

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 21, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 41

### SENATE

WEDNESDAY, September 21, 1994

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

### PRAYER

The Chaplain, Reverend Dr. JAMES KILLIAN, retired Pastor of United Church of Christ, Reading, offered the following prayer:

Let us pray.

Almighty God, we ask you to open our eyes to the needs of people in institutions. Open our ears to hear the hopes and hurts of those we serve, to correctly apply the skills You have given and the powers these offices give to us to right the wrongs, correct imbalances, provide the good, peaceful, and productive life for all citizens of this great Commonwealth which You have so richly endowed.

Inspire us to be good servants, sincere friends, and humble strivers in this place of action and promise as we seek Your strength and will. We ask this in Your name. Amen.

The PRESIDENT. The Chair thanks Reverend Killian, the guest this day of Senator O'Pake.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 20, 1994.

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

Senator LOEPER. Mr. 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?

### LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I would like to ask for legislative leaves for today for Senator Mellow, Senator

Schwartz, and Senator Williams, and a temporary Capitol leave for Senator Reibman.

Also, Mr. President, I will be here for the first roll-call vote. If there is another one, I would like to ask for a temporary Capitol leave for myself because I have to go to a committee hearing.

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave for Senator Mowery, and legislative leaves for Senator Lemmond and Senator Salvatore.

The PRESIDENT. Senator Fumo requests legislative leaves for Senator Mellow, Senator Schwartz, and Senator Williams, and a temporary Capitol leave for Senator Reibman.

Senator Loeper requests a temporary Capitol leave for Senator Mowery, and legislative leaves for Senator Salvatore and Senator Lemmond.

The Chair hears no objection to the leave requests. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

### YEAS—49

Afflerbach	Greenleaf	Madigan	Robbins
Andrezeski	Hart	Marks	Salvatore
Armstrong	Heckler	Mellow	Schwartz
Baker	Helfrick	Mowery	Shaffer
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wagner
Dawida	Lincoln	Reibman	Wenger
Fisher	Loeper	Rhoades	Williams
Fumo			

### NAYS—0

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

The PRESIDENT. The Journal is approved.

### REPORTS FROM COMMITTEE

Senator CORMAN, from the Committee on Transportation, reported the following bills:

**SB 1823 (Pr. No. 2345)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special preserve our heritage registration plate.

**HB 2010 (Pr. No. 2458)**

An Act designating a certain bridge in Wyoming County as the Carmel Sirianni Memorial Bridge.

**HB 2056 (Pr. No. 4056) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for recipients of the Expeditionary Forces Medal, for veterans of World War II and for a zoological registration plate; further providing for tabulation and analysis of accident reports by the Department of Transportation; and further providing for mobile homes, modular housing units and modular housing undercarriages; providing for permits for movement of a mobile home or a modular housing unit and modular housing undercarriage; and providing for penalties.

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

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

Senator AFFLERBACH. Mr. President, it is my pleasure to introduce to the Senate a group of young women who are in the gallery. These individuals are participants from the Lehigh Valley in a program known as E.P.Y.P., the Expectant and Parenting Youth Program. And, in fact, each of these individuals provides testimony to the fact that some of the programs we have enacted in Pennsylvania to assist people who are willing to assist themselves are indeed working.

I ask that this Senate welcome these young ladies here today and to encourage them to continue moving forward to assist themselves within this program and to continue to move forward to contact their legislators and let them know just how successful these programs are.

The PRESIDENT. Would the guests of Senator Afflerbach please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

**GUESTS OF SENATOR NOAH W. WENGER  
PRESENTED TO THE SENATE**

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

Senator WENGER. Mr. President, I am pleased today to have a special guest, Sam Verghese, who is acting as a guest Page today. Sam is a sixth grade student at the Leola Elementary School in the Conestoga Valley School District. If Sam would rise, we certainly would be pleased to recognize him.

(Applause.)

The PRESIDENT. We thank you for joining us, and thank you for your service.

Senator WENGER. Also, Mr. President, in the gallery is Sam's mother, Mrs. Brenda Verghese. She is also visiting here in the Senate today, and I would like to have her recognized as well.

The PRESIDENT. Would the guest of Senator Wenger please rise? Mrs. Verghese, thank you very much for coming. (Applause.)

**RECESS**

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

Senator LOEPER. Mr. President, at this time I ask for a brief recess of the Senate for the purpose of a Republican caucus to take place immediately in the Rules room at the rear of the Senate Chamber, with the anticipation of being back on the floor within 15 to 20 minutes.

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

Senator FUMO. Mr. President, we would like to ask for a Democratic caucus to commence at the same time in the Democratic caucus room in the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Mowery. His temporary Capitol leave will be cancelled.

**LEGISLATIVE LEAVES**

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

Senator LOEPER. Mr. President, Senator Robbins, Senator Fisher, and Senator Heckler have been called to their offices, and I request temporary Capitol leaves for them, please.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Robbins, Senator Fisher, and Senator Heckler. The Chair hears no objection. Those leaves will be granted.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, Senator Andrezeski, Senator Fumo, Senator Jones, Senator Porterfield, Senator Stapleton, and Senator Afflerbach have been called to their offices or have gone to respective meetings throughout the Capitol. I request temporary Capitol leaves for them.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Andrezeski, Senator Jones, Senator Porterfield, Senator Stapleton, and Senator Afflerbach. The Chair hears no objection. Those leaves will be granted as well.

CALENDAR

THIRD CONSIDERATION CALENDAR

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

SB 1059 (Pr. No. 2377) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 1 (General Provisions), 13 (Commercial Code), 15 (Corporations and Unincorporated Associations), 42 (Judiciary and Judicial Procedure) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; providing for definitions; further providing for registered limited liability partnerships and for limited liability companies; making conforming changes to existing provisions of law; and making a repeal.

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:

YEAS—49

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Bortner, Brightbill, Corman, Dawida, Fisher, Fumo, Greenleaf, Hart, Heckler, Helfrick, Holl, Jones, Jubelirer, LaValle, Lemmond, Lewis, Lincoln, Loeper, Madigan, Marks, Mellow, Mowery, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Reibman, Rhoades, Robbins, Salvatore, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wagner, Wenger, Williams.

NAYS—0

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

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

BILLS OVER IN ORDER

SB 678, SB 1350, HB 1462, HB 1514, SB 1662, SB 1663, HB 1721, HB 2348 and HB 2630 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 489 (Pr. No. 2372) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for accessibility of polls to voters with disabilities and elderly voters.

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

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 848, SB 849 and SB 850 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1670 (Pr. No. 2376) — The Senate proceeded to consideration of the bill, entitled:

An Act creating the County Probation and Parole Officers' Firearm Education and Training Commission under the Pennsylvania Board of Probation and Parole; providing for the commission's membership, selection and compensation; providing for the powers and duties of the commission; requiring training of certain county probation and parole officers; and establishing the County Probation and Parole Officers' Firearm Education and Training Fund.

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1752 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 376 (Pr. No. 2277) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Distance Learning Commission to formulate a State distance learning policy; and conferring powers and duties on the Department of Education.

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

SB 461 (Pr. No. 489) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

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

#### BILL OVER IN ORDER

**SB 466** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 485 (Pr. No. 513)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," establishing the Citizens' Advisory Council on Corrections; and providing for its powers and duties.

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

**SB 560 (Pr. No. 1299)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

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

**SB 602 (Pr. No. 641)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the release of information contained in confidential reports involving child abuse.

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

#### BILL OVER IN ORDER

**SB 904** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILLS ON SECOND CONSIDERATION

**SB 1027 (Pr. No. 1141)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Commission on Blindness and Visual Impairment and providing for its powers and duties; transferring certain functions; and making repeals.

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

**SB 1542 (Pr. No. 1898)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

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

**SB 1543 (Pr. No. 1899)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for free resident fishing licenses to former prisoners of war.

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

#### BILL OVER IN ORDER

**SB 1594** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL REREFERRED

**HB 1640 (Pr. No. 4053)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, imposing a surcharge to provide funding for regional poison control centers; and establishing the Poison Control Fund.

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

#### BILLS OVER IN ORDER

**SB 1686, SB 1687, SB 1767, SB 1770 and SB 1843** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 2457 (Pr. No. 4054)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, defining "HIV-related test"; and providing for human immunodeficiency virus (HIV) testing of sex offenders.

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

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

BILL OVER IN ORDER

HB 2583 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SENATE CONCURRENT REGULATORY REVIEW RESOLUTION No. 1, CALLED UP

Senator LOEPER, without objection, called up from page 7 of the Calendar, Senate Concurrent Regulatory Review Resolution No. 1, entitled:

A Concurrent Resolution disapproving the final-form regulation 14-408, Department of Public Welfare, Case-Mix Payment System.

On the question, Will the Senate adopt the resolution?

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

YEAS—49

Table listing names of Senators who voted 'yea' for Resolution No. 1, including Afflerbach, Greenleaf, Madigan, Robbins, etc.

NAYS—0

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

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

SENATE CONCURRENT REGULATORY REVIEW RESOLUTION No. 2, CALLED UP

Senator LOEPER, without objection, called up from page 8 of the Calendar, Senate Concurrent Regulatory Review Resolution No. 2, entitled:

A Concurrent Resolution disapproving the final-form regulation 14-417, Department of Public Welfare, Drug and Alcohol Detox and Rehab Services in Hospitals.

On the question, Will the Senate adopt the resolution?

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

YEAS—49

Table listing names of Senators who voted 'yea' for Resolution No. 2, including Afflerbach, Greenleaf, Madigan, Robbins, etc.

NAYS—0

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

June 20, 1994

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. Baumgartner, 1926 Fairland Avenue, Bethlehem 18018, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice L. Martin Miller, Haverford, whose term expired.

ROBERT P. CASEY Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

June 20, 1994

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, Kevin M. Mitchell, 4081 Deer Run Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jacob H. Kaufman, Jr., Chambersburg, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY

June 20, 1994

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, George Pernicano, 113 Southern Hilands Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Welling W. Fruehauf, Pittsburgh, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY

June 20, 1994

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, John S. Ross, Jr., 648 Randolph Drive, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lewis Elicker, III, York, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 13, 1994

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, Cathleen L. Palm, 150 East College Avenue, Wernersville 19565, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified, vice Margaret McAndrew Petruska, Pittsburgh, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF LAURELTON CENTER

June 13, 1994

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, Jeanne G. Zimmerman, 900 Green Street, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice Sara J. DeGregorio, Watsonstown, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF MAYVIEW STATE HOSPITAL

July 8, 1994

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, Dale M. Miller, 1099 Lafayette Street, Bridgeville 15017, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Reverend C. Leroy Hacker, Pittsburgh, resigned.

ROBERT P. CASEY  
Governor

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Reibman. Her temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—49

Afflerbach	Greenleaf	Madigan	Robbins
Andrezeski	Hart	Marks	Salvatore
Armstrong	Heckler	Mellow	Schwartz
Baker	Helfrick	Mowery	Shaffer
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wagner
Dawida	Lincoln	Reibman	Wenger

Fisher	Loeper	Rhoades	Williams
Fumo			

NAYS—0

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

NOMINATION TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table a certain nomination and ask for its consideration. The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

June 17, 1994

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, Helen D. Wise, D.Ed., R. D. 2, Box 166, Spring Mills 16875, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 1999, and until her successor is appointed and qualified, vice Dr. Marvin Wachman, Philadelphia, whose term expired.

ROBERT P. CASEY  
Governor

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

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

YEAS—48

Afflerbach	Fumo	Loeper	Rhoades
Andrezeski	Greenleaf	Madigan	Robbins
Armstrong	Hart	Marks	Salvatore
Baker	Heckler	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Wagner
Dawida	Lewis	Punt	Wenger
Fisher	Lincoln	Reibman	Williams

NAYS—1

Tilghman

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 LOEPER. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

UNFINISHED BUSINESS  
SENATE RESOLUTION No. 154

EXPRESSING CONDOLENCES ON THE  
PASSING OF ROBERT D. FLEMING

Senator HART, by unanimous consent, offered the following resolution (Senate Resolution No. 154), which was read, considered and adopted:

In the Senate, September 21, 1994

A RESOLUTION

Expressing condolences on the passing of Robert D. Fleming.

WHEREAS, Robert D. Fleming, former member of the Senate, passed away on August 24, 1994; and

WHEREAS, One of Allegheny County's most prominent Republicans, Mr. Fleming served in the legislature for 36 years, 24 of them as the Senator from the 40th District and 10 of them in the House of Representatives; and

WHEREAS, An Aspinwall real estate and insurance broker for 50 years, he played a key role in promoting Pittsburgh's original Renaissance project that remade the Downtown skyline and served on the board of the Port Authority; and

WHEREAS, During his Senate tenure, Mr. Fleming served as Chairman of the Appropriations Committee, Majority Leader and President Pro Tempore; and

WHEREAS, He became a major advocate in the creation of the Legislative Budget and Finance Committee and his major legislative agenda included the creation of community colleges and a range of clean stream and strip mining reclamation bills; therefore be it

RESOLVED, That the Senate note with great sadness the passing of Robert D. Fleming, beloved family member and highly esteemed governmental leader, and extend heartfelt condolences to his wife, D. Jean Fleming and daughter, Jean Frances Fleming; and be it further

RESOLVED, That a copy of this document, sponsored by Senator Jubelirer on behalf of the majority caucus and Senator Mellow on behalf of the minority caucus, be transmitted to D. Jean Fleming, Oakmont, Pennsylvania.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. John Murdy by Senator Bodack.

Congratulations of the Senate were extended to Drs. John D. and Mary Ellen Hartman by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. George Miller, Mr. and Mrs. Meldon Mitstifer, Sr., and to Mr. and Mrs. Luther Bartlett by Senator Madigan.

Congratulations of the Senate were extended to Austin J. Burke by Senator Mellow.

Congratulations of the Senate were extended to Margaret Albright, Vivian Bryner, Dorothy Hostetler, Edna Melius and to Helen Weigel by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony Casciato by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. George Magnuson and to Jeremy Steck by Senator Porterfield.

Congratulations of the Senate were extended to John F. Almquist, Jr., by Senator Robbins.

Congratulations of the Senate were extended to Kevin G. Patterson by Senator Salvatore.

Congratulations of the Senate were extended to Chestnut Hill College of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Nathan Rodgers and to Brian A. Christie by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Gene Howard and to David Lunardini by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer Lemley by Senator Stout.

### POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Bessie Barrick was extended to the family by Senator Mowery.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 1823, HB 2010 and 2056.**

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

### ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, just for information for the Members, it would be the intention of the Majority next Monday to deal with the centralized auto emissions testing issue. I would request that if there are any amendments dealing with that subject that they be submitted to the Majority before the end of the week, and we will share whatever amendments may be coming from this side in order that on Monday we may be able to go to caucus, caucus on those amendments and consider that issue on the floor Monday afternoon.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, would the esteemed Majority Leader submit to brief interrogation on this issue and scheduling?

The PRESIDENT. The esteemed Majority Leader will.

Senator LINCOLN. Mr. President, would it be possible or did I hear the gentleman say, and it is a little hard to hear on the floor sometimes, that all amendments that are submitted to you would be given to us by Friday?

Senator LOEPER. Mr. President, I am requesting that if there are amendments prepared by Friday that we could share with each other, so we could be prepared on Monday to move forward.

Senator LINCOLN. Mr. President, we would appreciate that, and thank you.

Now, further on the schedule, we were notified some time ago that there would be a schedule of 3 days this week, 3 days next week, Monday, Tuesday, and Wednesday, and then the following week would be Monday and Tuesday only. Can we still expect to adhere to that schedule?

Senator LOEPER. Mr. President, at this point in time, and I think that subject to the work schedule for next week dealing with the impeachment process as well as the legislative schedule, we are not going to be in a position until possibly early next week to make a final determination on that schedule.

Senator LINCOLN. Mr. President, okay, thank you very much.

### ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, September 26, 1994, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 12:22 p.m., Eastern Daylight Saving Time.