

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, JULY 6, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 49

**SENATE**

WEDNESDAY, July 6, 2005

The Senate met at 3 p.m., Eastern Daylight Saving 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:

Heavenly Father, we call upon You today, asking for divine favor. Give us of Your wisdom and understanding, that we may rule righteously, bringing forth Your will on earth, thus bringing glory to Your name.

Help us to make decisions that will strengthen the moral values of our forefathers and what they stood for, saying no to sin and ungodly compromise. Your Word says, it is not by Thy power nor by might but by Your spirit, says the Lord. So I ask You to breathe Your Holy Spirit upon our Governor, upon our Lieutenant Governor, and this fine Senate and their staff, allowing Your spirit to bring comfort to our souls, restoration to our tired bodies, and life to our spirit. We pray You are pleased with our thoughts and forgive us our trespasses as we forgive others.

Now, once again, please allow the budget to pass today without any further delay. In Jesus' name, and all those in agreement, signify by saying, Amen.

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

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I would also like to thank the Pastor, who has been here for the past week, and I think that he should have delivered the prayer a week ago that he delivered today.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVE**

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Punt.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Punt. Without objection, the leave will be granted.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 5, 2005.

The Clerk proceeded to read the Journal of the preceding Session.

Senator BRIGHTBILL. Madam President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

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

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

Senator MELLOW. Madam President, I would like to make a special introduction of a young man who has served in our office as a summer legal intern, starting upon the conclusion of his second year at college. The gentleman is Seth Bortner, and

the Bortner family is no stranger to the General Assembly. Seth's father, Judge Mike Bortner, served as a very distinguished Member of the Pennsylvania Senate. He also served three terms as a distinguished Member of the Pennsylvania House of Representatives, and today he is a member of the Court of Common Pleas in York County.

Seth has completed his second year at Ohio Northern University, Pettit College of Law, and will be going into his final year of law school. He worked in our office since the end of the school year, has done an excellent job, and I ask that the Senate give a cordial welcome to our summer legal intern.

The PRESIDENT. Will Seth Bortner please rise so we can all give you a round of applause.

(Applause.)

## COMMUNICATIONS FROM THE GOVERNOR

### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

#### MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 2005, for the appointment of B.J. Clark, (District 7), 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Leon Reed, Honesdale, deceased.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE ADAMS COUNTY BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Adams County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Sharon Price, Gettysburg, deceased.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE FAYETTE COUNTY BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Anthony Perna, Uniontown, resigned.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE MCKEAN COUNTY BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 2, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Vincent Goodrich, Bradford, resigned.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE POTTER COUNTY BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice William Schweigart, Genesee, deceased.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE POTTER COUNTY BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Raymond Forsythe, Coudersport, resigned.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 2, 2005, for the appointment of Glenna Edkin, (Republican) R.R. 1, Box 1001 B, Hillsgrove 18619, Sullivan County, Twenty-third Senatorial District, as a member of the Sullivan County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice John Potuck, Dushore, deceased.

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

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Magisterial District Judge, in and for the County of Beaver, Magisterial District 36-1-02, to serve until the first Monday of January 2008, vice Donald L. Eiler, resigned.

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

EDWARD G. RENDELL  
Governor

HOUSE MESSAGES

HOUSE NONCONCURS IN SENATE  
AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1168**.

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

HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 489, 612 and 1650**.

SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on State Government to meet during today's Session to consider the nomination of James P. Creedon to be the next Secretary of the Department of General Services.

RECESS

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

Senator BRIGHTBILL. Madam President, I request a 5-minute recess for a meeting of the Committee on Rules and Executive Nominations and a meeting of the Committee on State Government. When we come back to the floor, we will begin with the nonpreferreds on the Calendar.

The PRESIDENT. We will have a 5-minute recess for purposes of meetings of the Committee on Rules and Executive Nominations and the Committee on State Government. Without objection, the Senate will stand 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

SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 1168

**HB 1168 (Pr. No. 2432)** -- 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, further providing for special provider participation requirements.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurred in by the House to House Bill No. 1168, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

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

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 1168**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, CORMAN and HUGHES as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 1168.

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

**BILL REPORTED FROM COMMITTEES**

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

**SB 86 (Pr. No. 1054) (Rereported) (Concurrence)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, consolidating The Support Law; further providing for property of persons liable for support expenses; further providing for disposition of complaints received; and making a repeal related to the consolidation of The Support Law.

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 2005, for the appointment of B.J. Clark, (District 7), 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Leon Reed, Honesdale, deceased.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE ADAMS COUNTY  
BOARD OF ASSISTANCE**

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Adams County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Sharon Price, Gettysburg, deceased.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE FAYETTE COUNTY  
BOARD OF ASSISTANCE**

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Anthony Perma, Uniontown, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE**

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 2, 2005, for the appointment of Stephanie Moore, 40 Red Barberrry Drive, Eters 17319, York County, Fifteenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Vincent Goodrich, Bradford, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE POTTER COUNTY  
BOARD OF ASSISTANCE**

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2005, for the appointment of Stephanie Moore, 40 Red Barberrry Drive, Eters 17319, York County, Fifteenth Senatorial District,

as a member of the Potter County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice William Schweigart, Genesee, deceased.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE POTTER COUNTY  
BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Raymond Forsythe, Coudersport, resigned.

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EDWARD G. RENDELL  
Governor

MEMBER OF THE SULLIVAN COUNTY  
BOARD OF ASSISTANCE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 2, 2005, for the appointment of Glenna Edkin, (Republican) R.R. 1, Box 1001 B, Hillsgrove 18619, Sullivan County, Twenty-third Senatorial District, as a member of the Sullivan County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice John Potuck, Dushore, deceased.

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EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

July 6, 2005

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 28, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Magisterial District Judge, in and for the County of Beaver, Magisterial District 36-1-02, to serve until the first Monday of January 2008, vice Donald L. Eiler, resigned.

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

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

**HB 824 (Pr. No. 2523)** -- 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 PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I know we have a long night ahead of us, and I do not want to take up a whole lot of time, but I do want to make a few remarks on the three State-related nonpreferreds. Madam President, when Tom Brokaw was the anchor at NBC Evening News, he had a special on every Wednesday called "The Fleecing of America," and he always talked about different entities, organizations, or corporations that would basically take advantage of Federal government programs for their own benefit, and basically rip off the taxpayers of the Federal government. Well, if Tom Brokaw was still the anchor, I would invite him to come to Harrisburg and do a live show from the State Capitol, because if you look at the next three bills, the nonpreferreds, you will see that there is something missing in the line items of Penn State University, Temple University, and the University of Pittsburgh. There is not a line item there for college of medicine funding. The reason for that is, do not get worried, we are still going to fund these colleges of medicine, but we are going to do it in a different way.

Madam President, the Department of Welfare has developed a scheme which they apparently learned from our neighboring State of West Virginia, and the scheme is all three of these State-related universities have medical hospitals as well, which are in association with their medical schools. Of course, all these

hospitals get Medicaid funding, as they should, for the work that they do for their clientele. So what the Department of Welfare has come up with in this scheme is to up that Medicaid reimbursement level to a point so that the hospitals can then take those extra dollars they had not intended to get and move them from the hospital over to the medical school, and we are going to fund the medical schools in that direction. Now, it is very clever because what that does for us here is saves us about \$20 million because we will be able to draw that Medicaid funding from the Federal government for the hospitals and then when we move it over to the medical schools, we will then be relieved of our responsibilities of funding them. Again, this is very clever, but I have to say, at least in this Senator's opinion, it is extremely inappropriate, and if not, borders on fraud.

Madam President, when we first came up with this scheme, when the Governor announced it back in his Budget Address, most of us kind of chuckled and thought, well, that is clever, but we certainly will not do that. As a matter of fact, when I discussed it with the powers that be, I was assured this probably would not be part of it, and unfortunately, as the budget negotiations went on and we were searching for dollars, the negotiators decided that this was something that they had to agree to, and that is unfortunate.

I have a letter signed by all of the medical schools, not just the State-relateds, but all the medical school deans from Penn State University, Thomas Jefferson University, Drexel University, University of Pittsburgh, Temple University, and the School of Medicine of the University of Pennsylvania, all opposing this federalization of medical schools. In it they write that they are concerned about how this plan will likely delay the approval of the Centers for Medicare and Medicaid Services, the long-term effect, the lack of predictability of having funding removed from the State-related schools' appropriation, the challenge of driving money through the health system to the universities in a laudable manner acceptable to the Federal government, the impact it will have on the ability to set tuition in June for the medical schools, and the upper payment limits, concerns that they will have regarding certain hospitals' ability to receive additional disproportionate share of money. Again, it is not just the State-relateds that this plan affects, but all the medical school deans have opposed this plan.

Madam President, as I said, unfortunately, my fight to keep this part out of the deal has failed, and this is going to be part of the deal, so my attention now is to take this to the next level. It would be my intention to contact the United States Office of Inspector General to shine light on this fraudulent scheme that has been proposed by the Department of Welfare, to let them know what we are planning to do so they can investigate this and hopefully bring it to a close and make sure that no State in the nation, not only Pennsylvania but others, would ever try to do this in the future.

Madam President, you might wonder, when this saves the Commonwealth \$20 million, why I would be doing this. First of all, it is just wrong. I mean, to fund our medical schools in this way is just outright wrong, and to put the State-relateds at a different set than other medical schools is just wrong. But getting past that, Madam President, what we are doing, in my opinion, is frauding Medicaid. This is an important program that is under

great strain right now in this country. It is for our elderly, it is for our lower income, it is for our children, and it is a program under great strain that we are now taking about \$20 million from to fund a medical school. Now, you explain that to me, Madam President, how we are agreeing to that today. We are taking away \$20 million from a program under great strain in a fraudulent manner.

Madam President, I oppose this vehemently, as I said, and I think when the Governor of the Commonwealth, Ed Rendell, or any Member of this legislature goes around the State next year crying the blues because the Federal government is cutting back on our Medicaid, we have no one to blame but ourselves for agreeing to this plan. Part of the Medicaid budget that we worked on was to weed out some of the fraud. Little did I know that we would be part of it as well.

Thank you very much.

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

Senator BRIGHTBILL. Madam President, I applaud Senator Corman for his initiative. I believe that we have been assured by the administration that this is in fact a legitimate and lawful process, a legitimate way to capture Federal funds that can be used within the State. I can assure you that no one in State government, particularly not in those medical schools, want to be involved in anything that is not 100 percent on the up-and-up. I think the idea of contacting the Inspector General and asking him to take a look at this to make sure that it is on the up-and-up is a good idea.

In the meantime, this is something that the Governor put in his budget. He has not backed down from it. In the process of negotiation, we have not been able to negotiate it out of the budget. It is not something that I would like to see in it. There were many of us who did not want to see it in there, but, at the end of the day, it is. I would just like to say that the hospitals are going to do pretty well tonight, and I do not think, at the end of the day, they are going to have any kind of basis to complain about the way the General Assembly has treated them.

So it is my belief, Madam President, that we are doing the best we can here. If, at the end of the day, the Inspector General looks at this and determines that this is not lawful, if the Federal government terminates this program, there is no question that this State government has to belly up to the bar again to properly fund our medical schools.

I would note for the Members, just to refresh their memory, that if they go back several budgets, there was a budget where we cut everything except medical schools. I think it was the last Schweiker budget where we were cutting all these kinds of items, and I think we did a 5-percent cut across the board, except that the General Assembly recommended to the Governor and the Governor accepted that we not cut any of the medical schools. It has been a priority here.

Thank you, Madam President, and I ask for an affirmative vote.

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

Senator FUMO. Madam President, I believe this particular piece of legislation requires a two-thirds vote. Am I correct?

The PRESIDENT. The gentleman is correct.

Senator FUMO. Madam President, then I ask that we go over the bill temporarily until I see if I can find \$20 million to take out of Penn State's appropriation so we can satisfy Senator Corman and so we do not intentionally defraud the Federal government.

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

Senator BRIGHTBILL. Madam President, could we stand at ease?

The PRESIDENT. The Senate will stand at ease.

(The Senate was at ease.)

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

Senator FUMO. Madam President, after having just conferred with the Majority Leader, I will take into account the naivete of the Senator who spoke about this being a fraudulent transaction. Madam President, I guess if we did not pass Penn State's appropriation, it would hurt him deeply in that district.

What everybody has to understand is when we do a budget, there is never enough money to keep everybody happy and, yes, we do get creative around here to try to make as many people happy as we possibly can. This so-called federalization of medical schools will save us \$20 million. That is \$20 million that we put back into the Medicaid Fund that helps the hospitals that are associated with the medical schools. Believe me, quite frankly, those institutions would prefer to have Medicaid solved than these tiny little intricacies of how we are going to do this or not do it. I think that we have to recognize that no one in this Chamber wants to or would ever commit a fraud on the Federal government for anything, and if the gentleman wants to persist in going to the Inspector General, I invite him to do so. I caution him, however, that whatever he reaps will be upon himself and his constituents. If by chance they take \$20 million out of it, I will tell you where it is going to come from.

Madam President, this is not a way to start a debate on a tough issue. This is a tough budget to begin with. People have been working around here for days, well into the early hours of the morning, and I resent the gentleman's comments. As the chairman of the Committee on Appropriations and one of the negotiators on this, I think we all expect an apology from him at some point in time when he realizes what he said. I will let the vote go forward, Madam President.

Thank you.

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

Senator COSTA. Madam President, I simply want to provide some remarks for the record and ask that you accept them and that they be made part of the record with respect to this issue of federalization.

Thank you.

The PRESIDENT. The gentleman's remarks will be spread upon the record.

*(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator COSTA:)*

As a Commonwealth Trustee for the University of Pittsburgh, I would be remiss if I did not address the issue related to the Commonwealth's funding for the several medical schools in Pennsylvania.

First, the Commonwealth is fortunate to have several of the most well-regarded medical schools in the nation within its borders. Because of the importance we have attached to those schools for the development of the medical profession in our State as well as the advanced medical research that is fostered by their presence, the General Assembly has consistently included a source of funding for the medical schools at our universities.

This year, we are following the administration's plan to aggregate those appropriations for the purpose of maximizing assistance to our medical schools through the use of Federal and State medical assistance funds. This presents a new direction in funding these schools, as the funding for them will be indirect rather than direct.

My purpose in discussing this issue today is that it is vitally important that when the expected funds become available, they are indeed utilized for the purpose of providing instruction to doctors at our university medical schools. It is crucial that we not leave our medical schools without the necessary funding to provide this important element of the university's overall mission.

I look forward to continuing to work with the administration, the universities, and particularly the medical schools, to ensure that adequate funding is provided for this purpose.

Thank you.

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

Senator CORMAN. Madam President, certainly I agree with the Senator from Philadelphia that we all could pick out a part of the budget that we do not like and not vote for the budget. That is not my intention. My intention is to bring light to an issue where I think we are going in the wrong direction, as far as legalities go. There is no one in this legislative body who came up with this idea. We ultimately decided to agree with it. I think it is wrong. I said it is my opinion that it is a fraudulent decision affecting the Medicaid program. If someone agrees with me, that is fine. If they do not agree with me, that is fine as well. I do not think anybody is putting up a vote here to necessarily defraud the government. I just stated my opinion. I may be wrong, and we will find out, but whether it is \$20 million or not, that is a lot of money.

My point is, it is the wrong way of getting it, through a program that was meant for the elderly, for the poor, and for our children.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I would simply like to be on the record as supporting the comments submitted by Senator Costa.

And the question recurring,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo

Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 825 (Pr. No. 2524)** -- 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, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 826 (Pr. No. 2525)** -- 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 828 (Pr. No. 2526)** -- 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 829 (Pr. No. 2527)** -- The Senate proceeded to consider-  
ation of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak

Fumo	O'Pake	Tartaglione
Gordner	Orie	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 830 (Pr. No. 2528)** -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act making appropriations to the Philadelphia Health and Edu-  
cation 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 831 (Pr. No. 2529)** -- The Senate proceeded to consider-  
ation of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 832 (Pr. No. 2530)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 833 (Pr. No. 2531)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 834 (Pr. No. 2532)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 835 (Pr. No. 2533)** -- 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 836 (Pr. No. 2534)** -- 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 837 (Pr. No. 2535)** -- 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance

Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 838 (Pr. No. 2536)** -- 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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 839 (Pr. No. 2537)** -- 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,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 840 (Pr. No. 2538)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald

Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 842 (Pr. No. 2539)** -- 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,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 843 (Pr. No. 2540)** -- 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,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 844 (Pr. No. 2541)** -- 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,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling

Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 845 (Pr. No. 2542)** -- 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,

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 847 (Pr. No. 2543)** -- 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,

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

On the question,  
Shall the bill pass finally?

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

Senator WOZNIAK. Madam President, now that everything is going so smoothly, as always, it has been my strength, or weakness here, I never got past this. From House Bill No. 847 through House Bill No. 853, I would like to be recorded in the negative.

We talked many times about how to save money and how to continue to have growth, and many of the nonpreferreds were here previously, and some were justified and perhaps some were not. But one of the problems we have here, Madam President, is that these are our Pennsylvania museums. The problem is with these few museums, there are another 100 museums out there, and each and every one is just as worthy as those that we are giving a nonpreferred allocation to today. In addition to these that are receiving nonpreferreds, they have learned, they have their tentacles into foundations; they are reaching out into other government programs in the State and other Federal government programs. Do you know what the truth is? If you go to Kennywood Park, you pay money, and if you go to Idlewild Park, you pay money. It is time we start running these things a little more privately and try to raise the money from the private sector. It does not add up to a whole lot of money individually for these nonpreferreds, but all together it would save a few million dollars that maybe we could put in places that people really need.

I love museums. I do not mind paying to go see a museum. I spend hours in museums, but I think it is time to start taking a look. If you do not have enough candy for everybody in the classroom, a few should not be getting it, so I ask that from House Bill No. 847 through House Bill No. 853, et al, that I be voted in the negative.

One other point, I saw that the University of Pennsylvania, which received \$44,022,000 last year, is going to reap \$44,866,000 this year, and in parentheses it says it includes museums, and we already passed that, but I know there is one stuck in there somewhere that got away from me this time, but I will be looking for it next year. I ask other colleagues to join me with a negative vote and take a position here.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I rise to join Senator Wozniak in what is now becoming a traditional "no" vote in the Senate, not because any of us necessarily opposes these fine institutions that are listed here, but because of the process. There is no competitive process. No other museums are allowed to insulate themselves from that sort of competition, and there is no need factor involved. It is simply an automatic entitlement that I think is inappropriate, and I also ask to be recorded as a "no" vote.

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

Senator BOSCOLA. Madam President, I am going to join my colleagues, Senator Wozniak and Senator Mary Jo White, on House Bill No. 847 through House Bill No. 853 with a negative vote.

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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh
Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

**HB 848 (Pr. No. 2544)** -- 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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh

Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

**HB 849 (Pr. No. 2545)** -- 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,  
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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh
Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

**HB 850 (Pr. No. 2546)** -- 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,  
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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh
Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

**HB 851 (Pr. No. 2547)** -- 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,  
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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh

Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

**HB 852 (Pr. No. 2548)** -- 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,  
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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh
Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

**HB 853 (Pr. No. 2549)** -- 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,

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-43

Armstrong	Jubelirer	Piccola	Tartaglione
Brightbill	Kasunic	Pileggi	Thompson
Browne	Kitchen	Pippy	Tomlinson
Conti	LaValle	Punt	Vance
Costa	Lemmond	Rafferty	Washington
Earll	Logan	Regola	Waugh
Erickson	Madigan	Rhoades	Wenger
Fontana	Mellow	Robbins	Williams, Anthony H.
Fumo	Musto	Scarnati	Williams, Constance
Greenleaf	O'Pake	Stack	Wonderling
Hughes	Orie	Stout	

NAY-7

Boscola	Ferlo	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.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 827 (Pr. No. 2416) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No. 176), known as the Lincoln University-Commonwealth Act, making 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,

On the question,

Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance

Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 841 (Pr. No. 2407) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 846 (Pr. No. 879) -- 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	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	
Greenleaf	Piccola	Tomlinson	

NAY-1

Boscola

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.

BILL OVER IN ORDER TEMPORARILY

HB 107 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

BILLS OVER IN ORDER

HB 599 and HB 746 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 643 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE SENATE  
TO HB 1168, AND APPOINTS  
COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to HB 1168, and has appointed Messrs. S.H. SMITH, ARGALL and VEON as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

REPORT OF COMMITTEE OF CONFERENCE  
SUBMITTED

Senator BRIGHTBILL submitted the Report of Committee of Conference on HB 1168, which was placed on the Calendar.

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS

SB 86 (Pr. No. 1054) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, consolidating The Support Law; further providing for property of persons liable for support expenses; further providing for disposition of complaints received; and making a repeal related to the consolidation of The Support Law.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 86?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 86.

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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 meeting of the Committee on Appropriations to be held in the Rules room immediately.

The PRESIDENT. There will be a recess of the Senate for a meeting of the Committee on Appropriations. Without objection, the Senate will stand 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:

##### SB 63 (Pr. No. 271) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

##### HB 139 (Pr. No. 1313) (Rereported)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, codifying the Optional County Affordable Housing Funds Act; and making a related repeal.

##### HB 176 (Pr. No. 2565) (Rereported)

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 alternate imposition; providing, in personal income tax, for definitions, for classes of income and for contributions to the Olympics; providing, in personal income tax, for contributions for military family relief assistance and for operational provisions; further providing, in personal income tax, for additions, penalties and fees; further providing, in corporate net income tax, for definitions; further providing, in capital stock franchise tax, for definitions and reports; further providing, in realty transfer tax, for determination and notice; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for proceeds of judicial sale, for failure to affix stamps, for determination and notice of tax, for liens, for refunds, for civil penalties, for unlawful acts and penalties and for information; further providing, in the research and development tax credit, for definitions and for Pennsylvania S Corporation pass-through; further providing, in the film production tax credit, for definitions and for credit for qualified film production expenses; providing, in the film production tax credit, for credits; further providing in the film production tax credit, for disposition and for limitation; providing, in the film production tax credit, for penalties; further providing, in the film production tax credit, for pass-through entities and report; further providing, in the neighborhood assistance tax credit, for grant; further providing, in general provisions, for bad checks; providing, in general provisions, for electronic transmissions and for reimbursement for costs of collection; continuing ordinances and resolutions relating to real property tax transfers; and making repeals.

##### HB 182 (Pr. No. 2563) (Rereported)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for transfer of certain funds from the General Fund to the Budget Stabilization Reserve Fund; reenacting provisions relating to the Tobacco Settlement Fund; further providing for deposits and for expiration; and providing for investment powers for the State Workers' Insurance Board and for payment of certain administrative expenses and claims from the State Lottery Fund.

##### HB 628 (Pr. No. 2564) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No. 14), known as the Public School Code of 1949, further providing, in school finances, for annual budget, and in teacher certification, for program of continuing professional development; providing for, in teacher certification, evaluation of applicants; further providing, in pupils and attendance, for fixing the cost of certain tuition, for cost of tuition and maintenance of certain exceptional children in approved institutions and in chartered schools for the education of the deaf and the blind; further providing for educational assistance program and educational support services, for definitions, for notification and for the program; further providing, in Head Start supplemental assistance, for definitions, for the program and for priority in funding; providing for opportunities for educational excellence through concurrent enrollment; further providing, in education empowerment, for education empowerment districts and for mandate waiver program, and, in community colleges, for definitions, for financial program and for payment reimbursement; providing, in community colleges, for establishment of the Community College Capital Fund and for annual reports; further providing, in the State System of Higher Education, for annual audits and, in educational improvement tax credit, for qualification and application and for limitations on amount of tax credits; further providing, in school district reimbursement, for definitions, for small district assistance and for temporary special aid; providing for basic education funding for 2004-2005 school year; further providing for payments on account of limited English proficiency programs, for payments to intermediate units and for special education payments; providing, in school district reimbursement, for effect of failure to file certain reports; further providing, in school district reimbursement, for approved reimbursable rental for leases and sinking fund and for Pennsylvania Accountability Grants; and making an inconsistent repeal relating to the Workforce Development Act.

##### HB 1304 (Pr. No. 2562) (Amended) (Rereported)

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, providing for fiscal year waiver of standards and for State-aid for 2005-2006.

##### HB 1521 (Pr. No. 2570) (Amended) (Rereported)

An Act amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal.

#### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### SECRETARY OF GENERAL SERVICES

June 8, 2005

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Creedon, 1455 Manor Drive, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for appointment as Secretary of General Services, to serve until the third

Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Donald Cunningham, Jr., Bethlehem, resigned.

EDWARD G. RENDELL  
Governor

**NOMINATION LAID ON THE TABLE**

Senator ROBBINS. Madam President, I request that the nomination just read by the Clerk be laid on the table.

The PRESIDENT. The nomination will be laid on the table.

**EXECUTIVE NOMINATION**

**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,  
That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor.

Which was agreed to by voice vote.

**NOMINATION TAKEN FROM THE TABLE**

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

The Clerk read the nomination as follows:

**SECRETARY OF GENERAL SERVICES**

June 8, 2005

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Creedon, 1455 Manor Drive, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for appointment as Secretary of General Services, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Donald Cunningham, Jr., Bethlehem, resigned.

EDWARD G. RENDELL  
Governor

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

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

**YEA-49**

- |            |           |             |                      |
|------------|-----------|-------------|----------------------|
| Armstrong  | Greenleaf | Pileggi     | Vance                |
| Boscola    | Hughes    | Pippy       | Washington           |
| Brightbill | Jubelirer | Punt        | Waugh                |
| Browne     | Kasunic   | Rafferty    | Wenger               |
| Conti      | Kitchen   | Regola      | White, Donald        |
| Corman     | LaValle   | Rhoades     | White, Mary Jo       |
| Costa      | Lemmond   | Robbins     | Williams, Anthony H. |
| Earl       | Logan     | Scarnati    | Williams, Constance  |
| Erickson   | Madigan   | Stack       | Wonderling           |
| Ferlo      | Mellow    | Stout       | Wozniak              |
| Fontana    | Musto     | Tartaglione |                      |
| Fumo       | O'Pake    | Thompson    |                      |
| Gordner    | Orie      | Tomlinson   |                      |

**NAY-1**

Piccola

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**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 176 (Pr. No. 2299) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in realty transfer tax, for determination and notice of tax and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; and making repeals.

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

On the question,  
Shall the bill pass finally?

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

**YEA-50**

- |            |           |             |                      |
|------------|-----------|-------------|----------------------|
| Armstrong  | Greenleaf | Piccola     | Tomlinson            |
| Boscola    | Hughes    | Pileggi     | Vance                |
| Brightbill | Jubelirer | Pippy       | Washington           |
| Browne     | Kasunic   | Punt        | Waugh                |
| Conti      | Kitchen   | Rafferty    | Wenger               |
| Corman     | LaValle   | Regola      | White, Donald        |
| Costa      | Lemmond   | Rhoades     | White, Mary Jo       |
| Earl       | Logan     | Robbins     | Williams, Anthony H. |
| Erickson   | Madigan   | Scarnati    | Williams, Constance  |
| Ferlo      | Mellow    | Stack       | Wonderling           |
| Fontana    | Musto     | Stout       | Wozniak              |
| Fumo       | O'Pake    | Tartaglione |                      |
| Gordner    | Orie      | 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.

**HB 182 (Pr. No. 2429)** -- 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 investment powers for the State Workers' Insurance Board.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

**YEA-50**

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

**HB 628 (Pr. No. 2218)** -- The Senate proceeded to consideration of the bill, 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 annual budget; prescribing a penalty; and making an editorial change.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

**YEA-50**

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

**BILLS ON SECOND CONSIDERATION**

**SB 63 (Pr. No. 271)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

Considered the second time and agreed to,

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

**HB 139 (Pr. No. 1313)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, codifying the Optional County Affordable Housing Funds Act; and making a related repeal.

Considered the second time and agreed to,

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

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

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

**HB 1521 (Pr. No. 2561)** -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to compensation for executive branch officials.

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-28

Armstrong	Greenleaf	Musto	Stout
Brightbill	Hughes	O'Pake	Thompson
Conti	Jubelirer	Pileggi	Tomlinson
Corman	LaValle	Punt	Wenger
Costa	Lemmond	Rhoades	Williams, Anthony H.
Erickson	Madigan	Robbins	Williams, Constance
Fumo	Mellow	Scarnati	Wozniak

#### NAY-22

Boscola	Kasunic	Rafferty	Waugh
Browne	Kitchen	Regola	White, Donald
Earl	Logan	Stack	White, Mary Jo
Ferlo	Orie	Tartaglione	Wonderling
Fontana	Piccola	Vance	
Gordner	Pippy	Washington	

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 ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Rules room to the rear of the Senate Chamber. We will caucus on the Library Code and the Fiscal Code, and expect to return to the floor in approximately 20, 25 minutes.

The PRESIDENT. For the purpose of a Republican caucus, with the expectation of returning to the floor in approximately 20, 25 minutes, without objection, the Senate will stand in recess.

#### AFTER RECESS

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

#### COMMUNICATION FROM THE GOVERNOR

##### NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE COUNCIL OF TRUSTEES OF  
CLARION UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

July 6, 2005

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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Orville H. Lerch, Clarion, resigned.

EDWARD G. RENDELL  
Governor

#### HOUSE MESSAGES

##### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 1168**.

##### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 824**.

##### HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 176, 182, 628, 815 and 1521**.

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

##### GENERAL COMMUNICATIONS RESIGNATION OF MEMBER FROM COMMITTEE

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

SENATE OF PENNSYLVANIA

To: Senator Robert C. Jubelirer  
President Pro Tempore

From: Senator NOAH W. WENGER

Subject: State Government Committee

Date: July 6, 2005

I hereby resign as a member of the Senate Committee on State Government.

### RESIGNATION OF MEMBER FROM COMMITTEE

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

SENATE OF PENNSYLVANIA

To: Senator Robert C. Jubelirer  
President Pro Tempore

From: Senator MICHAEL L. WAUGH

Subject: Urban Affairs and Housing Committee  
Vice Chairmanship

Date: July 6, 2005

I hereby resign as Vice-Chairman of the Senate Committee on Urban Affairs and Housing but will remain a member of the Committee.

### RESIGNATION OF MEMBER FROM APPOINTMENT

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

SENATE OF PENNSYLVANIA

July 6, 2005

Honorable Robert J. Mellow  
The Democratic Leader  
Senate of Pennsylvania  
Room 535, Main Capitol Building  
Harrisburg PA 17120

Dear Senator Mellow,

I would respectfully request that you remove me from the Pennsylvania Council on the Arts effective on the date of your preference.

Thank you for your selection of me to serve on the Pennsylvania Council on the Arts. Your appointment was a great honor to me. I look forward to working with you on many important issues over the balance of this legislative session.

Sincerely,

JAY COSTA  
43rd. Senatorial District

### APPOINTMENTS OF MEMBER TO STANDING COMMITTEES OF THE SENATE

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

Senator Pat Browne as a member of the Committee on State Government and as vice chairman of the Committee on Urban Affairs and Housing.

### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

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

Senator Anthony H. Williams as a member of the Pennsylvania Council on the Arts.

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

SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 176

**HB 176 (Pr. No. 2299)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in realty transfer tax, for determination and notice of tax and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; and making repeals.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurring in by the House to House Bill No. 176, and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

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

### COMMITTEE OF CONFERENCE APPOINTED ON HB 176

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, EARLL and WOZNAK as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 176.

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

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 7 RESUMED

SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 182

**HB 182 (Pr. No. 2429)** -- 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 investment powers for the State Workers' Insurance Board.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurring in by the House to House Bill No. 182 and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

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

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 182**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, THOMPSON and A. H. WILLIAMS as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 182.

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

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

**SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 628**

**HB 628 (Pr. No. 2218)** -- The Senate proceeded to consideration of the bill, 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 annual budget; prescribing a penalty; and making an editorial change.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurrent in by the House to House Bill No. 628 and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

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

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 628**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators RHOADES, BRIGHTBILL and MUSTO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 628.

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

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

**SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 815**

**HB 815 (Pr. No. 2282)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2005, to June 30, 2006, 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, 2005; 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, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2005, to June 30, 2006; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2005, to June 30, 2006, 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, 2005, to June 30, 2006, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Departments of the Commonwealth for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurrent in by the House to House Bill No. 815 and that a Committee of Conference on the part of the Senate be appointed.

On the question,

Will the Senate agree to the motion?

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

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

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 815**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, THOMPSON and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 815.

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



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

SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 1521

**HB 1521 (Pr. No. 2561)** -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to compensation for executive branch officials.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurring in by the House to House Bill No. 1521 and that a Committee of Conference on the part of the Senate be appointed.

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

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

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

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 1521**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators JUBELIRER, BRIGHTBILL and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 1521.

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

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1304 (Pr. No. 2562)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, providing for fiscal year waiver of standards and for State-aid for 2005-2006.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington

Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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. 4**

REPORT ADOPTED

**HB 1168 (Pr. No. 2560)** -- 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, providing for use of medical expenses to establish medical assistance eligibility, for lifetime limit on unpaid medical expenses, for penalty period for asset transfer, for treatment of life estates and annuities, for community spouse income, for eligibility for home and community-based services, for verification of eligibility and for eligibility redetermination of persons for medical assistance; further providing for medical assistance payments for institutional care, for other medical assistance payments, for reimbursement for certain items and services and for relatives' responsibility; providing for medical assistance benefit packages, for coverage, copayments, premiums and rates, for definitions of limited applicability, for rebates, for pharmacy management systems, for enrollment limitation and for established drug regimens; further providing for other computations affecting counties, for special provider participation requirements and for third-party liability; and providing for data matching, for special needs trusts, for a health insurance premium payment program and for parity in insurance coverage for State-owned psychiatric hospitals.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1168.

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

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

YEA-43

Armstrong	Greenleaf	Piccola	Thompson
Boscola	Hughes	Pileggi	Tomlinson
Brightbill	Jubelirer	Pippy	Washington
Conti	Kasunic	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Regola	White, Donald
Erickson	Logan	Rhoades	White, Mary Jo
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fontana	Mellow	Scarnati	Williams, Constance

Fumo  
GordnerMusto  
O'PakeStout  
Tartaglione

Wozniak

NAY-7

Browne  
EarlKitchen  
OriéStack  
Vance

Wonderling

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 Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I ask for a recess to the call of the President pro tempore. There will be several conference committee meetings which will begin at about 7:45. We expect and hope and anticipate to be back on the floor in about 45 minutes.

The PRESIDENT. There will be a recess for several conference committee meetings, and we will be back on the floor in approximately 45 minutes. Without objection, the Senate stands in recess.

### AFTER RECESS

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

### HOUSE MESSAGES

#### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO HB 176, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 176**, and has appointed Messrs. FEESE, S.H. SMITH and LEVDANSKY as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

#### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO HB 182, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 182**, and has appointed Messrs. GANNON, FLEAGLE and EACHUS as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

#### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO HB 628, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 628**, and has appointed Messrs. STAIRS, GERBER and DIVEN as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

#### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO HB 815, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 815**, and has appointed Messrs. FEESE, D. EVANS and MICOZZIE as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

#### HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO HB 1521, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 1521**, and has appointed Messrs. S.H. SMITH, ARGALL and VEON as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 147**, with the information the House has passed the same without amendments.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 825, 826, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 842, 843, 844, 845, 847, 848, 849, 850, 851, 852 and 853**.

### GENERAL COMMUNICATION RESIGNATION OF MEMBER FROM COMMITTEE

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

SENATE OF PENNSYLVANIA

To: Senator Robert C. Jubelirer
President Pro Tempore
From: Senator DAVID J. BRIGHTBILL
Subject: Committee on Game and Fisheries
Date: July 6, 2005

I hereby resign as a member of the Senate Committee on Game and Fisheries.

APPOINTMENT OF MEMBER TO STANDING COMMITTEE OF THE SENATE

The PRESIDENT. The Chair wishes to announce that the President pro tempore has made the following appointment: Senator Pat Browne as a member of the Committee on Game and Fisheries.

REPORTS OF COMMITTEES OF CONFERENCE SUBMITTED

Senator BRIGHTBILL submitted the Reports of Committees of Conference on HB 176, HB 182, HB 628 and HB 815, which were placed on the Calendar.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 9

REPORT ADOPTED

HB 182 (Pr. No. 2563) -- 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, further providing for transfer of certain funds from the General Fund to the Budget Stabilization Reserve Fund; reenacting provisions relating to the Tobacco Settlement Fund; further providing for deposits and for expiration; and providing for investment powers for the State Workers' Insurance Board and for payment of certain administrative expenses and claims from the State Lottery Fund.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 182.

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

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

YEA-46

- Armstrong Greenleaf Orié Thompson
Boscola Hughes Pileggi Tomlinson
Brightbill Jubelirer Pippy Washington
Browne Kasunic Punt Waugh
Conti Kitchen Rafferty Wenger
Corman LaValle Regola White, Donald
Costa Lemmond Rhoades Williams, Anthony H.
Erickson Logan Robbins Williams, Constance
Ferlo Madigan Scarnati Wonderling

- Fontana Mellow Stack Wozniak
Furno Musto Stout
Gordner O'Pake Tartaglione

NAY-4

- Earll Piccola Vance White, Mary Jo

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 8

REPORT ADOPTED

HB 176 (Pr. No. 2565) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for alternate imposition; providing, in personal income tax, for definitions, for classes of income and for contributions to the Olympics; providing, in personal income tax, for contributions for military family relief assistance and for operational provisions; further providing, in personal income tax, for additions, penalties and fees; further providing, in corporate net income tax, for definitions; further providing, in capital stock franchise tax, for definitions and reports; further providing, in realty transfer tax, for determination and notice; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for proceeds of judicial sale, for failure to affix stamps, for determination and notice of tax, for liens, for refunds, for civil penalties, for unlawful acts and penalties and for information; further providing, in the research and development tax credit, for definitions and for Pennsylvania S Corporation pass-through; further providing, in the film production tax credit, for definitions and for credit for qualified film production expenses; providing, in the film production tax credit, for credits; further providing in the film production tax credit, for disposition and for limitation; providing, in the film production tax credit, for penalties; further providing, in the film production tax credit, for pass-through entities and report; further providing, in the neighborhood assistance tax credit, for grant; further providing, in general provisions, for bad checks; providing, in general provisions, for electronic transmissions and for reimbursement for costs of collection; continuing ordinances and resolutions relating to real property tax transfers; and making repeals.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 176.

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

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

YEA-50

- Armstrong Greenleaf Piccola Tomlinson
Boscola Hughes Pileggi Vance
Brightbill Jubelirer Pippy Washington
Browne Kasunic Punt Waugh
Conti Kitchen Rafferty Wenger

Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 10

#### REPORT ADOPTED

**HB 628 (Pr. No. 2564)** -- The Senate proceeded to consideration of the bill 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, in school finances, for annual budget, and in teacher certification, for program of continuing professional development; providing for, in teacher certification, evaluation of applicants; further providing, in pupils and attendance, for fixing the cost of certain tuition, for cost of tuition and maintenance of certain exceptional children in approved institutions and in chartered schools for the education of the deaf and the blind; further providing for educational assistance program and educational support services, for definitions, for notification and for the program; further providing, in Head Start supplemental assistance, for definitions, for the program and for priority in funding; providing for opportunities for educational excellence through concurrent enrollment; further providing, in education empowerment, for education empowerment districts and for mandate waiver program, and, in community colleges, for definitions, for financial program and for payment reimbursement; providing, in community colleges, for establishment of the Community College Capital Fund and for annual reports; further providing, in the State System of Higher Education, for annual audits and, in educational improvement tax credit, for qualification and application and for limitations on amount of tax credits; further providing, in school district reimbursement, for definitions, for small district assistance and for temporary special aid; providing for basic education funding for 2004-2005 school year; further providing for payments on account of limited English proficiency programs, for payments to intermediate units and for special education payments; providing, in school district reimbursement, for effect of failure to file certain reports; further providing, in school district reimbursement, for approved reimbursable rental for leases and sinking fund and for Pennsylvania Accountability Grants; and making an inconsistent repeal relating to the Workforce Development Act.

Senator PICCOLA. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 628.

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-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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 move that we recess to the call of the President pro tempore.

The PRESIDENT. Without objection, the Senate will 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.

#### BILLS REPORTED FROM COMMITTEE

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

#### HB 3 (Pr. No. 2571) (Amended) (Rereported)

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, further providing for definitions, for allocation of Environmental Stewardship Fund and for administrative expenses; deleting provisions relating to environmental infrastructure grants; providing for fee deposits; authorizing indebtedness for environmental initiatives; authorizing sale of bonds, temporary financing and debt retirement; further providing for disposal fee for municipal waste landfills and deposit of disposal fee; deleting certain sunset provisions; and making a repeal relating to the Hazardous Sites Cleanup Fund.

#### HB 823 (Pr. No. 2569) (Amended) (Rereported)

An Act providing for the capital budget for the fiscal year 2005-2006, itemizing public highway projects to be constructed or acquired by the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

#### HB 1802 (Pr. No. 2566) (Amended) (Rereported)

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further defining "redevelop-

ment assistance capital project"; further providing for procedures for capital budget bill and debt-authorizing legislation and for appropriation for and limitation on redevelopment assistance capital projects; and providing for quarterly reports related to redevelopment assistance capital projects and for the refunding of debt issued under previous authorized acts.

### REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator JUBELIRER submitted the Report of Committee of Conference on **HB 1521**, which was placed on the Calendar.

### HOUSE MESSAGE

#### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 815**.

### CONSIDERATION OF CALENDAR RESUMED

#### HB 107 CALLED UP

**HB 107 (Pr. No. 2490)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL.

#### BILL AMENDED

**HB 107 (Pr. No. 24901)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the establishment and maintenance of health savings accounts; providing for special tax provisions; and imposing restrictions on health savings accounts.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARMSTRONG offered the following amendment No. A2797:

Amend Sec. 5, page 7, line 4, by striking out "A" and inserting: Except as otherwise provided under subsection (b), a

Amend Sec. 5, page 7, lines 9 through 14, by striking out all of said lines and inserting:

(b) Exception.—A health insurance policy that would qualify as a high deductible health plan under section 223(c) of the Internal Revenue Code of 1986, when offered in conjunction with a health savings account, shall not be subject to any provision of law which restricts or limits deductibles for mandated minimum health insurance benefits or reimbursements except to the extent such provision mandates benefits for preventive care, as determined by the standards set forth by the Internal Revenue Service.

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 ARMSTRONG offered the following amendment No. A2824:

Amend Sec. 4, page 6, lines 10 through 15, by striking out all of lines 10 through 14, "(2)" in line 15 and inserting: (1)

Amend Sec. 4, page 6, line 16, by striking out "(3)" and inserting: (2)

Amend Sec. 4, page 6, line 19, by striking out "(4)" 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 BRIGHTBILL.

### RECESS

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

Senator BRIGHTBILL. Madam President, I request a very brief recess for the Republican Members to come up here at the podium. It will take about 5 minutes and then we will continue.

Will the Members of the Republican Caucus come up to the podium.

The PRESIDENT. Without objection, there will be a 5-minute recess.

### AFTER RECESS

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

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

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

**HB 3 (Pr. No. 2571)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, further providing for definitions, for allocation of Environmental Stewardship Fund and for administrative expenses; deleting provisions relating to environmental infrastructure grants; providing for fee deposits; authorizing indebtedness for environmental initiatives; authorizing sale of bonds, temporary financing and debt retirement; further providing for disposal fee for municipal waste landfills and deposit of disposal fee; deleting certain sunset provisions; and making a repeal relating to the Hazardous Sites Cleanup Fund.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I have remarks I would like to submit for the record.

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

(The following prepared statement was made a part of the record at the request of the gentlewoman from Venango, Senator M.J. WHITE:)

I offer comments on House Bill No. 3, which implements the \$625 million environmental bond question approved by voters at the May 2005 primary election. House Bill No. 3 restructures our current Growing Greener program, and modifies the use of the tipping fees which are deposited into the Environmental Stewardship Fund.

We last amended this section of the law when the General Assembly passed Act 90 of 2002. Act 90 created a new \$4/ton waste disposal fee to fund Growing Greener into the future. At the time, we made a few exceptions to the waste disposal fee. One of these exceptions was that process residue and nonprocessible waste that is permitted for beneficial use or for use as alternate daily cover should not be assessed the \$4/ton waste disposal fee.

The Department of Environmental Protection, which is charged with collecting the fee, took the position that process residue and nonprocessible waste permitted for beneficial use or as alternate daily cover was only exempt from the fee so long as the residue or waste originated from a resource recovery facility. As one of the legislators who helped craft Act 90, I disagreed with the Department of Environmental Protection's position.

Commonwealth Court, in its *Brunner, Inc. vs. Department of Environmental Protection* decision filed on March 14, 2005, ruled against the Department of Environmental Protection.

I believe the law, and my understanding of the subject, was clear, that process residue and nonprocessible waste, regardless of its origin, is exempt from the fee. The Commonwealth Court decision reaffirms the legislative intent of Act 90, which sought to recognize the value of preserving virgin soil, and instead, whenever possible, using process residue and nonprocessible waste beneficially or as alternate daily cover at a landfill.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-48

Armstrong	Gordner	O'Pake	Thompson
Boscola	Greenleaf	Piccola	Tomlinson
Brightbill	Hughes	Pileggi	Vance
Browne	Jubelirer	Pippy	Washington
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rafferty	Wenger
Costa	LaValle	Regola	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Stack	Williams, Constance
Fontana	Mellow	Stout	Wonderling
Fumo	Musto	Tartaglione	Wozniak

NAY-2

Orie                      Scarnati

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. 11**

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

**HB 1802 (Pr. No. 2566) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further defining "redevelopment assistance capital project"; further providing for procedures for capital budget bill and debt-authorizing legislation and for appropriation for and limitation on redevelopment assistance capital projects; and providing for quarterly reports related to redevelopment assistance capital projects and for the refunding of debt issued under previous authorized acts.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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. 14**

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

**HB 823 (Pr. No. 2569) --** The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006, itemizing public highway projects to be constructed or acquired by the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

**YEA-50**

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	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. 13**

**REPORT ADOPTED**

**HB 815 (Pr. No. 2568)** -- The Senate proceeded to consideration of the bill entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2005, to June 30, 2006, 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, 2005; 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, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2005, to June 30, 2006; to provide appropriations from the Motor Li-

cense Fund for the fiscal year July 1, 2005, to June 30, 2006, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; 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, 2005, to June 30, 2006, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2005; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2004, to June 30, 2005, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2004.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 815.

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

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

**YEA-47**

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

**NAY-3**

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

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

**HOUSE MESSAGE**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 706**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

**MOTION TO SUSPEND RULE XIV**

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

Senator BRIGHTBILL. Madam President, I move to suspend Rule XIV to the extent that it requires that Senate Bill No. 706 be referred to the Committee on Rules and Executive Nominations and that Senate Bill No. 706 be placed on the next day's Calendar.

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

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. Senate Bill No. 706 will be placed on the Calendar.

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session in the Rules room to consider House Bill No. 1717.

**RECESS**

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

Senator BRIGHTBILL. Madam President, at this point I ask for a brief recess of the Senate for purposes of two committee meetings, first a meeting of the Committee on Appropriations, and the second will be a meeting of the Committee on Education, both to be held in the Rules room to the rear of the Chamber.

The PRESIDENT. For those purposes, 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 THOMPSON, from the Committee on Appropriations, reported the following bill:

**HB 1717 (Pr. No. 2572) (Amended) (Rereported)**

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms, for firearms not to be carried without licenses, for licenses, for loans, lending or giving of firearms, for definitions, for jurisdiction, for

full faith and credit and foreign protection orders, for responsibilities of law enforcement agencies, for commencement of proceedings, for hearings and for relief; providing for return of relinquished firearms, other weapons and ammunition, for relinquishment for consignment sale or lawful transfer, for relinquishment to third party for safekeeping and for registry or database of firearm ownership; further providing for emergency relief by minor judiciary, for arrest for violation of order, for private criminal complaints for violation of order or agreement, for contempt for violation of order or agreement and for procedures and other remedies; and providing for immunity, for inability to pay and for limitation on warrantless searches.

Senator RHOADES, from the Committee on Education, reported the following bills:

**HB 1223 (Pr. No. 2461)**

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 Project Link-to-Learn.

**HB 1291 (Pr. No. 2459)**

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 background checks of prospective employees and conviction of certain offenses.

**BILL RECOMMITTED**

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the following bill was recommitted to the Committee on Appropriations:

**HB 1717.**

**UNFINISHED BUSINESS  
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 the Reverend David W. Haines by Senator Conti.

Congratulations of the Senate were extended to Robert Riethmiller by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Bachman by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Wagner, Mr. and Mrs. Gerald Mills and to Mr. and Mrs. Paul Heberling by Senator Jubelirer.

Congratulations of the Senate were extended to Daniel Oliastro by Senator LaValle.

Congratulations of the Senate were extended to Ruth Kudlick, Cheryl L. Rayno, Elizabeth M. Colecio, Peter Notaro, Joseph Cortese, Michael D. Scarba, John J. Kovatch, Jr., Gerald R. Grink, Raymond A. Smith, Joseph D. Rosato, Martin R. Hauze, Catherine Hauze and to Eugene C. Potten by Senator Musto.

Congratulations of the Senate were extended to Nathan A. Mohler, Justin K. Knabb and to Kyle J. Ziegler by Senator O'Pake.

Congratulations of the Senate were extended to the citizens of the Borough of West View by Senator Orie.



Congratulations of the Senate were extended to Charles H. and Dorothy L. Daubert by Senator Rhoades.

Congratulations of the Senate were extended to Dr. Michael Allen Worman by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Dorn K. Welsh, Mr. and Mrs. Clarence E. Steck, Mr. and Mrs. Paul C. Deihl, Randall E. Evertts, Millard C. Freysinger and to Vernon R. Ross by Senator Vance.

Congratulations of the Senate were extended to Willie J. Flipping by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. LaMar Heim by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Lineman, Mr. and Mrs. Norman Rector, Mr. and Mrs. David Addleman and to Michael Stone by Senator M.J. White.

Congratulations of the Senate were extended to the Havertown Senior Center by Senator C. Williams.

### 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 Reverend Kenneth L. Duncan, to the family of the late Eleanor Neville DeMaria, to the family of the late Thomas John Munsch, Jr., and to the family of the late David Charles McClurg by Senator Orie.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**HB 1223 and HB 1291.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### HOUSE MESSAGES

#### HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Reports of Committees of Conference on **HB 176, HB 182 and HB 628.**

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1304.**

### BILLS SIGNED

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

**SB 86, SB 147, HB 86, HB 176, HB 182, HB 489, HB 612, HB 628, HB 815, HB 824, HB 825, HB 826, HB 827, HB 828, HB 829, HB 830, HB 831, HB 832, HB 833, HB 834, HB 835, HB 836, HB 837, HB 838, HB 839, HB 840, HB 841, HB 842, HB 843, HB 844, HB 845, HB 846, HB 847, HB 848, HB 849, HB 850, HB 851, HB 852, HB 853, HB 1168, HB 1304, HB 1646 and HB 1650.**

### RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Thursday, July 7, 2005, at 1:15 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 11:59 p.m., Eastern Daylight Saving Time.