

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

FRIDAY, DECEMBER 19, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 85

SENATE

FRIDAY, December 19, 2003

The Senate met at 5:52 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

The Chaplain, Reverend CARL VINING, of House of Judah Ministries, Montgomery, offered the following prayer:

Father God, we come once again to ask for Your guidance, to ask that You would lead our hearts and our minds. Many decisions have been made on this floor, and many more decisions will be made. Father, the right decisions are what we look for, the right decisions that would be led by Your spirit that would be led by You, as You have said, Thy Holy Spirit shall lead us and guide us into all truth. Father, You have said that when righteousness rules that all shall prosper. So, Father, we pray that You would help each and every one in this fine Senate of the Commonwealth of Pennsylvania to tune their hearts to the most high God, to hear what You would have for this Commonwealth that would take us to a higher level of prosperity, to take us to a higher level, that we would be able to stand as our forefathers once stood with moral righteousness, that we would be able to stand, Father God, that we would be able to see such prosperity of industry, prosperity of all areas come to this Commonwealth, that it would once again be the leading Commonwealth known as the Keystone State. Let us once again be the leading State, the Commonwealth, for this entire nation that others will look upon.

So, Father, we ask now that Your will, which is in heaven, be done in our hearts and our lives, so that every decision made, every bill that is voted upon would come out for Your glory and for the prosperity of all those who live in this precious land. In Jesus' name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Vining, who is the guest today of Senator Madigan.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROGER A. MADIGAN
AND SENATOR STEWART J. GREENLEAF
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I would appreciate it if the Senate would give Reverend Vining, his wife, who is Pastor Linda Vining, and his son, Jonathan, a hearty welcome. They are guests of mine and Senator Greenleaf.

The PRESIDENT. Would the guests of Senator Madigan and Senator Greenleaf please rise so we may give you a warm welcome.

(Applause.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 18, 2003.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
WHICH FURTHER AMENDED HOUSE
AMENDMENTS TO SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate which further amended House amendments to Senate amendments to **HB 1222**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 924**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 940**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILLS FOR CONCURRENCE

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

December 19, 2003

HB 517 -- Committee on Transportation.

HB 657 and 1809 -- Committee on Agriculture and Rural Affairs.

HB 781 and 1128 -- Committee Labor and Industry.

HB 1152, 1321 and 1975 -- Committee on Finance.

HB 1917 -- Committee on Local Government.

HB 1923 -- Committee on Game and Fisheries.

HB 1993 -- Committee on State Government.

HOUSE RESOLUTION FOR CONCURRENCE

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

December 19, 2003

HR 79 -- Committee on Labor and Industry.

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:

December 19, 2003

Senators EARLL, WAUGH, COSTA, ORIE, RHOADES, D. WHITE, M. WHITE, THOMPSON, ERICKSON, RAFFERTY, CORMAN, WONDERLING, C. WILLIAMS, O'PAKE, PICCOLA, PUNT, ROBBINS, ARMSTRONG, BRIGHTBILL, TOMLINSON, CONTI, LOGAN, LAVALLE, KUKOVICH, KITCHEN, STACK, BOSCOLA, DENT, LEMMOND and PILEGGI presented to the Chair **SB 971**, entitled:

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining "crimes related to public office or public employment" to include certain sexual offenses committed by school employees against students.

Which was committed to the Committee on FINANCE, December 19, 2003.

Senators C. WILLIAMS, SCHWARTZ and BOSCOLA presented to the Chair **SB 988**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for referendum or public hearing required prior to construction or lease and for mandate waiver program.

Which was committed to the Committee on EDUCATION, December 19, 2003.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator CORMAN submitted the Report of Committee of Conference on **HB 1018**, which was placed on the Calendar.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Stout and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Stout and Senator Tartaglione. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator PIPPY remains on military leave pursuant to Senate Rule XXI(3).

CALENDAR

SENATE RESOLUTION No. 161 CALLED UP OUT OF ORDER, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 161**, entitled:

A Resolution memorializing the President and Congress of the United States to not reduce veterans' health care benefits in the national budget.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-0

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

HB 1374, HB 1375, HB 1376, HB 1377, HB 1378, HB 1379, HB 1380, HB 1381, HB 1382, HB 1383, HB 1384, HB 1385, HB 1386, HB 1387, HB 1388, HB 1389, HB 1390, HB 1391, HB 1392, HB 1393, HB 1394, HB 1395, HB 1396, HB 1397, HB 1398, HB 1399, HB 1401, HB 1402, HB 1403, HB 1404 AND HB 1405 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1374, Printer's No. 2332, House Bill No. 1375, Printer's No. 2327, House Bill No. 1376, Printer's No. 2328, House Bill No. 1377, Printer's No. 2329, House Bill No. 1378, Printer's No. 2223, House Bill No. 1379, Printer's No. 2331, House Bill No. 1380, Printer's No. 2224, House Bill No. 1381, Printer's No. 2225, House Bill No. 1382, Printer's No. 2226, House Bill No. 1383, Printer's No. 2227, House Bill No. 1384, Printer's No. 2228, House Bill No. 1385, Printer's No. 2229, House Bill No. 1386, Printer's No. 2230, House Bill No. 1387, Printer's No. 2231, House Bill No. 1388, Printer's No. 1716, House Bill No. 1389, Printer's No. 1717, House Bill No. 1390, Printer's No. 1718, House Bill No. 1391, Printer's No. 1719, House Bill No. 1392, Printer's No. 1720, House Bill No. 1393, Printer's No. 1721, House Bill No. 1394, Printer's No. 1722, House Bill No. 1395, Printer's No. 1723, House Bill No. 1396, Printer's No. 1724, House Bill No. 1397, Printer's No. 1725, House Bill No. 1398, Printer's No. 1726, House Bill No. 1399, Printer's No. 1727, House Bill No. 1401, Printer's No. 1728, House Bill No. 1402, Printer's No. 1729, House Bill No. 1403, Printer's No. 1730, House Bill No. 1404, Printer's No. 1731 and House Bill No. 1405, Printer's No. 1732, be taken from the table and placed on the Calendar.

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

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

RECESS

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

Senator BRIGHTBILL. Madam President, I move to recess, but before I do, for the information of the Members, we are planning to have a short caucus for Republicans in the Rules room to the rear of the Chamber. We expect to be done with recess about 6:30. Dinner is being served at 6:30, so we will then have dinner and we will come back soon thereafter and we should begin running legislation.

So at this point, I move for a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. Senator Brightbill requests a recess for a Republican caucus.

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

Senator O'PAKE. Madam President, I ask that the Senate Democrats report immediately to our caucus room for a brief caucus.

The PRESIDENT. Senator O'Pake requests that all Democrats please report immediately to their caucus room.

Without objection, 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.

CONSIDERATION OF CALENDAR RESUMED

SB 927 CALLED UP OUT OF ORDER

SB 927 (Pr. No. 1323) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PICCOLA, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 927 (Pr. No. 1323) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of a third class county convention center authority.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-0

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 66 (Pr. No. 2958) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Warren County, certain lands situate in the Township of Conewango, Warren County; and authorizing and directing the removal of the use restriction and reversionary covenant placed on the real estate previously conveyed to Warren County and imposing other restrictions on said Warren County property, situate in the Township of Elk, Warren 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-33

Armstrong	Hughes	Rafferty	Wenger
Brightbill	Jubelirer	Rhoades	White, Donald
Corman	Lemmond	Robbins	White, Mary Jo
Costa	Logan	Scarnati	Williams, Anthony H.
Dent	Mellow	Stout	Wonderling
Earll	Mowery	Thompson	Wozniak
Ferlo	Orie	Tomlinson	
Fumo	Piccola	Wagner	
Greenleaf	Punt	Waugh	

NAY-16

Boscola	Kasunic	Madigan	Schwartz
Conti	Kitchen	Musto	Stack
Erickson	Kukovich	O'Pake	Tartaglione
Gordner	LaValle	Pileggi	Williams, Constance

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

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

BILL AMENDED

HB 696 (Pr. No. 2111) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia.

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

Senator LOGAN, on behalf of Senator FUMO, offered the following amendment No. A4841:

Amend Title, page 1, line 4, by removing the period after "Philadelphia" and inserting: ; and authorizing the Department of General Services, with concurrence of the Department of Environmental Protection, to lease to Isle of Capri Associates land within the bed of the Delaware River in the City of Philadelphia.

Amend Bill, page 5, by inserting between lines 15 and 16 Section 2. Land within the Delaware River bed.

(a) Authorization.—The Commonwealth owns the lands within the bed of the Delaware River, a portion of which lands are located in the 5th ward of the City of Philadelphia, and includes lands commonly known as piers No. 36 North, No. 37 North, No. 38 North, and No. 39 North. The Department of General Services, with the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth, is hereby authorized to lease to the Isle of Capri Associates for an initial term of up to 99 years, land within the bed of the Delaware River in the City of Philadelphia, and to extend the period for all or any portion of the leased premises for an additional term of up to 99 years.

(b) Description.—The land to be leased is more particularly described as follows:

ALL THAT CERTAIN lot or piece of land situate in the 5th ward of the City of Philadelphia more particularly bound and described according to a plan of ALTA/ACSM land title survey of Tabas Riverfront Property prepared by Pennoni Associates Inc. and dated June 10, 1994, as follows to wit:

BEGINNING at a point, said point being north 40 degrees 00 minutes 13 seconds east a distance of 140.223 feet from the intersection of the easterly right-of-way of Delaware Avenue (width varies) and the southeasterly right-of-way of Penn Street (60 feet wide), north 40 degrees 00 minutes 13 seconds east, a distance of 624.260 feet to a point; thence (2) leaving the southeasterly right-of-way of Penn Street (60 feet wide) and passing through the center of a 10 feet wide alley, south 49 degrees 59 minutes 47 seconds east a distance of 723.219 feet to a pierhead line in the Delaware River, established January 5, 1894, approved by the Secretary of War September 10, 1940; thence (3) along the pierhead line in the Delaware River established January 5, 1894, approved by the Secretary of War September 10, 1940, south 44 degrees 43 minutes 16 seconds west a distance of 426.580 feet to a point; thence (4) along the same, south 25 degrees 35 minutes 34 seconds west a distance of 136.878 feet to a point on the northerly line of Fairmont Avenue produced; thence (5) along the northerly line of Fairmont Avenue produced, north 75 degrees 01 minutes 01 second west a distance of 55.471 feet to a point; thence (6) leaving the northerly line of Fairmont Avenue produced, along the southerly side of Cohocksink Creek, north 49 degrees 23 minutes 29 seconds west a distance of 361.500 feet to a point; thence (7) along the same, north 71 degrees 14 minutes 28 seconds west a distance of 125.677 feet to a point; thence (8) along the same north 50 degrees 20 minutes 49 seconds west a distance of 194.573 feet to the point of beginning being known as Nos. 877-923 Penn Street (Piers 36 to 39 North). Excepting, however, such portion of said described parcel situate to the west of the bulkhead line of the Delaware River established January 5, 1894, and approved by the Secretary of War September 10, 1940.

(c) Lease agreement.—The lease and any other documents hereby contemplated shall be approved by the Attorney General and shall be executed by the Department of General Services, with the approval of the Department of Environmental Protection, in the name of the Commonwealth. The lease shall grant the lessee the right to assign the lease or sublease or permit the sublease of the above-described premises for the purposes of development for residential, office, commercial, condominium, hotel, marina or other uses.

(d) Sublease.—The Department of General Services, with the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth of Pennsylvania, is also specifically authorized to enter into one or more nondisturbance agreements with any sublessee of the premises described in this act pursuant to which the Commonwealth will agree that, if the Commonwealth succeeds to the interest of the sublessor under the sublease, it will not terminate the sublease unless the sublessee is in default.

(e) Improvements.—The Department of General Services, with the approval of the Attorney General, is hereby authorized to execute, on behalf of the Commonwealth of Pennsylvania, any declaration or other

document necessary to submit these premises or any portion thereof and any improvements thereon to the provisions of 68 Pa.C.S. Pt. II Subpt. B (relating to condominiums) as a leasehold condominium.

(f) Consideration.—The Department of General Services shall lease to the Isle of Capri Associates the land within the bed of the Delaware River as described in subsection (b) upon such terms and conditions and for such consideration as it shall, with the concurrence of the Department of Environmental Protection, establish through the lease agreements.

Amend Sec. 2, page 5, line 16, by striking out "2" and inserting: 3

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

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

BILLS OVER IN ORDER TEMPORARILY

HB 709 and SB 799 -- Without objection, the bills were passed over in their order temporarily at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 959 (Pr. No. 1268) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for information required upon commitment and subsequent disposition.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-0

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

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

SB 989 (Pr. No. 1325) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to North Versailles Township certain lands situate in North Versailles Township, Allegheny 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 1189 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1279 (Pr. No. 3115) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for powers and duties of the Pennsylvania Liquor Control Board, for wine marketing, for sales on Saint Patrick's Day and for wine purchased for consumption at a restaurant.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	O'Pake	Tartaglione
Boscola	Hughes	Orie	Thompson
Brightbill	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Pileggi	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rafferty	White, Donald
Dent	LaValle	Rhoades	White, Mary Jo
Earll	Lemmond	Robbins	Williams, Anthony H.
Erickson	Logan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	

NAY-2

Madigan Wenger

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

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

HB 1674 (Pr. No. 2949) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Beach Street and Dyott Corporations certain tracts of land located in the bed of the Delaware River in the City and County of 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-48

Armstrong	Greenleaf	Musto	Tartaglione
Boscola	Hughes	O'Pake	Thompson
Brightbill	Jubelirer	Orie	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Pileggi	Waugh
Costa	Kukovich	Punt	Wenger
Dent	LaValle	Rafferty	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fumo	Mellow	Schwartz	Wonderling
Gordner	Mowery	Stout	Wozniak

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 without amendments.

BILL OVER IN ORDER TEMPORARILY

HB 1785 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 514 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

SB 921 (Pr. No. 1326) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for delivery sales of cigarettes.

Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 954 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

HB 1206 (Pr. No. 2379) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for limitations on rates of specific taxes; and providing for certain applicability.

Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1423 (Pr. No. 3045) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in adoption, for voluntary relinquishment to adults, for an alternative procedure, for reports of intention and for consent.

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

Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1927 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

RECESS

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

Senator PICCOLA. Madam President, with the anticipation of returning to the floor at 10:15, I request a recess of the Senate.

The PRESIDENT. Without objection, the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

NONPREFERRED APPROPRIATION BILLS AMENDED

HB 1374 (Pr. No. 2332) -- 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.

On the question, Will the Senate agree to the bill on third consideration? Senator BRIGHTBILL offered the following amendment No. A4916:

Amend Sec. 1, page 2, line 8, by striking out all of said line and inserting: services 27,580,000

Amend Sec. 5, page 3, line 4, by striking out "EXCEPT AS PROVIDED IN SUBSECTION (C),"

Amend Sec. 5, page 3, lines 29 and 30; page 4, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 12, page 11, lines 12 and 13, by striking out "July 1, 2003, or" in line 12 and all of line 13 and inserting: immediately.

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

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

HB 1375 (Pr. No. 2327) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the

composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," 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.

On the question, Will the Senate agree to the bill on third consideration? Senator BRIGHTBILL offered the following amendment No. A4917:

Amend Sec. 1, page 2, line 13, by striking out all of said line and inserting:

(9) For rural education outreach 1,013,000

Amend Sec. 5, page 3, lines 3 and 4, by striking out "EXCEPT AS PROVIDED IN SUBSECTION (C), THE" and inserting: The

Amend Sec. 5, page 3, lines 29 and 30; page 4, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 13, page 11, lines 16 and 17, by striking out "July 1, 2003, or" in line 16 and all of line 17 and inserting: immediately.

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

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

NONPREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 1376 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1377 (Pr. No. 2329) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," 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.

On the question, Will the Senate agree to the bill on third consideration? Senator BRIGHTBILL offered the following amendment No. A4915:

Amend Title, page 1, line 16, by striking out "appropriations" and inserting: an appropriation

Amend Title, page 1, line 17, by striking out "such appropriations" and inserting: the appropriation

Amend Sec. 1, page 1, lines 22 through 25; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting: Section 1. The sum of \$12,155,000, or as much thereof as may be necessary, is hereby appropriated to the Trustees of Lincoln University, Chester County, for the fiscal year July 1, 2003, to June 30, 2004, for educational and general expenses.

Amend Sec. 2, page 2, line 6, by striking out "appropriations" and inserting: appropriation

Amend Sec. 3, page 2, line 9, by striking out "appropriations" and inserting: appropriation

Amend Sec. 4, page 2, line 17, by striking out "EXCEPT AS PROVIDED IN SUBSECTION (C),"

Amend Sec. 4, page 3, lines 11 through 15, by striking out all of said lines

Amend Sec. 11, page 10, lines 21 and 22, by striking out "July 1, 2003, or immediately, whichever is later" and inserting: immediately

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER TEMPORARILY

HB 1378, HB 1379, HB 1380, HB 1381 and HB 1382 -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1383 (Pr. No. 2227) -- 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,

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

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Ferlo, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Musto, O'Pake, Ori, Piccola, Pileggi, Punt, Rafferty, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

NAY-0

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

Ordered, That the 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 1383

NONPREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY ON THIRD CONSIDERATION

HB 1383 (Pr. No. 2227) -- Senator BRIGHTBILL. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 1383, Printer's No. 2227, just passed finally.

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

On the question,

Shall the bill pass finally?

Senator BRIGHTBILL. Madam President, I move to reconsider the vote by which the bill was agreed to on third consideration and the bill go over in its order temporarily on third consideration.

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

NONPREFERRED APPROPRIATION BILLS OVER IN ORDER TEMPORARILY

HB 1384, HB 1385, HB 1386 and HB 1387 -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1388 (Pr. No. 1716) -- 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-49

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Conti, Corman, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, Ori, Piccola, Pileggi, Punt, Rafferty, Tomlinson, Wagner, Waugh, Wenger, White, Donald

Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1389 (Pr. No. 1717) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1390 (Pr. No. 1718) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1391 (Pr. No. 1719) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1392 (Pr. No. 1720) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1393 (Pr. No. 1721) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald

Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1394 (Pr. No. 1722) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1395 (Pr. No. 1723) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1396 (Pr. No. 1724) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1397 (Pr. No. 1725) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1398 (Pr. No. 1726) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator WOZNIAK. Madam President, House Bills No. 1398 through House Bill No. 1405, as they come up in this series, I will be voting in the negative.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, House Bills No. 1398 through 1405, I will be voting in the negative as well.

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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola	Earll	White, Donald	Wozniak
Corman	Gordner	White, Mary Jo	

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 1399 (Pr. No. 1727) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum for maintenance 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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola	Earll	White, Donald	Wozniak
Corman	Gordner	White, Mary Jo	

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 1401 (Pr. No. 1728) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences for maintenance 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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola	Earll	White, Donald	Wozniak
Corman	Gordner	White, Mary Jo	

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 1402 (Pr. No. 1729) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the African-American Museum in Philadelphia 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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling

Hughes Musto Stack
Jubelirer O'Pake Stout

NAY-7

Boscola Earll White, Donald Wozniak
Corman Gordner White, Mary Jo

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 1403 (Pr. No. 1730) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton 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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola Earll White, Donald Wozniak
Corman Gordner White, Mary Jo

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 1404 (Pr. No. 1731) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, 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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola Earll White, Donald Wozniak
Corman Gordner White, Mary Jo

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 1405 (Pr. No. 1732) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, 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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola Earll White, Donald Wozniak
Corman Gordner White, Mary Jo

A constitutional two-thirds majority of all the Senator 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 1399**NONPREFERRED APPROPRIATION BILL AMENDED
AND OVER IN ORDER ON THIRD CONSIDERATION**

HB 1399 (Pr. No. 1727) -- Senator BRIGHTBILL. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 1399, Printer's No. 1727, just passed finally.

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

On the question,
Shall the bill pass finally?

Senator BRIGHTBILL. Madam President, I move to reconsider the vote by which the bill was agreed to on third consideration.

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

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

Senator BRIGHTBILL offered the following amendment No. A4515:

Amend Sec. 1, page 1, line 5, by striking out "\$500,000" and inserting: \$680,000

Amend Sec. 4, page 2, lines 3 and 4, by striking out "July 1, 2003, or" in line 3, all of line 4 and inserting: immediately.

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

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

**ANNOUNCEMENT BY THE
MAJORITY LEADER**

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

Senator BRIGHTBILL. Madam President, I note for the record that it is now Saturday morning, and I also note for the record that it is Saturday, December 20, 2003, and what that means is that the gentleman who is standing right behind me is now the longest-serving President pro tempore in the history of the Pennsylvania Senate.

(Applause.)

The PRESIDENT. Congratulations.

The PRESIDENT pro tempore. Thank you. I would rather not be standing here. I would rather be home.

Senator BRIGHTBILL. He has kept us here in order to achieve this honor.

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, Senator Punt has been called to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Without objection, that leave is granted.

**CONSIDERATION OF SUPPLEMENTAL
CALENDAR No. 1 RESUMED****HB 1376 CALLED UP**

HB 1376 (Pr. No. 2328) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 2 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1376 (Pr. No. 2328) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," 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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A2674:

Amend Sec. 5, page 2, line 27, by striking out "EXCEPT AS PROVIDED IN SUBSECTION (C),"

Amend Sec. 5, page 3, lines 20 through 24, by striking out all of said lines

Amend Sec. 12, page 10, line 30; page 11, line 1, by striking out all of said lines on said pages and inserting:

Section 12. This act shall take effect immediately.

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

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

HB 1378 CALLED UP

HB 1378 (Pr. No. 2223) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 3 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1378 (Pr. No. 2223) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2521:

Amend Sec. 6, page 2, lines 26 through 30, by striking out all of said lines

Amend Sec. 7, page 3, line 1, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1379 CALLED UP

HB 1379 (Pr. No. 2331) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 3 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1379 (Pr. No. 2331) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2676:

Amend Bill, page 3, lines 20 through 26, by striking out all of said lines and inserting:

Section 4. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1380 CALLED UP

HB 1380 (Pr. No. 2224) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 3 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1380 (Pr. No. 2224) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2511:

Amend Sec. 1, page 2, lines 17 through 25, by striking out all of said lines

Amend Sec. 6, page 4, lines 19 through 23, by striking out all of said lines

Amend Sec. 7, page 4, line 24, by striking out "7" and inserting: 6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1381 CALLED UP

HB 1381 (Pr. No. 2225) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 3 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1381 (Pr. No. 2225) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2513:

Amend Sec. 1, page 2, lines 2 through 10, by striking out all of said lines

Amend Sec. 4, page 4, lines 4 through 8, by striking out all of said lines

Amend Sec. 5, page 4, line 9, by striking out "5" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator O'PAKE, on behalf of Senator FUMO, offered the following amendment No. A3494:

Amend Sec. 2, page 2, line 24, by inserting after "trustees.": The legislative appointee under this subsection with the most seniority on the board must be a member of the executive committee of the board.

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

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

HB 1382 CALLED UP

HB 1382 (Pr. No. 2226) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 3 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1382 (Pr. No. 2226) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A2522:

Amend Sec. 6, page 2, line 30; page 3, lines 1 through 4, by striking out all of said lines on said pages
Amend Sec. 7, page 3, line 5, by striking out "7" and inserting: 6

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

HB 1383 CALLED UP

HB 1383 (Pr. No. 2227) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 4 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1383 (Pr. No. 2227) -- The Senate proceeded to consideration of the bill, entitled:

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

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

Senator PICCOLA offered the following amendment No. A2520:

Amend Sec. 6, page 2, lines 28 through 30; page 3, lines 1 and 2, by striking out all of said lines on said pages
Amend Sec. 7, page 3, line 3, by striking out "7" and inserting: 6

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

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

HB 1384 CALLED UP

HB 1384 (Pr. No. 2228) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 4 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1384 (Pr. No. 2228) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A2519:

Amend Sec. 6, page 2, lines 17 through 21, by striking out all of said lines
Amend Sec. 7, page 2, line 22, by striking out "7" and inserting: 6

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

HB 1385 CALLED UP

HB 1385 (Pr. No. 2229) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 4 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1385 (Pr. No. 2229) -- 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 for operation and maintenance expenses and for payment of debt service.

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A2518:

Amend Sec. 4, page 2, lines 6 through 10, by striking out all of said lines
Amend Sec. 5, page 2, line 11, by striking out "5" and inserting: 4

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

HB 1386 CALLED UP

HB 1386 (Pr. No. 2230) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 4 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1386 (Pr. No. 2230) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A2517:

Amend Sec. 4, page 2, lines 1 through 5, by striking out all of said lines
Amend Sec. 5, page 2, line 6, by striking out "5" and inserting: 4

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

HB 1387 CALLED UP

HB 1387 (Pr. No. 2231) -- Without objection, the bill, which previously went over in its order temporarily on Third Consideration, was called up from page 4 of Supplemental Calendar No. 1, by Senator PICCOLA.

NONPREFERRED APPROPRIATION BILL AMENDED

HB 1387 (Pr. No. 2231) -- 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 for operation and maintenance expenses.

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A2516:

Amend Sec. 4, page 2, lines 3 through 7, by striking out all of said lines
Amend Sec. 5, page 2, line 8, by striking out "5" and inserting: 4

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PICCOLA.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 696 (Pr. No. 3141) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and authorizing the Department of General Services, with concurrence of the Department of Environmental Protection, to lease to Isle of Capri Associates land within the bed of the Delaware River in the City of 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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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.

RECESS

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

Senator PICCOLA. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room.

The PRESIDENT. Without objection, the Senate will stand in recess for a meeting of the Committee on Rules and Executive Nominations.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

SB 586 (Pr. No. 1203) (Rereported) (Concurrence)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and penalties; providing for suspension of licenses; and further providing for unlawful taking or possession of game or wildlife, for denial or revocation of license and for license costs and fees.

SB 940 (Pr. No. 1328) (Rereported) (Concurrence)

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; and making an appropriation.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

September 26, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Ford, P.E., 730 East Railroad Avenue, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for

a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Albert M. Tantala, Newtown, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hiram C. Ribblett, P.E., 149 Wassail Avenue, Johnstown 15909, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward P. Becker, Bethlehem, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

September 26, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David Geoffrey Smith, 1606 Pine Street, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Harry F. Schoenagel, Greentown, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

November 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Bloomingdale, 5770 Nesbit Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2009, and until his successor is appointed and qualified, vice Robert J. Ewanco, McKees Rocks, whose term expired.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Madam President, I request that the nominations just read by the Clerk be laid on the table.
The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

NOMINATIONS TAKEN FROM THE TABLE

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

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

September 26, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Ford, P.E., 730 East Railroad Avenue, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Albert M. Tantala, Newtown, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hiram C. Ribblett, P.E., 149 Wassail Avenue, Johnstown 15909, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward P. Becker, Bethlehem, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

September 26, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David Geoffrey Smith, 1606 Pine Street, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Harry F. Schoenagel, Greentown, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

November 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Bloomingdale, 5770 Nesbit Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2009, and until his successor is appointed and qualified, vice Robert J. Ewanco, McKees Rocks, whose term expired.

EDWARD G. RENDELL
Governor

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

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

YEA-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 940 (Pr. No. 1328) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; and making an appropriation.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 940?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 940.

On the question,

Will the Senate agree to the motion?

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

Senator COSTA. Madam President, I rise to ask my colleagues to nonconcur in Senate Bill No. 940. Madam President, there has been a considerable amount of discussion with respect to this particular piece of legislation, and it is my understanding that my colleague from Allegheny County, Senator Orie, will be speaking briefly on this matter as well.

Madam President, as this Chamber well knows, there has been a tremendous amount of discussion with regard to the city of Pittsburgh and the financial dilemma that the city has found itself in, and I would say over the last 24 to 36 hours, there has been a tremendous amount of progress made with respect to trying to resolve a number of the issues. A number of my colleagues deserve credit for that effort. My colleague from Allegheny County, Senator Orie, who is a sponsor of this legislation, together with my colleagues from Allegheny, Senator Ferlo, Senator Wagner, and Senator Logan and myself and others, and from the House side, Representatives Mustio, Turzai, Diven, Readshaw, and Costa also worked with Representative Frankel to try to craft something that is acceptable to all parties involved. While earlier tonight we thought that possibly we had some understanding with regard to that, I think, Madam President, for whatever reason, we have not reached a solid consensus with respect to that.

Madam President, the reason I rise with regard to nonconcurrency of this particular piece of legislation is that, as I said, on two other occasions in this Chamber with respect to this legislation, it is my belief that the city of Pittsburgh has

demonstrated that they are in need of additional revenue and the legislation as it currently stands does not provide for any additional revenue. But as I said, we made great strides and are working toward that end.

Further, Madam President, the Governor has also again indicated that it is his intention that if this measure would pass and be concurred in, that it is his intention to veto this legislation, and that is another reason why I rise and ask for nonconcurrency.

Madam President, as I said, there has been a lot of discussion with respect to this issue. Again, I want to thank my colleagues for their willingness to put in long hours to try to reach some consensus. We are just not quite there yet. I do believe that in a short period of time, in the next couple of days or weeks, and hopefully in the next month or so, that we will have an understanding with regard to where we need to be, and that Act 47, which is currently pending before the Department of Community and Economic Development, will be something that we will all be able to avoid, because I do believe that is what all of us want. We also need to continue to work hard to reach a consensus with respect to this.

So, for those reasons, Madam President, I again want to thank my colleagues for their hard work, but I want to ask my colleagues to again nonconcur in this particular piece of legislation at this time.

Thank you, Madam President.

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

Senator ORIE. Madam President, I rise to ask for concurrence with this legislation. Over the past 72 hours, a group of legislators have been working in a strong bipartisan effort to reach consensus, and by indicating the word "consensus," each and every one of us were willing to move from our stance to bring a bipartisan effort and solution to the city of Pittsburgh, despite the fact that some of these individuals truly believe that new revenues are not needed until an oversight board is in place. When I indicated a bipartisan group of legislators, let me share with you some of the names: Senator Wagner, Senator Logan, Senator Ferlo, Senator Costa, Representative Turzai, Representative Diven, Representative Mustio, Representative Stevenson, Representative Readshaw, Representative Costa. Please let me indicate to you, Madam President, that three of these Members who were working very closely with us are intimately aware of the situation of the city of Pittsburgh, have been former city council members, all of them Democrats.

In addition to that, Madam President, may I also put on the record that this same group of bipartisan legislators have been working with city council, five of the city council members, to also come to this agreement, and my understanding is they were willing to do a resolution to support this legislation. Right now as it stands, this large group reached an agreement, despite the fact, reached an agreement that included cuts as well as revenue enhancements, even though many of us still believe that the city has ample existing taxes and assets to get its house in order. That agreement was summarily dismissed by the Governor, giving a clear indication that the mayor is not interested in good government, financial transparency, but rather is interested in avoiding a fiscal oversight board and bilking commuters for the

voluminous number of mistakes and questionable managerial decisions made in the city over the last 10 years.

Senate Bill No. 940, as it currently stands, is the only protection the taxpayers have against city administration that wants to continue to divert tax moneys away from its intended purposes. They want to continue to make questionable loans and giveaways of taxpayer moneys, they want to continue to hide financial wheelings and dealings under cover of municipal authorities, and they want to continue the decade-long practice of refusing to make changes in city government operations that the mayor's own commissions have recommended.

I want to put on record that just this week the city outbid a private party to the Lord & Taylor property. Not only was that one of the number of failed economic development ideas, but it clearly indicates the city has cash on hand and wants to continue increasing the number of tax-exempt properties. Senate Bill No. 940 is solid. It gets into every level of city government and the intricacies of the city's questionable practices once and for all. Before new revenues are given to the city to buy out more failed development parcels, it is time to put in place a strong, neutral fiscal oversight board that can put the city of Pittsburgh in the right direction and make the city of Pittsburgh the strong, vibrant economic hub it should be. With that said, I am asking for a "yes" vote in regard to concurrence.

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

Senator LOGAN. Madam President, I rise to concur in House amendments to Senate Bill No. 940, which is a simple piece of legislation, a simple theory, but it took an awfully long time to develop. We need to give our thanks to Senator Orie and her staff and Senator Wagner and myself and Senator Ferlo for all the hard work that was put in place in coming up with Senate Bill No. 940.

Madam President, when an individual at home is having financial difficulties, there is not that golden goose that just drops an additional purse of money. They have to look at their income, look at what they are spending, look at their finances, and they have to make changes, and this is simply what the city of Pittsburgh needs to do. They simply cannot afford to keep spending and spending and spending the money that they do not have. Madam President, the oversight board, which Governor Rendell worked under a similar oversight board, is simple. It is four members appointed by each Caucus, and Governor Rendell then gets an appointment. It looks at the city's finances, what can be changed, it looks at the structure of government, what can be consolidated, what cuts can be made, what can be merged, and I think our county executive, Dan Onorato, has extended his hand in saying what we can do together between the city and the county that can make the city finances better and get the city on the right path. There are many things that we can do, Madam President, like print shops, sharing public works, sharing purchasing, and that is what we want the oversight council to do. We want it to look at the finances, look at the structure of the city of Pittsburgh, and see what can be done better.

Madam President, unfortunately, Mayor Murphy just does not get it. The budget that he proposed for 2004 is about 2 1/2 percent higher than that of 2003, even though the fiscal condition is not better. There is a myth, Madam President, and the myth is

that commuters and suburbanites should be the solution to this problem, and that is a myth, because according to the Allegheny Institute, when you take the current OPT, the parking tax, the amusement tax, the RAD tax, everything that the commuters or so-called suburbanites pay, it is about \$110 million a year. That represents about 27 percent of the overall city of Pittsburgh budget, so I am not quite sure what magic number the mayor is trying to get to, but certainly saying that suburbanites or commuters do not pay their fair share is a myth.

So, we need this oversight council to look at the government and see what can be done and what can be changed. This is what Senate Bill No. 940 does, and it also, and the House added the amendment, precludes the city of Pittsburgh from going Act 47, which is important, because if we look and dissect Act 47, it was never created for a city the size of the city of Pittsburgh. It was created for communities in my Senate district, many of which are Act 47, and many of which have come out of Act 47, the East Pittsburghs and Braddock, where you can really go in and manage that city, provide them with a loan, and help them get out of their problems. It was never intended for a city the size of Pittsburgh. But the mayor is focused, the mayor is obsessed over that commuter tax. And, Madam President, I think before we move toward Act 47, we really need to have the oversight board and the oversight council go in and find out what can be changed, what can be merged, and what can be consolidated. So with that, I ask my colleagues to support Senate Bill No. 940.

Thank you, Madam President.

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

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

YEA-41

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Lemmond	Rafferty	White, Donald
Dent	Logan	Rhoades	White, Mary Jo
Earl	Madigan	Robbins	Williams, Anthony H.
Erickson	Mellow	Scarnati	Wonderling
Ferlo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

NAY-8

Costa	Kukovich	Schwartz	Williams, Constance
Fumo	LaValle	Stack	Wozniak

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 586 (Pr. No. 1203) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and penalties; providing for suspension of licenses; and further providing for unlawful taking or possession of game or wildlife, for denial or revocation of license and for license costs and fees.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 586?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 586.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 inform the House of Representatives accordingly.

RECESS

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

Senator PICCOLA. Madam President, I request a recess of the Senate for the purpose of a Republican caucus in the Rules room, which should last about 20 minutes.

The PRESIDENT. Senator Piccola requests a Republican caucus in the Rules room.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I ask the Democratic Members to report to our caucus room immediately, but we will not guarantee that we will be back in 20 minutes.

The PRESIDENT. Senator Mellow requests a Democratic caucus in their caucus room.

For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

HB 44 (Pr. No. 3148) (Amended) (Rereported)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, exempting certain persons from Federal law relating to public assistance; establishing the Health Care Provider Retention Account and the Health Care Provider Retention Program; and repealing provisions related to physician discounts on assessments and certain health care provider medical professional liability insurance.

HB 172 (Pr. No. 3158) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P.L.177, No. 175), known as The Administrative Code of 1929, providing for local tax withholding of Commonwealth employees; further providing for fees chargeable by the Department of Agriculture, the Department of Health, the Insurance Department, the Department of Labor and Industry and the Pennsylvania Securities Commission, for the Corporation Bureau Restricted Account and for collective bargaining in education; providing for newborn child testing at federally certified laboratories; requiring the Department of General Services to establish energy profiles for certain State buildings; further providing for coal fuel in State heating systems; repealing an expiration provision relating to collective bargaining by certain public employers; making repeals relating to fees; and making a repeal relating to the Corporation Bureau Restricted Account.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

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

HB 44 (Pr. No. 3148) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, exempting certain persons from Federal law relating to public assistance; establishing the Health Care Provider Retention Account and the Health Care Provider Retention Program; and repealing provisions related to physician discounts on assessments and certain health care provider medical professional liability insurance.

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?

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, I rise to ask for a ruling of the Chair. Am I permitted to vote on this bill since my husband is a physician in Pennsylvania?

The PRESIDENT. Senator Williams, it would be the opinion and the ruling of the Chair that you should and, in accordance

with Senate Rule XXI, must vote on this bill. The conflict of interest must be particularly personal, and in this instance, the Chair finds that you have no conflict. You are one of a class of spouses all over the Commonwealth who may or may not be affected by passage of this bill. Furthermore, any effect at all would be on your spouse and not on you. Therefore, it would be the ruling of the Chair that you be required to vote on the bill.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, it is my understanding that this bill would also cover physicians who are employed by a hospital, and they would also be eligible to apply for this program, although they did not pay for their MCARE insurance directly. I understand that is the case. I am delighted that we are able to do this. I congratulate the Senate for bringing this bill to the floor.

Thank you, Madam President.

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

Senator MOWERY. Madam President, I fully support the abatement of MCARE assessments. My support for the abatement has nothing to do with whether doctors make too little or too much. I support the abatement because I believe we need to create an incentive that gives our current doctors a reason to stay here, and more importantly, future doctors a reason to open their practices here. I support the abatement, not only for the sake of the doctors, but to ensure for all Pennsylvanians that we have access to quality health care in the future. I support the abatement not because doctors are poor, but because we will all be losers if we do not give our doctors a reason to stay and locate here.

A newly graduated doctor has to make a decision of where he will start his or her practice. Depending on the specialty, that doctor will have the ability to earn a good deal of money, but no matter how much that physician can possibly earn in Pennsylvania, he or she can increase earnings from \$20,000 to \$30,000 or as much as \$100,000 by simply setting up practice in another State. What incentive do they have for establishing their practice here in Pennsylvania? I believe the abatement is an incentive to encourage physicians to locate in Pennsylvania. While it might not offset the income disparity that results from our high medical liability rates, I think it sends a signal to the doctors that we are working on the problem. I ask for your support of this bill.

Thank you, Madam President.

POINT OF ORDER

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

Senator SCHWARTZ. Madam President, I rise as did my colleague, Senator Williams, to state the possible conflict of interest due to the fact that my husband is a physician and may benefit in some way from this legislation. So I assume the ruling of the Chair will be the same as for Senator Connie Williams, but I wanted to ask for that as well on my behalf.

The PRESIDENT. Yes, it will.
Senator SCHWARTZ. Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1374 (Pr. No. 3142) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh

Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1375 (Pr. No. 3143) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1376 (Pr. No. 3149) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1377 (Pr. No. 3144) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing an appropriation in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1378 (Pr. No. 3150) -- 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,

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1379 (Pr. No. 3151) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1380 (Pr. No. 3145) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1381 (Pr. No. 3146) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1382 (Pr. No. 3152) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1383 (Pr. No. 3153) -- 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-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1384 (Pr. No. 3154) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger

Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1385 (Pr. No. 3155) -- 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 for operation and maintenance expenses and for payment of debt service.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1386 (Pr. No. 3156) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1387 (Pr. No. 3157) -- 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 for operation and maintenance expenses.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling

Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 1399 (Pr. No. 3147) -- The Senate proceeded to consideration of the bill, entitled:

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

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-42

Armstrong	Kasunic	Orie	Tartaglione
Brightbill	Kitchen	Piccola	Thompson
Conti	Kukovich	Pileggi	Tomlinson
Costa	LaValle	Punt	Wagner
Dent	Lemmond	Rafferty	Waugh
Erickson	Logan	Rhoades	Wenger
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Greenleaf	Mowery	Schwartz	Wonderling
Hughes	Musto	Stack	
Jubelirer	O'Pake	Stout	

NAY-7

Boscola	Earll	White, Donald	Wozniak
Corman	Gordner	White, Mary Jo	

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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

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

HB 172 (Pr. No. 3158) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No. 175), known as The Administrative Code of 1929, providing for local tax withholding of Commonwealth employees; further providing for fees chargeable by the Department of Agriculture, the Department of Health, the Insurance Department, the Department of Labor and Industry and the Pennsylvania Securities Commission, for the Corporation Bureau Restricted Account and for collective bargaining in education; providing for newborn child testing at federally certified laboratories; requiring the Department of General Services to establish energy profiles for certain State buildings; further providing for coal fuel in State heating systems; repealing an expiration provision relating to collective bargaining by certain public employers; making repeals relating to fees; and making a repeal relating to the Corporation Bureau Restricted Account.

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-35

Brightbill	Jubelirer	Musto	Thompson
Conti	Kasunic	O'Pake	Wagner
Corman	Kitchen	Piccola	Wenger
Costa	Kukovich	Pileggi	White, Donald
Earll	LaValle	Rhoades	White, Mary Jo
Erickson	Lemmond	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fumo	Mellow	Stout	Wozniak
Hughes	Mowery	Tartaglione	

NAY-14

Armstrong	Greenleaf	Rafferty	Wagh
Boscola	Logan	Schwartz	Wonderling
Dent	Orie	Stack	
Gordner	Punt	Tomlinson	

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

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

RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Rules room. We do not expect it to take too long, probably 30 minutes.

The PRESIDENT. Senator Brightbill requests a recess for the purpose of a Republican caucus.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, we are going to ask for a caucus, but we will do that on our own right here.

Thank you.

The PRESIDENT. Without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES

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

SB 80 (Pr. No. 1341) (Rereported) (Concurrence)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding definitions; further providing for background checks of prospective employees and conviction of employees of certain offenses, for fiscal year, for tax levy and limitations, and for per capita taxes; authorizing school districts to reopen their 2003-2004 budgets; imposing limitations on certain unreserved fund balances; repealing provisions relating to professional teacher assessment; further providing for residence and right to free school privileges, for cost of tuition and maintenance of certain exceptional children in approved institutions and for actual cost of tuition and maintenance of certain exceptional children in the four chartered schools for education of the deaf and the blind; providing for firefighter and emergency service training; amending provisions relating to the education support services program; providing for the educational assistance program and the Head Start Supplemental Assistance Program; defining "history of financial distress"; further providing for education empowerment list, for implementation of school district improvement plan by board of school directors, for education empowerment districts, for school improvement grants, for mandate waiver program and for definitions; providing for State System of Higher Education campus police powers and duties; imposing certain limitations on provisions relating to education empowerment; amending provisions relating to educational improvement tax credit; further providing for small district assistance and for temporary special aid to school districts suffering loss of tax revenue due to reduction in assessed valuation of taxable property; providing for basic education funding for 2002-2003 school year and for reimbursement of additional expenses related to basic education; further providing for payments to intermediate units, for special education payments to school districts, for extraordinary special education program expenses and for Commonwealth reimbursements for charter schools and cyber charter schools; providing for Pennsylvania accountability grants and Keystone educational accountability; further providing for powers and duties of the State Board of Education; providing for teacher recruitment assistance; and making a related repeal.

HB 200 (Pr. No. 3160) (Rereported) (Concurrence)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for definitions, for exclusions, for credits, for licenses and for transfers to Public Transportation Assistance Fund; further providing, in personal income tax, for definitions, for imposition, for special tax provisions for poverty, for returns and liability and for returns and records; further providing, in corporate net income tax, for definitions and for interests in unincorporated entities; providing, in corporate net income tax, for additional withholding requirements; further providing, in capital stock franchise tax, for definitions and reports, for imposition and for expiration; further providing, in utilities gross receipts tax, for imposition; further providing, in public utility realty tax, for surcharges; providing, in public utility realty tax, for additional tax; further providing, in cigarette tax, for incidence and rate of tax, for floor tax, for stamp to evidence the tax and for commissions on sales; establishing, in relation to cigarette tax, the Health Care Provider

Retention Account; further providing, in research and development tax credit, for carryover, for limitations and for reports; further providing, in malt beverage tax, for limited tax credits; further providing, in inheritance tax, for definitions, for exempt transfers, for estate tax and for estate tax returns; further providing for the Public Transportation Assistance Fund and providing for its administration; further providing for estimated tax and for underpayment of estimated tax; providing for authority to attach wages; and repealing provisions relating to the Public Transportation Assistance Fund.

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

HB 485 (Pr. No. 2706) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for municipal corporation portion of fines, for immunity of State parole officers and for immunity of county probation officers.

HB 1133 (Pr. No. 3159) (Amended) (Rereported)

An Act amending act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for the definitions of "cost of the stamping agent" and "dealer" and for interest on overpayments; providing for the definitions of "Crime Victim's Compensation Fund" and "restitution"; further providing for property held by financial institutions, for escheat of property held by insurers, for property held by courts, public officers and agencies, for miscellaneous property held for or owing to another and for depositing funds relating to abandoned and unclaimed property.

HB 1589 (Pr. No. 3161) (Amended) (Rereported)

A Supplement to the act of March 20, 2003 (P.L. , No.1A), 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, 2003, to June 30, 2004, 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, 2003; 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 Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2003, to June 30, 2004; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2003, to June 30, 2004, 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 Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2003; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002 and making a repeal," increasing, decreasing and providing additional General Fund appropriations 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, 2003, to June 30, 2004, 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, 2003; imposing limitations on certain Motor License Fund expenditures; to provide appropriations from the State Lottery Fund, the Ben Franklin Technology Development Authority Fund and the Health Care Provider Retention Account to the Executive Department; providing for the additional appropriation of State funds from the General Fund for the Legislative Department of the Commonwealth for the fiscal year July 1, 2002, to June 30, 2003; increasing, decreasing and providing additional appropriations of Federal funds to the Executive Department of the Commonwealth for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2003; imposing limitations on certain Motor License Fund expenditures; and making repeals related to the power of the Supreme Court to make certain transfers.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 7**

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

HB 1133 (Pr. No. 3159) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for the definitions of "cost of the stamping agent" and "dealer" and for interest on overpayments; providing for the definitions of "Crime Victim's Compensation Fund" and "restitution"; further providing for property held by financial institutions, for escheat of property held by insurers, for property held by courts, public officers and agencies, for miscellaneous property held for or owing to another and for depositing funds relating to abandoned and unclaimed property.

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

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 8**

REPORT ADOPTED

HB 1018 (Pr. No. 3140) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for local government immunity and for powers and duties of the Pennsylvania Emergency Management Agency; establishing a Statewide integrated wireless E-911 State plan; establishing a Wireless E-911 Emergency Services Fund and disbursements therefrom; further providing for collection of an E-911 surcharge from wireless customers and for annual reporting; establishing a wireless E-911 Emergency Services Advisory Committee; and providing for rules and regulations.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1018.

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

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

Senator CONTI. Madam President, I have remarks to submit for the record.

The PRESIDENT. Senator Conti submits the following remarks for the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Bucks, Senator CONTI:)

I rise to congratulate my colleagues on the passage of House Bill No. 1018. As you know, this legislation establishes a statewide wireless E-911 Emergency Service Network. As this issue has been discussed for the past 5 years, today is truly an historic moment.

As with any historic moment, many individuals contributed to this success. Please allow me a moment to recognize and thank these individuals for their dedication and effort: My colleagues, Senator Jake Corman and Senator Connie Williams, my former colleagues, Representative Paul Semmel and Representative Thomas Tigue; Rend Vetica of Senator Corman's staff, Angela Palanzo of Senator William's staff, Rick O'Leary of the House Committee on Veterans Affairs and Emergency Preparedness, the venerable Steve MacNett, and Gladys Brown and CJ Hafner of Senator Mellow's staff, Joe Divis and Mark Ashby of Cingular Wireless, Rick Wooten and John Malady, Judy Eschberger and Kathleen Kittrick of AT&T Wireless, John and Monica Kline of Verizon Wireless, Michael Athay, Robert Sutton, and Joseph James of the City of Philadelphia, Jamie Hastings of T-Mobile, Mike McGrady and Don Tancibok, and, finally, Doug Hill of the County Commissioners Association.

As you can guess, I am probably forgetting a number of individuals to whom I offer my apologies and gratitude.

Again, thank you and best wishes for a great holiday season.

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

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

YEA-49

Armstrong	Hughes	Orie	Tomlinson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rafferty	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	Williams, Anthony H.
Earll	Logan	Scarnati	Williams, Constance
Erickson	Madigan	Schwartz	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fumo	Mowery	Stout	
Gordner	Musto	Tartaglione	
Greenleaf	O'Pake	Thompson	

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 inform the House of Representatives accordingly.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senator ERICKSON, by unanimous consent, offered **Senate Resolution No. 189**, entitled:

A Resolution congratulating the Township of Easttown, Chester County, on the 300th anniversary of its founding in 1704 and recognizing its historical significance to this Commonwealth.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Amos Esh, Mr. and Mrs. Walter C. Young and to Tim Young by Senator Armstrong.

Congratulations of the Senate were extended to Kenneth A. Luybli by Senator Boscola.

Congratulations of the Senate were extended to Robert Bowman by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Coffey, Clair W. Breon and to the Honorable Keith B. Quigley by Senator Corman.

Congratulations of the Senate were extended to Jon W. Eich by Senators Corman, Wozniak, and Gordner.

Congratulations of the Senate were extended to Earletta Hartwell, Lucille Orlando and to the citizens of the Borough of Whitaker by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. John Sweeney by Senator Erickson.

Congratulations of the Senate were extended to Jered Bock, Darrell Davis, Jason Shumaker, Matt Rusiewicz, Russ Nialki,

John Barker and to the Hilltop Hose Company of Natrona Heights by Senator Ferlo.

Congratulations of the Senate were extended to Leroy O. Diehl, George Polchin and to Todd Andrew McCormick by Senator Gordner.

Congratulations of the Senate were extended to David Tepper and to the Archbishop Wood High School Football Team of Warminster by Senator Greenleaf.

Congratulations of the Senate were extended to the Reverend Robert H. Paul by Senators Hughes and Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Detwiler and to Dr. Harold R. Cottle by Senator Jubelirer.

Congratulations of the Senate were extended to Thomas Smith, Carrie Blawas, Jon Napoli, Neil Longo, Terry Adams, Shelly Esposito, Chelsea Traurig and to the Quaker Valley School District of Sewickley by Senator Jubelirer on behalf of Senator Pippy.

Congratulations of the Senate were extended to John J. Hughes by Senator Kasunic.

Congratulations of the Senate were extended to the Jeanette High School Football Team by Senator Kukovich.

Congratulations of the Senate were extended to the Aliquippa High School Football Team by Senator LaValle.

Congratulations of the Senate were extended to David T. Corl, Jr., Eric Adam Goeringer, Honorable Frank O'Connell, Jr., and to the hosts and helpers of the Naylor-Lemmond Community Thanksgiving Dinner by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Wessel by Senator Logan.

Congratulations of the Senate were extended to Ken Orr, Fred Fiester, Naomi R. McLees and to Bradley Tyler Warren by Senator Madigan.

Congratulations of the Senate were extended to Ceco Associates, Inc., of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Sean P. Bolton, Matthew Huggler and to Robert L. Carlson by Senator Mowery.

Congratulations of the Senate were extended to Ray Hildreth, Glade Run Lutheran Services of Zelienople and to the North Allegheny High School Marching Band of Pittsburgh by Senator Orie.

Congratulations of the Senate were extended to Jacob J. Leisle by Senator Piccola.

Congratulations of the Senate were extended to Mark J. Wilson, Omar Beam, Zachary Santry and to Margaret P. Huber by Senator Rafferty.

Congratulations of the Senate were extended to the Visitation of the Blessed Virgin Mary Church of Norristown by Senators Rafferty and C. Williams.

Congratulations of the Senate were extended to Clare J. Houser, Jr., Martin J. Hutira and to Helen Starkey by Senator Rhoades.

Congratulations of the Senate were extended to Danielle M. Parks, Abby L. Brennan, Robert A. Kaltenbaugh and to Active Aging, Inc., of Meadville, by Senator Robbins.

Congratulations of the Senate were extended to Richard Lee Hicks by Senator Scarnati.

Congratulations of the Senate were extended to Elaine Branson Fields Carr by Senator Schwartz.

Congratulations of the Senate were extended to Knud Palle Kristensen and to Steven W. McGill by Senator Stack.

Congratulations of the Senate were extended to Dr. Madeleine Wing Adler, Laura Jean Michels and to Safe Harbor of Greater West Chester by Senator Thompson.

Congratulations of the Senate were extended to Richard B. Shapiro by Senator Tomlinson.

Congratulations of the Senate were extended to Earl V. Jones, Sr., and to Sheetz, Inc., of Altoona by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Mihalic by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. James McNamara, Mr. and Mrs. Junior Eisenhuth and to Sara Bowser by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Jandrositz, Robert Bell and to the Easton Area Public Library by Senator Wonderling.

Congratulations of the Senate were extended to Anne Lyons by Senators Wonderling and Conti.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late James J. Finch and to the family of the late Margaret C. Johnston by Senator Orie.

Condolences of the Senate were extended to the family of the late Leroy E. Cimino by Senator Stout.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

December 19, 2003

HB 1733 -- Committee on Urban Affairs and Housing.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the presence of the Senate signed the following bills:

SB 145, SB 483, SB 586, SB 924, SB 940, HB 999 and HB 1222.

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Saturday, December 20, 2003, at 6:30 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

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