

Legislative Journal

TUESDAY, MAY 6, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 29

SENATE

TUESDAY, May 6, 1997

The Senate met at 10 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Our common God and Father, we pause to ask that You would bless us this day with renewed enthusiasm for the work to which we have been called, and fix in our hearts the wisdom and vision to deal with the problems of today and the needs of tomorrow for the good of all the citizens of this Commonwealth. Amen.

JOURNAL APPROVED

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 184**, 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.

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 6, 1997

Senators BRIGHTBILL, HELFRICK, HART, WENGER and SLOCUM presented to the Chair **SB 963**, entitled:

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

Which was committed to the Committee on LABOR AND INDUSTRY, May 6, 1997.

Senator BRIGHTBILL presented to the Chair **SB 964**, entitled:

An Act amending the act of August 21, 1953 (P.L.1323, No. 373), entitled The Notary Public Law, further providing for eligibility.

Which was committed to the Committee on STATE GOVERNMENT, May 6, 1997.

Senators STOUT, BELAN, COSTA and BODACK presented to the Chair **SB 966**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making a repeal.

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

Senators CORMAN, EARLL, STOUT, WENGER, TOMLINSON, WOZNIAK and SLOCUM presented to the Chair **SB 967**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general lighting requirements and length of vehicles.

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

Senators JUBELIRER, FUMO, LOEPER, ULIANA, COSTA, HART, GERLACH, PUNT, HELFRICK, LAVALLE, MADIGAN, DELP, AFFLERBACH, O'PAKE, WAGNER, KUKOVICH, SALVATORE, WHITE, THOMPSON, MOWERY, BRIGHTBILL, EARLL, STOUT, SLOCUM, TOMLINSON, ROBBINS, SCHWARTZ, HECKLER, MURPHY, GREENLEAF and RHOADES presented to the Chair **SB 968**, entitled:

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

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 6, 1997.

REPORTS FROM COMMITTEES

Senator ULIANA, from the Committee on Urban Affairs and Housing, reported the following bills:

SB 506 (Pr. No. 533)

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, defining delinquent local taxes as thirty days after the final deadline for paying the taxes.

SB 509 (Pr. No. 536)

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, repealing provisions relating to redemption of lands by owner or anyone interested in said lands.

SB 512 (Pr. No. 541)

An Act amending the act of May 28, 1937 (P.L.955, No.265), entitled, as amended, Housing Authorities Law, further providing for the payment of taxes.

SB 538 (Pr. No. 1063) (Amended)

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for discharge of tax claims; restricting the rights of certain persons to purchase property subject to sale under this act; and imposing additional powers and duties on local municipalities and tax claim bureaus.

SB 539 (Pr. No. 1064) (Amended)

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; and imposing penalties.

SB 541 (Pr. No. 1065) (Amended)

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, authorizing the adoption of property maintenance ordinances; and further providing for fines and penalties.

SB 542 (Pr. No. 1066) (Amended)

An Act amending the act of July 15, 1957 (P.L.901, No.399), entitled Optional Third Class City Charter Law, authorizing the adoption of property maintenance ordinances; and further providing for fines and penalties.

SB 631 (Pr. No. 1067) (Amended)

An Act amending the act of May 16, 1923 (P.L.207, No.153), entitled Municipal Claim and Tax Lien Law, further providing for sale of property in cities of the first class.

SB 861 (Pr. No. 1068) (Amended)

An Act providing for restrictions on purchases of real property in second class A cities.

SB 862 (Pr. No. 1069) (Amended)

An Act amending the act of April 14, 1937 (P.L.313, No.87), entitled, as amended, "An act to enable cities of the first, second, and second class A, incorporated towns, boroughs, and townships, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and

housing and land appurtenant thereto;....," providing for compliance with building codes in second class A cities; and imposing penalties.

SB 864 (Pr. No. 1070) (Amended)

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

SB 965 (Pr. No. 1059)

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

Senator GERLACH, from the Committee on Local Government, reported the following bills:

SB 510 (Pr. No. 537)

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, restricting the rights of certain persons to bid on property subject to sale under this act.

SB 540 (Pr. No. 569)

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for limitations on owners and for purchases from the repository for unsold property.

SB 669 (Pr. No. 711)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for business improvement districts, for definitions and for small borrowing for capital purposes; making a repeal; and making editorial changes.

HB 479 (Pr. No. 1344)

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

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator LOEPER submitted the Report of Committee of Conference on **HB 847**, which was laid on the table.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT J.
THOMPSON PRESENTED TO THE SENATE**

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

Senator THOMPSON. Mr. President, I rise to acknowledge the presence of a former colleague, former Majority Leader, and longtime friend and mentor of mine, Senator Jack Stauffer, of Chester County. Welcome.

The PRESIDENT. Senator Stauffer.
(Applause.)

The PRESIDENT. Thank you, Senator Thompson, and the Chair delights in acknowledging the presence of the former Majority Leader, Senator Stauffer.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, it is a pleasure to welcome back my predecessor here today to the Senate of Pennsylvania, and how appropriate he should pick this day, the day that we will probably pass a new General Fund budget, possibly one of the earliest in recent memory.

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 Heckler, and temporary Capitol leaves on behalf of Senator Hart, Senator Gerlach, Senator Murphy, Senator Piccola, Senator Rhoades, and Senator Robbins, all of whom are attending a public hearing of the Senate Committee on Education.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Hart, Senator Gerlach, Senator Rhoades, Senator Murphy, Senator Robbins, and Senator Piccola, and a legislative leave for Senator Heckler.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Hughes, Senator Kasunic, and Senator Stout, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Williams, and temporary Capitol leaves for Senator Hughes, Senator Kasunic, and Senator Stout.

Without objection, those leaves are granted.

CALENDAR

HOUSE CONCURRENT RESOLUTION No. 108, CALLED UP

Senator LOEPER, without objection, called up out of order, from page 10 of the Calendar, as a Special Order of Business, **House Concurrent Resolution No. 108, entitled:**

A Concurrent Resolution endorsing the initiative of the Pennsylvania Historical and Museum Commission to apply the designation "Commonwealth Treasure" to any location, structure, record and artifact which the commission deems to be of outstanding historical significance.

On the question,
Will the Senate concur in the resolution?

Senator LOEPER. Mr. President, I move the Senate do concur in House Concurrent Resolution No. 108.

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

SPECIAL ORDER OF BUSINESS PIAA CLASS A GIRLS' BASKETBALL CHAMPIONS PRESENTED TO THE SENATE

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

The PRESIDENT pro tempore. Mr. President, as we have seen in these last several Session days, there have been a number of outstanding basketball teams, girls' and boys' from Class A to Class AAAA teams, who have come in here and been recognized by their respective Senators. Today it is my turn, and I am deeply honored to have with me in the gallery today the Williamsburg High School Girls' Basketball Team, and they are truly an outstanding and remarkable group of individuals. It has been my pleasure to watch this team over the past several years when they came so very close to winning the State championship, but they just fell short. But in 1997, Mr. President, it was very different. They really were a remarkable team, finishing 32 and 0.

And if I may, Mr. President, it is my pleasure to read the citation which I presented to them today, and it says: *(Reading)*

"Whereas, The Commonwealth...is always proud to recognize the outstanding achievements realized by its youth in the spirit of competition, personal sacrifice, unity of purpose and commitment to a goal; and

"Whereas, The Williamsburg High School Girls Basketball Team defeated Marian Catholic..."

Anne Knapp, a former cheerleader for that team, who thought that Marian Catholic was going to win that game, now owes me lunch, Mr. President. And with all due respect to the gentleman from Schuylkill, Senator Rhoades, this team came through, and she is going to eat crow while I eat steak. Furthermore, Mr. President, they beat Marian Catholic 55-43 to win the PIAA Class A championship. The Lady Blue Pirates are under the direction of Jeff and Lois Appleman, a husband and wife team who have worked very closely with this team, and completed the 1996-97 season undefeated with 32 wins.

Members of the team include: Annie Parks, Becky Metzler, Jess Gordon, Mandi Holland, Julie Tate, Carrie Hileman, Carrie Hoy, Trisha Lower, Jamie Burger, Christy Metzler, Kelly Bellew, Jess Lilly, Jamie Irvin, Jess Hetrick, Michele Blalock, and Missy Isenberg; managers Kelli Hoover, Natalie Appleman, and Joeylyn Lilly; and statisticians Jessica Nourse and

Jen Lilly. I might add that the superintendent of schools, Lee Swinsburg, is here, as well as Michael Appleman, the young son of the Lady Blue Pirates' coaches, Jeff and Lois.

Mr. President, it is my honor to welcome them today and ask that the Chair and the Members of the Senate not only give them a warm welcome but congratulate them on their outstanding feat.

The PRESIDENT. Would our Class A Williamsburg Girls' Basketball State champions please stand so the Senate may acknowledge you and give you its usual warm welcome.

(Applause.)

The PRESIDENT. As Senator Jubelirer pointed out, the undefeated Class A champions. Thank you, Senator Jubelirer.

STATEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, at this time I would like to go back to today's Calendar, and I would like to thank the guests of Senator Corman who are with us for their indulgence today. We have indicated that we do have a particular piece of important legislation that must be debated and discussed and dispatched at this time. In light of that, Mr. President, I would call up House Bill No. 134 and ask for its immediate consideration.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

HB 134 CALLED UP OUT OF ORDER

HB 134 (Pr. No. 1706) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator LOEPER.

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

HB 134 (Pr. No. 1706) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator LOEPER. Mr. President, the piece of legislation that is before us reflects significant tax reductions that are part

of the total package of this year's General Fund budget. I think it is important to make clear that not only businesses but families will benefit from the tax cuts being considered before us.

And I think that far from looking at business as the enemy of the average person or the welfare recipient, we view job creators in a very positive light in this Commonwealth. They are the ones who provide people with jobs and benefits as well as put food on people's tables. They help our local communities thrive. Let us take a look for a moment at what happens to communities where large employers have shut down. The economy seems to go into a tailspin, and States that understand this fact work to lure these companies through the implementation of good tax policies and other incentives that reap the economic benefit.

Mr. President, I believe that the bill before us will encourage small businesses and start-up firms to locate in the Commonwealth of Pennsylvania. Our move to increase the capital stock and franchise tax exemption from \$100,000 to \$125,000 is a change that will benefit over 56,000 small businesses in the Commonwealth. High-tech firms, an area where Pennsylvania has been much in the forefront in recent years, stand to gain almost \$15 million in research and development credit, and couple that with the elimination, the complete elimination, of the computer sales tax.

I believe, Mr. President, another important change involves Pennsylvania's requirement for Subchapter S to move more closely to mirror recently enacted Federal changes, and it will make it easier for those companies that have to file under both State and Federal tax laws.

Mr. President, businesses are not the only beneficiaries of the reductions that are before us. These tax cuts will also help working Pennsylvanians and children. Approximately 170,000 working Pennsylvanians stand to gain from the expansion of the poverty exemption which will help them lower their tax burden. The tax package also will provide vital health benefits to more children. An additional \$10.8 million will be added to the Children's Health Insurance Program to help cover the medical costs of children from low-income working families.

I believe that this represents, Mr. President, an attempt to invest in both people and our economy at the same time. If we want to create good-paying jobs and encourage companies to stay here and expand, we have to make Pennsylvania more competitive with our neighbors. These tax cuts are really cuts for job generation, and I believe that the end result will be more employment, more high-paying jobs, and a higher level of personal income. I believe that the package that is before us contained in House Bill No. 134 is a very responsible package to continue to move Pennsylvania forward, and, Mr. President, I would ask for an affirmative vote on the bill.

MOTION TO RECONSIDER VOTE

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

Senator SCHWARTZ. Mr. President, I move to reconsider the vote by which House Bill No. 134 was agreed to on third consideration. I have an amendment to this legislation that I

am prepared to offer and I would like to be able to do so, so I ask for that reconsideration.

The PRESIDENT. Senator Schwartz moves to reconsider the vote by which House Bill No. 134 was agreed to for the third time.

Senator LOEPER. May we be at ease, Mr. President?

The PRESIDENT. At the request of Senator Loeper, the Senate will be at ease.

(The Senate was at ease.)

MOTION WITHDRAWN

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

Senator SCHWARTZ. Mr. President, I withdraw my motion for reconsideration.

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Hart, Senator Gerlach, Senator Murphy, Senator Robbins, Senator Piccola, Senator Hughes, and Senator Stout have returned from leave, and those temporary Capitol leaves are cancelled.

And the question recurring,
Shall the bill pass finally?

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

Senator HART. Mr. President, I rise in support of House Bill No. 134. I am pleased that the additions that we made to the bill in our Committee on Finance by the consent of all or most of the Members were retained in the bill. Especially, Mr. President, I would like to comment on the retention of the change in taxation treatment for benefits, that is for cafeteria benefit plans in Pennsylvania.

Mr. President, there are many employers who provide benefit programs to their employees in Pennsylvania. Many are defined benefit plans and are treated under law that they are not taxable income. However, the newer type of benefit that I believe is more employee-friendly, that is the cafeteria benefit, had been taxed under Pennsylvania law even though it had not been treated as taxable income under Federal law. Mr. President, this bill includes a provision to treat those benefits the same way as they are on the Federal level and, hopefully, we will encourage more employers in the Commonwealth to provide a more employee-friendly cafeteria plan because it will not be treated as taxable income. Mr. President, I believe with the different family situations we have in the Commonwealth that many people are interested in different types of benefits, depending upon where they are in their lives - either young, old, those with children or without. We need to make sure that employers' benefits can be more tailored to employees' needs, and I think that will happen more as a result of this bill.

Also, Mr. President, to echo the comments of the gentleman from Delaware, Senator Loeper, regarding the complete repeal of the computer services tax, many of us in this legislature

have introduced bills to repeal that in the past. Most notably, the gentleman from Allegheny, Senator Wagner, and I have introduced bills to do that, and also the gentleman from Montgomery, Senator Tilghman. We have seen in our areas a great growth in the high-tech industry. We have also seen, unfortunately, since that sales tax was added in 1991, some of those types of corporations that could actually provide services from across the border in other States have actually left the Commonwealth.

So, Mr. President, I believe that our entrepreneurs who begin their businesses in the Commonwealth will now keep them in the Commonwealth. This will provide family-sustaining, high-paying jobs. It will keep the graduates of our major universities here in the Commonwealth where they belong and add to our economy and job picture. So I hope that my colleagues will support this bill. There are many other very good provisions, but I specifically wanted to mention those two.

Also, the Governor's provision to exempt more lower-income people from paying the personal income tax is very important. Since we passed welfare reform, we now have an opportunity to encourage those who are working to keep working. I expect that the additional exemptions for their dependents will help them to keep their jobs and not be forced back onto welfare.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I also rise in support of House Bill No. 134 and to speak to one aspect of the bill, the computer services sales tax and the repeal and elimination of it.

First and foremost, I want everyone to know that I appreciate all the effort in this Chamber, the Governor, Members of the House. They have put forth, I believe, a high degree of effort in the last several weeks to repeal this tax. As you know, I have stood on this floor the last 3 years and talked about the importance of repealing the tax. The tax is an onerous tax. It is a tax that has been, in essence, a job-killing tax on the high technology industry in the Commonwealth of Pennsylvania, of which we are potentially one of the best States, if not the best State, in the country for the production of high technology jobs, which are high paying jobs.

I know as part of the budgetary process today that we are going to talk about nonpreferreds and the amount of money that goes to universities and colleges across this Commonwealth, directly and indirectly. Much of that money relates to innovation, new ideas, and graduates coming out of school and starting companies, high technology companies, software companies related to the high technology industry. The repeal of this tax, which was implemented in 1991, is really, from my perspective, the best thing we can do in the General Assembly related to the creation of new jobs in Pennsylvania in the future.

So I stand today in support of House Bill No. 134. I thank the four chairmen of the Committees on Appropriations of the Senate and the House, Senator Loeper, Senator Mellow,

Senator Jubelirer, the Governor, and many others who have agreed to the repeal and elimination of this tax, which will move Pennsylvania, I believe, into the forefront of all States in this country in the high technology industry.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I, too, rise in support of House Bill No. 134. I think there are some significant and important changes that are made in the Tax Code. I suppose we should not overlook the original language in the bill, not just the add-ons. The original language allowed for a check-off on tax returns to allow for research for breast cancer. That is important. I am glad to see that actually get some action here, and certainly some of the sales tax exemptions. We are at a point, Mr. President, in our Commonwealth where we are fortunate to have a healthy economy at the moment. We are fortunate to have a budget surplus, so it is a time when we can do some of these targeted kinds of tax changes. As we all know, we actually do not make changes in the Tax Code all that often.

I am actually also supportive of the one cent additional dedication to the Children's Health Insurance Program, which was a very strong legislative initiative several years ago. We have seen about 53,000 to 54,000 children benefit from that in the Commonwealth. This is an additional dedication to continue doing what we have been doing. I am, of course, Mr. President, disappointed that in this moment when there is a budget surplus, when we have a healthy economy going, that we were not able to dedicate another penny or maybe two cents to help cover the additional children who are eligible for this program but are unable to get it. This program, the Children's Health Insurance Program, provides cigarette tax revenues to families who are working and cannot afford health insurance for their children, many of whom work for companies either part-time or are paid too little or do not get benefits through their employers. This is exactly the group of many uninsured in the Commonwealth. We are talking actually about 300,000 children in Pennsylvania who do not have ongoing health insurance. There are about 113,000 children in Pennsylvania who are currently eligible for the Children's Health Insurance Program. We are meeting the needs of about half of them. So while we can be proud of that, Mr. President, I believe we could be even prouder of ourselves if we were willing to dedicate another penny or two to our children's health care.

When I raise this issue, there is tremendous support for it. My colleagues on the other side of the aisle say we are for this too, but it has not happened, and while we can be glad that we have dedicated this extra penny, it does not do what we could be doing at this particular moment. With the kind of surplus we have, we could be covering more of those children who are now waiting who are eligible. I am not talking about expanding eligibility, but we could extend it at least another penny or two, and I am sorry that it did not happen. It is something that I believe we should make a commitment to those 73,000 children who are out there and currently eligible who are not being

covered by this program because we failed to make that additional dedication on the cigarette tax.

You should know that our cigarette tax is actually lower than that of most of our neighboring States, lower than the national average. It is a time when there is a great deal of discussion about the tobacco industry and the role the tobacco industry plays in not improving the health of Americans but is working against it, and I think we should really pay attention to that as well. Let me just note that in this bill we are giving tobacco growers a tax cut. The initial estimate is about \$700,000, it could be as much as \$1 million, and it could be more than that. So at the moment when we are willing to spend \$1 million on giving tobacco growers a cut, we are not willing to dedicate more of the cigarette tax to our children's health, and, Mr. President, I think that means we have not done enough in this bill.

While I have heard an interest in children's health care, while I have heard an interest in public and private partnerships, while I have heard an interest in making the kinds of investments that would help our community, help our children be healthy, help us be a strong community, I hear, yes, I am supportive of that, but instead of doing as much as we could, as much as we should, as much as we need to, to help our children and our families who are working, who are struggling, who want to do the best by their children to get that little bit of extra help, I would say, Mr. President, that it is worth a few pennies on a pack of cigarettes to make sure that the children of Pennsylvania have access to good health care, and I am sorry to see that our interest in protecting and helping tobacco growers is more significant and a higher priority for us than actually doing more than we should and could be doing, this year in particular, as we have an open Tax Code bill and a budget surplus of maybe \$500 million, maybe \$700 million. Mr. President, this is the time when we can do it, and I am disappointed that my colleagues just could not do a little bit more for the children of Pennsylvania.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Mr. President, in light of what the previous speaker said, I would note that whenever we move to cut State taxes there are always suggestions that, one, it is either too much or, two, it is not enough, or that something else should be cut instead. So it is this year as well, but such discussion should not overshadow the merits and the wisdom of the tax cuts that we are going to vote on shortly. This year's tax cut and tax credit package amounting to \$175 million I believe is reasonable and a fair investment in jobs, in communities, and most important, Mr. President, in families.

We have accepted Governor Ridge's solid proposal and expanded it in several key areas. Killing the sales tax on computers, which, as Senator Hart, Senator Loeper, and Senator Wagner have eloquently put forth, is a particularly counterproductive and noncompetitive tax, I think this is a major economic step forward, especially in southwestern Pennsylvania, as Senator Wagner says, where there is much high-tech industry just waiting to flourish. Wiping out this tax is a move long advocated by Republicans and Democrats in this Senate, with Members on both sides having pushed such legislation. Now we have the opportunity and responsibility to eliminate the computer tax, and this bill will accomplish just that.

Job hopes are important, but so is the plight of families. The increase in tax forgiveness for low-income families targets relief where it is absolutely most needed. Two important tax credits - the research and development tax credit and expansion of the neighborhood assistance tax credit - are aimed at job creation and community revitalization, important across Pennsylvania. Mr. President, this bill strikes a good balance, a balance in devoting part of the surplus to tax relief without setting up potential deficits in the years ahead, and that is something that we must look forward to. By approving this package, we will continue the progress made in recent years toward improving the job climate and easing the State tax burden.

Mr. President, I want to commend everyone in this body, and particularly the leadership on both sides of the aisle who worked so diligently with their staffs, the staff of the Governor's Office, and the General Assembly in putting this package forth and in bringing forth a budget that I think meets the needs of the people of Pennsylvania.

Thank you, Mr. President.

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

Senator KUKOVICH. Mr. President, I rise to support House Bill 134, and I think, as Senator Jubelirer said, the difficulty was finding a proper balance. I want to also thank Senator Jubelirer for following through on his commitment for the one cent for children's health insurance. Although I do agree with Senator Schwartz that there is much more that we need to do, I realize we also had to balance various needs, and so I am pleased that incrementally we are at least beginning to increase the Children's Health Insurance Program. I also support the bill because of the increase in the poverty exemption, which is long overdue, and I think some of the business cuts in here are well-taken. So I am in support of the bill.

However, Mr. President, it was mentioned earlier on the floor, in taking a quick glance at the bill, there are a couple of questions I would like to ask, so would the gentleman from Delaware, Senator Loeper, stand for very brief interrogation?

The PRESIDENT. Would the gentleman from Delaware, Senator Loeper, stand for interrogation?

Senator LOEPER. I will, Mr. President.

The PRESIDENT. Senator Kukovich, you may proceed.

Senator KUKOVICH. Mr. President, on page 6 of the bill, lines 28 to 30, and line 1 on page 7, and again on page 62, lines 8 to 11, I believe is the language that Senator Schwartz

earlier alluded to. She used a number of reductions that were created by that exemption. Does the gentleman know what the amount is, in his opinion?

Senator LOEPER. Mr. President, the loss/gain has been characterized as a minimal loss. There has been no specific number assessed to it.

Senator KUKOVICH. Mr. President, did anyone in the Committee on Appropriations, because I have heard anywhere from \$600,000 to \$800,000, is that a ballpark figure?

Senator LOEPER. Mr. President, I would assume it is much less than that because the analysts from both the Republican and Democratic Committees on Appropriations, along with the analysts of the Department of Revenue, indicate that it would be minimal, which I would believe would be far less than any figure of \$600,000.

Senator KUKOVICH. Mr. President, what typically is a "minimal" amount, for the analysts' purposes?

Senator LOEPER. Mr. President, I believe it is less than \$250,000.

Senator KUKOVICH. Mr. President, just one other question. Based on the nature of that industry, what region of the State would primarily benefit from this language?

Senator LOEPER. Mr. President, that would be particularly central Pennsylvania, the farms in southcentral, Lancaster County specifically.

Senator KUKOVICH. Thank you very much, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

Senator AFFLERBACH. Mr. President, as I review the bill it reminds me somewhat of a skunk at a picnic, really. There are some entertaining aspects of it, and there are certainly some very worthwhile aspects of it, which a number of our colleagues have already enumerated: eliminating the sales tax on computer services, exempting certain health care benefits from taxation, expanding Subchapter S so it matches the Federal level, and so on and so on. But there are also some elements in this bill which have not been mentioned that I think need to be mentioned that tend to shift the burden into areas where, frankly, I am not sure that the public in this Commonwealth would like to see it shifted. It is almost as though the bill has been a veritable smorgasbord of benefits for various special interest groups.

Take, for example, the exemption from the sales tax for items purchased to be used in the production of full-length films with a national distribution. Truthfully, the only people who will accrue that tax break are the largest filmmakers in the nation or the world, and the small independent filmmakers who are not able to get a national distribution of their film will continue to pay the sales tax on the items which they must

purchase for the making of those films. It seems to me that we have offered one more tax break for the largest of businesses in the film industry to the detriment of the small independents who are already having difficulty, in many cases, finding adequate financing for their art form.

Then we have the brand new tax of 2 percent on truck rentals. Now, I am not sure to where the benefit of that accrues and to where the detriment accrues, but it seems to me that the large trucking fleets that own their own particular vans and trucks that would be subject to this tax from other sources are now going to have a leg up again on the small independents who oftentimes rent their units based upon the size they may need for any particular job. So we have another special interest detriment here, if you will, to the smaller independent operator with an interest accruing to the large trucking firms.

And then we have the additional processing exemptions, one of which will go for the cutting and dicing of tobacco leaves. I can hardly believe that in this day and age we are going to include in a bill an additional tax break for those individuals who raise, process, cut, dice, and sell tobacco.

Then we have an additional exemption from the withholding requirements of the income tax for large publicly traded partnerships. Now, income distributions will still have to be declared and taxes will have to be paid, but we are going to shift the burden from the accounting firm of that large publicly traded partnership to the individuals who receive the distribution. And guess what? The small partnerships will still be required to withhold the tax. So once again we have a shift to benefit the largest of the publicly traded partnerships while the smaller, more independent partnerships will still be required to absorb the expense of the accounting and the withholding of such distributions. So to suggest that this particular tax bill is all honey and molasses for the population of Pennsylvania I think is a false suggestion.

Yes, there are benefits in here that are desperately needed: the expansion of the poverty forgiveness exemption, the additional funds for CHIP, research and development tax credits with a certain portion being set aside for small businesses, and all of the other aspects that other colleagues have mentioned. On the overall, incremental as it may be, the bill merits support, but, Mr. President, it is one of those bills that I have to hold my nose to vote for.

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

Senator FUMO. Mr. President, this is, as already has been said, a smorgasbord of special-interest legislation. There is no question about that when we see some of the areas that have been addressed, and that is nothing unusual for this body, so I do not think there are many people in here who are offended by that. Mr. President, the biggest glaring issue, though, in this bill and where it is woefully lacking is in a reduction of the personal income tax. With the almost three-quarters of a billion-dollar surplus that we are facing this year, it is unjust, unfair, illogical, and uneconomical not to return some of that money to the average Pennsylvania taxpayer.

I see nothing wrong with eliminating the computer tax. That was one of the obnoxious taxes, and I admit that it was obnox-

ious, that we had to impose in 1991 when we were facing huge budget deficits. But now, Mr. President, with the surpluses that we have, it is a shame that we are not also giving the average Pennsylvanian a tax break. Prior to 1991, the income tax was 2.1 percent and it was raised to 3.1 percent. We put an automatic trigger in there to lower it to 2.8 percent. And all I hear is, well, gee, Pennsylvania's taxes are among the lowest in the nation. We should not reduce them any more. I hear this from Republicans. I am quite shocked when I hear that because I do not hear the same hue and cry when we talk about business taxes. I just heard of one that Senator Kukovich brought out in debate on tobacco products, the number was "minimal." Minimal. Maybe \$250,000. But somebody did a favor for somebody to that degree. Why could we not have done for the average Pennsylvanian what we should do and start to drive to get the PIT back to where it was pre-1991?

Mr. President, I have heard a lot of stories about 1991, and I feel certainly qualified to talk about that because I was in fact one of the architects of that plan because it had to be done. And maybe we can never get back to 2.1 percent. Maybe government has grown to the point that no one has the will to make government smaller to get to that point, but certainly when we are looking at three-quarters of a billion dollars in surplus, we can easily give Pennsylvanians a one-tenth of 1 percent tax break or a two-tenths of 1 percent tax break so they can share in the wealth.

Mr. President, it is not proper for government to tax and hoard, and that is what we are beginning to do. Maybe we can reduce the income tax by one-tenth of 1 percent and give back to the average Pennsylvanian an equal amount of money that we just took from them in the gas tax increase. I heard the administration say that the gas tax increase was only going to cost Pennsylvanians \$30 apiece. I do not exactly agree with that number, but if in fact that is true, the average Pennsylvanian makes about \$26,000 a year, if we reduce their tax by one-tenth of 1 percent, they would save \$26. It is only fair.

Mr. President, we cannot go forward in Pennsylvania hoarding the public's money. As you like to say to us, it is the taxpayers' money, not ours. And we agree with that. We got that message from Tom Ridge. If it is the taxpayers' money, when you do not need it, give it back to the taxpayer. But we do not see that here, Mr. President, because average taxpayers do not have the high-priced lobbyists to come up here and fight for them. They do not have the special interests, they do not have the PAC funds to induce Senators to do the right thing. So that is the only regret that I have on this tax bill, Mr. President.

I am like everybody else. We all love to cut taxes and we love to spend money, and this is another way to spend it. The only thing that I say is that this bill is lacking in that it is not broad enough, fair enough, or equitable enough. And in the end, this type of hoarding of money will ultimately hurt our economy. You cannot take \$1 billion out of Pennsylvania's economy and hoard it and expect the economy to grow. So, Mr. President, I will reluctantly vote for this bill because part of it is my responsibility in having negotiated some of it, but I vote for it sadly because of the fact that true tax reduction for average Pennsylvania taxpayers is not here and we still seem

to think with arrogance that we can hoard the taxpayer's money.
Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

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
Earll	La Valle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

STATEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, before we move on, I ask all Members of the Senate to please remain in their seats for the introduction of our guests who have been patiently waiting. As usual, I estimated about 30 minutes, and I think it has been almost an hour now that they have been kind enough to be here. I am sure that they got much more of a civics lesson today than they anticipated when they arrived in the Senate, but I ask at this time if you could recognize the gentleman from Centre, Senator Corman, for the purpose of an introduction.

The PRESIDENT. I would also add my sentiments that our special guests and champions have been more than nice in sitting through the debate and showing patience.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, we, too, would ask our Democratic Members to remain in their seats as well.

The PRESIDENT. That is kind of you, Senator Fumo. The Chair acknowledges that.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR J. DOYLE CORMAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, as the President pro tempore said earlier, we like to recognize excellence in our youth in Pennsylvania, and we certainly have a group of national champions here with us today.

The first person I would like to recognize is a constituent of Senator Stout's as well as mine. He was a constituent of Barry Stout's for a number of years when he went to Jefferson-Morgan High School, and he then came to central Pennsylvania to be a wrestler in the collegiate ranks, and I cannot recall anyone who brought more enthusiasm than the thought of Cary Kolat when he came to central Pennsylvania to be an outstanding wrestler, and that he was.

Cary was a four-time PIAA wrestling champ. He finished his high school career with a perfect record of 137 victories. In 1997 he captured the NCAA national wrestling championship at 142 pounds. While at Lock Haven University, he went undefeated with 25 wins this season, compiling a sterling collegiate record of 111 wins and 7 losses. In addition, he was the 1996 NCAA national champion in the 134-pound class. He has been a four-time all-American, two-time Pennsylvania State Athletic Conference champion, two-time Eastern Wrestling League champion, and most recently, Mr. President, at a competition held at Disney World in Orlando, Florida, he won the 138 3/4-pound weight class in the 1997 national freestyle wrestling championship.

The other wrestler whom I will be introducing was the winner of the Dan Hodge Trophy, which is sort of like the Heisman Trophy of football in wrestling, and Cary Kolat was also a finalist in that grouping, and I read from the Wrestling Institute Newsmagazine where it said, "We had some great candidates this year — Lincoln McIlravy and Mark Ironside of Iowa, Mark Branch of Oklahoma State and Cary Kolat of Lock Haven."

Here is an outstanding individual, an outstanding wrestler, and I ask my colleagues to extend to him a warm welcome to the Senate, and I ask him to share a few words with us.

The PRESIDENT. Would the special guest of Senator Corman please rise so the Senate may acknowledge you.

(Applause.)

The PRESIDENT. Cary, the Chair would encourage you to take a moment and address the assembly.

Mr. KOLAT. First, I would like to thank you for taking time out of your day and busy schedule to have all of us here to honor us. One thing is I studied civics in high school and I thought I had an idea about government until I came here today, so now I am kind of mixed up. It has been great. This building is beautiful. I have been amazed by it since I walked in, and I will probably walk out with a kink in my neck from

looking up at the ceilings all day. It has been great. I thank you for having me, and continue the good work.

Thank you.

(Applause.)

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I would like to present another national champ, and I would like to read the beginning of the article that was in the Wrestling Institute Newsmagazine and it starts out by saying, "A cello-playing heavyweight with the moves of a 142-pounder and the grade point of a scholar is the winner of the 1997 Dan Hodge Trophy." That person is Kerry McCoy, who has been an outstanding athlete at Penn State University for the last several years. He was selected to receive this honor recently, and I will tell you a little bit about Kerry McCoy's record.

He completed one of the most successful careers in NCAA history by claiming his second NCAA title and third all-America honor. The number-one ranked heavyweight throughout the year, he closed his career in winning 131 of 132 collegiate matches and becoming Penn State's third two-time national champion. He posted a sterling 41-0 mark this year, including wins over 15 ranked opponents, 7 in the top 5, and dominated throughout the season, posting 11 falls, 12 major decisions, and 4 technical falls, and completed his third straight undefeated dual season by winning his 58th consecutive dual match. A three-time Big Ten champion, he ended his Penn State career with 150 victories and 18 losses, and topping nearly every Penn State record.

It is a real honor to have with us today the winner of the Heisman Trophy of wrestling, the Dan Hodge Trophy winner, Kerry McCoy of Penn State. Kerry, would you like to share a few words with us.

(Applause.)

The PRESIDENT. Would you take a moment to address the Members of the Senate.

Mr. McCOY. I would like to express my thanks for being recognized today. It is a great honor to come down here and be a part of such a great process and to be recognized by such a great organization. The main thing, I just wanted to address the idea that the reason that I can stand here and the reason that all the other athletes can stand here is because we have been given an opportunity, and the way things are going these days, a lot of our opportunities are being taken away from athletes because of a misinterpretation of Title 9, and I ask you all when Title 9 legislation comes across your table, to really look at it in a way that will benefit everyone and not take opportunities away from anyone but raise opportunities for all. That is how we all got our chance, and that is how I hope we continue to give opportunities to everyone else. Again, I thank you and look forward to some great things happening in the future.

(Applause.)

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, if I may back up for a moment, we also have Rocky Bonomo here. He is Cary Kolat's

coach and he also was a national champion at Bloomsburg University, so, Rocky, would you stand for a round of applause.

(Applause.)

PENN STATE MEN'S AND WOMEN'S FENCING TEAMS PRESENTED TO THE SENATE

Senator CORMAN. And finally, Mr. President, I have a group of outstanding people here. You talk about national champions, the Nittany Lion Fencing Team had a perfect record this year of 32 wins and went on to win their fifth national title in 7 years. That is an outstanding accomplishment. I do not know how anyone wins five national titles. They must be going to give them the trophy permanently for being the national champs.

They are under the expert guidance of head coach Emmanuil G. Kaidanov; assistant coach Wieslaw Glon; coach assistants Olga Kalinovskaya, Donn Mueller, and Thomas Strzalkowski; student manager Whitney Jackson; and student trainers Patrick Collette and Troy Henning. The women's team is comprised of Jennifer Bailey, Christine Belsito, Laura Domingez, Cecilia Esteva, Lisa Flores, Sibyl Goldstein, Claire Jackson, Keysa Ortiz, Kimberly Allen, Elaine Dennehy, Wendy Hall, Gena Henderson, Carol Klein, Mary Frances Kmetz, Alexandra Korfanty, Heather Parsons, Sara Schnell, Katherine Spatz, and Polo Wagner, and my apologies to the people whose names I have mispronounced.

The men's team includes Alexander Caliman, Jason M. Chambers, Nikoloz Lezhava, David Lidow, Gang Lu, Donald McGill, Wesley Waldron, Gerard Veneziano, Aaron Clark, Robert Delgado, Scott Howard, Szymon Kucharski, Serge Lilov, Brian Walther, Jeffrey Feinblatt, Dean Jacobberger, Kevin McIntruff, Thomas Peng, and Mark Pope.

And, Mr. President, I also would like to call up Jeffrey Feinblatt, one of their members, to say a few words, and at this time present to him an award from the 1997 Big Ten Conference as being recognized as a scholar athlete. He is captain of the team, a two-time all-American, has a 3.66 grade average, and they look for people who are scholars as well as athletes. I am presenting to him, on behalf of the Big Ten, the Scholar Athlete Medal and ask him if he would like to share a few words.

(Applause.)

The PRESIDENT. Captain of a 32-0 fencing team, the floor is yours.

Mr. FEINBLATT. Well, first of all, I would like to thank Senator Corman and the rest of the Members of the Senate for this honor today. As you heard, Senator Corman said the names of the members of our team. Only a few could be in attendance today. We have finals this week, so that is the reason why everyone is not here.

This year and this NCAA championship, to me, was the culmination of 8 years of dedication to the sport of fencing and a lifetime of dedication to sports in general. I just want to say thank you once again for this honor. It has been a privilege to be here and to see one unit of the United States government function.

Thank you, again.

(Applause.)

The PRESIDENT. The Chair thanks Senator Corman, and on behalf of the Senate, we offer best wishes for continued academic success to our student athletes, as well as professional success.

THIRD CONSIDERATION CALENDAR RESUMED

HB 891 CALLED UP OUT OF ORDER

HB 891 (Pr. No. 1722) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

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

HB 891 (Pr. No. 1722) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, I ask that you recognize the presence of Senator Rhoades on the floor, and that his temporary Capitol leave be cancelled.

The PRESIDENT. That leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

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

HB 857 (Pr. No. 1724) -- The Senate proceeded to consideration of the bill, entitled:

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

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-49

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

NAY-1

Uliana

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

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

HB 861 (Pr. No. 1723) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,
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-49

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

NAY-1

Uliana

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

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

HB 862 (Pr. No. 1708) — The Senate proceeded to consider-
ation of the bill, entitled:

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

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-49

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Corman	Kasunic	Punt	Wenger
Costa	Kitchen	Rhoades	White
Delp	Kukovich	Robbins	Williams
Earll	LaValle	Salvatore	Wozniak
Fumo	Lemmond	Schwartz	

Gerlach	Loeper	Slocum
Greenleaf	Madigan	Stapleton

NAY-1

Uliana

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

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

HB 863 (Pr. No. 1709) — The Senate proceeded to consider-
ation of the bill, entitled:

An Act making an appropriation to the Museum of Scientific Dis-
covery in Harrisburg, Pennsylvania.

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-48

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

NAY-2

Uliana

Wozniak

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

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

REMARK ON VOTES

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

Senator WOZNIAK. Mr. President, for House Bills No. 857,
861, and 862, I would like to be registered in the negative.

The PRESIDENT. The Chair would respond and point out that your remarks will be spread upon the record.

THIRD CONSIDERATION CALENDAR RESUMED

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

HB 866 (Pr. No. 1710) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-49

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-1

Wozniak

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

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

HB 878 (Pr. No. 1711) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 879 (Pr. No. 1712) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 880 (Pr. No. 1713) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 882 (Pr. No. 1714) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 883 (Pr. No. 1715) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 884 (Pr. No. 1716) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,
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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 886 (Pr. No. 1717) — The Senate proceeded to consideration of the bill, entitled:

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

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-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
Earll	LaValle	Salvatore	Williams

Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 887 (Pr. No. 1718) — The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,
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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 888 (Pr. No. 1719) — The Senate proceeded to consideration of the bill, entitled:

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.

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

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

HB 889 (Pr. No. 1720) — The Senate proceeded to consider-
ation of the bill, entitled:

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 infor-
mation disclosure.

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

On the question,
Shall the bill pass finally?

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

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	LaValle	Salvatore	Williams

Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 890 (Pr. No. 1721) — The Senate proceeded to consider-
ation of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

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

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

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

HB 854 (Pr. No. 1707) — The Senate proceeded to consider-
ation of the bill, entitled:

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

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-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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 856 (Pr. No. 958) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Corman	Kasunic	Punt	Wenger
Costa	Kitchen	Rhoades	White
Delp	Kukovich	Robbins	Williams
Earll	LaValle	Salvatore	Wozniak
Fumo	Lemmond	Schwartz	

Gerlach	Loeper	Slocum
Greenleaf	Madigan	Stapleton

NAY-1

Uliana

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

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

HB 858 (Pr. No. 960) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-2

Uliana

Wozniak

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

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

HB 859 (Pr. No. 961) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-2

Uliana Wozniak

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

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

HB 860 (Pr. No. 962) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-48

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

NAY-2

Uliana Wozniak

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

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

HB 864 (Pr. No. 966) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 865 (Pr. No. 967) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 867 (Pr. No. 969) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 868 (Pr. No. 970) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 869 (Pr. No. 971) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 870 (Pr. No. 972) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 871 (Pr. No. 973) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 872 (Pr. No. 974) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 873 (Pr. No. 975) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 874 (Pr. No. 976) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 875 (Pr. No. 977) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 876 (Pr. No. 978) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

HB 877 (Pr. No. 979) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

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

HB 881 (Pr. No. 983) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

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

HB 885 (Pr. No. 987) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

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

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

RECONSIDERATION OF HB 866

BILL ON FINAL PASSAGE

HB 866 (Pr. No. 1710) -- Senator WOZNIAK. Mr. President, I move that we reconsider the vote by which House Bill No. 866 passed finally.

The motion was agreed to.

On the question,
Shall the bill pass finally?

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

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
Greenleaf

Loeper
Madigan

Slocum
Stapleton

NAY-0

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

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

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator SALVATORE called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

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

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

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

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

STATEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, I would just like to take a moment to publicly commend the President for his actions in going through those nonpreferreds in quick fashion. That is a tedious task sometimes, and I think the President handled it very ably and I commend him for his efforts.

RECESS

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate, first, for the Members to have lunch and, secondly, for all Members of the Republican Caucus to report to the first floor caucus room at 1 p.m., with an expectation of returning to the floor as close to 2 p.m. as we can.

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

Senator MELLOW. Mr. President, I ask that the Democratic Members report immediately to our caucus room at the rear of the Chamber so that we will be prepared to come back on the floor at 2 o'clock.

The PRESIDENT. Democratic Members are to report to their caucus room immediately, and the Republican Members are to meet later in their caucus room at approximately 1 p.m.

For those purposes, the Senate stands in recess.

AFTER RECESS

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

HB 847 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that the Committee of Conference Report on House Bill No. 847, Printer's No. 1725, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1****REPORT OF COMMITTEE OF CONFERENCE****REPORT ADOPTED**

HB 847 (Pr. No. 1725) — 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 Bank-

ing 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 do adopt the Report of the Committee of Conference on House Bill No. 847.

On the question,

Will the Senate agree to the motion?

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

Senator LOEPER. Mr. President, today, almost 2 months before the constitutional deadline for passing a budget, we begin debate on a State spending plan that is one of the most solid and well-balanced plans that I have seen in many years. This spending plan is a growth and opportunity budget. It invests in our future while setting aside money to save for tomorrow. It contains important tax cuts to create jobs and help children and families and, Mr. President, invests in education and economic development. I believe it provides a solid foundation for our State as we face the future.

No area is as important to our future, Mr. President, as our children, and that is why I am very pleased to be able to stand here today and indicate that we have made nearly \$200 million more available to our local school districts throughout the Commonwealth, which includes \$100 million in the basic education subsidy, a 3-percent increase over last year's budget. This increased investment in education means that every school district in the State will receive at least a 1-percent increase in funding, and the most needy will see at least a 4-percent increase in their funding. The successful and innovative Link to Learn Program is back for a second straight year, bringing computers and new technology to Pennsylvania schools.

This year, Mr. President, in addition to our base appropriation of \$36 million, vo-tech schools will receive \$3 million for computers and distance learning. Higher education, an area that has faced tight budgets in past years, will see a significant increase this year. The State system, State-related universities, and community colleges will receive a 3-percent hike over last year, and there will be a \$16.3 million increase for student scholarships. This will enable the Pennsylvania Higher Education Assistance Agency to help assist an additional 17,060 students to finance their higher education programs.

On the issue of jobs and economic development, an important area for the Senate Republicans, we are making much needed and larger investment in key State economic develop-

ment programs. This includes new funding for Team Pennsylvania, the nation's first Internet-based business resource network, and more money for exports, tourism promotion, and small business development centers. Mr. President, we have also increased funding for customized job training to help workers get the skills that they need, and the goal, Mr. President, is to invest in business, jobs, and our future to create new opportunities for Pennsylvania's workers and a brighter future for this State.

We cannot move our State forward, however, if we do not help those who are in need or struggling to become productive members of our society. In that respect, this budget is both compassionate and realistic. A combination of \$68 million in Federal and State funds will be used to provide day care services to the children of welfare recipients who are entering the work force, and we provided an additional \$8 million increase for homeless assistance. To provide transportation for welfare recipients making a transition to work, a \$2 million allocation was added for rural transportation assistance, an investment that will bring self-sufficiency to more State residents.

There are many other areas of this budget, Mr. President, that I believe deserve mention, for more money for cancer programs and poison control centers to a restoration of funding for local sewage grants. These and other budget line items are more than just programs and numbers, they reflect priorities of this Governor, and more importantly, Mr. President, this legislature. I believe the people who elected us can look at this budget that we have before us today and be very proud of it. It will help to create more and better paying jobs for Pennsylvania residents, to invest in our future by investing in our schools and communities, to provide opportunities here so that our children do not have to move away to find a better future for themselves, to help those who are less fortunate, and to provide them with a path toward self-sufficiency.

I would just like to take a moment to particularly express my thanks here in the Senate both to Senator Mellow and Senator Fumo and their Caucus, for their participation in this budget process once again this year. I believe in working together in a bipartisan fashion we have been able to formulate a document that will move Pennsylvania forward.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I, too, rise to support this comprehensive budget for next year's spending in Pennsylvania, and I also rise to thank Senator Loeper, Senator Tilghman, Senator Jubelirer, and Senator Mellow for the participation that we had in the process. It was probably one of the more dull processes that we have had around here. There was no acrimony. As a result, there were no good times or bad times.

Mr. President, I have already told my Caucus in caucus that there is really not much you could say about this budget in a negative slant. I know as a Democrat we are supposed to maintain the position of the loyal opposition, but quite frankly, with the amount of money that we had to spend, we have ultimately fashioned I think a good document. We can say as Democrats that there are things in here that we fought for, as

can Republicans say the same thing. The fact of the matter is that we did spend over \$200 million over the Governor's proposal, and we straightened out some of the problems that we believe he caused in his initial Budget Message.

Mr. President, however, I cannot and will not allow the issue to go unspoken of the surplus. It is something that is real, it is something that we would rather have than a deficit, but it is something that we have not addressed. Mr. President, there is a reason why we are doing this budget on May 6, this early, and that reason, we submit, is because the front office does not want to deal with the real numbers of the surplus. Now, somebody told me, and I was not here so I did not participate in the debate, but somebody told me that Senator Brightbill took to the floor one day recently and said there was not a surplus and had some kind of logic behind that. He is a good friend of mine, but I think that his logic was flawed, even though I was not here to hear it, because the fact of the matter is, Mr. President, that as of today, that surplus looms at \$500 million. We fully project and expect it to hit over \$700 million.

Mr. President, as Governor Ridge has said to us, this is the taxpayers' money, it is not our money. And we understand that, we have gotten the message. Somehow the Governor has not gotten the message. Taxpayer money is to be spent on programs that this General Assembly agrees should be funded, and when there is this kind of a surplus, it is to be given back to those taxpayers. It is not, I repeat, it is not, according to Governor Ridge, our money, it is the taxpayers' money.

And, Mr. President, I also cannot ignore the fact, nor can Pennsylvania's taxpayers ignore the fact that during the last few years of the Ridge administration, their local taxes have increased to support their school systems. And yes, there is \$90 million for basic education in this budget because we all demanded that, Democrats and Republicans alike in this General Assembly. But there was no money the year before, it was zero, and very little the year before that. As a result, school systems had to survive, and they saw their local taxes increased. It is time that we give back that \$750 million, and even if it is only one time, we should give it back in local tax relief then. But we cannot hoard the taxpayers' money.

Mr. President, when the gas tax came up, I was not here. It was the first tax I will admit in almost 20 years in this General Assembly that I did not vote for. But it was also the first tax in almost 20 years in this General Assembly that I ever saw proposed where we ever had this kind of a surplus.

So yes, the budget document before us is a good document. I will vote for it and I believe a large number of my colleagues on this side of the aisle will vote for it as well. And I know we could argue forever about how it could have been a better document. I know from the years I have spent doing budgets that there is never enough money to go around to fund even the causes that we all believe in. But, Mr. President, the message is clear and I hope to see soon what will happen. We cannot, in all good conscience, under our constitutional responsibility, go forth and maintain these types of huge budget surpluses. We have to give it back.

We did not offer amendments to the tax bill today because we knew they would not pass, but our feelings have been

there. We believe the best way to reduce those taxes is to reduce the amount in the personal income tax so that every Pennsylvanian can share in this surplus. We would be more than willing to sit down and discuss spending for education, which would lower real estate taxes. But, Mr. President, while we vote for this budget today, we remain extremely disappointed that the issue of the surplus has still not been addressed. We also remain optimistic that shortly it will be.

So with that, Mr. President, I sign on to this document. I have signed the conference report, and I urge my colleagues to vote for it. Again, I want to reiterate my thanks to Senator Loeper and the Members of the Republican negotiating team and the Caucus who really extended every courtesy to us, and even though it did cost me a few lunches, some good ones, I might add, we were more than happy to do that.

Thank you, Mr. President.

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

Senator TILGHMAN. Mr. President, last year I had the pleasure, for the first time, of standing up here and publicly thanking the staff, and I think I will make it an annual event. I am not going to talk about the budget, but I do want to mention and have it in the record officially here about the work of the staff. I pointed at Senator Fumo's staff. I see some of them sitting over there who were so helpful. Also Senator Loeper's staff, my staff in the office, Senator Jubelirer's staff, and particularly the people who are not here today, they are upstairs, the Legislative Reference Bureau.

You may not know it, but most of these staff people I mentioned just a second ago were here all through the weekend. Up to the early hours of Sunday morning, the Legislative Reference Bureau was in here continually drafting. Also the Secretary's staff, and I think we owe a great debt of gratitude to these people and others whom I may have failed to mention because they make it very easy for us to do our job, and I publicly thank all of them very much.

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

Senator SCHWARTZ. Mr. President, you looked around for another option. Sorry there. But I wanted to just rise and offer my comments about this budget as well, and I will also be voting for this budget because largely within the amount of money that was certified for this budget, it does begin to address some of the concerns that I and some of my colleagues have been raising for a number of years. I certainly want to make note of some of the new initiatives in the area of economic development, particularly some of the, while very small, efforts being made particularly to stimulate small business and to try to reach out into a wide variety of communities, particularly economically distressed communities, to try to enhance the economic opportunity in those communities. I think the proposals are good. Unfortunately, I think the funding could be stronger, but at least it is an initiative in the right direction.

Mr. President, I spoke earlier today about children's health care and the fact that if there was a time and both a national and State mood to try to address the needs of the health issues

for our children, I think now is the time. We are losing that opportunity potentially, but we really could have done much more for the children of Pennsylvania in terms of health care. But I spoke about that earlier during the tax bill that we dealt with on the floor.

Mr. President, I just want to say that what this budget yet again misses and is so significant to both today and the future of the Commonwealth is education. And while this budget does much better than last year's, last year there was flat funding for basic education, this year we do see an increase of \$90 million for basic education spread around the State. By no means does it even begin to make up for last year's flat funding or begin to do what we ought to do in education. It fails to really deal with the issue of inequity in this Commonwealth, Mr. President. It fails to deal with the enormous disparity between what school districts in some parts of the State can afford to spend on their children and other parts of the State cannot. It certainly does not speak to the local tax burden that we are leaving to our property owners in having to support education.

In fact, Mr. President, we are sitting on hundreds of millions of dollars of taxpayers' money, and instead we are saying to those taxpayers that the State can put no more into education, it is up to you to raise your property taxes, or if we give them the option later in the year, you can raise income tax at the local level to support education, and if you cannot afford to, Mr. President, we are not going to help until the court tells us to. I think that is not taking our responsibility seriously. If my colleagues are concerned about just general funding for basic education, if they could not do more for either higher enrollment or for poverty areas or school districts that have high poverty rates, suggestions we made already in the budget process, then obviously, Mr. President, we ought to be doing more as we move toward statewide standards to help assure that our school districts are fully prepared to educate our children to those new high standards.

Mr. President, we have not done what we should in terms of providing money for professional education and professional development, and we have not helped to prepare both parents and students to meet those high standards. I have suggested time and again on this floor that we fund full-day kindergarten, not mandate it, but if school districts choose to do it because they know it makes a difference, that we provide some additional resources. Mr. President, I suggested that we provide incentives for smaller class size, particularly in the elementary grades, and that was not done either. So even if you do not believe in a broad-brush approach to assisting public education, we could be more targeted and more strategic in helping our school districts do what we know they need to do if Pennsylvania is going to be strong.

So while I will vote for this budget because it does begin to address some of these areas, particularly in the area of higher education it does restore some of the cuts the Governor proposed, it does not do enough for our kids, it does not do enough for the future. It does not make the kinds of investments we have to make to make sure that Pennsylvania is going to be as strong in providing educational and economic opportunity for all of our citizens across the Commonwealth.

So, Mr. President, I hope we continue the trend that we just started in this budget, but truthfully, we can do better and we should.

Thank you very much, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator RHOADES. Mr. President, to look at a budget that contains tax cuts to create jobs and to help the working poor, and then to look at the investment we are making in the future of the Commonwealth, one has to be enthused about this budget. One has to be excited because there is so much we are doing for so many different people. The question is always raised and people will always bring up, well, you can do more. Yes, we can always do more, but then I will tell you what, where is it all going to come from, where is it all going to go, and what is it all going to do?

When I look at this budget as the chairman of the Senate Committee on Education, \$100 million was put into basic education funding, \$10 million into performance incentives, which in the beginning they were telling us, too, with that \$10.4 million in for performance incentives, that we are going to start taking a measure of what is occurring in the schools and looking for the results of the money that we do invest in our educational system. I look at the technology initiatives, the money that has been added to that line item, and what has been added to adult literacy. To vocational education, we are now beginning to realize that if we want to create jobs and people with the skills to draw industry into this Commonwealth, we are going to have to pay more attention to our vocational technical training and job training programs such as Link to Learn which will be used by the vocational technical schools. If we want to have the latest technology, we must provide them with the opportunity. There is money in there for pupil transportation, special education, for the approved private schools for special education.

When I look at these items, I think we can say to basic education, we are on our way. And look at higher education, you look at the State System, you look at the State-relateds, the community colleges, they are all receiving approximately a 3-percent increase, along with higher education technology grants, equipment grants, higher education engineering equipment grants. These are all pluses, these are all sending a message from this institution to the rest of the Commonwealth that we do mean business about creating opportunities.

Another exciting point I think that matches up with that as I look at it is what we are doing in economic development. I am especially excited when I see the additional moneys for marketing to attract tourism and for our tourist promotion assistance. These, to me, as representing part of Monroe County

and eastern Carbon County, spell two activities to bring people into the Commonwealth to admire our great facilities and also to spend their money here. But when I also look at that section, I begin to see commitments to Ben Franklin, to PIDA, to customized job training, to community revitalization and assistance, to small business development, all of these saying that the Commonwealth is on the move, and we intend to keep it moving.

I ask for an affirmative vote on this budget today to enable us to continue that trend.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, a week or two ago someone questioned whether I understood the definition of surplus. I pulled out Webster's Dictionary, Ninth New Collegiate version, and it says here, "an excess of receipts over disbursements." Mr. President, this on its face—and I will return this to the Secretary of the Senate, thank you very much—as has been said in caucus, probably in both caucuses, probably in all four caucuses and the Governor's Office, this can be viewed as an easy budget to vote for. When you have over \$750 million in surplus, as defined by Webster's Ninth New Collegiate Dictionary, you can spread a few dollars around to a number of different organizations, a number of different programs, and that in its basic sense makes it easy, makes it simple.

On its face, the line items relatively look okay. Ninety million dollars to \$100 million in basic education, a few programs here funded at a little bit higher level, a few over there funded at a little bit higher level, and as I said, Mr. President, on its face, without any real in-depth analysis, without any historical overview, or more importantly, without a real understanding of what the history is and what the need is, this looks okay.

I was in my office as the debate began, and some students from my district in Philadelphia came by to talk to me about funding for education and the need for more funding for education, the need to support their future. And I was deliberating whether I could look at this budget and on its face be supportive of it in a very, from my perspective, shallow analysis, or I could look at what they were talking about, looking at their needs, looking at their issues, and looking at the crisis that we truly are confronted with in a number of areas, especially in education, and they helped me make up my mind.

I asked them to come to the Chamber to see what we were doing. They are from Central High School and West Philadelphia High School and Strawberry Mansion, and they are here and they are watching us, watching this deliberation, if you will, on the 1997-98 State budget, a budget that, by definition, is in surplus of almost three-quarters of a billion dollars. So I am glad we have more money in basic education. That is important. But we missed the opportunity, Mr. President, of doing so much more for those young people right there whom we all claim that we love and we care for and we support. We missed the opportunity to help them out as we have done time and time again over the last several years in this budget process.

We missed the opportunity, Mr. President, when we demanded that there be jobs created for individuals coming off

the welfare rolls, so we said they have to have jobs in order to receive benefits. We missed the opportunity there to put in any real programs that create very specific jobs for them, not trickle-down opportunities which have been proven do not work for creating employment for folks at the low end of the economic scale coming off the welfare rolls.

We missed the opportunity to support minority business people in this Commonwealth by taking away from them and again for another year not funding a program specifically targeted to assist them. A big missed opportunity. A big missed opportunity, and again we could go on and on. No personal income tax cuts, and we have the money to do it, but more corporate tax cuts and, surprisingly enough, a tax break in here for our tobacco farmers. Now how they get a tax cut, how tobacco farmers get a tax cut when they are sitting down in Washington or someplace with all of the Attorneys General from across the nation trying to negotiate their life, their actual existence, I do not understand, but they got one, and that is what we have done in this budget process.

It is a missed opportunity, Mr. President. We have done some things. We can go back to our districts and it is going to look okay on its face, but until we commit ourselves to look at the depth of the reality of the issues, especially in education, especially in funding for basic education, until we really listen and look in the eyes and the hearts of those young people sitting up in the gallery right now, then we will just continue to miss the boat and miss the opportunity.

Thank you very much, Mr. President.

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

Senator WILLIAMS. Mr. President, I, too, rise in protest of this budget, very simply for the reason that so many people in need are left out. I endorse and support the comments made by the gentleman just before me in each and every respect. However, there are thousands of people whose voices we express, who have pain, who have little or nothing, and do not have the wherewithal to connect for basic living. There are thousands of people, yes, many males who are in need of basic health in a country that has plenty.

So once again, as we have moved from last year to the events in Washington where everyone more or less rewrote the rules and said in the rules that States would have much more flexibility, and we do note that at this point in time we have a huge and healthy surplus, it would seem to me that the right thing to do would be to underscore our greatest plight, to work at the issue that most confronts us, which is poverty, an unequal spread of wealth, and just an outrageous, dangerous condition in the quality of life of millions of our citizens. And so I speak in part, Mr. President, as I am sure the previous speaker did, for those people who cannot be here to speak, for those people who for the last year or so have day by day cried out, yelled out, came to Harrisburg, went to Washington, who hunger now as they strive to get a bone at the table of those who dish out the appropriations.

So my comments, Mr. President, are not to evaluate this budget as a normal profile, but just to protest the inequities

that exist at a time when we are supposed to, and claim to, bring relief to all of our citizens.

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

The PRESIDENT pro tempore. Mr. President, I think the debate here has been a very healthy debate and obviously one that reflects the constituencies of each of the Members, as well it should. That is what we are here for, to represent our constituencies. I would like to take a look, if I could, at the bigger picture. The various pieces of the budget have already been talked about, and frankly from my perspective, I think it is one of the very best budgets I will ever have an opportunity to vote for and I look forward to that, because I think in my district my constituents are going to be very pleased with this budget.

I really would like to take the time to salute those who worked so very hard. Senator Loeper, Senator Tilghman, and Senator Fumo in this body and their staffs really did an outstanding job. I was pleased that I could be in a supporting position, as was Senator Brightbill, and certainly we all worked hard over on this side of the building to make sure that we not only got a budget done and hashed out all the differences, but that it was done at one of the earliest times that it has ever been done. And for those who suggest that we do not ever do budgets in daylight—it might still be raining out, I have not looked outside—at least it was done at a time that appears to be a normal time from the public's point of view. Many of us certainly remember many budgets, many difficult budgets, that took all day, all night, and were finally passed at different kinds of hours.

I think this budget, Mr. President, is as good as it can be, as good as it can get. Others will argue that we could have cut other taxes. Others will argue that there are other priorities that they wished to address for their constituents, and I respect that because that is what we are about, different opinions. Mr. President, I think in the overall scheme of things, this is a good budget and it reflects the needs of most Pennsylvanians.

The one thing I would point out, Mr. President, is we recognize that we are very fortunate to have a good economy nationally, a good economy in Pennsylvania. Pennsylvania's employment rate is higher than ever before. Some of the initiatives of the Ridge administration are certainly kicking in, working with a national economy that is also doing very well.

Mr. President, if we were to spend the surplus, as has been suggested by others, I think that would give us pause to think what could happen in the future. If 1998 is not the year that 1997 was, and all predictions and projections are that it will not be such a year, then we could very well find ourselves in the position we did in 1991 when we ended up in this General Assembly in a previous administration committing to a \$3 billion tax increase, much of which has been undone in the last 2 years, fortunately so that Pennsylvania can pull itself out of the doldrums and create the kind of job creation atmosphere that was very necessary. And this budget does that as well as continue to deal with those at the lowest end of the economic spectrum and increase the poverty exemption.

Mr. President, there are lawsuits out there against the Commonwealth of Pennsylvania, any one of which, if it were to be found and then upheld by the highest court that we had to commit significant dollars, it is well to hold money in reserve. We have committed more money to the Rainy Day Fund and, frankly, that increases Pennsylvania's bond rating. If we were to spend that money, as others have suggested, our bond rating would go down, interest rates would go up, and the cost to the taxpayer would be significant. As each of us tries to keep our own house in order, as we take charge of our own funds and our own families, so must we look out for Pennsylvania, the large family, the constituencies that we represent, the taxpayers who are putting their hard-earned dollars into the upkeep of the Commonwealth of Pennsylvania as this legislature and the Governor make recommendations and as this legislature sets its priorities and adjusts and fine-tunes what the Governor presented in February.

If we were to spend that money, if we were to reduce taxes further, Mr. President, I believe that would be a disservice to the taxpayer in not doing what is right. We must protect against future downturns and we must protect against the lawsuits and other unexpected contingencies that may occur as we leave this body. The last thing anybody wants to do, I am sure, is to look for a General Fund increase. That was perhaps the most unpleasant summer I ever spent, and I am sure as I look over at my colleagues, the gentleman from Delaware, Senator Loeper, the gentleman from Montgomery, Senator Tilghman, the gentleman from Philadelphia, Senator Fumo, the gentleman from Lackawanna, Senator Mellow, and others who were sitting in that room, it was a very painful experience. We do not want to do that again.

So, Mr. President, again, as we look at the big picture, I recognize that many people have different positions and I respect those positions, but I do believe as we do the 1997-98 budget, which will pass this body today on a bipartisan basis, I commend the Governor's Office, the Budget Office, Secretary Bittenbender, the leadership of the Senate and the House of Representatives for doing what I think is about as good a job as you can do. If others care to differ, that is their option to do so, but in the overall spectrum of things, Mr. President, my last response would be, well done.

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

Senator AFFLERBACH. Mr. President, the euphemism of the day for a task that is not done as completely as it could be, or perhaps as well as it could be, is a work in progress. Mr. President, I look at the bill before us at the moment as a work in progress. There are a number of outstanding issues that we have yet to address, but incremental as it may be, this particular budget does make some very needed initiatives in areas that have been shortchanged over the past two budgets. Nevertheless, it is still a work in progress.

There are several aspects of it which concern me and that is, as others have mentioned, that we have not truly dealt with an ever-increasing and burgeoning surplus that continues to mount, that today exceeds \$500 million and is estimated to reach as high as \$750 million by the close of the fiscal year.

Whatever the amount, the fact remains that we have yet to deal fully with it. And others may argue that we should have a reserve on hand and we should have a surplus on hand and that to do less would be somehow endangering our Commonwealth. But I suggest that the very essence of budgets and taxation is an ebb and tide process. When funds are needed, we consider taxes. When we have surpluses, we should be considering tax reductions. But we should not be continuing to amass surpluses on the speculation that we might have a downturn. We might just as easily continue at no growth or accelerated growth. The fact is it is an ebb and tide process and we have not fully participated in that process.

What concerns me even more, however, with this work in progress that we have before us today is that as one looks at the numbers appropriated, one is tempted to believe that we are making a very generous increase in appropriation to such items as Medical Assistance and child care and a number of other social programs that we feel are needed to deal with welfare reform and other exigencies in our Commonwealth. But the fact is at the very moment that we are setting those amounts aside as appropriations, we have the departments of this Commonwealth devising regulations and policy statements that have been reported in the media as further restricting the number of children and the number of parents who can avail themselves of subsidized child care, of further restricting how Medical Assistance will be applied.

Mr. President I have been around long enough to understand how to use smoke and mirrors, how to make something appeal and appear as though it is going to in fact meet the needs and do the job when, on the other hand, we can place restrictions upon the expenditure of those funds after this budget is passed that will not allow them to be spent to meet those needs or do that job. And, Mr. President, I call upon the Majority in this Chamber to assure that as we move forward with this work in process that we do not allow the departments and the bureaucracy to restrict the spending of the funds that we are today appropriating in these very essential areas in an artificial fashion that has not come before this legislature. That has happened in the past budget. I fear that it is going to continue to happen in this budget.

There are some amounts that have been added to certain line items that just frankly do not make any sense. When one adds a significant amount of money to a line item such as authority rentals and sinking fund reductions, one has to ask, how could the Governor's Budget Office compute the original request so poorly that a significant amount has had to be added by the conference committee? As I said, Mr. President, I have been around long enough to know how to use smoke and mirrors. I can find that money. What I cannot find is precisely how it is going to be used and when it is going to be used and under what restrictions it may be used to which we have not been apprised today.

Nevertheless, I will support the budget because there is the promise of this work in progress to meet the needs of the Commonwealth in an incremental fashion, but I serve notice upon all Members of the Chamber that it is, in my opinion, a work in progress, and I will continue to raise the issues neces-

sary as we monitor the implementation of that work in progress.

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

Senator WILLIAMS. Mr. President, the last speakers seem to suggest that our activity in the budget process is a defensive one and that the best offense is a defense, that next year things may be such that people will suffer and perhaps die, therefore we should save moneys today so that next year folks will not have pain or die, but I guess die now.

And so that is whereby I spoke earlier, but I did not mention the fact that in the Rainy Day Fund I guess we expect large amounts of money to be deposited this year. I just ask, Mr. President, is it not a rainy day when we have hundreds of thousands of people who cannot eat, thousands of people who cannot have the health care attention that you and I so easily have? Is it not a rainy day when poor people visibly exist on the streets of our cities and our towns in tatters without the means to have some dignity with their families by way of feeding them and caring for them and clothing them basically? Is it not a rainy day when government mixes up its objective in appropriating money defensively as opposed to a budget that has an objective to provide services, the necessary services for our people?

And I say it is flawed to look at the dollars and say, well, we are going to put some money in a fund, things may not be great next year, when that is not really the point. That was an extra stratagem that came about I guess somewhere in some democratic session a decade or so ago, but the basic function has always been to appropriate the money and we share the responsibility to serve the needs of the people. We have an open definition whereby the purpose here is that we get some money and we will put some more away because it might be bad next year. For what? Would that next year be for some artificial use of those funds?

The last speaker spoke of a work in progress. I say that if we can redefine the most basic function of government, that is to take the taxpayer's money and use it and say, well, we have a lot of money this year and therefore this is the year to put some money away, but then cut hundreds of thousands of people off from basic sustenance, I think that is a piece of work to have all of us fall for that basically, to sell to our Commonwealth that philosophy of how we fund has changed, and that is to have nothing to do with the needs of people, but to count up the moneys in good times that we can put away for rainy days. It sounds like the little poem we used to say when we played baseball on the lots. We would say rain, rain, go away, come again another day. Well, I say that day is now, the most trying times in our country in terms of how we redistribute and attempt to have people work instead of being dependent.

I might just add, Mr. President, that no matter what philosophy we adopt on whether we save money and therefore allow some people to suffer and die and not have health care in the hope that maybe we can redirect moneys thereon, but aside from that, the whole issue of whether we spend our money wisely and effectively has not been addressed. We have committed ourselves to put people to work and to find jobs. I have

not seen in any of the deliberations I have had, and they have been many, where real programs connect with real people, turn on real communities, because government just has not been very good at that and is unwilling to direct any of its great, great resources this year to find any way of connecting with the capacities that some of our citizens do have, lots of our citizens do have who want to work, and all that, in order to make that plan work, and so I see a monumental failure in the next several months on that. I see piles and piles of more money. I see sickness, death, and crime increasing in those areas needing some good ideas connected with a lot of money which we have and are putting on the side by way of policy.

So, Mr. President, I am just once again protesting by saying it is almost like the days of Marie Antoinette when she said, give them cake. Instead this time we are saying, give them rain and rain and rain.

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-45

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

NAY-5

Belan	Kitchen	Williams
Hughes	Kukovich	

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 132, HB 133, HB 148, SB 213, SB 219, SB 251, SB 640 and SB 726 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 77 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 90 (Pr. No. 1509) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S. Route 220 in Lycoming County as the Lycoming County Veterans' Memorial Highway, and designating a portion of State Route 307 in Lackawanna County as the Joseph M. McDade Expressway.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 91 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

SB 105 (Pr. No. 102) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1968 (P.L.149, No.84), entitled, as amended, Volunteer Firefighters' Relief Association Act, further providing for the use of funds.

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

BILLS OVER IN ORDER

SB 114, SB 182, SB 211 and SB 254 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL RECOMMITTED

HB 329 (Pr. No. 1590) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, requiring a jointly appointed tax collector for a certain home rule municipality and school district in counties of the second class; and further providing for the membership of boards of managers for monuments and memorials to war veterans.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Urban Affairs and Housing.

BILLS OVER IN ORDER

SB 415, SB 428 and SB 529 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 672 (Pr. No. 714) -- 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 reports to the Secretary of Revenue.

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

SENATE CONCURRENT RESOLUTION No. 28,
AMENDED AND ADOPTED

Senator LOEPER, without objection, called up from page 10 of the Calendar, **Senate Concurrent Resolution No. 28**, entitled:

A Concurrent Resolution urging Congress to repeal the Federal Unified Gift and Estate Tax.

On the question,

Will the Senate adopt the resolution?

Senator HART offered the following amendment No. A1865:

Amend Second Resolve Clause, page 2, line 14, by inserting after "Congress": from Pennsylvania

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate adopt the resolution, as amended?

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

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

SENATE RESOLUTION

No. 20, LAID ON THE TABLE

Senator LOEPER, without objection, called up from page 10 of the Calendar, **Senate Resolution No. 20**, entitled:

A Resolution memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to enable Congress and the States to enact laws to protect the nation's flag.

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

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

SB 95 (Pr. No. 1071) (Amended)

An Act amending the act of December 14, 1967 (P.L.746, No.345), entitled Savings Association Code of 1967, adding or amending certain definitions; providing for conversion to federally insured status; further providing for refund of capital deposits, for alternate conversion procedures, for dissolution of associations, for appointment of directors and for the dissolution of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

HB 1054 (Pr. No. 1471)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for sharing of confidential information.

HB 1055 (Pr. No. 1527)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for risk-based capital requirements.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Ethel Christian, Maria Mauro, Morgan K. Moody, Nannie Pugh, Esther Rihn and to Joshua Rodgers by Senator Bodack.

Congratulations of the Senate were extended to Helen S. Blasinsky, Betty Carter, Benjamin Smith and to the Pennsylvania State University Fencing Team by Senator Corman.

Congratulations of the Senate were extended to Rabbi Stephen and Lisa Steindel by Senator Costa.

Congratulations of the Senate were extended to Sean Thompson by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Anthony Gusick by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Paul C. Dickson and to the Williamsburg High School Girls Basketball Team by Senator Jubelirer.

Congratulations of the Senate were extended to Pat Resetar by Senator Kasunic.

Congratulations of the Senate were extended to Donald Abney, Charles E. Branch, Constance J. Little, Geraldine Lewis Mack and to Jewell Williams by Senator Kitchen.

Congratulations of the Senate were extended to Llewellyn and Helen Duggan and to Lillian Hager Saxton by Senator Madigan.

Congratulations of the Senate were extended to Milton Berkes and to the Coalition of Services for People with Disabilities by Senator Mellow.

Congratulations of the Senate were extended to James M. Cornelius and to Ruth Richards by Senator Musto.

Congratulations of the Senate were extended to the Bethel African Methodist Episcopal Church of Reading by Senator O'Pake.

Congratulations of the Senate were extended to the Greenville Rotary Club by Senator Robbins.

Congratulations of the Senate were extended to Team Adamstown by Senator Wenger.

Congratulations of the Senate were extended to the Butler Ambulance Service by Senator White.

BILLS ON FIRST CONSIDERATION

Senator LAVALLE. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 95, SB 506, SB 509, SB 510, SB 512, SB 538, SB 539, SB 540, SB 541, SB 542, SB 631, SB 669, SB 861, SB 862, SB 864, SB 965, HB 479, HB 1054 and HB 1055.

And said bills having been considered for the first time,

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

BILLS SIGNED

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

HB 856, HB 858, HB 859, HB 860, HB 864, HB 865, HB 867, HB 868, HB 869, HB 870, HB 871, HB 872, HB 873, HB 874, HB 875, HB 876, HB 877, HB 881 and HB 885.

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, for the record, I would like to submit remarks on House Bill No. 847.

The PRESIDENT. Without objection, Senator Mellow will make those remarks a part of the record of today's proceedings.

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

Mr. President, the early passage of the 1997-98 State spending plan and accompanying tax reductions leaves me with mixed feelings.

First, I am pleased that we were able to increase State support for many State programs, including all levels of education and still cut taxes. But, Mr. President, I believe it was the gentleman from Blair, Senator Jubelirer, who chose to extol what he believes to be the great virtues of this most recent budget agreement and say that this year's \$167 million in tax reductions, combined with the tax reductions of the previous 2 years, successfully rolls back the bipartisan tax increase of 1991.

Unfortunately, Mr. President, this is only partly true. In fact, there is one glaring tax that was not cut this year, one tax that was not cut last year, or reduced the year before. That tax, Mr. President, is the personal income tax, the one paid by every working man and woman in this Commonwealth and by the majority of small businesses operating in Pennsylvania.

Mr. President, the bipartisan tax increase of 1991 increased the personal income tax from 2.1 percent to 3.1 percent. But Democrats at that time insisted that the personal income tax automatically be decreased to 2.8 percent the following year. That tax break, Mr. President, now saves working Pennsylvanians approximately \$540 million per year. Unfortunately, that was the last time the State's personal income tax was reduced, despite our call over the last few years to give working men and women a tax break.

Since this Governor has taken office, hundreds of millions of dollars in tax breaks have been handed out to the largest corporations in the Commonwealth with no strings attached. The national economy continues to grow and Pennsylvania has seen some of the benefits, with tax revenues rolling in at record levels. As a result, we have a surplus, and that surplus, which now stands at more than \$524 million and growing, gave lawmakers an opportunity, an opportunity to do one of two things: Put that money to work for the taxpayers of this Commonwealth or simply give it back. Regrettably, Mr. President, the Republican-controlled General Assembly did neither. As it has been said on this floor, the current Republican policy of tax and hoard does

nothing to make Pennsylvania a better State. It does not improve our schools, provide health care for children, or help our distressed communities provide police protection for their citizens. Nor does the Republican policy of tax and hoard provide a much-needed tax break for working people and small businesses.

This General Assembly missed an opportunity today. It missed the opportunity to roll back the personal income tax. That is unfortunate, and I believe it is time that the working families of Pennsylvania start to receive the same kind of treatment that the largest corporations have enjoyed for the last 3 years.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

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
10:45 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 329)	Rules Cmte. Conf. Rm.
1:00 P.M.	EDUCATION (public hearing on the issue of charter schools)	Room 8E-A East Wing
Off the Floor	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 421)	Rules Cmte. Conf. Rm.

TUESDAY, MAY 13, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 435, 451, 492, 517, 722 and 763; House Bill No. 383; 1997-98 Taxi Medallion Budget, Proposed Regulation No. 57-183 and Final Regs. No. 16A-377, 16A-543, 57-155 and 57-172)	Room 8E-B East Wing
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.

WEDNESDAY, MAY 14, 1997

10:00 A.M.	LAW AND JUSTICE (public hearing on underage drinking, alcohol abuse and the Ridge Administration's proposal to privatize the State Stores)	Dean's Hall 2 The Penn State Conference Center Hotel 21 Innovation Boulevard, State College
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WEDNESDAY, MAY 28, 1997

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
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RECESS

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

Senator LOEPER. Mr. President, rather than an adjournment motion, I am going to move that the Senate recess to the call of the President pro tempore. The reason for that is awaiting House action on a general appropriations bill anticipated later this evening. However, for the Members, there will be no more votes in today's Session. I anticipate that we will eventually adjourn until 11 o'clock tomorrow morning, and all Members should be present at 11 o'clock tomorrow morning for the reconvening of the Senate.

The PRESIDENT. With that, the Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 134, 857, 861, 862, 863, 866, 878, 879, 880, 882, 883, 884, 886, 887, 888, 889, 890 and 891.**

BILLS SIGNED

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

HB 134, 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.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House adopted Report of Committee of Conference on **HB 847.**

BILL SIGNED

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

HB 847.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, May 7, 1997, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:00 p.m., Eastern Daylight Saving Time.