

Legislative Journal

TUESDAY, JANUARY 28, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 5

SENATE

TUESDAY, January 28, 1997

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend RUSSELL STAHLEY, of Bensalem United Methodist Church, Bensalem, offered the following prayer:

Let us pray.

Most gracious God, You are the giver of every good gift, provider of all that we need in You, filling our lives with wonderful people, magnificent experiences, and more than we need. And we thank You for daily, ordinary things to which You give extraordinary meaning: the touch of a friend, the taste of wonderful food, the hearing of a friend's voice, the aroma which gives new life to treasured memories, the sight of something so beautiful that it makes us stand in quiet awe and wonder, for experiencing Your presence through love and joy, peace and patience, kindness and goodness, gentleness and faithfulness, and self-discipline, for making us in such a way that we need You and each other. For those persons whom we have known for a long time, or briefly, who blessed, strengthened, inspired, and pointed us to You, we give You our thanks.

Merciful God, for those attitudes which are destructive, for those actions which demean, for thinking more highly of ourselves than we ought to think, for criticisms that are meant to crush rather than correct, for being generous with our complaints and constricted with our praise, for holding on to some bitterness as though it were some great treasure, for the wounds that we will not let heal, these are our sins. Help us to feel genuine sorrow for them. Bring us to repentance and remove from our life all that should not be there, and in that space may Your goodness and grace abound so fully that there will be no place for wrong.

Gracious God, we pray for those who feel alone and abandoned, unwanted and unloved, for those who carry enormous burdens and huge responsibilities, for those who feel crushed by criticism and conflict, for those taunted by overwhelming temptations, for those disillusioned and in despair, for those who need to be restored and renewed and reconciled again.

Dear God, I lift up to You in prayer these persons of the State Senate. Lead them as they seek to serve Your people, the

citizens of this Commonwealth. Grant them in their deliberations and in their decisions that they will honor You and be helpful to Your people. Grant to them Your vision that they will see not only what is but what still can be in You. Help them to overcome the barriers that would stand in the way of doing those things which are right and honorable. Bring Your healing to old wounds. Nurture each one with Your abiding presence. Nourish them with Your goodness and grace. Enable them to speak the truth in love. Show them what to hold on to and what to let go of. Inspire in them the courage to correct each other when they are wrong and the grace to commend each other when they are right.

Help them to protect the weak and encourage the strong. Help them to do right things for right reasons. Touch their minds and make them wise. Touch their hearts and fill them with love for Your people. Touch their bodies and keep them strong and whole in You. Fill their spirits with great and new and wonderful dreams, and help them to know that they and all of us belong to You and to each other. And this I pray in Jesus' name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Stahley, who is the guest today of Senator Tomlinson.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 27, 1997.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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 BOARD OF TRUSTEES OF EBENSBURG CENTER

January 27, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lois E. Mentch, 318 Central Avenue, Cresson 16630, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Lynn L. Wasovich, Johnstown, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER**

January 27, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rose C. Planinsek, R. D. 4, Box 97, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Elizabeth Lockard, Ebensburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD**

January 27, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nannette McLaughlin, 65 Fairway Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 2000, vice Oliver L. Slinker, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS**

January 27, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David A. Metcalf, 607 West Street, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nicholas D. Cafarelli, Reading, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE TIOGA COUNTY
BOARD OF ASSISTANCE**

January 27, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Doris E. Sargent (Republican), R. R. #2, Box 163A, Tioga 16946, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Tioga County Board of Assistance, to serve until December 31, 1999, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

January 28, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. Walter McCray, III, 4404 Chandler Drive, Brookhaven 19015, Delaware County, Ninth Senatorial District, for appointment as District Justice, in and for the County of Delaware, Magisterial District 32-2-39, to serve until the first Monday of January 1998, vice C. Walter McCray, resigned.

THOMAS J. RIDGE
Governor

BILLS INTRODUCED AND REFERRED

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

January 27, 1997

Senators PUNT, HELFRICK, DELP, SALVATORE, WENGER, GERLACH, ROBBINS and HART presented to the Chair **SB 214**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for the minimum amount of capital stock and franchise tax; and making editorial changes.

Which was committed to the Committee on FINANCE, January 27, 1997.

Senators PUNT, HELFRICK and AFFLERBACH presented to the Chair **SB 215**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for costs of assigned counsel.

Which was committed to the Committee on JUDICIARY, January 27, 1997.

Senators PUNT, SALVATORE, WENGER, WOZNAK, HART, RHOADES and ROBBINS presented to the Chair **SB 216**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for school breakfast and lunch programs, for nutrition education and for technical support services.

Which was committed to the Committee on EDUCATION, January 27, 1997.

Senator HOLL presented to the Chair **SB 217**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for qualifications of Governor's appointee as Secretary of Education.

Which was committed to the Committee on EDUCATION, January 27, 1997.

Senator HOLL presented to the Chair **SB 218**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), entitled Unfair Insurance Practices Act, further providing for unfair or deceptive acts or practices.

Which was committed to the Committee on BANKING AND INSURANCE, January 27, 1997.

Senators CORMAN, TILGHMAN, BRIGHTBILL, MADIGAN, HELFRICK, STOUT, HECKLER, RHOADES, HOLL, HART, TOMLINSON, THOMPSON, BELL, LEMMOND, WHITE, ROBBINS, WILLIAMS, WOZNAK, DELP and MUSTO presented to the Chair **SB 219**, entitled:

An Act amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for definitions.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

Senators CORMAN, STOUT, THOMPSON and SLOCUM presented to the Chair **SB 220**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities.

Which was committed to the Committee on LOCAL GOVERNMENT, January 27, 1997.

Senators PICCOLA, GERLACH, HECKLER, ULIANA, HELFRICK, BELL, MOWERY, HART, TOMLINSON, AFFLERBACH, WENGER, PUNT, ROBBINS, TILGHMAN, RHOADES and MADIGAN presented to the Chair **SB 221**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for a unified judicial system.

Which was committed to the Committee on JUDICIARY, January 27, 1997.

Senators GREENLEAF, HECKLER, COSTA, KASUNIC and WOZNAK presented to the Chair **SB 222**, entitled:

An Act providing for the protection of historic trees; conferring powers and duties on the Bureau of Forestry; and imposing a penalty.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

Senators GREENLEAF, RHOADES, AFFLERBACH, COSTA, TOMLINSON, WHITE, WOZNAK, LEMMOND and MURPHY presented to the Chair **SB 224**, entitled:

An Act amending the act of June 28, 1995 (P.L.89, No.18), entitled Conservation and Natural Resources Act, further providing for the powers and duties of the Department of Conservation and Natural Resources with respect to parks.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

Senators GREENLEAF, HECKLER, AFFLERBACH, COSTA, KUKOVICH, KASUNIC and WOZNAK presented to the Chair **SB 225**, entitled:

An Act prohibiting the purchase of tropical hardwood or tropical hardwood products by the Commonwealth; and providing for certain exceptions to the prohibition.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

Senators GREENLEAF, HECKLER, RHOADES, COSTA, KASUNIC, TOMLINSON, WOZNAK and LEMMOND presented to the Chair **SB 226**, entitled:

An Act amending the act of June 28, 1995 (P.L.89, No.18), entitled Conservation and Natural Resources Act, further providing for rivers conservation; establishing the Water Recreation Advisory Board; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

Senators GREENLEAF, HECKLER, AFFLERBACH, KASUNIC, SCHWARTZ and WOZNAK presented to the Chair **SB 227**, entitled:

An Act requiring containers for collecting glass and aluminum in public areas and places; and imposing a penalty.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

Senators GREENLEAF, RHOADES, HECKLER and KASUNIC presented to the Chair **SB 228**, entitled:

An Act establishing the Forest Stewardship Program and Stewardship Incentive Program in the Bureau of Forestry of the Department of Conservation and Natural Resources; and establishing the Pennsylvania Forest Stewardship Committee and providing for its powers and duties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 27, 1997.

January 28, 1997

Senators HELFRICK, KITCHEN, WILLIAMS and HUGHES presented to the Chair **SB 151**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting imposition of the death penalty.

Which was committed to the Committee on JUDICIARY, January 28, 1997.

Senators PICCOLA, SALVATORE, TOMLINSON, MOWERY, DELP, COSTA, HELFRICK, WENGER, WOZ-
 NIAK, STOUT, ROBBINS, MELLOW, ULIANA,
 BRIGHTBILL, MADIGAN, THOMPSON, PUNT, RHOADES,
 GERLACH, HART, HOLL, MUSTO, KASUNIC,
 ARMSTRONG, SLOCUM, LEMMOND and WAGNER pre-
 sented to the Chair SB 156, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the composition and powers of the Board of Pardons.

Which was committed to the Committee on JUDICIARY, January 28, 1997.

SENATE RESOLUTION

URGING THE PENNSYLVANIA TURNPIKE COMMISSION AND THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TO CONSIDER PROVIDING PARKING AREAS AT INTERCHANGES OF THE TURNPIKE AND NORTHEAST EXTENSION AND AT INTERCHANGES OF OTHER MAJOR HIGHWAYS IN THIS COMMONWEALTH

Senator HOLL offered the following resolution (*Senate Resolution No. 10*), which was read and referred to the Committee on Transportation:

In the Senate, January 27, 1997

A RESOLUTION

Urging the Pennsylvania Turnpike Commission and the Pennsylvania Department of Transportation to consider providing parking areas at interchanges of the turnpike and Northeast Extension and at interchanges of other major highways in this Commonwealth.

WHEREAS, It is the public policy of this Commonwealth to encourage conservation of our natural resources; and

WHEREAS, The use of car pools by the motoring public of this Commonwealth is a worthwhile conservation endeavor to conserve natural resources such as oil and natural gas; and

WHEREAS, There is currently very little short-term or long-term parking space available to the general public at the interchanges of the Pennsylvania Turnpike and the Northeast Extension and at interchanges of other major highways in this Commonwealth; and

WHEREAS, Additional short-term and long-term parking for the general public at the interchanges of the Pennsylvania Turnpike and the Northeast Extension and at interchanges of other major highways in this Commonwealth would facilitate and encourage carpooling by the citizens of this Commonwealth; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Pennsylvania Turnpike Commission and the Department of Transportation to consider providing parking areas for use by the general public at the toll interchanges of the Pennsylvania Turnpike and the Northeast Extension and at interchanges of other major highways in this Commonwealth.

GENERAL COMMUNICATION

RESOLUTION FROM THE STATE OF OHIO

The PRESIDENT pro tempore laid before the Senate the following Concurrent Resolution No. 21 from the Ohio General Assembly, which was read by the Clerk as follows:

(121st General Assembly)
 (Senate Concurrent Resolution Number 21)

CONCURRENT RESOLUTION

To urge the United States Congress, governors of other states, and other state legislatures to support H.R. 1842 and other legislative initiatives to mitigate the economic warfare among the states that has resulted from the adoption of targeted business incentive programs.

Be it resolved by the Senate of the State of Ohio (the

House of Representatives concurring):

Whereas, Targeted business incentive programs have proliferated into a counterproductive economic war between the states and now form the cornerstone of state-sponsored "economic development" policies; and

Whereas, These programs fail to promote healthy and equitable statewide economic growth and, in reality, result in states engaging in economic warfare moving businesses from one location to another both within and between states, with no significant economic benefit in the aggregate; and

Whereas, America's future in the global economy lies within its educational, industrial, technological, and research capabilities throughout the entire fifty states; and

Whereas, Disarmament of wasteful programs can be achieved through a combination of new state and federal policies; and

Whereas, States would be better off providing a less burdensome tax climate for all businesses and a quality educational system geared to providing an adequately trained and ready work force, support for research and development, and a quality transportation system, along with other high-quality traditional government services; and

Whereas, Efforts are currently under way in the United States Congress to identify and eliminate federally funded programs that are used by the states to escalate this economic warfare; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio strongly urges the Ohio Congressional delegation to embrace and support efforts in the United States Congress such as H.R. 1842 and other legislative initiatives that will begin to mitigate this economic warfare; and be it further

RESOLVED, That the General Assembly strongly urges the governors and other legislatures in the respective states to promulgate this message; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United State House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the governors and the appropriate officers of the legislatures of all the other states.

SENATE COMMITTEE APPOINTED PURSUANT TO SENATE RULE XXXV

The PRESIDENT pro tempore. The Chair wishes to announce the appointment by the President pro tempore of the following Senators to serve as members of the Senate Committee on Ethics and Official Conduct, pursuant to Senate Rule XXXV:

The gentleman from Lebanon, Senator Brightbill (chairman); the gentleman from Lackawanna, Senator Mellow (vice chairman); the gentleman from Bradford, Senator Madigan; the gentleman from Luzerne, Senator Lemmond; the gentleman from Philadelphia, Senator Fumo; and the gentleman from Allegheny, Senator Wagner.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Afflerbach as a member of the State Employees' Retirement Board.

Senator Madigan as a member of the Public School Employees' Retirement Board.

Senator Fumo as a member of the Public School Employees' Retirement Board.

Senator Holl as a member of the State Transportation Advisory Committee and a member of the Pennsylvania Historical and Museum Commission.

REPORTS FROM COMMITTEE

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 90 (Pr. No. 88)

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for the composition and duties of the Pennsylvania Commission on Crime and Delinquency and the composition of the Juvenile Advisory Committee.

SB 116 (Pr. No. 225) (Amended)

An Act authorizing the Department of Corrections, county commissioners, boards of inspectors or other officials in charge of correctional facilities to establish inmate work force programs.

SB 156 (Pr. No. 224)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the composition and powers of the Board of Pardons.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Armstrong and Senator Delp.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Delp. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests a legislative leave for Senator Williams. Without objection, that leave will be granted.

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator HELFRICK and Senator TILGHMAN, for today's Session, for personal reasons.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT M. TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I would like to introduce a group of college students from Bucks County Community College. They represent Students in Free Enterprise, and they are here today for the introduction of a House Resolution by Representative DiGirolamo. Representative Matt Wright is accompanying them to the gallery, and I would like to welcome those guests to the Senate today.

The PRESIDENT pro tempore. Would those guests of Senator Tomlinson please rise and we will welcome you properly. (Applause.)

The PRESIDENT pro tempore. We hope you enjoy your stay.

CALENDAR

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 178 (Pr. No. 221) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment No. A0015:

Amend Sec. 2, page 4, line 7, by inserting after "the": eighth,

On the question,

Will the Senate agree to the amendment?

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

Senator LOEPER. Mr. President, the amendment adds one additional judge in Northumberland County.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator BODACK offered the following amendment No. A0011:

Amend Sec. 1 (Sec. 911), page 2, line 2, by inserting brackets before and after "41" and inserting immediately thereafter: 43

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

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

Senator BODACK. Mr. President, this amendment would call for adding two judges to the Court of Common Pleas of Allegheny County. This coming June it will be 3 years since the Senate first considered adding more common pleas court judgeships throughout Pennsylvania, and we are here again today to do the same thing.

Since that time there has been, of course, an ever-increasing caseload in Allegheny County, and I have become convinced that there is an absolute need for these additional judges in my home county. I still believe that the State needs to do more to properly fund the courts throughout the Commonwealth, but by the same token I do not believe that the issue should cause us to sidetrack this legislation at this time.

In June 1994 the legislation called for five additional judges in Allegheny County. That bill failed enactment, as did a similar proposal in early 1995. At that time, Mr. President, Senator Fisher, who was the Majority Whip of the Senate, argued in the debate we had here at the time that he thought the Senate should have agreed that the existing system for reimbursing the counties for judgeships should stay for these new judgeships that we were doing that day. In essence, he said the reality is that the Allegheny County commissioners' opposition, not the creation of judgeships, should not be considered. He went on to further state that he believed that Allegheny County would in fact need five new judgeships over the course of the next 3 years. Well, it has been 3 years, and if you look at the caseload Senator Fisher referred to at that time, the court handles very much the same type of caseload that the city of Philadelphia does, which has almost double the number of judges that we have in Allegheny County.

Now today, Mr. President, my amendment draws on the same talk that we had with Senator Fisher a few years ago. This amendment provides for two additional judges for Allegheny County. It is not the five that were asked for the last time when I felt it was not necessary. Since that time I have seen the caseload increase. I have discussed personally with the president judge the need for these additional judges in Allegheny County, and I am at this point convinced of the absolute need for two additional judges, not the five that I argued against 3 years ago.

Today there are cases that involve gang wars, drive-by shootings, sexual harassment, dysfunctional families, product liability, and issues such as asbestos exposure. Mr. President, I submit that those cases are bursting the dockets of the civil, criminal, and family courts of Allegheny County. Allegheny County does need these additional judges, and I urge support on both sides of the aisle for this amendment.

Thank you, Mr. President.

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

Senator HART. Mr. President, I rise in opposition to the amendment. I think, as those of us who are Members of the

Committee on Judiciary discussed, the counties that are to be included in this bill are the ones in which the county commissioners in those counties and the president judges in those counties have agreed that they can, number one, afford to pay for additional judges and, number two, obviously, that they need an additional complement of judges. I did receive a letter from the president judge of Allegheny County just last week asking for additional judges. However, Mr. President, I have conferred with county commissioners in Allegheny County and they are not convinced that we need to add two judges to the bill at this time.

Mr. President, I ask for a negative vote on the amendment for the very reason that I think we need to establish that a county can afford these judges before we send an additional mandate to that county, and consider the request of the president judge in Allegheny County further and possibly include it in a later bill to add the complement to that county, because all the other judges that are in this bill, the additional judges, have been agreed to by the county commissioners and the president judges of those counties included.

So again, I ask for a negative vote on the amendment. Thank you, Mr. President.

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

Senator BODACK. Mr. President, I would like to point out to the gentlewoman from Allegheny, Senator Hart, that there are counties, I understand, where the commissioners have not agreed to the addition of judges in their counties, and I would like to further point out that 3 years ago in the debate with Senator Fisher, he stated that this is not a mandate, rather it is a shared responsibility between the legislature and the counties that are involved. I submit to the Members today that that has not changed and it should still be a shared responsibility as opposed to a mandate for Allegheny County.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Punt has been called from the floor, and I request a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Punt. Without objection, that leave will be granted.

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

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

YEA-19

Afflerbach	Hughes	Mellow	Stout
Belan	Kasunic	Musto	Tartaglione
Bodack	Kitchen	O'Pake	Williams
Costa	Kukovich	Schwartz	Wozniak
Fumo	LaValle	Stapleton	

NAY-29

Armstrong	Hart	Murphy	Tomlinson
Bell	Heckler	Piccola	Uliana
Brightbill	Holl	Punt	Wagner
Corman	Jubelirer	Rhoades	Wenger
Delp	Lemmond	Robbins	White
Earll	Loeper	Salvatore	
Gerlach	Madigan	Slocum	
Greenleaf	Mowery	Thompson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

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

Senator O'PAKE offered the following amendment No. A0017:

Amend Sec. 1 (Sec. 911), page 2, line 20, by striking out all of said line and inserting: Twenty-third 10

Amend Sec. 2, page 4, lines 7 and 8, by striking out ", twenty-third"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

It was agreed to.

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

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Richard N. Paul, Ray Stopa, Stephanie Toth, Kristin Klusklewicz, Josiely Ferreira, Elysse Yocum, T.J. Barron and to Deborah Mensch by Senator Afflerbach.

Congratulations of the Senate were extended to Anthony Lombardozzi, Joshua Frazier Hall and to Samuel Elwood Willard by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. L. Wilburn Wolfe by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. John Romito and to Mr. and Mrs. Robert Waltenbaugh by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel R. Wolfe and to Daniel P. Cook by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Byron Foust, Mr. and Mrs. Kermit Norris, Mr. and Mrs. John Taylor, Mr. and Mrs. Charles D. Meloy and to Mr. and Mrs. George Decker by Senator Jubelirer.

Congratulations of the Senate were extended to Shirley Poole by Senator Kitchen.

Congratulations of the Senate were extended to Ruth Houser by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. William R. Lawton by Senator Madigan.

Congratulations of the Senate were extended to Patrick Clifford by Senator Mellow.

Congratulations of the Senate were extended to James Martin, Ralph Jachimiak, Anthony Stilp, Richard Koscielski, George Chapman, Andrew Hvozdovic, Albert Soboleski, Brian Paul Timko, Michael D. Jordan, Jerome Sanguiliano and to Leonard Koval by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Martinelli by Senators Musto and Mellow.

Congratulations of the Senate were extended to the Lithuanian Alliance of America, District 7, of Pittston by Senators Musto, Mellow, and Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. John R. Clauser and to Mr. and Mrs. Peter Kalkowsky by Senator Rhoades.

Congratulations of the Senate were extended to Patricia A. Titus and to Joyce E. Cannone by Senator Robbins.

Congratulations of the Senate were extended to Stacey Haney by Senator Stout.

Congratulations of the Senate were extended to the Pennsylvanians with Disabilities Day of Lehigh Valley by Senators Uliana and others.

BILLS ON FIRST CONSIDERATION

Senator MURPHY. 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 90, 116 and 156.

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

Senator LOEPER. Mr. President, for the information of the Republican Members of the Senate, I request all Republican Members to report immediately to the first floor caucus room upon the adjournment of today's Session for a brief but important caucus.

The PRESIDENT pro tempore. The Senate Republicans will report to the first floor caucus room.

ANNOUNCEMENT BY MINORITY LEADER

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

Senator BODACK. Mr. President, I would like to call for a Democratic caucus to take place immediately at the rear of the Chamber.

The PRESIDENT pro tempore. Senator Bodack has requested a Democratic caucus to take place immediately in the Minority Caucus Room to the rear of the Senate Chamber.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, January 29, 1997, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 1:55 p.m., Eastern Standard Time.