa	Kitchen	Punt	Tomlinson
Delp	Kukovich	Rhoades	Uliana
Earll	La Valle	Robbins	Wenger
Gerlach	Lemmond	Salvatore	White
Greenleaf	Loeper	Schwartz	Williams
Hart	Madigan	Slocum	Wozniak
Heckler	Mellow	Stapleton	

NAY-3

Belan	O'Pake	Wagner
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:15.

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

Senator MELLOW. Mr. President, I also request the Democratic Members to report immediately to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 4:15 p.m., the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Robbins, who has been called from the floor.

The PRESIDENT. Without objection, that leave is granted.

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

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Kasunic, and a legislative leave for Senator Mellow.

The PRESIDENT. Without objection, those leaves are granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER TEMPORARILY

SB 2 and SB 65 -- Without objection, the bills were passed over in their order temporarily at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 45 (Pr. No. 39) -- 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 harassment and stalking.

Considered the second time and agreed to,

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

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Delp, who has been called to his office.

The PRESIDENT. Without objection, that leave is granted.

LEGISLATIVE LEAVES CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED**SB 2 CALLED UP**

SB 2 (Pr. No. 227) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 2 (Pr. No. 227) -- 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 agree to the bill on third consideration?

HART AMENDMENT A0165

Senator HART offered the following amendment No. A0165:

Amend Table of Contents, page 2, line 1, by inserting after "counties": and municipalities

Amend Table of Contents, page 2, line 29, by striking out all of said line and inserting:

Section 322. Local personal income tax.

Amend Table of Contents, page 5, line 20, by striking out all of said line and inserting:

Section 1525. Departmental assistance.

Amend Sec. 102, page 7, line 4, by inserting after "the": former

Amend Sec. 102, page 7, line 6, by inserting after "Law,"; or under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government),

Amend Sec. 102, page 7, lines 25 through 27, by striking out all of said lines

Amend Sec. 102, page 8, line 4, by inserting after "the": former

Amend Sec. 102, page 8, line 5, by removing the period after "Law" and inserting: , or under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government).

Amend Sec. 102, page 8, line 21, by inserting after "the" where it appears the first time: former

Amend Sec. 102, page 8, line 22, by inserting after "Law,"; or under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government),

Amend Sec. 102, page 9, line 1, by inserting after "the": former

Amend Sec. 102, page 9, line 3, by removing the period after "Law" and inserting: , or under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government).

Amend Sec. 102, page 9, line 9, by striking out "Commerce" and inserting: Community and Economic Development

Amend Sec. 102, page 10, line 2, by inserting after "the": former

Amend Sec. 102, page 10, line 3, by removing the period after "Law" and inserting: , or under 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government).

Amend Sec. 102, page 10, line 5, by striking out "The classes of income" and inserting: Income

Amend Sec. 102, page 10, lines 7 and 8, by striking out "and upon which is imposed a personal income tax" and inserting: , as returned to and ascertained by the Department of Revenue, subject, however, to any correction thereof for fraud, evasion or error as finally ascertained

Amend Sec. 103, page 11, line 10, by striking out "and (f)" and inserting: , (f) and (g)

Amend Sec. 105, page 15, line 21, by inserting after "counties": and municipalities

Amend Sec. 105, page 15, lines 23 and 24, by striking out "a sales tax under Subchapter B of Chapter 3" and inserting: the tax authorized under section 312

Amend Sec. 105, page 15, line 29, by striking out "a sales tax authorized in Subchapter B of Chapter 3" and inserting: the tax authorized under section 312

Amend Sec. 107, page 17, lines 3 through 5, by striking out "the act of July" in line 3, all of line 4 and "Debt Act" in line 5 and inserting: 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing)

Amend Sec. 301, page 19, by inserting between lines 8 and 9:

(10) Any other tax authorized under the Local Tax Enabling Act as limited by the provisions of this act.

(c) Delinquent taxes.—The provisions of subsection (b) shall not apply to collection of delinquent taxes.

Amend Sec. 303, page 19, line 25, by inserting after "law.": If the electorate approves such referendum, the governing body shall lose the authority to continue to levy any tax authorized under this act.

Amend Sec. 304, page 25, line 1, by inserting after "court": order or administrative

Amend Sec. 304, page 25, lines 3 and 4, by striking out "the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act." and inserting: 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

Amend Sec. 305, page 26, line 27, by removing the comma after "of"

Amend Sec. 305, page 27, line 29, by inserting after "taxes": local

Amend Sec. 315, page 33, line 29, by inserting after "administration": under this subchapter

Amend Sec. 316, page 34, line 14, by striking out "an"

Amend Sec. 316, page 34, line 25, by striking out "September" and inserting: June

Amend Sec. 316, page 34, line 27, by striking out "four" and inserting: seven

Amend Sec. 316, page 35, line 1, by striking out "30" and inserting: 120

Amend Sec. 319, page 37, line 24, by inserting after "commissioners": , the department

Amend Sec. 320, page 37, line 28, by striking out all of said line and inserting

(a) General rule.—

(1) The State Treasurer shall distribute, on

Amend Sec. 320, page 38, lines 1 and 2, by striking out "Each school district shall receive" and inserting:

(2) The State Treasurer shall distribute to each school district that qualifies under subsection (c)

Amend Sec. 320.1, page 38, line 27, by inserting after "a": local

Amend Sec. 322, page 40, line 9, by striking out "Personal" and inserting: Local personal

Amend Sec. 322, page 40, line 11, by inserting after "a": local

Amend Sec. 322, page 40, line 15, by inserting after "a": local

Amend Sec. 322, page 40, line 21, by inserting after "a": local

Amend Sec. 322, page 40, line 29, by inserting after "a": local

Amend Sec. 323, page 41, line 7, by inserting after "district": local

Amend Sec. 323, page 41, line 12, by striking out "otherwise" and inserting: as otherwise provided

Amend Sec. 325, page 41, line 18, by striking out "(a) Ordinance.—"

Amend Sec. 325, page 41, lines 27 through 30; page 42, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 331, page 42, lines 20 through 25, by striking out all of said lines and inserting:

(c) Counties.—

(1) Except as provided in paragraph (2), in lieu of imposing the tax under section 312, each county shall have the power and may levy, assess and collect a tax on the earned income and net profits of resident taxpayers of the county up to a maximum rate of 0.5% in increments of 0.25% of 1%. Any county which imposes a tax under this paragraph may not impose a tax under section 322.

(2) If the governing body of a county is required to also impose a sales and use tax under section 320.1(a), in addition to imposing a tax under section 312, the county shall have the power and may levy, assess and collect a tax on the earned income and net profits of resident taxpayers of the county up to a maximum rate of 0.5% in increments of 0.25%.

Amend Sec. 332, page 43, line 5, by striking out "otherwise" and inserting: as otherwise provided

Amend Sec. 501, page 45, line 16, by inserting after "or": under section

Amend Sec. 515, page 48, lines 14 through 22, by striking out all of said lines and inserting:

Section 515. Income eligibility.

A claimant shall be eligible for a tax deferral if the claimant has a household income not exceeding the household income eligibility limitations set forth in the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act.

Amend Sec. 519, page 50, line 11, by striking out "liens for taxes" and inserting: real estate tax liens

Amend Sec. 519, page 50, line 12, by striking out "liens for taxes" and inserting: real estate tax liens

Amend Sec. 703, page 57, line 30, by inserting after "court": order or administrative

Amend Sec. 703, page 58, lines 2 and 3, by striking out "the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act." and inserting: 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

Amend Sec. 902, page 64, line 7, by inserting after "use,": local
Amend Sec. 902, page 64, line 13, by inserting after "levying": local

Amend Sec. 905, page 65, line 13, by inserting after "any": local

Amend Sec. 1102, page 66, line 26, by inserting after "members": elected to each house

Amend Sec. 1105, page 67, line 29, by striking out "1101" and inserting: 1102

Amend Sec. 1105, page 70, line 11, by striking out "as requested"

Amend Sec. 1301, page 73, lines 6 through 17, by striking out "Nothing in" in line 6 and all of lines 7 through 17

Amend Sec. 1511, page 75, line 24, by striking out "and tax structure" and inserting: , tax structure, expenditures and efficiency

Amend Sec. 1514, page 80, line 6, by striking out "had" and inserting: shall be conducted

Amend Sec. 1518, page 81, lines 17 through 23, by striking out "and tax structure of the school" in line 17, all of lines 18 through 22 and "could become more economical or efficient under" in line 23 and inserting: , tax structure, expenditures and efficiency of the school district. The commission shall determine, based on its study of the school district, the means by which the school students and other residents of the school district could be better served, the means by which the school district could be made more responsible and accountable to the people and the means by which the district's operations could be made more economical or efficient. The commission shall make a recommendation regarding the adoption of

Amend Sec. 1519, page 82, line 7, by removing the period after "assistants" and inserting: and provide for reimbursements for their necessary and reasonable expenses incurred in the performance of their duties.

Amend Sec. 1522, page 83, line 19, by striking out "people" and inserting: electors

Amend Sec. 1523, page 84, line 5, by striking out "The" and inserting: Consistent with the duties set forth in this chapter, the

Amend Sec. 1523, page 84, line 8, by striking out "A" and inserting: Whether a

Amend Sec. 1523, page 84, line 12, by striking out "The" and inserting: Whether the

Amend Sec. 1523, page 84, line 14, by striking out "Other action as it may deem" and inserting: Whether other action shall be taken as it may be deemed

Amend Sec. 1523, page 84, line 15, by striking out "function" and inserting: duty

Amend Sec. 1524, page 85, lines 9 through 11, by striking out "the act of July 12," in line 9, all of line 10 and "Debt Act" in line 11 and inserting: 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing)

Amend Sec. 1524, page 85, line 19, by striking out "undertaken" and inserting: implemented

Amend Sec. 1524, page 85, line 20, by inserting after "other": fiscal

Amend Sec. 1525, page 85, line 22, by striking out "Department" and inserting: Departmental

Amend Sec. 1525, page 85, line 23, by inserting after "department": and the Department of Community and Economic Development

Amend Sec. 1529, page 88, lines 19 and 20, by striking out "this chapter" and inserting: the charter

Amend Sec. 1532, page 89, line 24, by striking out "26th" and inserting: 20th

Amend Sec. 5101, page 95, line 23, by striking out "this act" and inserting: paragraph (2)

Amend Sec. 5101, page 95, line 25, by striking out "immediately." and inserting: January 1, 1998.

On the question,

Will the Senate agree to the amendment?

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

Senator O'PAKE. Mr. President, will the gentlewoman from Allegheny, Senator Hart, consent to brief interrogation?

The PRESIDENT. The gentlewoman indicates that she will.

Senator O'PAKE. Mr. President, I understand this is technical. However, is it correct that if this is adopted this would change the effective date of the act to January 1, 1998?

Senator HART. Mr. President, the gentleman is correct. The effective date on the amendment does have Senate Bill No. 2, the methodology for local tax reform, becoming effective January 1 of 1998. Since the constitutional amendment to allow the

homestead exemption to be an option for local governments under this bill will likely be voted on in November of this year, we moved the effective date back so that the local governments will have all three options - the homestead exemption, the millage reduction, and the universal exemption - so that they will have all options for the menu of taxes for their communities.

Senator O'PAKE. So, Mr. President, if the amendment is agreed to, what we have effectively done is postponed property tax reform until 1998. Is that correct?

Senator HART. Mr. President, I would say that is not correct, really. What postponed property tax reform until 1998 was the lack of action in the prior Session. Unfortunately, the Senate did pass the bill a couple of times, but we could not get action in the House. We do not have the opportunity now to have the homestead exemption voted on, and it seems to be the consensus of many Members to make sure that we have the option of the homestead exemption before we move forward with the effective date for tax reform. If we would pass the bill, Senate Bill No. 2, the methodology now, with an immediately effective date, that would give communities the option for the millage reduction and the universal exemption. However, a number of Members have expressed concern about having that lacking the homestead exemption option, so we have decided to make them more concurrent.

Senator O'PAKE. Mr. President, I support Senate Bill No. 2 and did so in the last Session and share the lady's concern that the House did not agree with us. However, the simple answer to the question is that, in effect, if this amendment is adopted, nothing can happen on tax reform that the taxpayers will feel in their pocketbooks until 1998. That is correct, is it not? No matter what happened in the past, the issue now is, are we postponing property tax reform until 1998 with the gentlewoman's amendment?

Senator HART. Mr. President, I would disagree with the gentleman. In effect, in fact, under Senate Bill No. 2, communities have the option to set up local tax commissions. They have the opportunity to take a look at what the bill will actually be and take the time among the communities and the local government officials and those civically active to decide which alternative will be best for them. They clearly could not do that overnight, Mr. President, and I believe that this does not really harm tax reform or harm the Commonwealth. It will give those communities the opportunity to decide what they want and they will be ready for tax reform when it becomes effective in January.

Senator O'PAKE. Mr. President, again, as a supporter of property tax reform, I do not think the gentlewoman listened to my question. I said that the taxpayer will not feel in his or her pocket any benefits from this until at least January 1, 1998, as a result of this amendment. We support the amendment, but we just want to make it very clear that this is a conscious decision to postpone until next year any meaningful tax reform that can be enjoyed or disenjoyed by the taxpayers of Pennsylvania. We support the amendment.

The PRESIDENT. Does that conclude your questioning, Senator O'Pake?

Senator O'PAKE. Yes, Mr. President.

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

Senator HART. Mr. President, if I may address the gentleman's comments. Obviously, as the sponsor of Senate Bill No. 2, there is nobody in this body who is more eager to move forward with tax reform than I. I think the gentleman is deliberately mischaracterizing the reason for this amendment, and I would like to clarify and make it clear to the public the reason for this amendment. Mr. President, we have had difficulty getting the House of Representatives to consider tax reform for a variety of reasons, one of which is that they do not wish to consider the tax reform proposal without the option for communities to opt into the homestead exemption.

Mr. President, the gentleman is stating, basically, that we are not for tax reform now. I would like to say that is incorrect. But we are for tax reform that gives local officials and local voters the most options so they can see the most effective reduction of property taxes on the constituents they have and serve within their local communities. So, Mr. President, though the effective date has changed, I believe that the effective date would still have been next year, because we are already into tax year 1997, and those community officials will have the opportunity to design the plan and when the effective date begins next tax year, they can immediately present the option to their voters for a vote.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, very briefly, if we had been able to vote on House Bill No. 1, the proposed homestead exemption constitutional amendment, and certified that on the primary ballot, we could have put property tax reform before the voters of Pennsylvania in May of 1997. And if Senate Bill No. 2 or some version of it was agreed to by the House and the Senate, we could have given local school districts and local governments the option to come up with a replacement for property taxes in 1997. That is the point that I am trying to make. By insisting on running Senate Bill No. 65 today, which is almost verbatim to House Bill No. 1 already before us, the other side has decided to postpone property tax reform until after the general election in 1997, and now it has gone all the way back into 1998. That is the point. We do not have the votes to change that. We were not able to say that House Bill No. 1 should be the vehicle since it was halfway home, so we will go along with the game plan. But let us not deceive the taxpayers of Pennsylvania and make them think that property tax reform is on the verge of happening anytime in 1997.

Thank you.

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

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

RHOADES AMENDMENT A0119

Senator RHOADES offered the following amendment No. A0119:

Amend Sec. 103, page 12, lines 3 through 6, by striking out "a tax on admission into an auto racing facility" in line 3, all of lines 4 and 5 and "(ii)" in line 6

Amend Sec. 103, page 12, line 7, by striking out "(iii)" and inserting: (ii)

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

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

Senator RHOADES. Mr. President, if you will notice in section 103 of Senate Bill No. 2, exceptions are made for racetracks and also for ski resorts. This first amendment, A0119, would do away with that. By that I mean it would take that exemption out of the bill.

Pocono Raceway is located in Tunkhannock Township, Monroe County, which happens to be in my district. Tunkhannock Township levies an admissions tax on the Pocono Raceway. The township realized \$177,900 in revenue from this tax in the 1996 fiscal year. This represents 36 percent of all the taxes collected in Tunkhannock Township. If we adopt this bill it would eliminate that \$177,900 in taxes that Tunkhannock currently derives from this income source, and that is regardless of whether Tunkhannock elects to participate in the new optional local tax system or not. I think that is unfair, and on behalf of the taxpayers who have asked me to introduce this amendment, I present it to my colleagues and ask for its adoption.

Thank you, Mr. President.

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

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

YEA-10

Afflerbach	LaValle	Schwartz	Williams
Costa	Rhoades	Tomlinson	
Kukovich	Salvatore	White	

NAY-36

Belan	Heckler	Mellow	Stapleton
Bell	Holl	Mowery	Stout
Brightbill	Hughes	Murphy	Tartaglione
Corman	Jubelirer	Musto	Thompson
Delp	Kasunic	O'Pake	Tilghman
Earll	Kitchen	Piccola	Uliana
Gerlach	Lemmond	Punt	Wagner
Greenleaf	Loeper	Robbins	Wenger
Hart	Madigan	Slocum	Wozniak

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for a temporary Capitol leave for Senator Madigan.

The PRESIDENT. Without objection, that leave is granted.

LEAVE OF ABSENCE

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

Senator LOEPER. Mr. President, I request that the leave of absence for Senator Armstrong be changed to a temporary capitol leave.

Without objection, Senator Armstrong's leave will be changed from a personal leave of absence to a temporary Capitol leave.

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

RHOADES AMENDMENT A0120

Senator RHOADES offered the following amendment No. A0120:

Amend Sec. 103, page 11, line 21, by striking out "(1)"

Amend Sec. 103, page 11, line 22, by striking out "except for paragraph (2)"

Amend Sec. 103, page 12, lines 1 through 10, by striking out all of said lines

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

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

Senator RHOADES. Mr. President, again in section 103, on lines 6 and 7 of Senate Bill No. 2, there is an amusement tax on ski facilities or a tax on admission to a ski facility. What this amendment, in essence, would do is remove that section and allow that amusement tax to be applied.

I would remind my colleagues that in the Pennsylvania Department of Community Affairs Taxation Manual, a section back here on non-real estate taxes, and remember when we talk about amusements, we have 176 municipalities and 50 school districts, for a total of 226 districts that depend upon an amusement tax. That is not to say it is all in the ski areas, but I think in fairness to all districts and all municipalities, this section does not belong in this bill, and I would ask for an "aye" vote to remove this section.

Thank you, Mr. President.

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

Senator AFFLERBACH. Mr. President, although I supported the gentleman on his previous amendment to eliminate the exemption for auto racetrack facilities, I must oppose him on this particular amendment with respect to ski facilities.

I have long taken the position that we ought not to be applying an amusement tax to those activities which, in fact, are beneficial to healthy well-being. Clearly, skiing is a participatory sport. It may be considered amusing to those who are doing it, or to individuals who stand on the sidelines and watch the Olympic trials, for example, but as one goes to ski facilities throughout Pennsylvania, one finds that most of the people there are there for participation in an activity that breeds healthy well-being. Therefore, I urge a "no" vote on this particular amendment.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Williams, 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 amendment?

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

Senator KUKOVICH. Mr. President, I rise to support the Rhoades amendment. I think it is crucial in the area of tax reform that we have to strike a proper balance. Any of these special-interest exemptions, no matter how it might affect a particular business or a particular district, we have to, I think, be very consistent and say if we are going to maintain an amusement tax on a number of things, we should not allow special-interest loopholes in this bill. If we vote against Senator Rhoades' amendment we are allowing that.

And secondly, when I talked about striking a proper balance, we have to keep in mind that I think all 50 Members here want to ensure that we help the most residential homeowners that we can. For every special-interest loophole that we allow in this bill, the fewer residential homeowners can we help. For those reasons, I ask for an affirmative vote on Senator Rhoades' amendment.

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

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

YEA-7

Costa Kukovich	La Valle Rhoades	Schwartz Tomlinson	White
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NAY-40

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Heckler	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Brightbill	Jubelirer	O'Pake	Tilghman
Corman	Kasunic	Piccola	Uliana
Delp	Kitchen	Punt	Wagner
Earll	Lemmond	Robbins	Wenger

Gerlach Greenleaf	Loeper Madigan	Salvatore Slocum	Williams Wozniak
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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 bill on third consideration, as amended?

RHOADES AMENDMENT A0118

Senator RHOADES offered the following amendment No. A0118:

Amend Title, page 1, lines 12 and 13, by striking out "providing for limitations on debt of school districts;"

Amend Table of Contents, page 2, lines 3 and 4, by striking out all of said lines

Amend Sec. 107, page 16, line 30; page 17, lines 1 through 21, by striking out all of said lines on said pages

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

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

Senator RHOADES. Mr. President, what this amendment does, in essence, is deletes section 107 and continues to allow school districts to stay in the old system, and based upon that leave their debt limit provisions intact.

There is the belief that lowering the debt limit will not significantly reduce school district spending. Statewide, the debt service payments constitute a small percentage of our total school district expenditures. As a matter of fact, for the 1991-92 fiscal year, the debt service comprised about 7.5 percent of the public school outlays. That figure dropped to 5.88 percent for the 1993-94 school year. So if you are looking for some changes or differentials in there, you must look to where the cost is, and instruction is in that number, and I do not think we want to make any significant changes there.

Lowering the debt limit would adversely affect poor school districts. Because the amount of allowable debt is based on school district revenues, less wealthy districts always will have lower debt limits. By reducing the current allowable debt limit, poorer districts will be further disadvantaged because they will have to rely on public approval for even the smallest capital projects. And I want to bring out the fact that you have asbestos abatement, ADA regulations, Healthy Starts. There are a number of programs which we mandate which will force these districts to go to the public to see if they can approve them, although we have mandated them.

Of the 50 poor school districts in Pennsylvania as defined by the aid ratio, only 12 would be able to borrow more than \$5 million without voter approval if the proposed debt limit became law. As a frame of reference, the average new elementary school in Pennsylvania costs \$7 million. Lowering the debt limit will adversely impact growing school districts. Of the 50 growing school districts, statistics show that only 26 have the ability to borrow more than \$5 million without voter approval if the proposed new debt limit were enacted.

You say, but they do that in other States. That is right, they do. In Ohio, which requires referendum on school building projects, a recent study of school facilities undertaken by the State revealed the need to spend \$10 million more to repair, replace, and/or expand existing schools to meet the current needs of the student population. This drastic situation was caused by the continuing failure of referenda on construction. Approval rates on referenda for school construction vary among the 22 States that impose such a requirement. However, one constant is the high disapproval rate of referenda questions initially. In more cases, a large number of those questions eventually do receive approval. The cost of time is more than 4 percent of the total project cost for each year of delay.

There is also an assumption that lowering the debt limit will not lower taxes. Of the 22 States that require referenda on school construction or debt limits, 13 of the 22 have a higher property tax rate per thousand dollars of income, and 14 have higher income taxes per thousand dollars of income than Pennsylvania. Also I would note that 13 of the 22 have greater State and local total expenditures per capita, and 21 have greater total State and local expenditures per thousand dollars of income.

Pennsylvania already limits the amount spent on school construction. Act 34 of 1973, known as the Taj Mahal act, places strict guidelines on spending for school construction projects. If the cost exceeds the per pupil allowance stipulated in the act, the project must be submitted to a referendum. I would add, if we want to put a limit and control on it, that is the place we should do it, in Act 34. The fact that only two, I said only two, referenda have been conducted since 1973 is not testimony to public disenfranchisement. It is instead testimony to responsible, informed decisionmaking by locally elected officials.

Act 34 guarantees the public an opportunity to be totally informed as to the total cost of a project by required public hearings. If school construction has indeed become excessive, the more intelligent legislative response would be crafted within the School Code and directed at project planning. Capsizing the Local Government Unit Debt Act is a reactionary approach at best.

And school districts are not the object of special taxpayer criticism. Since the date of comprehensive reenactment of the Local Government Unit Debt Act in 1978, the Department of Community Affairs has approved, as of December 3, 1994, \$8,668 for debt-incurrence transactions, \$3,287 for general obligation bonds, \$3,525 for short-term notes, and \$1,856 for lease rental. That is authority debt or guarantee, which is what most of our school districts use. During that same period, DCA logged 69 complaints or other inquiries or objections to debt filings. Of these, after deducting duplicative and withdrawn filings, 15 actual controversies involving school districts and complaining taxpayers emerged. Now, when you look at 8,668 and 15 actual controversies being reported, I think it begins to tell you that the problem does not necessarily sit in this area. These statistics demonstrate that taxpayers are not extraordinarily disturbed about local government debt and certainly have

not focused any special criticism on school districts as compared to counties, townships, or boroughs.

Lastly, I would add that lowering the debt limit is another unfunded mandate. Pennsylvania school districts are forced to be creative or to find solutions, and I will say creative means again by which State and Federal legislators position themselves as fiscally responsible by passing the cost of mandated programs down to the local level.

Equally irresponsible is the practice of taking away from the local government units the means to fund the mandates it already has, and if I hear "mandates" around here one more time, because everybody says get rid of the mandates, get rid of the mandates, get rid of the mandates, yet you are still putting another mandate on here and tying their hands. In school construction, such mandates as asbestos abatement, ADA requirements, wetlands abatement, healthy schools, air quality standards, fire sprinkler systems, to name a few, lowering the debt limit removes an essential means of funding the cost.

This is an issue of fairness. We swore an oath to provide a thorough and efficient system of government. We gave that authority to local school boards through the School Code. I think by tying their hands, in this particular case, we only limit them even that much further. I ask for an affirmative vote.

Thank you, Mr. President.

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

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

YEA-7

Afflerbach	Hughes	Rhoades	Wozniak
Belan	Kukovich	Schwartz	

NAY-40

Armstrong	Heckler	Mowery	Stout
Bell	Holl	Murphy	Tartaglione
Brightbill	Jubelirer	Musto	Thompson
Corman	Kasunic	O'Pake	Tilghman
Costa	Kitchen	Piccola	Tomlinson
Delp	LaValle	Punt	Uliana
Earl	Lemmond	Robbins	Wagner
Gerlach	Loeper	Salvatore	Wenger
Greenleaf	Madigan	Slocum	White
Hart	Mellow	Stapleton	Williams

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 bill on third consideration, as amended?

SCHWARTZ AMENDMENT A0073

Senator SCHWARTZ offered the following amendment No. A0073:

Amend Title, page 1, line 5, by striking out "and school districts"
Amend Title, page 1, lines 6 and 7, by striking out "authorizing school districts to impose taxes on personal income, earned income and net profits;"

Amend Title, page 1, lines 12 and 13, by striking out "providing for limitations on debt of school districts;"

Amend Title, page 1, line 15, by striking out ", municipalities and school districts" and inserting: and municipalities

Amend Title, page 1, lines 16 and 17, by striking out ", municipalities and school districts" and inserting: and municipalities

Amend Title, page 1, lines 19 and 20, by striking out "and providing" in line 19 and all of line 20 and inserting: restricting the taxing authority of school districts; and establishing a joint legislative task force on public school finances.

Amend Table of Contents, page 2, lines 3 and 4, by striking out all of said lines

Amend Table of Contents, page 2, lines 10 and 11, by striking out all of said lines and inserting:

Section 304. (Reserved).

Amend Table of Contents, page 2, line 24, by striking out "and school districts"

Amend Table of Contents, page 2, line 25, by striking out "and school district"

Amend Table of Contents, page 4, lines 23 through 30; page 5, lines 1 through 30; page 6, lines 1 through 16, by striking out all of said lines on said pages and inserting:

Chapter 15. Public School Finances

Section 1501. Joint Legislative Task Force on Public School Finances.

Amend Sec. 102, page 8, lines 27 and 28, by striking out ", or a board of school directors of a school district"

Amend Sec. 102, page 10, lines 17 through 20, by striking out all of said lines and inserting: municipality.

Amend Sec. 103, page 11, line 11, by striking out ", municipality and school district" and inserting: and municipality

Amend Sec. 103, page 11, line 22, by striking out "or school district"

Amend Sec. 103, page 11, line 28, by striking out "or school district"

Amend Sec. 103, page 11, lines 29 and 30, by striking out "or school district"

Amend Sec. 103, page 12, line 1, by striking out "or a school district"

Amend Sec. 103, page 12, line 25, by removing the comma after "county" and inserting: or

Amend Sec. 103, page 12, line 26, by striking out "or school district"

Amend Sec. 103, page 13, line 25, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 104, page 15, line 18, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 107, page 16, line 30; page 17, lines 1 through 21, by striking out all of said lines on said pages

Amend Sec. 301, page 17, lines 28 and 29, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 301, page 18, lines 4 and 5, by striking out ", municipality or school district." and inserting: or municipality.

Amend Sec. 301, page 18, line 6, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 301, page 18, lines 22 through 30, by striking out all of said lines and inserting:

(6) (Reserved).

(7) (Reserved).

Sec. 303, page 19, line 26, by striking out ", county or school district" and inserting: or county

Amend Sec. 303, page 20, lines 1 and 2, by striking out ", county or school district." and inserting: or county.

Amend Sec. 303, page 20, lines 6 and 7, by striking out ", county or school district," and inserting: or county,

Amend Sec. 303, page 20, lines 24 and 25, by striking out ", county or school district" and inserting: or county

Amend Sec. 303, page 21, line 7, by striking out ", county or school district" and inserting: or county

Amend Sec. 303, page 21, line 11, by striking out ", county or school district." and inserting: or county.

Amend Sec. 303, page 21, line 15, by striking out ", county or school district" and inserting: or county

Amend Sec. 303, page 21, lines 18 and 19, by striking out ", county or school district" and inserting: or county

Amend Sec. 303, page 21, lines 28 and 29, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 303, page 22, lines 18 through 26, by striking out all of lines 18 through 25 and "same manner as section 702(b)." in line 26

Amend Sec. 303, page 23, lines 15 through 19, by striking out "Any" in line 15 and all of lines 16 through 19

Amend Sec. 303, page 23, line 21, by striking out "section 303, section 303 or 304" and inserting: this section, this section

Amend Sec. 303, page 23, line 24, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 304, page 23, lines 26 through 30; pages 24 and 25, lines 1 through 30; page 26, lines 1 through 23, by striking out all of said lines on said pages and inserting:

Section 304. (Reserved).

Amend Sec. 305, page 26, lines 25 and 26, by striking out ", school district"

Amend Sec. 305, page 27, line 6, by striking out ", school district"

Amend Sec. 305, page 27, line 7, by striking out ", school district"

Amend Sec. 305, page 27, line 11, by striking out "and school districts"

Amend Sec. 305, page 27, line 15, by striking out ", school district"

Amend Sec. 305, page 27, line 23, by striking out ", school district"

Amend Sec. 305, page 27, line 26, by striking out ", school district"

Amend Sec. 305, page 28, line 16, by striking out ", school district"

Amend Sec. 305, page 28, line 30, by striking out ", school district"

Amend Sec. 305, page 29, line 9, by striking out ", school district"

Amend Sec. 305, page 29, lines 22 and 23, by striking out ", school district"

Amend Sec. 305, page 29, line 28, by striking out ", school district"

Amend Sec. 305, page 29, line 28, by striking out ", school district"

Amend Sec. 305, page 30, line 7, by striking out ", school district"

Amend Sec. 317, page 35, line 29, by striking out "or school district"

Amend Sec. 318, page 36, line 16, by striking out "25%" and inserting: 50%

Amend Sec. 318, page 36, lines 21 through 26, by striking out all of said lines

Amend Sec. 319, page 36, lines 27 and 28, by striking out "and school district petitions"

Amend Sec. 319, page 36, line 30; page 37, line 1, by striking out "and no school district shall be entitled to a disbursement under section 318(d)"

Amend Sec. 319, page 37, line 4, by striking out "or a school district petition"

Amend Sec. 319, page 37, lines 9 and 10, by striking out "and any school district which does not enact a petition"

Amend Sec. 319, page 37, lines 16 and 17, by striking out "or a school district petition"

Amend Sec. 319, page 37, line 23, by striking out "or the school district petition"

Amend Sec. 320, page 37, line 27, by striking out "and school districts"

Amend Sec. 320, page 38, lines 1 through 14, by striking out "Each school district" in line 1 and all of lines 2 through 14

Amend Sec. 320, page 38, lines 15 and 16, by striking out "or school district"

Amend Sec. 320, page 38, line 19, by striking out "and school districts"

Amend Sec. 320, page 38, line 21, by striking out "and school districts"

Amend Sec. 320, page 38, line 22, by striking out "or petition"

Amend Sec. 320.1, page 38, line 24, by striking out "and school district"

Amend Sec. 320.1, page 38, line 29, by striking out "and school districts"

Amend Sec. 320.1, page 39, line 3, by striking out "or school district"

Amend Sec. 320.1, page 39, line 6, by striking out "or school district"

Amend Sec. 320.1, page 39, lines 7 and 8, by striking out "and school districts"

Amend Sec. 320.1, page 39, line 13, by striking out "and school districts"

Amend Sec. 320.1, page 39, line 14, by striking out "and school districts"

Amend Sec. 320.1, page 39, lines 17 and 18, by striking out "and school districts"

Amend Sec. 320.1, page 39, line 18, by inserting a comma after "question"

Amend Sec. 320.1, page 39, line 23, by striking out "and school districts"

Amend Sec. 320.1, page 39, line 26, by striking out "and school districts"

Amend Sec. 321, page 40, line 3, by removing the comma after "county" and inserting: or

Amend Sec. 321, page 40, line 4, by striking out "or school district"

Amend Sec. 322, page 40, lines 14 through 17, by striking out all of said lines and inserting:

(b) (Reserved).—

Amend Sec. 323, page 41, line 3, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 323, page 41, lines 6 and 7, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 325, page 41, lines 18 and 19, by striking out ", school district"

Amend Sec. 331, page 42, lines 13 through 19, by striking out all of said lines and inserting: (b) (Reserved).—

Amend Sec. 332, page 42, line 27, by striking out ", school district"

Amend Sec. 334, page 43, line 11, by striking out ", school district"

Amend Sec. 503, page 46, line 3, by striking out ", school district"

Amend Sec. 505, page 46, line 11, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 512, page 47, line 7, by striking out ", municipalities and school districts" and inserting: and municipalities

Amend Sec. 513, page 48, lines 7 and 8, by striking out ", township and school district" and inserting: and township

Amend Sec. 701, page 52, line 9, by striking out "and school districts"

Amend Sec. 701, page 52, line 11, by striking out "or school district"

Amend Sec. 701, page 52, lines 13 and 14, by striking out "or the school district real property tax, respectively,

Amend Sec. 701, page 52, line 21, by striking out "or school district"

Amend Sec. 702, page 54, lines 1 through 30; page 55, lines 1 through 26, by striking out all of said lines on said pages and inserting:

(b) (Reserved).—

(c) (Reserved).—

Amend Sec. 703, page 58, line 20, by striking out "students,"

Amend Sec. 703, page 58, line 21, by striking out ", municipality or school district" and inserting: or municipality.

Amend Sec. 902, page 64, line 12, by striking out ", municipalities or school districts" and inserting: or municipalities

Amend Sec. 903, page 64, lines 24 and 25, by striking out ", municipality or school district" and inserting: or municipality

Amend Sec. 1101, page 66, line 5, by striking out ", township or school district," and inserting: or township,

Amend Sec. 1101, page 66, line 6, by removing the comma after "class" where it appears the first time and inserting: and

Amend Sec. 1101, page 66, lines 6 and 7, by striking out "and a school district of the first class"

Amend Bill, page 73, lines 19 through 30; pages 74 through 94, lines 1 through 30; page 95, lines 1 through 17, by striking out all of said lines on said pages and inserting

PUBLIC SCHOOL FINANCES

Section 1501. Real property tax prohibition.

School districts shall not levy real property tax for any purpose.

Section 1502. Joint legislative task force or public school finances.

(a) Establishment.—There is hereby established a joint legislative task force to be known as the Joint Legislative Task Force on Public School Finances.

(b) Composition.—The task force shall be composed of the following members of the General Assembly or their designees:

(1) The chairman and minority chairman of the Appropriations Committee of the Senate.

(2) The chairman and the minority chairman of the Finance Committee of the Senate.

(3) The chairman and the minority chairman of the Education Committee of the Senate.

(4) The chairman and the minority chairman of the Appropriations Committee of the House of Representatives.

(5) The chairman and the minority chairman of the Finance Committee of the House of Representatives.

(6) The chairman and the minority chairman of the Education Committee of the House of Representatives.

(c) Initial meeting.—The task force shall conduct its initial meeting within 30 days of the effective date of this section. At this meeting the members will select a chairperson and vice chairperson. The task force will be supported by the staff of the various standing committees.

(d) Duties.—Within six months of the effective date of this section, the task force shall submit to the Governor and the General Assembly a report containing recommendations for a system of financing public schools which addresses at least all of the following issues:

(1) The Commonwealth has a fundamental obligation to fund a system of public education that is both equitable and adequate.

(2) Local wealth, whether real property or income, should not be the basis for the education of any student.

(3) Any system of Commonwealth finances and subsidies shall result in substantially equal educational opportunities across this Commonwealth.

(4) Local priorities should determine the direction and educational program of each school district.

(5) The restriction of resources should be determined at the local level.

(6) There shall be ongoing accountability for student achievement.

Amend Sec. 5101, page 95, line 22, by striking out "and 1104" and inserting: , 1104 and 1501

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, briefly to explain my amendment, my amendment does what I think many of us think this bill will do or at least have been putting out to the public what this bill will do, which is to relieve our property taxpayers from school taxes. What this amendment does, Mr. President, is to truly eliminate property taxes for schools in this Commonwealth one year from the effective date of this legislation. There is much public discussion about local tax reform. There is a great deal of expectation that what we will do here is to move from property taxes to some other system of funding. The truth is, Mr. President, what this bill does is it simply shifts local taxes from local property taxpayers to either earned or sales tax for those local taxpayers. And, Mr. President, what it fails to do is truly address the underlying issue in education, and that is in low-wealth school districts there is inadequate money, even if you move from property taxes to an earned income tax. There will still not be adequate resources to educate our children well.

So what this amendment does, Mr. President, is take seriously what it is we all know we should be addressing, and that is true tax reform by establishing the fact that property taxes will no longer, as of one year from now, be the primary source of funding for education and instead establishes a process by which, within 6 months, we will have a report back from the chairmen of the Committees on Appropriations, the Committees on Finance, and the Committees on Education in the House and the Senate, and the Majority and Minority Leaders, to come back with a recommendation of how we should actually fund education in this Commonwealth. It speaks to how we will raise the money and how we will distribute it.

So, Mr. President, what this does is possibly a bit bold, but it moves us forward in a way that I believe is really the direction that our taxpayers and our children demand of us, which is if we are going to truly deal with the issue of equity and the truly inequitable system that we have now, and the fact that some of our children, because of where they live, do not have access to quality education, and other children, because of the circumstances of where they live, have access to quality education, can be remedied. We have been talking about this for some time. It is time for us to move forward on this, and not the pretense that somehow just by a shift in the local level that will move us forward in dealing at all with this issue of equity.

So I say it is time for us to commit to lifting property taxes for schools and commit to a process by which we will finally address equitable education for all of our children, because each of us represents a certain number of children, but our responsibility, Mr. President, is to all the children in the Commonwealth, and that is what we ought to be doing with this legislation, and my amendment would do that.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I urge a "no" vote on the Schwartz amendment. This is an amendment that was offered by the gentlewoman from Philadelphia in the

Committee on Finance when we considered Senate Bill No. 2 and it was defeated on a bipartisan basis. It was also defeated in the Committee on Appropriations as well.

Mr. President, this, the gentlewoman says, is bold. I would frankly say it destroys the bill. It completely does away with Senate Bill No. 2, which passed the Senate several times before. It is before us right now. It removes schools from the bill, it removes the safety net of the back-end referendum which, frankly, was negotiated, and I believe provides the protections against increased property taxes after voters have their say in a referendum, and it would basically deal with the issue of equity and not tax reform.

If we are here to do tax reform, if we are here to protect taxpayers, Mr. President, I strongly urge a negative vote on this amendment. I think we are on the verge of, once again, passing a strong tax reform bill and sending a message to taxpayers that we believe that we can do this job and hopefully that the House of Representatives will, too. I hope that we would not go in a direction that this amendment would take us and rather maintain the structure that Senate Bill No. 2 has and not destroy that structure, which this amendment would do.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, let me just comment briefly on the previous comments. I did not make it clear as I thought my colleagues might understand this, but I have not at all removed the references in this bill for counties and municipalities. They may proceed absolutely, they may proceed on local tax reform. Counties and municipalities can go ahead and choose to move from property taxes to an earned income tax or sales tax. So, in fact, it allows us to move forward to give that flexibility to counties and municipalities that many of us have talked about. I support that flexibility, as a matter of fact, and hope that I have a bill I can vote for. But I do think, Mr. President, it is a pretense to think that we have solved at all the issue of funding for our schools by moving solely from property taxes to other taxes on a local basis alone. So let me say that this allows us to move forward in one direction for local taxes for counties and municipalities, but for school taxes moves us forward more quickly to deal with the issue of equity.

I would also like to just mention on the issue of the back-end referendum, which just to understand what that means, Mr. President, it actually says that if a school district or a county or municipality does elect to move in this direction, any increases for the schools would have to go to taxpayers. In other words, the school board would no longer be making the decision. They would be making a recommendation back to these voters, and whoever comes out to vote would decide whether in fact they would go ahead with increases in school taxes.

Mr. President, I do not think it would take very much for us to understand what would happen in that case. One is, I think very importantly, it disrupts and undermines the democracy we live in, which is a representative democracy. It fails to recognize the responsibility of the school board to be responsive to their constituents, to make reasonable decisions when they

have to raise taxes, and no elected official likes to raise taxes and does so hopefully only when they have to, and if they are acting irresponsibly, they will not be reelected in their next election, and that has been known to happen as well if the voters feel like they are not acting responsibly. But the fact is that there are taxpayers' groups that exist that expect us to act reasonably and responsibly, and that is correct, Mr. President, we all should. But there are also taxpayers' groups that feel that somehow taxes are unacceptable, that taxes should all be returned and we should not share in a common responsibility to educate our children in this Commonwealth, and those taxpayers in other States that have this kind of referendum have been very harmful to the quality of those schools.

So I think because the back-end referendum is lifted in this bill and because it directly addresses the issue of education equity and because we expect our elected officials to act responsibly, we should act responsibly not only for those taxpayers but for the children of the Commonwealth. And if we truly want to move into that 21st century with well-educated young people and well-educated adults, we would get about the business of beginning to educate all of our children, regardless of where they live, regardless of how much money they and their immediate neighbors have to make sure that they have access to a thorough and efficient system of education. It is our constitutional responsibility to do that. And we should get about the business of doing that, and we cannot and should not relinquish that to individual taxpayers' groups on the local level. It is our responsibility, and I contend that we should move forward responsibly and directly.

Thank you, Mr. President.

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

Senator HART. Mr. President, I also rise in opposition to the amendment for a number of reasons, and I believe that today we are considering a bill for local tax reform. We are not trying to solve all the problems of the education system here in the Commonwealth. What we have been working on here is something that I think Pennsylvanians have been waiting for for far too long.

Pennsylvania is only one of five States in the United States that does not offer individuals in their communities the opportunity to vote on tax increases. Mr. President, I think it is long overdue that we have provisions in our law that allows the public to do what they have been asking us to do; that is, design a tax system on the local level to give them the freedom to decide which revenue raising measures they wish to use.

Number two, Mr. President, something that this amendment would remove, allow those voters to decide whether they believe a project is worthy and worth voting for a tax increase. This bill is about devolving power from Harrisburg to those people in the communities who I believe will make decisions best for their communities. And, Mr. President, I believe a majority of this body agrees with that, too, and I hope that they will vote "no" on this amendment.

Thank you, Mr. President.

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

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

YEA-17

Belan	Kukovich	Rhoades	Wagner
Costa	LaValle	Schwartz	Williams
Hughes	Mellow	Stapleton	
Kasunic	Musto	Stout	
Kitchen	O'Pake	Tartaglione	

NAY-30

Afflerbach	Greenleaf	Mowery	Tilghman
Armstrong	Hart	Murphy	Tomlinson
Bell	Heckler	Piccola	Uliana
Brightbill	Holl	Punt	Wenger
Corman	Jubelirer	Robbins	White
Delp	Lemmond	Salvatore	Wozniak
Earl	Loeper	Slocum	
Gerlach	Madigan	Thompson	

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 bill on third consideration, as amended?

KUKOVICH AMENDMENT A0135

Senator KUKOVICH offered the following amendment No. A0135:

Amend Table of Contents, page 3, by inserting between lines 29 and 30:

Section 520. Notice for tenants.

Amend Bill, page 51, by inserting between lines 5 and 6:
Section 520. Notice for tenants.

An owner of real property that leases or rents such property, for either a residential or commercial purpose, who receives a reduction in property tax under chapter 7 shall inform the occupant of the property as to the dollar amount of the reduction that was granted by the taxing jurisdictions under chapter 7. The notification shall be by first class mail. If the property contains multiple renters or leasees, the owner shall inform each occupant as to the proportion of the tax reduction that corresponds to his occupancy.

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

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

Senator KUKOVICH. Mr. President, under this bill, renters will have to pay more. That is sort of a given, and I think we have all come to accept that. One of my concerns, however, is that a vast majority of renters in this Commonwealth are of rather low income. Regardless of the fact that there is a poverty forgiveness provision built into Senate Bill No. 2, that will have limited impact on tens of thousands of renters in the Commonwealth. Now constitutionally, we cannot force land-

lords to pass any savings on that they may receive from this reform. All this amendment says is that landlords will have to notify their tenants in writing as to the dollar value in property tax reduction that the landlords have received on their renters' property. So at the very least, they will be made aware of this and maybe in some circumstances be able to use that information to try to reduce their rent when the lease becomes due the next time.

I think this is just a basic consumer protection measure of notification, and I ask for the Members' support.

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

Senator HART. Mr. President, I fail to see the need for this amendment, and basically the reason for this is that all members of the community are required by Senate Bill No. 2 to approve the type of tax reduction that is proposed by their community council or their county commissioners for whatever entity is opting into this bill. Therefore, Mr. President, I think it is redundant to require them to receive notification again after they have already voted to adopt a different tax plan, so I ask for a negative vote.

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

Senator KUKOVICH. Mr. President, actually it is not redundant at all. The sponsor of the measure just talked about the referendum. That, of course, has not addressed the dollar value to be reduced for a particular renter. That would not be known until long after the plan had gone into effect and savings were passed on to landlords. So there is no way of knowing upfront when they walk into the polls how that would affect them individually or the community as a whole. This kind of information is absolutely necessary if we are going to protect some of the poorer renters in the Commonwealth, and again I ask for an affirmative vote.

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

Senator AFFLERBACH. Mr. President, on the amendment. I do believe and I support the gentleman from Westmoreland, Senator Kukovich, on his amendment that there is a need for this, because of the very simple fact that there is likely to be a windfall in property tax reduction to huge apartment complexes, many of which, in my particular senatorial district, happen to be owned by absentee landlords or landlord companies, if you will, that are not even based in Pennsylvania. I do not believe that we should be allowing a property tax windfall to occur to these kinds of huge apartment complexes and their owners without at least notifying the tenants as to how much the reduction in property tax will be. Now realistically, I do not believe the tenants are going to be able to, unless they have a very active tenant association, drive down rents in proportion to the property tax windfall, but I do believe that it can stimulate competition in the market, and I think the amendment for that reason alone is worth supporting.

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

Senator HART. Mr. President, I believe the gentleman mischaracterizes what will happen if Senate Bill No. 2 is adopted.

First of all, there will be no windfall for those landlords, and in a lot of cases, Mr. President, if that community opts into a homestead exemption, there will not be a property tax cut for that apartment complex or rental property.

Therefore, Mr. President, based on my preliminary argument and also the fact that the gentleman mischaracterizes the bill, the community will already know what type of tax cut they will receive, and I see no need to require further notice that will put a burden on the private sector.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

Afflerbach	Kasunic	Musto	Tartaglione
Belan	Kitchen	O'Pake	Wagner
Brightbill	Kukovich	Schwartz	Williams
Costa	LaValle	Stapleton	Wozniak
Hughes	Mellow	Stout	

NAY-28

Armstrong	Hart	Mowery	Slocum
Bell	Heckler	Murphy	Thompson
Corman	Holl	Piccola	Tilghman
Delp	Jubelirer	Punt	Tomlinson
Earll	Lemmond	Rhoades	Uliana
Gerlach	Loeper	Robbins	Wenger
Greenleaf	Madigan	Salvatore	White

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 bill on third consideration, as amended?

KUKOVICH AMENDMENT A0106

Senator KUKOVICH offered the following amendment No. A0106:

Amend Sec. 5101, page 95, lines 21 through 25, by striking out all of said lines and inserting:

This act shall take effect upon approval by the electorate of an amendment to section 2 of Article VIII of the Constitution of Pennsylvania authorizing local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property.

On the question,

Will the Senate agree to the amendment?

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

Senator KUKOVICH. Mr. President, this is another simple amendment. All this does is change the effective date. Rather than get into the controversy over which constitutional amendment we pass and when it goes into effect, what this does is very simply changes the effective date so the implementation of tax reform would not take effect until the homestead exemp-

tion language is in place in the Constitution. I think that is absolutely necessary, and this amendment is a precautionary measure.

We learned from dealing with tax reform issues in the past few Sessions that unless we have this language in the Constitution, at least this language, this is the bare minimum I think we need do in the Constitution on this issue. But without it we simply will not be able to plug the loopholes that will drain resources from the kind of reform that will help as many homeowners, especially homeowners on fixed incomes, homeowners of working families, as we all in this Chamber intend to help.

And I think it is necessary that we do not make the mistake of the possibility of the legislation going into effect without the constitutional amendment. If that were to occur, we would have a tremendous backlash. A lot of people would be extremely upset. A lot of homeowners would end up probably paying more in their total net taxes than they would without this amendment. So I think it is imperative that we include the effective date contained in this amendment so we do not have to face Senate Bill No. 2 without the homestead exemption already on the books. I would ask for an affirmative vote.

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

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

YEA-19

Afflerbach	Kasunic	Musto	Tartaglione
Belan	Kitchen	O'Pake	Wagner
Brightbill	Kukovich	Schwartz	Williams
Costa	LaValle	Stapleton	Wozniak
Hughes	Mellow	Stout	

NAY-28

Armstrong	Hart	Mowery	Slocum
Bell	Heckler	Murphy	Thompson
Corman	Holl	Piccola	Tilghman
Delp	Jubelirer	Punt	Tomlinson
Earll	Lemmond	Rhoades	Uliana
Gerlach	Loeper	Robbins	Wenger
Greenleaf	Madigan	Salvatore	White

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

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

AFFLERBACH AMENDMENT A0110

Senator AFFLERBACH offered the following amendment No. A0110:

- Amend Sec. 103, page 12, by inserting between lines 5 and 6:
(ii) a tax on admission to a scuba diving facility;
- Amend Sec. 103, page 12, line 6, by striking out "(ii)" and inserting: (iii)
- Amend Sec. 103, page 12, line 7, by striking out "(iii)" and inserting: (iv)

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

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

Senator AFFLERBACH. Mr. President, on the amendment, it is very straightforward. It remains consistent with my remarks earlier this evening, and that is to provide an exemption from a local amusement tax for a sport which is indeed participatory. In fact, I daresay that there are far fewer spectators for scuba diving than there are for skiing and certainly for bowling. In the past, this General Assembly saw it appropriate to provide favorable tax treatment under the amusement tax to bowling. Tonight we affirmed the fact that we are going to exclude skiing facilities from amusement taxes. I would ask that we treat scuba diving facilities in the same fashion. There are only two such facilities in Pennsylvania, I am advised, and therefore it appears to be a very discriminatory tax at the present time, and I ask for support of the amendment.

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

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

YEA-14

Afflerbach	Kitchen	O'Pake	Wagner
Belan	LaValle	Stapleton	Williams
Hughes	Mellow	Stout	
Kasunic	Musto	Tartaglione	

NAY-33

Armstrong	Hart	Murphy	Tilghman
Bell	Heckler	Piccola	Tomlinson
Brightbill	Holl	Punt	Uliana
Corman	Jubelirer	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	Lemmond	Salvatore	Wozniak
Earll	Loeper	Schwartz	
Gerlach	Madigan	Slocum	
Greenleaf	Mowery	Thompson	

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

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

SB 65 CALLED UP

SB 65 (Pr. No. 310) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 65 (Pr. No. 310) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Mr. President, Senate Bill No. 65 is indeed the homestead exemption. It provides a constitutional amendment for the voters to approve on the November ballot. I would hope that the House of Representatives would act on this and that it would then be on the November ballot. It is the key to property tax reduction and this certainly is indeed very important for this package, and I hope that all Members would vote for Senate Bill No. 65, recognizing the significance of what we have done. We passed it in the previous Session and if we pass it now it will go to the voters in November for their approval.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, this indeed is the key, the linchpin of any meaningful and fair local tax reform in Pennsylvania. Unfortunately, the voters of Pennsylvania will not have the opportunity to have their say on property tax reform until the November general election. The House of Representatives has already acted on this. They sent us last week House Bill No. 1, which is identical in language to this measure, and identical in language with what was passed in the last Session, and if the Senate had acted upon it, it would have been able to go to the Governor and appear on the primary ballot. What we are concerned about is having tax reform go forward without this homestead exemption constitutional amendment.

It is interesting that in 1988 when the question of tax reform was presented to us, the gentleman from Blair, Senator Jubelirer, was very, very intent on having that appear on the primary election ballot at that time. We wonder what has changed. We are just as concerned about property tax reform as anyone on the other side. As a matter of fact, we want tax reform as soon as possible, and we could get tax reform much more quickly if the Senate would consider House Bill No. 1 instead of having that bottled up in committee. Just so the people of Pennsylvania understand, by acting on Senate Bill

No. 65 instead of House Bill No. 1, which the House has already passed, and since the deadline for certifying questions for the primary ballot is sometime next week, I believe, we are effectively postponing property tax reform until after the November election, which means as a matter of reality, we are talking about 1998.

What really bothers me, however, is that by voting on this we are creating the situation which we unfortunately had to deal with in the last Session. We usually vote and pass things at deadline time. If the constitutional amendment, which is the linchpin, the homestead exemption, which would allow homeowners to have their property assessed at a lower rate or to have exemptions entirely for their home, if that does not pass until November 1997 and if the House and Senate cannot once again agree on what version local tax reform should take, we could well be here again in December of 1998, as we were in November of 1996, and all of us will have talked about tax reform and the Senate will have passed its version of tax reform and the House of Representatives will have passed its version of tax reform and yet the property taxpayer of Pennsylvania will not see any change, and that is unfair.

So, Mr. President, unfortunately, the Senate Republican leadership has chosen to give us Senate Bill No. 65 and not House Bill No. 1 to vote on. That means at least a 6-month delay in meaningful tax reform opportunity. We will vote for this because it is the only thing before us, but if we wanted to have tax reform sooner rather than later, we should have been voting on House Bill No. 1 because the House has already voted on that.

Mr. President, as I say, we will support it, but just so the voters of Pennsylvania know why we will not have tax reform now before 1998, it is not because of Senate Democrats. It is because of the people on the other side of the aisle.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I have listened twice now to the gentleman from Berks, Senator O'Pake, talk about how if we do not get the homestead exemption question on the primary ballot we are delaying tax reform.

Let there be no mistake, this Senate has passed a version of Senate Bill No. 2 on several different occasions. This Senate has led the fight for tax reform in Pennsylvania. We have not been able to get it passed in the House of Representatives. That body has decided it wanted to go in a different direction and, in essence, did not pass the version that we passed. So we have done our job in Session after Session. I have been here for over 20 years and this issue has been before us, and there has never been a will to do it. In 1989--it was not 1988, it was 1989--when the Casey tax reform plan was on the ballot, it was defeated 3 to 1. Seventy-five percent of the people of Pennsylvania said that was not what they wanted because of various reasons. We are not going to debate that now. We took that defeat and, frankly, crafted what has become Senate Bill No. 2 to meet the objections of taxpayers, basically, who were vehemently opposed to that. Every taxpayer group now supports Senate Bill No. 2.

But let the record show very clearly, and I quote from Mr. David Williams, executive assistant to the Deputy Chief Counsel of the Department of State, Department of Commonwealth, as follows: "...the vendor...would have to have the final, proof-read text of an advertisement in its hands no later than February 4, 1997, in order to meet the above publication schedule. Therefore, February 4 is the last day that the Department of State and the Office of Attorney General would have to prepare the text of a proposed amendment and a mandatory plain-English statement for publication."

Mr. President, I believe the argument of the gentleman from Berks, Senator O'Pake, is moot. I believe the general election is the only time we can put this on the ballot, and furthermore, Mr. President, that is the time when more people will have the opportunity -- not have the opportunity, but will vote for it. In a general election certainly there is a larger turnout, and in an off-year like this year there will clearly be more people at the ballot box than there would be in a primary election.

Furthermore, under the previous amendment of the gentleman from Allegheny, Senator Hart, tax reform will go into effect January 1, 1998, assuming we pass the bill and the homestead exemption is passed in November. That is not delay, Mr. President. That is trying to do it right. Several years ago this body passed judicial reform. We thought it was timely. It went to the Department of State. It turned out that it was not timely and things got messed up in the Department of State in some kind of bureaucratic error over there, and we delayed judicial reform by over 2 years by not doing it right. It is our intention if we are to be the accused, the Senate Republican leadership, then I accept that responsibility as a leader on this side of the aisle to do it right, as somebody who has been trying to get tax reform through for a number of years, to do it right. It will be on the November ballot. We hope that the voters will pass the homestead exemption in the general election. I do not care whether it is Senate Bill No. 65, House Bill No. 1, it really does not matter to me as long as it is the same text of what we passed in the last Session. I have no pride of authorship, but I do hope it is done right, and the only time it can be done is in the general election.

Mr. President, I cannot imagine that any local jurisdiction would be able to gear up before 1998. When you talk about the referenda and the adjustments it is going to take for various jurisdictions - school districts, municipalities, and counties - to learn through their various association's solicitors the where-withal of what is taking place in Senate Bill No. 2, I think is going to take until that time to do it.

Furthermore, the House is not about ready to jump on this and pass it. We have not had any signal from the House that they are going to pass it. I hope the House leadership will allow their Members to vote on it. If they do not pass the same bill we do, at least let us get it to a conference committee and try to get the thing done. But let us make no mistake. The only time this thing, the homestead exemption, can go on is in the fall, and I believe we will be very timely if we can just pass this bill, get it done, get it to the Governor's desk, and let the voters understand how important it is to pass that homestead exemption. With the support of Democrats and Republicans,

House and Senate, citizen taxpayer groups, all will back that homestead exemption in the fall election if we are able to get it there.

Thank you, Mr. President.

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

Senator WOZNIAK. Mr. President, I am going to break ranks a little bit with my Democratic colleagues and support the gentleman from Blair, Senator Jubelirer.

My pile of rocks, quite frankly, has gotten pretty small. We have thrown as many stones as we possibly can on the issue of tax reform, and I think we are a little confused because both sides are sort of running out of ammunition as to what happens out of the fact that we do not have any rocks to toss at each other anymore. I think it is pretty obvious if you look at it objectively that in this upcoming election, let alone the people turning out, I do not know about the other folks in this room, but we have a tough time just trying to find people to get on the ballot to run for local offices, let alone trying to get people to go out and vote in what is considered an off-election year.

I am pretty much convinced that the voter turnout is going to be extremely small, and there is no reason, since we have been battling this issue for over 20 years, that we cannot procrastinate a bit more and do it in the general election. This is a constitutional amendment, and I think the citizens of Pennsylvania, whether they are Independents, who will not have any decision whatsoever in the primary, whether they are Republican or Democratic, I think they need to be educated, and I think we need to make an opportunity for the most amount of people to go to the ballot to change their Constitution.

I know that over the next few months people are going to be asking me, what is this homestead exemption, John? And folks, we are going to have to understand it pretty clearly as it is explained to us, it goes into our brain and out our mouths, because we are going to have to make this understandable to the whole gamut of society out there so that they know what they are voting for. Once that occurs, and I surmise it is going to pass, we can do whatever we need to do in getting the final package of tax reform together, but the propensity to change in our local governments is extremely slow. And anybody who thinks for one moment that on January 1, 1998, the city of Johnstown is going to change the way they tax their citizens is sadly mistaken.

Let us do this deliberately. I made a point to stand up here today because this should be a bipartisan arena and we need to accomplish goals and set our goals and get things done and maybe once in a while get the politics of politics out of the way and serve the public in the capacity that we were elected to do. I support Senator Jubelirer's effort, a few months, to try to get a few more people to make the final decision that is going to affect this Constitution possibly for the next 50 years, if not my lifetime. I think they deserve that much.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, property tax reform has always been a bipartisan effort here in the Senate of Pennsyl-

vania. One of the problems, very frankly, is the House of Representatives, and that is where the prior speaker just came from, but, be that as it may, the only question here is whether or not the real estate homestead exemption should appear on the ballot in May or in November. We would like to see it as early as possible. Our argument was that the House of Representatives sent us a vehicle where we could do that. We realize that we are not going to get a chance to vote on House Bill No. 1. Therefore, we are supportive of the idea and the concept behind Senate Bill No. 65. We regret that it will not be on the primary ballot instead of the November ballot. And just as the gentleman from Blair, Senator Jubelirer, argued for a primary vote in 1989, we are arguing for a primary vote now. And if you want to see an issue that will bring the voters out, it is the question of whether or not they can get a lower tax on their real estate. That will bring them out whether it is a primary or a general election.

But that having been said, we support Senate Bill No. 65 because it is the only bill now before us. We had wished it could have been done sooner. We are not going to be given that opportunity, and therefore we go for this in the true spirit of bipartisanship on tax reform.

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:

YEA-47

Afflerbach	Heckler	Mowery	Stout
Armstrong	Holl	Murphy	Tartaglione
Belan	Hughes	Musto	Thompson
Bell	Jubelirer	O'Pake	Tilghman
Brightbill	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	Lemmond	Salvatore	White
Gerlach	Loeper	Schwartz	Williams
Greenleaf	Madigan	Slocum	Wozniak
Hart	Mellow	Stapleton	

NAY-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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 109 and SB 125 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 131 (Pr. No. 128) -- 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 bad checks by requiring that certain suspects be fingerprinted in order to determine prior bad checks violations.

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

BILL OVER IN ORDER

SB 135 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 168 (Pr. No. 388) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), entitled, as amended, Third Class County Assessment Board Law, providing for auxiliary boards and for alternate members; further providing for rules and regulations; providing for correction of errors; and further providing for assessment appeals.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 179 (Pr. No. 172) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, authorizing the Department of Corrections to assess and collect certain payments from prisoners.

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

BILL OVER IN ORDER

SB 220 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

January 16, 1997

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, Melissa K. Chapman, 537 West

Market Street, Marietta 17547, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE FARM PRODUCTS
SHOW COMMISSION

December 5, 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, Randy K. King, 1309 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

January 6, 1997

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, James Pinkerton, 124 Timberlane Drive, Pittsburgh 15229, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John F. Slater, Sr., Library, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

December 16, 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, D. Bruce Cahilly, Esquire, 12 East Second Street, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Sally S. Klein, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

JUDGE, TRAFFIC COURT OF
PHILADELPHIA

January 31, 1997

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, Fortunato Perri, Sr., 1320 Arrott Street, Philadelphia 19124, Philadelphia County, Second Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 1998, vice The Honorable Bridget Murray, deceased.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF NURSING

December 16, 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, Jean H. Fergusson, 279 Lawndale Avenue, King of Prussia 19406, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

December 2, 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, Angelo Illuzzi, D.O., 39 Brown Street, DuBois 15801, Clearfield County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Osteopathic 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 John L. Johnston, D.O., Brookville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

December 23, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Esther F. Richwine (Public Member), 696 South 82nd Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice George Kern, Allentown, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PHARMACY**

December 2, 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, Michael A. Podgurski, 1125 West Powderhorn Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until February 1, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John P. Mariani, Mechanicsburg, deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

January 28, 1997

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 F. Ward, Esquire, 266 Jefferson Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, to fill a new position, pursuant to Act 164, approved December 18, 1996.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PUBLIC SCHOOL EMPLOYEES'
RETIREMENT BOARD**

January 9, 1997

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, Frederick C. Tecce, Esquire, 1025 Sentry Lane, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2000 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF**

January 21, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Boyce, R. D. 1, Box 190-A, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of

Scranton State School for the Deaf, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

December 16, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Bittenbender, 465 Rich Valley Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

January 13, 1997

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, Thomas Paese, 2518 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice James Brown, Malvern, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY**

January 21, 1997

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 M. Musser, Jr., Esquire, 1550 Hollywood Drive, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE**

January 9, 1997

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, Marilyn A. Bok (Republican), 107 Bressler Street, Sayre 18840, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1998, and until her successor is appointed and qualified, vice Erna L. Bishop, Wysox, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Carroll (Republican), R. R. #5, Box 5268, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Seth B. Johnston (Republican), R. R. #2, Box 285, Wyalusing 18853, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, vice Louis A. Aquilio, Wysox, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Joy W. Musselman (Republican), 140 Canton Street, Troy 16947, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, vice Eunice R. Kier, Monroeton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Fred N. Smith (Democrat), 300 Wilmot Drive, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, vice Francis S. Hunt, Sayre, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard E. Teeter (Republican), R. R. #4, Box 275A, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1998, and until his successor is appointed and qualified, vice Marjorie McGroarty, New Albany, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

January 6, 1997

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, Rudolph Hammond (Democrat), 333 Hamilton Avenue, Farrell 16121, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

January 6, 1997

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, Walter Matthews (Democrat), 1304 Sherman Avenue, Sharon 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

January 28, 1997

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, C. Walter McCray, III, 4404 Chandler Drive, Brookhaven 19015, Delaware County, Ninth Senatorial District, for appointment as District Justice, in and for the County of Delaware, Magisterial District 32-2-39, to serve until the first Monday of January 1998, vice C. Walter McCray, resigned.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The PRESIDENT. Is there an objection to the immediate consideration of these nominations? The Chair hears none. The Clerk will read the nominations.

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

January 16, 1997

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, Melissa K. Chapman, 537 West Market Street, Marietta 17547, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE FARM PRODUCTS
SHOW COMMISSION**

December 5, 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, Randy K. King, 1309 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

January 6, 1997

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, James Pinkerton, 124 Timberlane Drive, Pittsburgh 15229, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John F. Slater, Sr., Library, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

December 16, 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, D. Bruce Cahilly, Esquire, 12 East Second Street, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Sally S. Klein, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF NURSING**

December 16, 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, Jean H. Fergusson, 279 Lawndale Avenue, King of Prussia 19406, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

December 2, 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, Angelo Illuzzi, D.O., 39 Brown Street, DuBois 15801, Clearfield County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Osteopathic 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 John L. Johnston, D.O., Brookville, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

December 23, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Esther F. Richwine (Public Member), 696 South 82nd Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice George Kern, Allentown, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PHARMACY**

December 2, 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, Michael A. Podgurski, 1125 West Powderhorn Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until February 1, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John P. Mariani, Mechanicsburg, deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

January 28, 1997

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 F. Ward, Esquire, 266 Jefferson Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or

until his successor is appointed and qualified, but not longer than ninety days beyond that period, to fill a new position, pursuant to Act 164, approved December 18, 1996.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PUBLIC SCHOOL EMPLOYEES'
RETIREMENT BOARD**

January 9, 1997

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, Frederick C. Tecce, Esquire, 1025 Sentry Lane, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2000 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF**

January 21, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Boyce, R. D. 1, Box 190-A, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

December 16, 1996

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Bittenbender, 465 Rich Valley Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

January 13, 1997

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, Thomas Paese, 2518 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial

al District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice James Brown, Malvern, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

January 21, 1997

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 M. Musser, Jr., Esquire, 1550 Hollywood Drive, Lancaster 17601, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Marilyn A. Bok (Republican), 107 Bressler Street, Sayre 18840, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1998, and until her successor is appointed and qualified, vice Erma L. Bishop, Wysox, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Carroll (Republican), R. R. #5, Box 5268, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Seth B. Johnston (Republican), R. R. #2, Box 285, Wyalusing 18853, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, vice Louis A. Aquilio, Wysox, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Joy W. Musselman (Republican), 140 Canton Street, Troy 16947, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, vice Eunice R. Kier, Monroeton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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, Fred N. Smith (Democrat), 300 Wilmot Drive, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, vice Francis S. Hunt, Sayre, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE

January 9, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard E. Teeter (Republican), R. R. #4, Box 275A, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1998, and until his successor is appointed and qualified, vice Marjorie McGroarty, New Albany, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE MERCER COUNTY BOARD OF ASSISTANCE

January 6, 1997

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, Rudolph Hammond (Democrat), 333 Hamilton Avenue, Farrell 16121, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE Governor

MEMBER OF THE MERCER COUNTY BOARD OF ASSISTANCE

January 6, 1997

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, Walter Matthews (Democrat), 1304 Sherman Avenue, Sharon 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE Governor

DISTRICT JUSTICE

January 28, 1997

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, C. Walter McCray, III, 4404 Chandler Drive, Brookhaven 19015, Delaware County, Ninth Senatorial District, for appointment as District Justice, in and for the County of Delaware, Magisterial District 32-2-39, to serve until the first Monday of January 1998, vice C. Walter McCray, resigned.

THOMAS J. RIDGE Governor

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

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

YEA-47

Table listing names of senators in support of the nomination: Afflerbach, Armstrong, Belan, Bell, Brightbill, Corman, Costa, Delp, Earll, Gerlach, Heckler, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, White, Williams.

Greenleaf Madigan Slocum Wozniak Hart Mellow Stapleton

NAY-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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, TRAFFIC COURT OF PHILADELPHIA

January 31, 1997

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, Fortunato Perri, Sr., 1320 Arrott Street, Philadelphia 19124, Philadelphia County, Second Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 1998, vice The Honorable Bridget Murray, deceased.

THOMAS J. RIDGE Governor

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

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

YEA-47

Table listing names of senators in support of the nomination: Afflerbach, Armstrong, Belan, Bell, Brightbill, Corman, Costa, Delp, Earll, Gerlach, Greenleaf, Heckler, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, White, Williams, Wozniak.

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

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

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

SB 188 (Pr. No. 439) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 11, 1996 (P.L.595, No.101), entitled Capital Budget Project Itemization Act for 1996-1997, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance and redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation projects and forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission, 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, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; making appropriations; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-47

Afflerbach	Heckler	Mowery	Stout
Armstrong	Holl	Murphy	Tartaglione
Belan	Hughes	Musto	Thompson
Bell	Jubelirer	O'Pake	Tilghman
Brightbill	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	Lemmond	Salvatore	White
Gerlach	Loeper	Schwartz	Williams
Greenleaf	Madigan	Slocum	Wozniak
Hart	Mellow	Stapleton	

NAY-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.

**UNFINISHED BUSINESS
RESOLUTION REPORTED FROM COMMITTEE**

Senator THOMPSON, from the Committee on Intergovernmental Affairs, reported the following resolution:

SR 13 (Pr. No. 440) (Amended)

A Resolution memorializing the President of the United States to effect the immediate transfer of 900 ground communications-electronics positions from the Sacramento Air Logistics Center to the Tobyhanna Army Depot as required by the Base Closure and Realignment Report of 1995.

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

LEGISLATIVE LEAVE CANCELLED

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

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. William M. Kreider, Mr. and Mrs. Walter Stocker, Mr. and Mrs. Tom Giberson and to Mr. and Mrs. Harold Leiphart by Senator Armstrong.

Congratulations of the Senate were extended to Antoni Canzian by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Prox, Mr. and Mrs. George H. Ward, Mr. and Mrs. Daniel Boone, Mr. and Mrs. Michael Kupay and to Ora Chartier by Senator Bell.

Congratulations of the Senate were extended to Michael Weidman by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Leon Shearer, Mr. and Mrs. Robert J. Williams, Mr. and Mrs. Carl J. Henson and to Mr. and Mrs. Samuel Gross by Senator Delp.

Congratulations of the Senate were extended to Korry Greene by Senator Hart.

Congratulations of the Senate were extended to Richard M. Cope by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. Ardell L. Landis, Mr. and Mrs. Franklin H. Geise, Michael A. Filipczak and to the Northern Office of Catholic Charities, Diocese of Harrisburg, by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Vernon S. Fitzgerald by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John Dwight Streeter and to Rosa Ritter by Senator Kitchen.

Congratulations of the Senate were extended to the Western Pennsylvania Caring Foundation of Pittsburgh by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Quigley, Mr. and Mrs. James Hunlock, Mr. and Mrs. Joseph Toole, Thomas A. Field and to Reverend Robert Goerlitz by Senator Lemmond.

Congratulations of the Senate were extended to Brian C. Six by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Kontoes, Mr. and Mrs. William Michaels and to Mr. and Mrs. Leonard Delycure, Sr., by Senator Madigan.

Congratulations of the Senate were extended to Jane Santorsa by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Charles E. Wright, Dr. Stanley M. Wetmore and to Dr. Virginia M. Williams by Senator Mowery.

Congratulations of the Senate were extended to Barbara E. Horst by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Angst by Senator Rhoades.

Congratulations of the Senate were extended to the Mt. Airy Village Development Corporation, MAVDC, of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Gais, Mr. and Mrs. Jack McManus, Jason Hileman, Gregory M. Hill and to John Spencer by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. James Nuccetelli, Mr. and Mrs. Harold A. Pettit, Mr. and Mrs. Edward M. Sukel, Mr. and Mrs. Ernest R. Donaldson, Sr., Mr. and Mrs. Earl Knight, Mr. and Mrs. Ray Whipkey, Mr. and Mrs. John Colombo, Mr. and Mrs. David J. Mathies, Mr. and Mrs. Frank Skowvron and to Mr. and Mrs. Theodore Sikora by Senator Stout.

Congratulations of the Senate were extended to Marcy Abramson-Shoemaker by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph F. Davis, Mr. and Mrs. Edward Roberts, Thomas Decker, Francis Donchez, Mark Milisits, George B. Mowrer, Joseph Chernaskey, Christopher A. Johnson, Robert Murray and to the City of Bethlehem Emergency Medical Services by Senator Uliana.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Charlton by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. John Bobak and to Mr. and Mrs. Jack Reese by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Larue J. Elmore by Senator Lemmond.

Condolences of the Senate were extended to the family of the late George L. Shillinger by Senator Uliana.

SENATE RESOLUTION ADOPTED

Senators WENGER, HELFRICK, SALVATORE, MOWERY, STOUT, ROBBINS, CORMAN, STAPLETON, BELAN, SCHWARTZ, AFFLERBACH, KITCHEN, MEL-

LOW, BRIGHTBILL, COSTA, TOMLINSON, ULIANA, THOMPSON, SLOCUM, JUBELIRER, HART, GREENLEAF, BELL, RHOADES, MUSTO, WHITE, PICCOLA, EARLL, WILLIAMS, WOZNIAK and KASUNIC, by unanimous consent, offered (**Senate Resolution No. 19**), entitled:

Congratulating the Pennsylvania Institute of Certified Public Accountants on its 100th Anniversary.

BILLS INTRODUCED AND REFERRED

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

February 10, 1997

Senators TILGHMAN, HELFRICK, O'PAKE, RHOADES and MADIGAN presented to the Chair **SB 342**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 10, 1997.

Senators DELP, WOZNIAK and ULIANA presented to the Chair **SB 383**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for the abolition of jury commissioners.

Which was committed to the Committee on LOCAL GOVERNMENT, February 10, 1997.

Senators BRIGHTBILL, PICCOLA, AFFLERBACH, LEMMOND and RHOADES presented to the Chair **SB 419**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for improper use of criminal investigative material.

Which was committed to the Committee on JUDICIARY, February 10, 1997.

Senators BRIGHTBILL, SALVATORE, WENGER, MUSTO, MURPHY, TOMLINSON, KASUNIC, HART and SLOCUM presented to the Chair **SB 420**, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

Which was committed to the Committee on JUDICIARY, February 10, 1997.

Senators BRIGHTBILL, SALVATORE, WENGER, WOZNIAK, MUSTO, SCHWARTZ, O'PAKE, HECKLER, ROBBINS and RHOADES presented to the Chair **SB 421**, entitled:

An Act amending the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), entitled Mental Health and Mental Retardation Act of 1966, repealing provisions relating to county liability; and discharging certain county liability.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 10, 1997.

BILL SIGNED

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

SB 178.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 11, 1997

9:30 A.M. MILITARY AND VETERANS AFFAIRS (to consider Senate Resolution No. 16 and any other business that may come before the Committee) Room 461 Main Capitol

10:00 A.M. TRANSPORTATION (to consider Senate Bills No. 11, 118, 184, 185, 186, 279 and 361) Room 8E-B East Wing

10:15 A.M. JUDICIARY (to consider Senate Bills No. 175, 207, 215 and 266) Room 8E-A East Wing

MONDAY, FEBRUARY 24, 1997

9:30 A.M. APPROPRIATIONS (Budget Hearing - Department of General Services) Majority Caucus Rm.

10:45 A.M. APPROPRIATIONS (Budget Hearing - Department of Revenue) Majority Caucus Rm.

1:30 P.M. APPROPRIATIONS (Budget Hearing - State Police) Majority Caucus Rm.

3:00 P.M. APPROPRIATIONS (Budget Hearing - Secretary Bittenbender - Overall Economic Outlook and Perspective) Majority Caucus Rm.

4:00 P.M. APPROPRIATIONS (Budget Hearing - State Employees' Retirement System) Majority Caucus Rm.

TUESDAY, FEBRUARY 25, 1997

9:00 A.M. APPROPRIATIONS (Budget Hearing - State System of Higher Education) Majority Caucus Rm.

11:00 A.M. APPROPRIATIONS (Budget Hearing - Penn State University) Majority Caucus Rm.

1:30 P.M. APPROPRIATIONS (Budget Hearing - Temple University) Majority Caucus Rm.

2:30 P.M. APPROPRIATIONS (Budget Hearing - Lincoln University) Majority Caucus Rm.

3:30 P.M. APPROPRIATIONS (Budget Hearing - University of Pittsburgh) Majority Caucus Rm.

WEDNESDAY, FEBRUARY 26, 1997

9:00 A.M. APPROPRIATIONS (Budget Hearing - Department of Corrections) Majority Caucus Rm.

10:00 A.M. RESCHEDULED - (See March 19, 1997) TRANSPORTATION (public hearing on Rail Merger) Room 8E-B East Wing

11:00 A.M. APPROPRIATIONS (Budget Hearing - Auditor General) Majority Caucus Rm.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Judiciary) Majority Caucus Rm.

2:45 P.M. APPROPRIATIONS (Budget Hearing - Department of Community and Economic Development) Majority Caucus Rm.

THURSDAY, FEBRUARY 27, 1997

9:00 A.M. APPROPRIATIONS (Budget Hearing - PEMA - PA Emergency Management Agency) Majority Caucus Rm.

10:15 A.M. APPROPRIATIONS (Budget Hearing - Attorney General) Majority Caucus Rm.

11:30 A.M. APPROPRIATIONS (Budget Hearing - Treasury) Majority Caucus Rm.

1:30 P.M. APPROPRIATIONS (Budget Hearing - Historical and Museum Commission) Majority Caucus Rm.

2:30 P.M. APPROPRIATIONS (Budget Hearing - Board of Probation and Parole) Majority Caucus Rm.

MONDAY, MARCH 3, 1997

9:30 A.M. APPROPRIATIONS (Budget Hearing - Department of Labor and Industry) Majority Caucus Rm.

10:30 A.M. APPROPRIATIONS (Budget Hearing - Department of Aging) Majority Caucus Rm.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Public Welfare) Majority Caucus Rm.

TUESDAY, MARCH 4, 1997

9:00 A.M. APPROPRIATIONS (Budget Hearing - Department of Transportation) Majority Caucus Rm.

1:00 P.M. APPROPRIATIONS (Budget Hearing - Department of Education) Majority Caucus Rm.

WEDNESDAY, MARCH 5, 1997

9:00 A.M. APPROPRIATIONS (Budget Hearing - Department of Agriculture) Majority Caucus Rm.

10:15 A.M. APPROPRIATIONS (Budget Hearing - Department of State) Majority Caucus Rm.

11:30 A.M. APPROPRIATIONS (Budget Hearing - Insurance Department) Majority Caucus Rm.

1:30 P.M. APPROPRIATIONS (Budget Hearing - Department of Environmental Protection) Majority Caucus Rm.

3:30 P.M. APPROPRIATIONS (Budget Hearing - Liquor Control Board) Majority Caucus Rm.

THURSDAY, MARCH 6, 1997

9:00 A.M. APPROPRIATIONS (Budget Hearing - Governor's Office/Executive Offices) Majority Caucus Rm.

10:30 A.M. APPROPRIATIONS (Budget Hearing - Department of Conservation and Natural Resources) Majority Caucus Rm.

1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Military and Veterans Affairs)	Majority Caucus Rm.
2:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Majority Caucus Rm.
<u>WEDNESDAY, MARCH 19, 1997</u>		
10:00 A.M.	TRANSPORTATION (public hearing on Rail Merger)	Room 8E-B East Wing

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 2 (Pr. No. 441) -- 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.

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 PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise, I am sure to no surprise of my colleagues, in support of Senate Bill No. 2. I would like to commend a number of my colleagues actually for permitting us to repeat this exercise for the third time in about the last 2 1/2 years.

I guess we all understand that every individual across Pennsylvania has a different view of what tax reform should actually be. That is why, Mr. President, I think everyone in this body needs to support Senate Bill No. 2. We finally have a bill that allows the communities across Pennsylvania - the diverse boroughs, townships, counties, school districts, and cities - to decide for themselves how they wish to raise their revenue, if they wish to use personal or earned income taxes, if the coun-

ties wish to opt into a sales tax so they can end their dependence on property taxes as their main source of revenue.

Mr. President, I would like to commend my colleagues for working on this bill with me to come up with the product that we have today. My co-chairman, the Democratic chairman of the Senate Committee on Finance, Senator Wozniak, has worked with us since the beginning of the Session on the bill. I would also like to commend the prior chairs of the Senate Committee on Finance from the Democratic Caucus, Senator Stewart and Senator Dawida, because they worked very much on this bill as well. My colleagues on this side of the aisle, Mr. President, are too numerous to name, but I must tell you I do follow in the footsteps of the gentleman from Blair, Senator Jubelirer, who has been working for tax reform for a long time.

Mr. President, I believe that by this bill we have given the people of Pennsylvania an opportunity to do something that they have been asking us to do for quite a long time. We are finally giving the people of the Commonwealth control of their own destiny. They have been asking us to do so for a long time. When I knocked on doors in 1990 in my first Senate race, the one issue that was on everyone's mind was how can you relieve some of the burden of property taxes?

Well, Mr. President, we are doing that today by passing Senate Bill No. 2. We are giving those people the opportunity to design a new plan to raise revenue in their communities. We are giving them the opportunity to vote on that plan before it is adopted. We also give those residents the opportunity to reject tax increases that they believe are excessive. And finally, Mr. President, in this era of school bond issues that have gone through the roof, we are giving our constituents the opportunity to decide whether they believe those bond issues are worthwhile.

Mr. President, I, along with my colleagues, hope that the House will take up the banner in this bill and move forward with it as soon as possible, and I urge my colleagues here to give us a positive vote today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, very briefly. I do not know that I have ever been associated with a bill or a concept or an issue that has taken more time, been more exasperating, more frustrating, more difficult to find a consensus with than has the issue that we know as local tax reform. There are many people who have been involved in this issue over the years, the most recent of course is the gentlewoman from Allegheny, Senator Hart, as chairman of the Committee on Finance, and I commend her and the committee for quickly dealing with this bill, once again bringing it out of committee, fine-tuning it, and bringing it to the Senate floor for final passage.

I believe, Mr. President, once again this Senate will take the lead in Pennsylvania by passing a local tax reform bill. Is it a perfect bill? I have not been associated with one of those yet in 22 years, and this is not the first. It is in my judgment, Mr. President, the best we can get. I have listened to all the rheto-

ric, I have watched the other Chamber participate, I have seen some pretty bizarre things happen on this issue over the years. I hope that this step as we begin the new Session in 1997 will be meaningful in the sense as we pass this bill to the House of Representatives, that they indeed will work on this bill. Let it be their working product, and if they do not agree, at least I hope they will let it come to a vote, and if they amend it or disagree, we have a thing called a conference committee, which is certainly the way we iron out our differences.

But the people of Pennsylvania are demanding that we do something. As I traveled around this State and certainly worked with many of our candidates as they went door to door, the number one issue I heard was I cannot pay my real estate taxes anymore. My property taxes are too high. I have been here for 30 years, 40 years, and I am afraid I am going to lose my home. Please help me. Please do something to help me keep my home. Senior citizens, middle-class working Pennsylvanians, young people, it covers all bases.

And if we do not do something to make this process work, then frankly we have failed in our job as representatives of the people. Every taxpayer group supports Senate Bill No. 2 and the concept that it brings to it. It is representative democracy in the finest sense. It is not one-size-fits-all. Every jurisdiction will have the opportunity, in a sense, although it is not home rule with a capital "H" and a capital "R," it is with a small "h" and a small "r," because people will be able to design, working with their local government officials, the means and the way by which they wish to be taxed.

Nobody has said that this is a tax reduction, and I have heard on this floor that people expect that. I do not believe that. I think they believe that something will be done with their real estate property taxes, but obviously the revenue is going to have to be made up and it has to be made up in one way or another, and it is a shift. Does that mean it is bad? No, you cannot just do away with the revenue. Local government has to operate, too. But it is operating in full partnership with the voters of the respective school district, municipality, or county, and that is what the people have asked us to do. That is what Senate Bill No. 2 does.

I commend all those who have worked so very hard to make this bill happen. It is quicker now to the floor than it has ever been before. There was certainly no need for a Special Session. We knew we could get this bill done. I congratulate again Senator Hart and the committee and all who worked so hard, and all of you who have distinguished yourselves in bringing this to the forefront.

Mr. President, the time is now, February 10, 1997, for this Senate to take a bold move, pass local tax reform, send it to the House of Representatives, send the message that we are prepared to work, to compromise, to do whatever it takes, but we must pass local tax reform in this General Assembly and send it to the Governor's desk as soon as possible and let the people vote on the homestead exemption in the fall of 1997 and we can have local tax reform operating in 1998. To do anything less, Mr. President, I believe would be a terrible, terrible failure once again, and we cannot afford to fail this time. The people of Pennsylvania are depending on us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I agree and disagree with the gentleman from Blair, Senator Jubelirer. The bill is not perfect. I agree with that, but I disagree when he says it is the best we can do. I think we can do better, and I do not rise this evening to try to change any votes. As a matter of fact, I am not suggesting whether Members vote for or against this. I am not sure how I am going to vote until I get done talking, I think, but I primarily rise to speak to the other Chamber tonight.

Senator Jubelirer talked about February 10, 1997. I am reminded of February 8 and February 9 of 1994. We started about 2:00 in the afternoon and finished about 2:00 in the morning and the gentleman from Chester, Senator Gerlach, and I stood shoulder to shoulder and fought for a bill that was the forerunner to Senate Bill No. 2. I was proud of what we did that day. It took 12 hours and I appreciate, I am older now and I need these shorter Sessions, so doing this bill in 2 hours is nice. But one of the advantages to that 12-hour Session we had was that we dealt with over 100 amendments. We had, I think, a very bipartisan effort.

I think we had a slightly better bill than we have here. I probably disagreed with 20 percent of that bill, and I probably disagree with maybe about 25 percent of this bill. I still think it is an improvement. I guess I am talking myself into voting for it while I speak. But I think we have to keep in mind that ultimately if we want to have the fairest bill possible, if we all realize we are not talking about tax increase or tax cut but tax shift, if we want to talk about politically what the fallout will be and whether it will be fair, I think we have to do something about some of the special exemptions. I do think we have to be concerned about the backdoor referendum. I think a number of those factors are very troublesome for me, but I think we need to move along with this legislation and I hope that some of our colleagues in the House could maybe make it just a little bit better so when it comes back for concurrence we can be unanimous on this issue and move ahead. And so I am going to vote "aye" with some reservations.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I am pleased to stand here to encourage all of my colleagues to join me in passing local government tax reform I believe for maybe the fourth time since I have been in the Senate. This has certainly been a very complex issue and an issue that seemingly we have difficulty getting our hands around, and yet it is a very simple proposal. This is not a proposal that is drafted to help the big cities of Pennsylvania, and it is not a proposal that is drafted just to help the little townships of Pennsylvania. In fact, it is a very flexible proposal that will allow each level of government to examine this proposal and select that which they believe will best reflect the needs of their community in providing the taxation to run their particular unit of government.

As someone said, this is tax shifting, but it is not really, because if you do not want any of the above you can keep your taxes that are currently in place and use that particular formula to raise taxes for your community. So it is all of the above. It is a very good proposal. We have worked very hard to bring it before the General Assembly. As I said, we have passed it I believe now this time will be the fourth time in the Senate, and I am certainly hopeful that in the House they will give it proper consideration so we may move this issue forward to allow the people of Pennsylvania to select in this menu of taxes which they want to tax their particular community. It is a good proposal. I hope everyone joins me in passing this legislation.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, I, too, rise in support of this bill. I kind of feel like Yogi Berra: I think this is *deja vu* all over again. This will be the third time in my short career in the Senate that I have had a chance to vote on it, and hopefully the third time will be the charm.

Senate Bill No. 2 is not a panacea, and in fact we in this body and hopefully the House will not actually be enacting tax reform. Tax reform will be enacted where it should be enacted, and that is in each municipality, in each one of the 501 school districts across this Commonwealth. This just gives local officials the tools they need to do a job, and more importantly, it gives power to the people who will be paying the taxes who will have the final say, number one, in how that package is originally put together and how that package will evolve in future years. I do not think it is that much of a stretch to say that this piece of legislation provides the largest empowerment to the voters of the Commonwealth than did the women's suffrage vote of 1920.

We are empowering every voter in this Commonwealth to look at their tax package, look at the fiscal package, and to control their own destiny, and I hope we all agree and vote on it.

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

Senator O'PAKE. Mr. President, I rise in support of Senate Bill No. 2, and as has been said, no bill is ever perfect here, and the advantages in this bill far outweigh the concerns that some of us have about some of the provisions. What makes this bill so attractive is local option. I think the taxpayers of Pennsylvania have sent a message loud and clear that there is something wrong with a system that relies on the homeowner subsidizing basic education to the extent that is now required. The realities are, however, that if we take away the power to tax real estate, we are taking away the power of school districts and local governments to raise about \$7 billion a year. Therefore, an opportunity to replace that revenue must be given back to the local governments and to the local school districts. All this does is says local government, local school board, you decide what, if any, is a fairer way to pay for your public schools, your local government, what is more based on

the ability to pay rather than the old archaic and oppressive property tax structure. Therefore, this is a giant step forward.

Unfortunately, to be fair to the homeowner of Pennsylvania, we need the homestead exemption. Otherwise, this shifting could result in a tremendous windfall to income-producing property at the expense of the income-producing family, the wages of the people of Pennsylvania or the sales tax, whatever the local school board or local government should choose as a replacement.

Therefore, we support this. We, at least I, think that the homestead exemption is an essential part of a fair tax reform package, and we hope that the voters of Pennsylvania will agree and pass a homestead exemption in November, unfortunately not May, so that we can move Pennsylvania out of the 19th century when it comes to paying for our schools and into a system which is a fairer system based on ability to pay, as determined by the local citizenry and their local elected school board and local government.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Mr. President, I had not intended to speak on this issue tonight, but given the comments of some of the prior speakers and colleagues, I do want to say one thing.

I do appreciate the fact that our leadership and the prime sponsor of the legislation, the gentlewoman from Allegheny, Senator Hart, has made this such an important issue. I do not think there is a more important issue for the people of the 44th Senatorial District than local tax reform, and I have been frustrated over the past few years as a Member of the House and now the Senate in trying to get this matter concluded and to the Governor for enactment that will give local option and flexibility, as the gentleman from Berks, Senator O'Pake, just alluded, to the people of our districts. And on occasion, like many of the other Members here in our Caucus and in this Chamber who want to get tax reform accomplished, I have been frustrated by the ping-pong game that has been played back and forth between the House and the Senate to try to get this matter concluded.

But just last week I had a chance to sit with some Amish farmers from the Honeybrook area of northwest Chester County, and they invited me and Representative Tim Hennessey from that area to sit with them on the porch, so to speak, to talk about some of their concerns. And some of those farmers, Stoltzfus and Kauffman and others, are very concerned about property taxes in Chester County and in Pennsylvania. And some of them are also starting to talk about moving out of Chester County and moving out of the Commonwealth to go to States like Ohio and Kentucky and other places because they simply cannot keep up with the property taxes at the local level.

If anything, we ought to be about keeping those farmers, people on fixed incomes, and all of our residents in Pennsylvania at a point in their lives where they do need to have fairness in taxation, to be able to have a municipal system or a school district system that is fair to them, that taxes on ability to pay

and not on what one owns, and to give them the kind of relief and the flexibility as Senate Bill No. 2 does. So as we get frustrated, and perhaps we are going to be frustrated for a little bit longer in getting this accomplished, we should try to remember those constituents in our respective districts who need to have the availability of what Senate Bill No. 2 would bring them, the ability to reduce reliance on property tax, and base local taxation on one's ability to pay.

And for that again I thank the leadership here in this Chamber and all the supporters of tax reform on making this such a high priority issue in the very first weeks of our new legislative Session.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Murphy.

Senator MURPHY. Mr. President, I am pleased that this is the first time I have been able to speak in this Chamber on a bill. It is one that is extremely important to me and it was a very important part of my recent election.

As I went through the 37th Senatorial District in Allegheny and Washington Counties and encountered thousands of people during my campaign, what many of them continued to talk to me about was property tax reform and local tax reform. It was not only uncommon, but it was really a daily and hourly occurrence to come across someone who perhaps had a "For Sale" sign in their yard or someone who asked me to sit for a while in their home and share some coffee with them and discuss the issue of how they had reached a point in their life where they had paid taxes throughout their lives and now felt that they were literally in a position where they were going to need to sell their homes in order to pay their taxes because they could no longer afford to pay, people who had raised a generation of their children, and in one case a woman who had actually been there for her grandchildren as well. With tears in her eyes she asked me when I got elected to please make sure I supported legislation that would allow people to pay their taxes according to some of their ability. And I ask my colleagues to support Senate Bill No. 2 to really respond to the needs of the citizens in those circumstances.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Schwartz.

The PRESIDING OFFICER. Without objection, that leave will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEA-37

Afflerbach	Heckler	Murphy	Thompson
Armstrong	Holl	Musto	Tomlinson
Bell	Jubelirer	O'Pake	Uliana
Brightbill	Kasunic	Piccola	Wagner
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rhoades	White
Delp	Lemmond	Robbins	Wozniak
Earll	Loeper	Slocum	
Gerlach	Mellow	Stapleton	
Hart	Mowery	Stout	

NAY-10

Belan	Kitchen	Schwartz	Williams
Greenleaf	Madigan	Tartaglione	
Hughes	Salvatore	Tilghman	

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.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, February 11, 1997, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:07 p.m., Eastern Standard Time.