

Legislative Journal

TUESDAY, APRIL 8, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 20

SENATE

TUESDAY, April 8, 1997

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend THOMAS SCHENK, of Lakeside Baptist Church, McMurray, and also Chaplain and Lieutenant Colonel in the United States Air Force, offered the following prayer:

As I pray for you, may I ask you to pray for the family of Lieutenant Colonel Joost VanBastelaar, who was an Air National Guardsman, a good friend of mine, and a long-time resident of Pennsylvania, who was killed in the A-10 accident at Willow Grove.

Let us pray.

As a citizen of the Commonwealth and Chaplain for today, Lord, it is Your command and my privilege and responsibility to pray for these men and women gathered in this place. It is an awesome task to represent the people of Pennsylvania and deliberate issues that will deeply affect the lives of all of us. Such a responsibility, Lord, demands more than any human being can offer, even these gifted and committed people. So, Lord, I ask You to guide these leaders as they accomplish their duties; grant them the wisdom to know what is right and the character and courage to do what is right. Give them the strength to resist the temptations that come with position and power and prestige so that they can serve rather than be served. Guard them and their families against the dangers that come with public service.

Finally, Lord, I ask for them the personal satisfaction and fulfillment, as well as the public gratitude and respect that belong to those who govern well. Through these women and men, Lord, may You establish the potential of a peaceful and productive life for all the people of Pennsylvania. And as we enjoy that life together, remind us, Lord, to express our gratitude to You and give You the glory that You deserve. In Your name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Schenk, who is the guest today of Senator Murphy.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 7, 1997.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 156, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly adjournment.

HOUSE BILLS FOR CONCURRENCE

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

April 7, 1997

HB 847, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890 and 891 -- Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

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

April 8, 1997

Senators SALVATORE, HELFRICK, BODACK, TARTAGLIONE, FUMO, BELL, LEMMOND, GREENLEAF, COSTA, MELLOW, KITCHEN, MUSTO, WOZNIAK, KASUNIC and STOUT presented to the Chair **SB 881**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), entitled State Lottery Law, further providing for pharmaceutical assistance eligibility.

Which was committed to the Committee on AGING AND YOUTH, April 8, 1997.

Senators HART, RHOADES, GREENLEAF, MOWERY, MURPHY, PICCOLA, LEMMOND, ROBBINS, BELL, TOMLINSON, THOMPSON, AFFLERBACH, WAGNER, COSTA, O'PAKE, STOUT and MUSTO presented to the Chair **SB 885**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training.

Which was committed to the Committee on LAW AND JUSTICE, April 8, 1997.

Senator ARMSTRONG presented to the Chair **SB 886**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled Local Tax Collection Law, authorizing one taxing district to enter into an agreement with another taxing district for tax collection purposes under certain circumstances.

Which was committed to the Committee on LOCAL GOVERNMENT, April 8, 1997.

BILL SIGNED

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

SB 156.

REPORTS FROM COMMITTEES

Senator DELP, from the Committee on Agriculture and Rural Affairs, reported the following bills:

SB 182 (Pr. No. 948) (Amended)

An Act amending the act of December 17, 1968 (P.L.1224, No.387), entitled Unfair Trade Practices and Consumer Protection Law, providing protection for dog purchaser, imposing duties on the Attorney General; and providing for records and for penalties.

SB 283 (Pr. No. 580)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to aquacultural development; imposing powers and duties on the Department of Agriculture; and making repeals.

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

HB 847 (Pr. No. 1414) (Amended)

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1997, to June 30, 1998, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Bank-

ing Department Fund and the Firearm Ownership Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1997, to June 30, 1998, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1997; and to provide for the additional appropriation of State and Federal funds for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996.

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

SB 23 (Pr. No. 945) (Amended)

An Act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, The Insurance Department Act of 1921, further providing for agents and brokers definitions, solicitation penalties, licenses, compensation penalties and rebates and inducements; providing for agents and brokers disclosures; further providing for agents and brokers misrepresentations and general penalties and for institutional agents and brokers; and providing for insurance sales by financial institutions.

SB 427 (Pr. No. 450)

An Act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, The Insurance Department Act of 1921, further providing for powers and duties of the rehabilitator.

Senator MADIGAN, from the Committee on Environmental Resources and Energy, reported the following bill:

SB 219 (Pr. No. 211)

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.

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

SB 529 (Pr. No. 558)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for arson and related offenses.

SB 770 (Pr. No. 826)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for audio-video arraignment.

HB 148 (Pr. No. 158)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for credit card fraud; defining the offense of unlawful device-making equipment; and providing penalties.

RESOLUTIONS REPORTED FROM COMMITTEES

Senator DELP, from the Committee on Agriculture and Rural Affairs, reported the following resolution:

SR 22 (Pr. No. 949) (Amended)

A Concurrent Resolution creating a task force to study and report on the issues concerning the regulation, management and process by which Pennsylvania dairy farmers are paid for their milk; and directing the Center for Rural Pennsylvania to assist the task force.

Senator MADIGAN, from the Committee on Environmental Resources and Energy, reported the following resolution:

SR 31 (Pr. No. 944) (Amended)

A Resolution urging the United States Environmental Protection Agency to cease operation of the incinerator on the Drake Chemical Superfund site until serious concerns are resolved about the management and operation of the incinerator.

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

SR 34 (Pr. No. 943)

A Resolution designating April 20 through 26, 1997, as "Community Banking Week" in Pennsylvania.

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Uliana.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Belan, and temporary Capitol leaves for Senator Bodack and Senator Hughes.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Bodack and Senator Hughes, and a legislative leave for Senator Belan. Without objection, those leaves are granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

HB 152 CALLED UP OUT OF ORDER

HB 152 (Pr. No. 1345) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 152 (Pr. No. 1345) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing and penalties for trafficking drugs to minors; prohibiting the provision of certain stimulants to minors; and providing penalties.

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 Allegheny, Senator Murphy.

Senator MURPHY. Mr. President, I just want to speak very briefly about House Bill No. 152, not only for the benefit of the Members of this Chamber but also for the citizens of Pennsylvania.

This bill deals with a number of drugs that are look-alike drugs or stimulant drugs which our youth around the Commonwealth of Pennsylvania may use. I know myself, in my career as a psychologist, I have dealt with many teenagers who began their drug career with taking some of these over-the-counter drugs such as Mini-Stims or Mini-Slims or Fast Ones or Mega-Trims or other alertness drugs they had purchased from local stores, sometimes under the guise of helping them remain alert during classes, but they quickly began a path for them to further drug abuse.

I watched many young kids' careers erode and their academic skills and their work life, and it is very important that all of us as Members of this Senate of Pennsylvania pass this bill and also let parents know that it is extremely important that they be watching for these things that their children may be taking because they can have a tremendous impact. We sometimes think that over-the-counter medications and over-the-counter drugs that may look like asthma medications or stimulants really have no impact, but I assure all of you that these can have a tremendous impact upon kids' lives, and I therefore encourage passage of this bill.

Thank you, Mr. President.

And the question recurring,

Shall the bill pass finally?

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

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner

Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earl	La Valle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JOSEPH M. ULIANA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, on behalf of my three other colleagues who represent Monroe County, I would like to welcome the Monroe County Republican Women's Council joining us here today. They are being led by my staff assistant in my district office in Monroe County, who has taken the day off just to come to Harrisburg, and she brought her daughter, Mallory, with her. Would they please stand and be welcomed by the Senate of Pennsylvania.

(Applause.)

Mr. President, I also did not recognize the mother-in-law of Representative Craig Dally who is here, my good friend, Marge Cappabianca.

The PRESIDENT. Would she rise.

(Applause.)

GUESTS OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE

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

Senator MELLOW. Mr. President, I would like to introduce a young lady who is serving with us today as a Page. Her name is Melissa Febus. Melissa is a 15-year-old sophomore at Middletown Area High School. She is very active in the school orchestra, and in fact plays the violin. She would like to be an attorney, and I guess this is a good place to serve as a Page if in your future you would like to be an attorney. She is part of the mentor program instituted by the school district. The program pairs a student with a graduate. The graduate from the high school, we are very fortunate to say, is Gladys Brown, who is my deputy chief counsel. So I am very happy, Mr. President, to welcome Melissa Febus, who is here as a Page, and Gladys Brown, who is her mentor and works for us as deputy chief counsel.

The PRESIDENT. Would Melissa please rise so that the Senate may acknowledge you.

(Applause.)

GUEST OF SENATOR EDWARD W. HELFRICK PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, it is my pleasure today to welcome one of my young constituents to the Senate where she is serving as a guest Page. Jennifer Tuomisto of Northumberland County is a sixth grade student at the Sunbury Christian Academy. She is a straight-A student and a member of the Distinguished Honor Roll. In July Jennifer will represent Pennsylvania in the Preteen America Program in Tennessee. She is the daughter of Roy and Gayle Tuomisto of Northumberland. I ask the Senate to give its usual warm welcome to our guest Page.

The PRESIDENT. Would Jennifer please rise so that the Senate may acknowledge you.

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, it is an honor to be able to present to the Senate of Pennsylvania the winners of "A Day With Your Senator." These people actually made a donation to St. Catherine's Parish in Mount Penn to spend a day here. They visited the Governor's residence, they had a tour of the Senate and House, and visited one of our committee meetings. I would like the Senate to extend its usual warm welcome to Mr. Gregory Jones, who is an engineer with Lucent Technologies, his lovely wife, Patricia, and their children, Garrett, Tiffany, and Jansen, who are in the front row of the gallery.

The PRESIDENT. Would our guests please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR MICHAEL O'PAKE AND SENATOR DAVID J. BRIGHTBILL PRESENTED TO THE SENATE

Senator O'PAKE. Also in the gallery, Mr. President, Senator Brightbill and I today would like to welcome the fourth grade class of St. Ignatius School in Whitfield. They are here with their teacher, Nancy Schwartz, and many of the parents. Some of them are Senator Brightbill's constituents and some are mine. They visit each year in the spring and they still keep coming back, and I would like to welcome the fourth grade from St. Ignatius School.

The PRESIDENT. Would our guests please rise so that the Senate may acknowledge you.

(Applause.)

GUEST OF SENATOR DANIEL S. DELP PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, at this time I would like to introduce one of my constituents, Eric Yeager, who is with us today in the gallery. He is currently a student in the New Oxford School District and today he is participating in "Career Day" because he is interested in pursuing a career in political science, and I would appreciate it if the Senate would give him its usual warm welcome.

The PRESIDENT. Would our guest please rise so that the Senate may acknowledge you.

(Applause.)

SPECIAL ORDER OF BUSINESS MISS PENNSYLVANIA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White, for the purpose of introducing a distinguished Pennsylvanian.

Senator WHITE. Mr. President, it is my pleasure to introduce to you today on the floor of the Senate a very special guest, and I am honored to have her here as one of my constituents. She is Miss GiGi Gordon, Miss Pennsylvania. She is here with her parents, Clark and Kathy Gordon of Butler County, and she is serving as the current Miss Pennsylvania and is just concluding her term. She is a graduate of Penn State University, where she was a Dean's List student and majored in Life Science. While at Penn State she received numerous recognitions, including Honored Women of Science Award, the Honorary Order of Omega, and a scholar athlete award.

GiGi, as Miss Pennsylvania, has undertaken the important task of educating Pennsylvanians on the dangers of eating disorders. She is currently producing a healthy living video targeted toward young women. On completing her year of service as Miss Pennsylvania, she hopes to pursue an MBA, possibly at Moravian College. As you know, as Miss Pennsylvania she represented our State beautifully in the Miss America Pageant. So please join me in giving a very warm welcome to Miss Pennsylvania, GiGi Gordon.

(Applause.)

The PRESIDENT. Miss Gordon, you are welcomed, and warmly so. Please take a moment to address this fine assembly.

Miss GORDON. Thank you.

Good afternoon, Lieutenant Governor Schweiker, distinguished Members of the Senate. I want to thank you for giving me this opportunity to speak with you for a few minutes today. I would also like to give a special thanks to Senator Mary Jo White for making my appearance today possible.

As I was kindly introduced, this is my full-time job until June, when I will sadly give up the title of Miss Pennsylvania. My job has been to travel across the State and make all kinds of appearances, most of them being speaking engagements at

various schools and communities about the subject of eating disorders, but I have also done a lot of parades and promotions and a lot of fun things. Obviously, one of the main highlights was participating in the Miss America Pageant last September. Also being a Penn State graduate, I participated in the Homecoming Parade last October, which was a huge thrill for me. Also, a month ago I worked with Dick Clark very closely with the Pennsylvania Lottery's 25th Anniversary Game Show, and then obviously being here this afternoon addressing you. These are truly what have made my year as Miss Pennsylvania very special.

A few words about eating disorders. They are incredibly complicated issues and can be addressed from many different angles, but as Miss Pennsylvania what I have really tried to do throughout my year in talking to young people is really stress that true beauty is not what the mirror necessarily shows us, it is what is inside that truly counts. And I feel that eating disorders develop for a lot of different reasons in different people, but an underlying cause of eating disorders is low self-esteem or personal discontent, and I strongly believe that societal pressures and media pressures have a lot to do with that. So when a young person opens up a magazine and they do not see someone who looks like them, they should not feel badly about that and have these sort of unrealistic ideals.

So that is really what I have tried to do, sort of spread the word to young people that it is okay to look different than the people on the television and people in the movies. The average woman in America today is 5 feet 4 inches tall and weighs 140 pounds, and I guarantee that when young women open up Vogue magazine this is not what they are seeing. So I really just try to tell them that people are truly like flowers, and all of us are different shapes, sizes, and colors, but we are all uniquely beautiful, and that is what really counts.

So, again, thank you for having me here today. If we all work together to bring about awareness of eating disorders and other mental issues, we can truly come together and challenge this societal belief that thinness equals success.

So, again, thank you for having me here today.

The PRESIDENT. Once again, recognize Miss Pennsylvania. (Applause.)

The PRESIDENT. Thanks so much for those insights, and the Senate, I know, wishes you only the best in the balance of your term.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3 p.m.

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

Senator MELLOW. Mr. President, I do not believe it is necessary for the Democrats to caucus at this time.

The PRESIDENT. For the purpose of a Republican caucus to begin immediately in the first floor caucus room, with the intention of returning to the floor at approximately 3 p.m., the Senate will stand in recess.

AFTER RECESS

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 12 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL AMENDED

SB 55 (Pr. No. 780) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for operating watercraft under influence of alcohol or controlled substance, for chemical testing and for classification of offenses and penalties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator HELFRICK offered the following amendment No. A1123:

Amend Sec. 3 (Sec. 5502), page 6, line 21, by inserting a bracket before "(c)"

Amend Sec. 3 (Sec. 5502), page 6, line 22, by striking out the bracket before "third"

Amend Sec. 3 (Sec. 5502), page 6, lines 22 through 30; page 7, lines 1 through 9, by striking out "second" in line 22 and all of lines 23 through 30, page 6, and all of lines 1 through 9, page 7, and inserting:

(c) Grading and penalties.—

(1) A person violating any of the provisions of this section commits a misdemeanor of the second degree, except a person who meets the requirements of paragraph (2). The sentencing court shall order the person to pay a fine of not less than \$500 and to serve a minimum term of imprisonment of:

(i) not less than 48 consecutive hours; or

(ii) not less than 30 days if the person had previously accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition or had been convicted of, adjudicated delinquent or granted a consent decree under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on an offense under this section or an equivalent offense in this or other jurisdictions within the previous seven years calculated from the date of acceptance, conviction, adjudication or grant.

(2) If the person has two or more times previously been convicted of, adjudicated delinquent or granted a consent decree under 42 Pa.C.S. Ch. 63 based on an offense under this section or an equivalent offense in this or other jurisdictions within the previous seven years, a person commits a misdemeanor of the first degree. The sentencing court shall order the person to pay a fine of not less than \$2,500 nor more than \$10,000 and to serve a minimum term of imprisonment of not less than 90 days.

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 LOEPER.

BILL OVER IN ORDER TEMPORARILY

HB 67 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 131, SB 200, SB 212 and SB 251 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

SB 330 (Pr. No. 339) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L. 90, No. 21), entitled, as reenacted, Liquor Code, further providing for the location of new liquor stores.

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

SB 420 (Pr. No. 437) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

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

BILL AMENDED

SB 423 (Pr. No. 448) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, to permit service of process on Sunday.

On the question,

Will the Senate agree to the bill on third consideration?

Senator HELFRICK offered the following amendment No. A1028:

Amend Sec. 1 (Sec. 5107), page 1, line 10, by inserting after "Sunday": except at any church, synagogue, meetinghouse or any place of worship

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 LOEPER.

HB 67 CALLED UP

HB 67 (Pr. No. 1069) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 67 (Pr. No. 1069) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle registration periods of less than one year, and making appropriations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A1104:

Amend Title, page 1, line 3, by striking out "; AND MAKING APPROPRIATIONS"

Amend Sec. 1 (Sec. 1307), page 1, line 12, by inserting after "car," recreational motor vehicle.

Amend Sec. 1 (Sec. 1307), page 1, lines 13 through 15, by striking out "or the" in line 13, all of line 14 and "(relating to definitions)" in line 15

Amend Sec. 2, page 2, lines 26 through 30; page 3, lines 1 through 16, by striking out all of said lines on said pages

Amend Sec. 3, page 3, line 17, by striking out "3" and inserting:
2

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 LOEPER.

BILL OVER IN ORDER

SB 640 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 176 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILLS
ON SECOND CONSIDERATION

SB 867 (Pr. No. 872) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Considered the second time and agreed to,

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

SB 869 (Pr. No. 874) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

Considered the second time and agreed to,

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

SB 870 (Pr. No. 875) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

Considered the second time and agreed to,

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

SB 871 (Pr. No. 876) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

Considered the second time and agreed to,

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

SB 872 (Pr. No. 877) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 7 and HB 86 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 114 (Pr. No. 111) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1968 (P.L. 149, No. 84), entitled, as amended, Volunteer Firefighters' Relief Association Act, providing for volunteer firefighters' money purchase deferred benefit plans.

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

BILLS OVER IN ORDER

SB 147, SB 175 and SB 211 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

SB 268 (Pr. No. 268) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 11, 1968 (P.L. 149, No. 84), entitled, as amended, Volunteer Firefighters' Relief Association Act, further providing for the purposes for which funds of an association may be spent.

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

HB 280 (Pr. No. 848) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P.L. 34, No. 15), known as the Pennsylvania Municipal Retirement Law, further providing for administrative expenses.

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

SB 284 (Pr. No. 932) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L. 1005, No. 205), entitled Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation and for supplemental State assistance.

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

BILLS OVER IN ORDER

SB 301, SB 307 and SB 419 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 502 (Pr. No. 1330) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L. 853, No. 155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals.

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

BILLS ON SECOND CONSIDERATION

SB 585 (Pr. No. 614) -- The Senate proceeded to consideration of the bill, entitled:

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 composition of the commission.

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

SB 635 (Pr. No. 667) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definition of the offense of assault by prisoner, providing for consecutive sentences in certain aggravated assault cases and in cases involving assaults by prisoners and for aggravated harassment by prisoner, and further providing for assault by life prisoner.

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

SB 641 (Pr. No. 674) -- 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 law enforcement records concerning juveniles.

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

SB 732 (Pr. No. 790) -- 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, further providing for the Thaddeus Stevens State School of Technology.

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

SB 873 (Pr. No. 878) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SENATE RESOLUTION No. 32,
AMENDED AND ADOPTED

Senator LOEPER, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 32**, entitled:

A Resolution memorializing the Clinton Administration, the Congress of the United States and the Governor of New York to support and to approve legislation that would give states authority to place reasonable restrictions upon the importation of solid waste.

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

On the question,
Will the Senate adopt the resolution?

Senator MADIGAN offered the following amendment No. A1120:

Amend First RESOLVE Clause, page 3, lines 15 and 16, by striking out "Clinton Administration" and inserting: President of the United States

Amend Third RESOLVE Clause, page 3, lines 26 through 30, by striking out all of said lines

Amend Fourth RESOLVE Clause, page 4, lines 1 and 2, by striking out "CLINTON ADMINISTRATION" and inserting: President of the United States

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

On the question,
Will the Senate adopt the resolution, as amended?
A voice vote having been taken, the question was determined in the affirmative.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 67 (Pr. No. 1415) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle registration periods of less than one year.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate

has passed the same with amendments in which concurrence of the House is requested.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Kerry McCoy, Lewistown Area High School Boys Basketball Team and to the Lewistown Area High School Girls Basketball Team by Senator Corman.

Congratulations of the Senate were extended to Madeline Ahrends by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Leslie Graham, Mr. and Mrs. Raymond Harvey, Mr. and Mrs. Clarence Searfoss, Kenneth D. Allison, Irene L. Lindemann and to the Central United Methodist Church of Honesdale by Senator Lemmond.

Congratulations of the Senate were extended to Pocono Design Systems, Incorporated, of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Keith George by Senator Piccola.

Congratulations of the Senate were extended to Tim E. Cook by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel LaPuma and to Steven M. Preston by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Don Anderson, Mr. and Mrs. George McAnallen, Mr. and Mrs. Melvin Openbrower and to Mr. and Mrs. Elmer Paulina by Senator Stout.

Congratulations of the Senate were extended to David C. Raum by Senator Thompson.

Congratulations of the Senate were extended to Dr. Gaetan J. Lavalla and to Ada S. Mayberry by Senator Tilghman.

Congratulations of the Senate were extended to Tim Belloff and to Samuel David Griga by Senator Tomlinson.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 23, SB 182, SB 219, SB 283, SB 427, SB 529, SB 770, HB 148 and HB 847.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 9, 1997

9:00 A.M.	EDUCATION (public hearing on Vocational Technical Education)	Room 8E-A East Wing
10:00 A.M.	AGING AND YOUTH (to consider Senate Bill No. 438 and House Resolution No. 50)	Majority Caucus Rm.
10:45 A.M.	APPROPRIATIONS (to consider House Bills No. 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890 and 891)	Rules Cmte. Conf. Rm.
1:00 P.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (public hearing to review the operations of the Department of Community and Economic Development)	Room 8E-A East Wing

THURSDAY, APRIL 10, 1997

9:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (public hearing to review the operations of the Department of Community and Economic Development)	Room 8E-B East Wing
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WEDNESDAY, APRIL 16, 1997

10:00 A.M.	LAW AND JUSTICE (to consider the Ridge Administration's proposal to privatize the State stores)	Room 8E-B East Wing
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TUESDAY, APRIL 22, 1997

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nomination of Nora Mead Brownell to the Public Utility Commission)	Room 8E-B East Wing
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WEDNESDAY, APRIL 23, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Senate Bill No. 619)	Room 8E-B East Wing
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WEDNESDAY, MAY 28, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on the retail deregulation of the natural gas industry)	Room 8E-B East Wing
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LEGISLATIVE LEAVE CANCELLED

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, April 9, 1997, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 3:35 p.m., Eastern Daylight Saving Time.