

Legislative Journal

MONDAY, MAY 5, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 28

SENATE

MONDAY, MAY 5, 1997

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend EUGENE W. JUNG, of the Missionaries of the Sacred Heart, Reading, offered the following prayer:

Ladies and gentlemen, let us bow our heads in prayer.

Creator of new life and new beginnings, be with the men and women of the Senate of Pennsylvania and their staffs. Fill them with Your wisdom to make the right decisions for the common good of the citizens of our Commonwealth.

Empower, motivate, move, inspire them to call forth and to use and develop the gifts that You have given them. Draw them to seek Your guidance in times of difficult decisionmaking, fill them with Your compassion and love for the poor and oppressed in our society who cannot survive without assistance and proper guidance. Give them the courage to rise above partisan politics and work together for the good of all of our people. Give them the patience and sensitivity to listen with respect to each others' viewpoints.

Help all of us to meet our responsibilities to our brothers and sisters, to encourage volunteerism among our citizens, to become mentors for the 15 million children in our society who are at risk of growing up unskilled, unlearned, unloved, or not growing up at all. They need an adult caring person in their lives, a safe place to learn and grow, a marketable skill, an opportunity to serve.

We come before You, Divine Lawgiver, trusting that You will help us to do Your will above all things. Amen.

The PRESIDENT. The Chair thanks Reverend Jung, who is the guest today of Senator O'Pake.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 30, 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.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE HEALTH POLICY BOARD

April 30, 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, Susan J. Navish, 27 North Meadowcroft Avenue, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Emily Fedullo, Lancaster, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

April 30, 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, Raymond F. Feroz, Ph.D., 193 South Main Street, Seneca 16346, Venango County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Marilyn E. Whalen, Erie, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

April 30, 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, Kenneth Boyce (Democrat), 374 East Bald Eagle Street, Lock Haven 17745, Clinton County, Thirty-

fourth Senatorial District, for appointment as a member of the Clinton 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 STATE BOARD
OF LANDSCAPE ARCHITECTS**

May 1, 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, David M. DuTot, 433 West Price Street, Philadelphia 19144, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
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:

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

April 30, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 28, 1997 for the appointment of Elisabeth Baker, Box 69, Lehman 18627, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice William H. Beck, Carbondale, deceased.

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

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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

**MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD**

May 5, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 27, 1997 for the appointment of Nannette McLaughlin, 65 Fairway Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 2000, vice Oliver L. Slinker, Harrisburg, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF NURSING**

May 5, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1997 for the appointment of Donna Kriner (Public Member), 4113 Beechwood Lane, Apartment K, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Nursing, to serve until November 25, 1998 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Irene R. Marks, Philadelphia, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

May 5, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1997 for the appointment of Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, to fill a new position, pursuant to Act 130, approved October 30, 1996.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE CLEARFIELD COUNTY
BOARD OF ASSISTANCE**

May 5, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 1997 for the appointment of Donald C. Georgino (Republican), R R 1, Box 112, Penfield 15849, Clearfield County, Twenty-fifth Senatorial District, as a member of the Clearfield County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, vice R. Curtis Smith, Clearfield, whose term expired.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 847**.

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

HOUSE BILLS FOR CONCURRENCE

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

May 1, 1997

HB 366, 1054 and 1055 -- Committee on Banking and Insurance.

HB 440 -- Committee on Labor and Industry.

HB 680 -- Committee on Agriculture and Rural Affairs.

HB 743, 792, 1048 and 1065 -- Committee on Judiciary.

HB 1027 -- Committee on State Government.

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:

May 1, 1997

Senators THOMPSON, WOZNIAC, HELFRICK, ROBBINS, SALVATORE, KASUNIC, MADIGAN, WENGER, RHOADES, STOUT, BRIGHTBILL, DELP, MELLOW, HART, MOWERY and SLOCUM presented to the Chair **SB 940**, entitled:

An Act recognizing the current and historical common language of the citizens of the United States; designating the use of the common language for official acts of this Commonwealth and its municipalities; and providing for enforcement.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

Senators WHITE, HELFRICK, AFFLERBACH, ROBBINS, COSTA, EARLL, MURPHY, THOMPSON, BRIGHTBILL, KUKOVICH, KASUNIC, GERLACH, DELP, RHOADES, WENGER, HART, MOWERY and SLOCUM presented to the Chair **SB 941**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for bakery products in relation to the sales tax; and making an editorial change.

Which was committed to the Committee on FINANCE, May 1, 1997.

Senators FUMO, BODACK, MELLOW, LAVALLE, TARTAGLIONE, RHOADES, DELP, LEMMOND and STOUT presented to the Chair **SB 942**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on use of limited access highways.

Which was committed to the Committee on TRANSPORTATION, May 1, 1997.

Senators PICCOLA, HART, SCHWARTZ, THOMPSON, AFFLERBACH, GERLACH, MUSTO, WOZNIAC, STOUT, DELP, MOWERY, BRIGHTBILL, ARMSTRONG, WENGER, MURPHY, WHITE and EARLL presented to the Chair **SB 943**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for supply choice for customers of natural gas utilities and for restructuring of the natural gas utility industry.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 1, 1997.

Senators SCHWARTZ, COSTA, KUKOVICH, TARTAGLIONE, MUSTO, BELAN, STOUT and KITCHEN presented to the Chair **SB 944**, entitled:

An Act requiring certain health insurers, service corporations and health maintenance organizations to offer standardized health benefits programs to certain employers; establishing a reinsurance program; providing for coverage by multiple employer arrangements; providing for action by the Insurance Commissioner regarding health benefit plans; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, May 1, 1997.

Senators SCHWARTZ, COSTA, KUKOVICH, TARTAGLIONE, MUSTO, BELAN, STOUT and KITCHEN presented to the Chair **SB 945**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for health insurance reforms and protections to consumers by limiting reasons for cancellation of insurance and by providing for coverage for dependent children, contestability, replacement of group coverage and continuity of coverage of consumers who change groups; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, May 1, 1997.

Senators SCHWARTZ, COSTA, KUKOVICH, TARTAGLIONE, MUSTO, BELAN, STOUT and KITCHEN presented to the Chair **SB 946**, entitled:

An Act requiring all health insurers, health service corporations and health maintenance organizations to provide individual health benefits coverage on an open enrollment basis; and establishing the Individual Health Coverage Program.

Which was committed to the Committee on BANKING AND INSURANCE, May 1, 1997.

Senators SCHWARTZ, COSTA, AFFLERBACH, WILLIAMS, KITCHEN, O'PAKE, KUKOVICH, RHOADES, MUSTO, BELAN and STOUT presented to the Chair **SB 947**, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), entitled, as reenacted and amended, Health Care Cost Containment Act, adding a declaration of policy; adding definitions; and providing for a uniform quality reporting system for managed care entities.

Which was committed to the Committee on BANKING AND INSURANCE, May 1, 1997.

Senators SCHWARTZ, COSTA, KUKOVICH, TARTAGLIONE, MUSTO, BELAN, STOUT and KITCHEN presented to the Chair **SB 948**, 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 profits and for income of Pennsylvania S corporations.

Which was committed to the Committee on FINANCE, May 1, 1997.

Senators SCHWARTZ, COSTA, WILLIAMS, O'PAKE, STAPLETON, MUSTO and BELAN presented to the Chair **SB 949**, entitled:

An Act establishing a joint legislative task force on public school finances; and prohibiting school districts from levying taxes on real property.

Which was committed to the Committee on EDUCATION, May 1, 1997.

Senators PICCOLA, GREENLEAF, O'PAKE, JUBELIRER, GERLACH, HART, HELFRICK, TOMLINSON, WILLIAMS, SALVATORE, WENGER, COSTA, MELLOW, BELL, DELP, FUMO, AFFLERBACH, HOLL, RHOADES, STOUT, MUSTO, KASUNIC, MURPHY and THOMPSON presented to the Chair **SB 950**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse.

Which was committed to the Committee on AGING AND YOUTH, May 1, 1997.

Senators STAPLETON and WOZNIAK presented to the Chair **SB 951**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil penalties for actions related to hearing or service dogs or dog guides for individuals who are blind, deaf, auditorily impaired or physically limited.

Which was committed to the Committee on JUDICIARY, May 1, 1997.

Senators MURPHY, COSTA and ROBBINS presented to the Chair **SB 952**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for mayors' association dues.

Which was committed to the Committee on LOCAL GOVERNMENT, May 1, 1997.

Senators HART, ULIANA, BELL and EARLL presented to the Chair **SB 953**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No. 14), entitled Public School Code of 1949, providing for recall of school directors.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

Senators HART, ULIANA, MURPHY, BELL and EARLL presented to the Chair **SB 954**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, providing for the recall of members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

Senators HART, ULIANA, BELL and EARLL presented to the Chair **SB 955**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the recall of senators and representatives.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

Senators HART, ULIANA, MURPHY, BELL and EARLL presented to the Chair **SB 956**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the recall of members of boards of school directors.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

Senators HART, ULIANA, BELL and EARLL presented to the Chair **SB 957**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the recall of municipal officers.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

Senators HART, ULIANA, BELL and EARLL presented to the Chair **SB 958**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, providing for the recall of elected municipal officials.

Which was committed to the Committee on STATE GOVERNMENT, May 1, 1997.

GENERAL COMMUNICATION

LIST OF LOBBYISTS AND ORGANIZATIONS

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

THE GENERAL ASSEMBLY OF PENNSYLVANIA
Main Capitol Building
Harrisburg, Pennsylvania 17120

May 1, 1997

To the Honorable, the Senate
of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 1, 1997 through April 30, 1997 inclusive, for the 181st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary
Senate of Pennsylvania

TED MAZIA
Chief Clerk
House of Representatives

(See Appendix for complete list.)

APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Mr. Joseph Mangarella as a member of the State Transportation Advisory Committee.

BILL SIGNED

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

HB 844.

SPECIAL ORDER OF BUSINESS PIAA CLASS AAA BOYS' BASKETBALL CHAMPIONS PRESENTED TO THE SENATE

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

Senator PICCOLA. Mr. President, as the Senate may recall, last week we were graced by guests of the gentleman from Centre, Senator Corman. Those guests, as the Senate may recall, were the western State Class AAA basketball champions, the boys from Lewistown Area High School.

Today it is with great pride that I am able to introduce to the Senate of Pennsylvania the team that defeated the Lewistown Boys' Basketball Team for the PIAA Class AAA boys' basketball championship last March, and it gives me personal pride because they are from my alma mater, the Susquehanna Township Indians. The Indians compiled a very impressive record of 30 wins and only 2 defeats, and they are here today in the Senate of Pennsylvania accompanied by their coach, Emery Cook, and their two assistant coaches, Todd McCall

and Mark Billante. And if I may, I would like to introduce the members of the team. They are Alfred Jackson, Ellis Proctor, Adam Chubb, Grady Patterson, Reggie Guy, who is one of the co-captains, Jared Bird, Korrey Wallace, Willie Green, Kevin Devan, Maurice Pittman, Aaron Confer, Shaun Burke, another co-captain, Tim Lamark, Kevin Nicholson, Tony Lamark, Vishal Medatia, and Vince LaPorte.

Mr. President, we are extremely proud of the Susquehanna Township Indians this year, not only by reason of the fact that they brought home the State Class AAA boys' basketball championship, but because they did it with such class and with such dignity to make all of the citizens of our community very proud of them, and if the Senate would join in welcoming them to the floor of the Senate today, I would be most grateful.

The PRESIDENT. Would our guests please rise so the Senate may give you its usual warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet sometime during today's Session to consider the following agenda: House Bills No. 134, 848, 849, 854, 856 through and including 891, and Senate Bills No. 211 and 415.

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

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

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, May 5, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 12, 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, May 12, 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-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earl	La Valle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

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 PIAA CLASS AAAA BOYS' BASKETBALL CHAMPIONS PRESENTED TO THE SENATE

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

Senator TILGHMAN. Mr. President, I would like to put into the record that earlier today the Plymouth-Whitemarsh Basketball Team, the State champions for this year, were here visiting the Capitol and had a picture taken with the Governor. Unfortunately, they had to leave. I was going to introduce them from the floor of the Senate. We did have a resolution that Senator Holl and I introduced, as the Plymouth-Whitemarsh School District is partially in my district and partially in Senator Holl's district. But the Plymouth-Whitemarsh Basketball Team is the Class AAAA State champion, and I am sorry that they are unable to be here with us at this particular time, but I did want to put into the record that they were here today at the Capitol.

Thank you.

PIAA HOCKEY CHAMPIONS PRESENTED TO THE SENATE

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

Senator MURPHY. Mr. President, I stand before you to introduce a team of champions from Bethel Park High School. Mr. President, the Chair and this distinguished body are familiar with the hockey legends of the Commonwealth, from the Legion of Doom line of Lindros, LeClair, and Renberg with the Philadelphia Flyers to our dynamic duo of Lemieux and Jaeger with the Pittsburgh Penguins. In fact, Mr. President, the

Flyers, I believe, are leading the NHL playoffs against the Buffalo Sabres. And we know that Pennsylvania has a long and distinguished tradition of great hockey players and teams, and in this tradition I am pleased to introduce you to a group that I believe can be rightly called the "Men of Steel."

The Bethel Park Varsity Hockey Club won the PIAA Hockey championship this year in West Chester with an overall record of 25 wins, 1 tie, and 0 losses. These titans of terror laid a path of destruction through high school hockey that is still being felt today. Their tenacity and talent were only matched by their speed and sportsmanship.

As an example of the Blackhawks' fortitude, I offer a story of one player, Mike Sill. Last year I personally watched him get knocked down in a game against the mighty Meadville Bulldogs, and he was knocked down again after he got up, after receiving an injury which required 14 stitches. He may have been temporarily down but he was not out of the game, and he burst to his feet and scored immediately. The story is not merely anecdotal but serves as an example to describe a team that is tough, tenacious, and intimidated by no one. The Blackhawks had one goal in mind: the State championship. Mr. President, once this freight train gained momentum, there was nothing to stop these Hercules of hockey.

During the playoffs, many worthy opponents fell victim to their prolific pummeling. However, their opposition was not paltry. In the championship game for the Penguin Cup, the Blackhawks defeated the mighty Meadville Bulldogs 3 to 2. In deference to the gentleman from Mercer, Senator Robbins, the Bulldogs were a worthy opponent, having won five previous consecutive State championships, but the Blackhawks had a date with destiny.

After their victory over the Meadville Bulldogs, their climb to the top concluded in West Chester against the Friars of Malvern Prep. Again, to the gentleman from Chester County, Senator Thompson, I tip my hat. He can be proud of a great team. But with a final score of 4 to 3, Malvern proved to be a formidable force. However, the Bethel Park bird of prey was soaring to greater heights and would rightfully make his nest on the championship title. The Friars were left to look on with admiration to a prize lost to a strategic strike by Bethel Park.

So, Mr. President, in closing, I offer my congratulations to head coach Bob Kennedy and the entire Bethel Park Varsity Hockey Team for a great season and an outstanding achievement.

Thank you, Mr. President.

The PRESIDENT. Would our special guests please rise so the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. I know I speak for all Members of the Senate when I wish continued personal and academic success to our Bethel Park champions.

PIAA CLASS AA GIRLS' BASKETBALL CHAMPIONS PRESENTED TO THE SENATE

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

Senator KUKOVICH. Mr. President, there is a group in the gallery who distinguished themselves by winning the State Class AA basketball championship. They are the women's team from Greensburg Central High School. They also distinguished themselves in the way in which they won, with a very balanced attack using 10 and 12 players virtually every game. In the district championships, they came from behind when they were down 23 points, and in the State championship game against Trinity, they were behind by as much as 13 points late in the game and they came from behind and won, so everybody in Westmoreland County is very proud of their efforts and the way in which they achieved it.

I respectfully request that the State Senate honor the team and their coaches, who are in the gallery, for their victory in the State championship.

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

(Applause.)

GUESTS OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, it is my pleasure today to introduce a guest Page, a young woman from my district, Tabitha Kulish, who lives in Lancaster County. She is a seventh grader at Centerville Middle School. Not only is she a Page today and we are recognizing her for that, but she was also the 1996-97 Miss Preteen Pennsylvania, and she was a recipient of the Governor's award of the Citizens Crime Prevention Volunteer Program. She is serving as a guest Page here today, and in addition to Tabitha being here with us in the gallery we have her mother, Mrs. Kulish, and her sister, Kennedy Kulish.

Mr. President, would the Senate recognize Tabitha Kulish, and also her mother and sister, who are in the gallery.

The PRESIDENT. Would Tabitha and her family please rise so the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR CHARLES D. LEMMOND PRESENTED TO THE SENATE

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

Senator LEMMOND. Mr. President, today we are joined by 14 young ladies from the heart of the northeastern part of Pennsylvania, members of Cadette Troop 646 of the Penn's Woods Girl Scout Council. They are working on a merit badge appropriately entitled "The Law," and I think by showing up here today they will get a patch called the election connection. We are delighted to have them and their leaders, Mrs. Terry Sutton and Mrs. Margaret Banks. They meet at St. Paul's Lutheran Church in Shavertown, just down the road from Dallas. They are here to join us and to learn by observation, and I would appreciate any welcome that we might afford them.

The PRESIDENT. Would Mrs. Sutton and Mrs. Banks and our special Scouts please rise so the Senate may acknowledge you.

(Applause.)

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 847

HB 847 (Pr. No. 1414) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1997, to June 30, 1998, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Banking Department Fund and the Firearm Ownership Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1997, to June 30, 1998, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1997; and to provide for the additional appropriation of State and Federal funds for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996.

Senator LOEPER. Mr. President, I move that the Senate insist upon its amendments to House Bill No. 847, and that a Committee of Conference on the part of the Senate be appointed.

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

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

Senator FUMO. Mr. President, on the motion, for the benefit of the Members, this bill is a vehicle to set up a conference committee. This is not a philosophical vote. Some of my Members have asked for printouts on this bill. We have not prepared one. I urge the Members to vote "yes" only for the purpose of moving forth the vehicle so that we can get the budget done, hopefully by tomorrow.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the motion?
The motion was agreed to.
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 4:30 this afternoon.

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

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

The PRESIDENT. For purposes of Republican and Democratic Caucus meetings, with the intention of returning at approximately 4:30 this afternoon, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 132, HB 133 and HB 148 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 212 (Pr. No. 204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing immunity for employers who disclose certain information regarding former employees.

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

BILL OVER IN ORDER

SB 219 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 251 (Pr. No. 1032) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 1, 1977 (P.L. 249, No. 83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services

and rescue squads;....," prohibiting the termination or discipline of volunteers responding to calls in the line of duty during working hours.

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

BILL OVER IN ORDER TEMPORARILY

SB 640 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

LEGISLATIVE LEAVES CANCELLED

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

Senator MELLOW. Mr. President, Senator Hughes and Senator Williams have joined us, and I would like to cancel their temporary Capitol leaves.

The PRESIDENT. Those leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 77, HB 90, SB 91, SB 105, SB 114 and SB 182 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 213 (Pr. No. 1027) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a covered bridge on which SR 3021 crosses over Tom's Creek in Adams County as the G. Donald McLaughlin Memorial Covered Bridge.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 254 and HB 329 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 419 (Pr. No. 436) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for improper use of criminal investigative material.

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

LEGISLATIVE LEAVE CANCELLED

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

SECOND CONSIDERATION CALENDAR RESUMED**BILL REREFERRED**

SB 425 (Pr. No. 517) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the registration of athletic agents; and imposing a penalty.

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

BILLS OVER IN ORDER

SB 428, SB 529 and SB 672 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 726 (Pr. No. 759) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Legislative Route 48 in Allegheny County as the Leonard A. Funk, Jr. Highway.

Considered the second time and agreed to,

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

BILLS REREFERRED

SB 755 (Pr. No. 810) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L. 343, No. 176), entitled, as amended, The Fiscal Code, further providing for redevelopment assistance capital projects; providing limitations on redevelopment assistance capital projects; and making editorial changes.

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

SB 875 (Pr. No. 1028) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of health insurance practices.

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

SENATE RESOLUTION No. 40, ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 40**, entitled:

A Resolution designating May 12, 1997, as "Israel Independence Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

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 for the purpose of a meeting of the Committee on Appropriations to take place in the Rules room at the rear of the Senate Chamber.

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

AFTER RECESS

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

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

THIRD CONSIDERATION CALENDAR RESUMED**SB 640 CALLED UP**

SB 640 (Pr. No. 672) -- 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 640 (Pr. No. 672) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements and for payment of damages.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A1301:

Amend Table of Contents, page 2, line 1, by removing the period after "award" and inserting: or settlement.

Amend Sec. 1 (Sec. 6601), page 2, by inserting between lines 9 and 10

"Frivolous." Lacking an arguable basis either in law or in fact.

Amend Sec. 1 (Sec. 6601), page 2, line 15, by striking out "local" and inserting: other

Amend Sec. 1 (Sec. 6601), page 2, line 16, by striking out "juveniles or adults" and inserting: or officially detains persons

Amend Sec. 1 (Sec. 6601), page 3, line 22, by inserting after "a" where it appears the first time: regulation,

Amend Sec. 1 (Sec. 6601), page 3, line 23, by inserting after "also": independently

Amend Sec. 1 (Sec. 6602), page 5, by inserting between lines 7 and 8:

(3) The court may modify the assessment order for cause.

Amend Sec. 1 (Sec. 6602), page 5, lines 16 and 17, by striking out "prison having custody of the prisoner" and inserting: Department of Corrections and county prison systems

Amend Sec. 1 (Sec. 6602), page 5, line 26, by striking out "statute" and inserting: provision of law

Amend Sec. 1 (Sec. 6602), page 5, line 29, by striking out "currently available to the prisoner"

Amend Sec. 1 (Sec. 6602), page 6, lines 3 through 13, by striking out all of said lines

Amend Sec. 1 (Sec. 6602), page 6, line 14, by striking out "Frivolous" and inserting: Dismissal of

Amend Sec. 1 (Sec. 6602), page 6, line 28, by striking out "the defendant establishes that"

Amend Sec. 1 (Sec. 6603), page 7, line 19, by striking out "or" and inserting: on

Amend Sec. 1 (Sec. 6604), page 8, line 9, by removing the period after "violation" and inserting: of Pennsylvania law.

Amend Sec. 1 (Sec. 6605), page 9, line 6, by striking out "4" and inserting: 6604 (relating to prospective relief)

Amend Sec. 1 (Sec. 6605), page 9, lines 17 and 18, by striking out "all of the following apply"

Amend Sec. 1 (Sec. 6605), page 9, line 19, by striking out "A" and inserting: a

Amend Sec. 1 (Sec. 6605), page 9, line 22, by removing the period after "order" and inserting a semicolon

Amend Sec. 1 (Sec. 6605), page 9, line 23, by striking out "The" and inserting: the

Amend Sec. 1 (Sec. 6605), page 9, line 24, by removing the period after "order" and inserting: ; and

Amend Sec. 1 (Sec. 6605), page 9, line 25, by striking out "No" and inserting: no

Amend Sec. 1 (Sec. 6606), page 9, line 28, by inserting after "is": or has been

Amend Sec. 1 (Sec. 6606), page 10, line 9, by inserting after "finding": on the record

Amend Sec. 1 (Sec. 6606), page 10, line 10, by striking out "and" where it appears the first time and inserting a comma

Amend Sec. 1 (Sec. 6606), page 10, line 11, by removing the period after "violation" and inserting: of Pennsylvania law.

Amend Sec. 1 (Sec. 6606), page 10, line 16, by striking out "and" where it appears the first and inserting a comma

Amend Sec. 1 (Sec. 6606), page 10, line 17, by removing the period after "violation" and inserting: of Pennsylvania law.

Amend Sec. 1 (Sec. 6607), page 10, line 23, by striking out "the" and inserting: a

Amend Sec. 1 (Sec. 6607), page 10, line 28, by inserting after "that": , whether in whole or in part,

Amend Sec. 1 (Sec. 6607), page 10, line 29, by striking out "good"

Amend Sec. 1 (Sec. 6608), page 10, line 30, by removing the period after "award" and inserting: or settlement.

Amend Sec. 1 (Sec. 6608), page 11, line 6, by striking out "paid directly" and inserting: used

Amend Sec. 1 (Sec. 6608), page 11, line 8, by inserting after "fines": , fees, sanctions

Amend Sec. 1 (Sec. 6608), page 11, line 9, by striking out "fee" and inserting: amounts

Amend Sec. 1 (Sec. 6608), page 11, line 10, by striking out "the" where it appears the first time and inserting: an outstanding court

Amend Sec. 1 (Sec. 6608), page 11, line 11, by inserting after "party": or person designated by the government party

Amend Sec. 1 (Sec. 6608), page 11, line 11, by inserting after "owed": from the remaining moneys

Amend Sec. 1 (Sec. 6608), page 11, line 11, by inserting after "and": arrange to

Amend Sec. 1 (Sec. 6608), page 11, line 12, by removing the period after "owed" and inserting: in accordance with Pennsylvania law.

Amend Sec. 1 (Sec. 6608), page 11, line 12, by inserting after "owed.": Where the amount of outstanding court orders exceeds the monetary damage award or settlement, the government party shall notify the parties owed of the intended distribution of the amounts. Any person or entity owed who objects to the proposed distribution may seek a court order compelling a different distribution.

Amend Sec. 1 (Sec. 6608), page 11, line 13, by striking out "the" and inserting: a

Amend Sec. 1 (Sec. 6608), page 11, line 14, by striking out "to include" and inserting: including

Amend Sec. 1 (Sec. 6608), page 11, line 17, by inserting after "property.": The procedures for such assessment shall be set forth by the prison in written policy and procedure.

Amend Sec. 1 (Sec. 6608), page 11, line 17, by inserting after "Notice": that all or part of a monetary damage award has been expended pursuant to this section

Amend Sec. 1 (Sec. 6608), page 11, line 18, by inserting after "service.": The fact that a prisoner's monetary damage award may be subject to this section may not be taken into consideration in calculating the amount of any monetary damage award.

Amend Sec. 2, page 11, lines 20 and 21, by striking out all of said lines and inserting: This act shall apply to cases pending, or prospective relief that remains in effect, on or after the effective date of this act.

On the question,

Will the Senate agree to the amendment?

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

Senator GREENLEAF. Mr. President, I offer an amendment to Senate Bill No. 640, the legislation dealing with prison litigation. These are technical amendments suggested by the Department of Corrections, the Attorney General's Office, the city of Philadelphia, and the Pennsylvania Bar Association. They are basically technical amendments, clarifying amendments, and I offer them at this time.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 640 will go over in its order, as amended.

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

SB 211 (Pr. No. 940) (Rereported)

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

SB 415 (Pr. No. 430) (Rereported)

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.

HB 134 (Pr. No. 1706) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as Tax Reform Code of 1971, making amendments relating to the sales and use tax, the personal income tax, the corporate net income tax, the capital stock franchise tax, the realty transfer tax, the neighborhood assistance tax credit, the malt beverage tax and the inheritance tax; adding provisions relating to a research and development tax credit; and making repeals.

HB 854 (Pr. No. 1707) (Amended) (Rereported)

An Act providing for the capital budget for the fiscal year 1997-1998.

HB 856 (Pr. No. 958) (Rereported)

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

HB 857 (Pr. No. 1724) (Amended) (Rereported)

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

HB 858 (Pr. No. 960) (Rereported)

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

HB 859 (Pr. No. 961) (Rereported)

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

HB 860 (Pr. No. 962) (Rereported)

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

HB 861 (Pr. No. 1723) (Amended) (Rereported)

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

HB 862 (Pr. No. 1708) (Amended) (Rereported)

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

HB 863 (Pr. No. 1709) (Amended) (Rereported)

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

HB 864 (Pr. No. 966) (Rereported)

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

HB 865 (Pr. No. 967) (Rereported)

An Act making an appropriation to the Beacon Lodge Camp.

HB 866 (Pr. No. 1710) (Amended) (Rereported)

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

HB 867 (Pr. No. 969) (Rereported)

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

HB 868 (Pr. No. 970) (Rereported)

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

HB 869 (Pr. No. 971) (Rereported)

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

HB 870 (Pr. No. 972) (Rereported)

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

HB 871 (Pr. No. 973) (Rereported)

An Act making an appropriation to the Lancaster Cleft Palate.

HB 872 (Pr. No. 974) (Rereported)

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

HB 873 (Pr. No. 975) (Rereported)

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

HB 874 (Pr. No. 976) (Rereported)

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

HB 875 (Pr. No. 977) (Rereported)

An Act making an appropriation to the Pittsburgh Cleft Palate.

HB 876 (Pr. No. 978) (Rereported)

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

HB 877 (Pr. No. 979) (Rereported)

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

HB 878 (Pr. No. 1711) (Amended) (Rereported)

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

HB 879 (Pr. No. 1712) (Amended) (Rereported)

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

HB 880 (Pr. No. 1713) (Amended) (Rereported)

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

HB 881 (Pr. No. 983) (Rereported)

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

HB 882 (Pr. No. 1714) (Amended) (Rereported)

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

HB 883 (Pr. No. 1715) (Amended) (Rereported)

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

HB 884 (Pr. No. 1716) (Amended) (Rereported)

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

HB 885 (Pr. No. 987) (Rereported)

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

HB 886 (Pr. No. 1717) (Amended) (Rereported)

An Act making appropriations to the Allegheny University of the Health Sciences.

HB 887 (Pr. No. 1718) (Amended) (Rereported)

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

HB 888 (Pr. No. 1719) (Amended) (Rereported)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 889 (Pr. No. 1720) (Amended) (Rereported)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 890 (Pr. No. 1721) (Amended) (Rereported)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 891 (Pr. No. 1722) (Amended) (Rereported)

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mary Ann Olson, Susan L. Ford, JoAnn Jones, Stephen Hatzai, Rosann P.

Behringer, Chris Marchetto, Rita Moyer and to Edwynna J. Bowie by Senator Afflerbach.

Congratulations of the Senate were extended to Dr. Oscar E. Remick by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Thawley, Jr., by Senator Bell.

Congratulations of the Senate were extended to Willow Terrace of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to Kevin Richard McCarty by Senator Corman.

Congratulations of the Senate were extended to Sophie Masloff by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Paul B. Marshall, Charles F. Kleber, Jenn Crowell, Francis Rice and to Stanley J. Pascavage by Senator Delp.

Congratulations of the Senate were extended to Eric Klose by Senator Gerlach.

Congratulations of the Senate were extended to Robert I. Gamarro and to the Pine-Richland Middle School of Gibsonia by Senator Hart.

Congratulations of the Senate were extended to Brian J. Crebs by Senator Helfrick.

Congratulations of the Senate were extended to John J. Voloshin by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. William McNinn, Mr. and Mrs. Roy Hummel, Mr. and Mrs. Paul E. Ziegler, Mr. and Mrs. Robert Sechrist, Mr. and Mrs. Dale H. Allison, Mr. and Mrs. Rayford G. Neely, Mr. and Mrs. Donald L. Burket, Mr. and Mrs. Marlin B. Kauffman and to Mr. and Mrs. W. Ted Treese by Senator Jubelirer.

Congratulations of the Senate were extended to James D. Nescot, Jr., and to the Greensburg Central Catholic High School Girls Varsity Basketball Team by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. John Penman and to the Hop Bottom United Methodist Church by Senator Lemmond.

Congratulations of the Senate were extended to Clifton R. Beam by Senator Loeper.

Congratulations of the Senate were extended to Michael W. Simon and to Stella Krajewski Chelik by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin E. Spahr, Michael R. Jones, Sam Snyder, Michael Edward Kaminsky and to Jason E. Trego by Senator Mowery.

Congratulations of the Senate were extended to the 1997 Hershey Symphony Festival Strings by Senator Mowery and others.

Congratulations of the Senate were extended to Castle Shannon Volunteer Fire Department and to the Bethel Park Varsity Hockey Club by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Sprenkle and to Mr. and Mrs. Richard Schuchart by Senator Punt.

Congratulations of the Senate were extended to Steven Naponitano and to the Shenandoah Rotary Club by Senator Rhoades.

Congratulations of the Senate were extended to Rebecca Berg Nissenbaum by Senator Schwartz.

Congratulations of the Senate were extended to Jacob Anthony Gregg by Senator Slocum.

Congratulations of the Senate were extended to Anthony A. Sarcione, William Kronenberg III, citizens of the Borough of Malvern, the Concept School of Westtown and to the Conard-Pyle Company by Senator Thompson.

Congratulations of the Senate were extended to the citizens of the Borough of Downingtown and to Downingtown Main Street, Inc., by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to Jason Golombesky, Matthew Stephen Kolla, Thomas J. Anthony and to Michael Spigelman by Senator Tomlinson.

Congratulations of the Senate were extended to the Lehigh Valley Coalition to Prevent Teen Pregnancy and to the Chronic Fatigue Syndrome Association of the Lehigh Valley by Senator Uliana.

Congratulations of the Senate were extended to Kevin E. Joyce by Senator Wagner.

Congratulations of the Senate were extended to Eugene Smith, Mary E. Kegel and to the Cocalico High School Girls Varsity Basketball Team by Senator Wenger.

Congratulations of the Senate were extended to Dr. Robert N. Aebersold and to Nick Stewart by Senator White.

Congratulations of the Senate were extended to Mary Ann Jacobs, Doris Jean Lazere, Diane L. Buck, Deborah Smiach, Joanne Warren, Darnell Hodge and to the Twentieth Annual Conference on Black History in Pennsylvania by Senator Wozniak.

SENATE RESOLUTION ADOPTED

Senators MADIGAN, ROBBINS, LEMMOND, AFFLERBACH, TOMLINSON, SALVATORE, THOMPSON, FUMO, STOUT, O'PAKE, EARLL, KASUNIC, SLOCUM, BELL, COSTA, SCHWARTZ, MURPHY, STAPLETON, GERLACH, WENGER and MELLOW offered **Senate Resolution No. 44**, entitled:

A Resolution declaring the week of May 4 through 10, 1997, as "Arson Awareness Week" in Pennsylvania.

Which was read, considered and adopted.

PETITIONS AND REMONSTRANCES

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

Senator COSTA. Mr. President, I rise today to talk about an issue that is extremely important to me and it has been for many years. I rise today to speak about the community colleges throughout the Commonwealth of Pennsylvania. The reason that I speak about the community colleges today and why this issue is important to me is that I am a graduate of Allegheny County Community College, and three other members of my family have had the opportunity to attend the community colleges in our county and they were very fortunate to be able to take the college education they received at the community colleges and move on to 4-year institutions and receive their degrees in that regard.

Mr. President, these higher education institutions provide a valuable education to those individuals who may be financially challenged, who are seeking a chance, and in many cases that chance is a second chance at a better and brighter future. Community colleges throughout our Commonwealth continue to provide the best higher education alternative to 4-year institutions, given the occupational and technical programs that they have to offer. Mr. President, these types of programs that are being offered ultimately end up leading to employment in skilled positions, which we so desperately need throughout our Commonwealth.

However, Mr. President, over the years tuition costs have constantly been on the rise. This should not be the case since most of the individuals who choose to go to community colleges and attend these fine institutions have lower tuition reimbursement rates than many other institutions, and we should try to strive to make those tuition rates even lower. Mr. President, today community colleges are in a real crisis, given an inadequate State funding formula, tuition which is capped by State law, and more importantly, difficulty with local governments and school districts and their ability to maintain adequate levels of tuition reimbursement. The current financial system underfunds by more than \$2,000 per student, compared to other States across our nation. Unfortunately, today community colleges are limping along year after year with primitive computers and other teaching resources, not to mention postponing maintenance projects because of the lack of sufficient funding.

Mr. President, community colleges not only perform a great service to the students attending, but they also perform a very valuable service to business, to government, to civic and non-profit organizations. They do this by formal and informal arrangements that have been devised over the years by these businesses and organizations to allow them to send employees and potential employees to community colleges for very specific training.

Mr. President, I find it hard to understand why it is that we are making it harder and harder for students to attend community colleges and we are making it easier for businesses in our Commonwealth to come here and provide work for our graduates. We need to do both, Mr. President. If not, these companies that come to Pennsylvania will be forced to go outside of Pennsylvania for their employees instead of looking at the individuals they already have in our Commonwealth who are ready, willing, and able to do the jobs that they need. We need to ensure that Pennsylvanians are competitive in the workforce, and to do this we need to provide a lower cost of education at the community colleges across this Commonwealth.

Mr. President, as I mentioned earlier, I am a graduate of the Community College of Allegheny County. I could not be more pleased with the fine education that I received there. It prepared me for my future endeavors of schooling at Indiana University of Pennsylvania, and ultimately at Duquesne University School of Law. Mr. President, over the past several years I have had the opportunity to serve as an adjunct professor at the community college, and it is my way of giving back to this great higher education institution, not only for the edu-

cation I received there but for the experiences I received while in attendance.

So, Mr. President, I stand today to ask my colleagues at a time when we are stressing the importance of education to the future of the Pennsylvania economy, from charter schools to school vouchers to higher education, I ask all of the Members to stop and think of the benefits that the community colleges across our Commonwealth have given to the nearly 310,000 students actively attending the community colleges throughout our Commonwealth.

Mr. President, this brings about another concern. The State Board of Education believes that there should be 28 community colleges across the State, but today we only have 15. That is a little more than 50 percent of the number which is desired and would be appropriate throughout our Commonwealth. In fact, in Beaver County and in nearby Allegheny County there is a concern that the Community College of Beaver County will be forced out of business within the next 18 months. Mr. President, I think we can all agree that we need to do something to prevent tuition costs from rising while our enrollment is declining. I pledge my support and ask for action from my colleagues as we address this budget issue in the State Senate and House today and tomorrow to devise a plan to help decrease the tuition costs of community college students and also increase the number of community colleges.

Mr. President, I thank you and the Members of the Senate for allowing me the opportunity to speak about this very important issue.

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

Senator LOEPER. Mr. President, I could not help but hear the gentleman's interest in the community colleges throughout Pennsylvania and the vital role that they play in our education community. I think that tomorrow, Mr. President, on the Senate floor when we have an opportunity to consider a general appropriations bill, the gentleman will be very pleased with what was able to be done for our community colleges in Pennsylvania as part of the new 1997-98 General Fund budget, the areas of concern that were addressed, areas that were brought to the budget table not only by Senator Furno, representing his Caucus, but also by many Members in our Caucus as well as the House of Representatives. I think that there was a sincere recognition of the role that the community colleges play, and we wanted to try to address that in order to help them out in the coming year, and I think the gentleman will be pleased with the results of it.

Thank you, Mr. President.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

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

REGISTER OF WILLS, ALLEGHENY COUNTY

May 5, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 1997 for the appointment of Jane McMullen, 533 Highview Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, as Register of Wills, in and for the County of Allegheny, to serve until the first Monday of January 1998, vice Jay Costa, Jr., resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 299**, with the information the House has passed the same without amendments.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN SENATE AMENDMENTS TO HB 847, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in the amendments made by the Senate to **HB 847**, and has appointed Messrs. PERZEL, BARLEY and EVANS as a Committee of Conference to confer with a similar committee of the Senate, if the Senate shall appoint such committee, to consider the differences existing between the two houses in relation to said bill.

BILLS INTRODUCED AND REFERRED

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

May 5, 1997

Senators GREENLEAF, O'PAKE, THOMPSON and HART presented to the Chair **SB 959**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of court costs, restitution and fines by private collection agency.

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

Senator GREENLEAF presented to the Chair **SB 960**, entitled:

An Act amending the act of May 25, 1921 (P.L. 1144, No. 425), entitled "An act creating a Department of Public Welfare; defining its powers and duties; abolishing the Board of Public Charities, the Committee on Lunacy, and the Prison Labor Commission, and all offices thereunder, and vesting all the powers of said board, committee, and commission in the Department of Public Welfare; requiring all reports, notices, statements, or matters, heretofore required to be made,

given, or submitted to the Board of Public Charities or the Committee on Lunacy, to be made, given, or submitted to the Department of Public Welfare, and providing penalties," further providing for the powers of the Department of Public Welfare relating to the commitment of juvenile delinquents.

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

Senators MELLOW, KUKOVICH and DELP presented to the Chair **SB 961**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for periodic inspection of vehicles and for operation of certain combinations.

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

Senators GERLACH, KUKOVICH, HART and BRIGHTBILL presented to the Chair **SB 962**, entitled:

An Act amending the act of November 17, 1982 (P.L. 676, No. 192), entitled Manufactured Housing Construction and Safety Standards Authorization Act, adding definitions; providing for installation of manufactured homes; establishing additional fees; and establishing the Industrialized Housing Account.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, May 5, 1997.

Senators SALVATORE and ULIANA presented to the Chair **SB 965**, entitled:

An Act authorizing cities of the first class to impose property maintenance ordinances.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, May 5, 1997.

COMMITTEE OF CONFERENCE APPOINTED ON HB 847

The PRESIDENT pro tempore. The Chair announces the appointment of Senators LOEPER, TILGHMAN, and FUMO, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, already appointed, to consider the differences existing between the two houses in relation to House Bill No. 847.

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

BILL SIGNED

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

SB 299.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

NONPREFERRED APPROPRIATION BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 857, HB 861, HB 862, HB 863, HB 866, HB 878, HB 879, HB 880, HB 882, HB 883, HB 884, HB 886, HB 887,

HB 888, HB 889, HB 890 and HB 891 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 134 and HB 854 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 6, 1997

9:00 A.M.	EDUCATION (public hearing on the issue of charter schools)	Room 8E-A East Wing
9:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider the nomination of Col. James F. Barnette as Brigadier General, Chief of Staff, Headquarters, PA Air National Guard; and any other business that may come before the Committee)	Room 461 Main Capitol
9:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 506, 507, 509, 512, 538, 539, 541, 542, 618, 631, 861, 862, 864 and 965; and any other business that may come before the Committee)	Room 8E-B East Wing
9:30 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 95, House Bills No. 14, 1054 and 1055 and any other business that may come before the Committee)	Room 461 Main Capitol
9:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 510, 540 and 669; and House Bill No. 479)	Majority Caucus Rm.
11:30 A.M.	<u>CANCELLED (See MAY 7, 1997)</u> JUDICIARY (public hearing on the nomination of Robert L. Steinberg, Esq., as Judge, Court of Common Pleas, Lehigh County; committee meeting on Senate Bills No. 386, 418 and 901 and House Bill No. 87; and Mark Bergstrom, Assoc. Dir. of the PA Commission on Sentencing, will discuss the Commission's proposed revisions to the sentencing guidelines)	Room 8E-B East Wing

WEDNESDAY, MAY 7, 1997

10:00 A.M.	JUDICIARY (to consider Senate Bills No. 368, 418, 901 and House Bill No. 87; and Mark Bergstrom, Assoc. Dir. of the PA Commission on Sentencing, will discuss the Commission's proposed revisions to the sentencing guidelines)	Room 8E-B East Wing
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1:00 P.M.	EDUCATION (public hearing on the issue of charter schools)	Room 8E-A East Wing
<u>TUESDAY, MAY 13, 1997</u>		
10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 34, 360, 375, 390, 392, 490, 516 and 804; and House Bill No. 433)	Rules Cmte.. Conf. Rm.
<u>WEDNESDAY, MAY 28, 1997</u>		
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on the retail deregulation of the natural gas industry)	Room 8E-B East Wing

SB 251 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 251, Printer's No. 1032, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, May 6, 1997, at 10 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:40 p.m., Eastern Daylight Saving Time.