

# Legislative Journal

TUESDAY, APRIL 15, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 23

## SENATE

TUESDAY, April 15, 1997

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

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

### PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Dear Lord, God in Heaven, we come before You this afternoon in humility, recognizing our shortcomings and seeking Your forgiveness. Our special petition this day is that we may enjoy a share of Your divine wisdom and compassion, that we may be granted understanding and truly open our minds and hearts to Your love, then will our efforts of this day be successfully completed and pleasing in Your sight. Amen.

### JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 14, 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 168**, with the information the House has passed the same without amendments.

### BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

**SB 168.**

### REPORTS FROM COMMITTEES

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

#### SB 415 (Pr. No. 430)

An Act amending the act of April 25, 1986 (P.L.89, No.33), entitled "An act amending the act of March 23, 1972 (P.L.136, No.52), entitled 'An act relating to the practice of psychology, providing for licensing of psychologists, making certain acts illegal and providing penalties,'....," further providing for the implementation of the required transition period for prospective psychologists.

#### HB 844 (Pr. No. 1199)

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as The C.P.A. Law, further providing for education requirements and for reinstatement.

Senator HART, from the Committee on Finance, reported the following bills:

#### SB 493 (Pr. No. 976) (Amended)

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for allocation of cigarette tax revenues to the Children's Health Fund.

#### HB 134 (Pr. No. 1484) (Amended)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax definitions, for personal income tax definitions, for special tax provisions on poverty; providing for income tax refund checkoffs for breast and cervical cancer research; further providing for realty transfer tax definitions and exclusions; excluding certain computer services from sales and use tax; further defining "claimant" and "dependent"; further providing for special tax provisions for poverty, for the determination of capital stock value and for allocation of cigarette tax receipts to the Children's Health Fund; further defining "compensation" for personal income tax purposes to exclude cafeteria plans and certain other benefits; extending the Neighborhood Assistance Tax Credit to personal income taxes imposed under Article III, for neighborhood assistance tax credits and for inheritance tax; and making repeals.

Senator ULIANA, from the Committee on Urban Affairs and Housing, reported the following bill:

#### SB 882 (Pr. No. 957)

An Act providing for a procedure for adoption of a home rule charter in counties of the second class.

### 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:

April 15, 1997

Senators GREENLEAF, HART, HELFRICK and HOLL presented to the Chair **SB 899**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for abstinence program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, April 15, 1997.

Senators GREENLEAF, HECKLER, HELFRICK, WILIAMS, KASUNIC and HART presented to the Chair **SB 900**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for public drunkenness, for purchase, consumption, possession or transportation of liquor or malt or brewed beverages, for selling or furnishing liquor or malt or brewed beverages to minors and for carrying a false identification card.

Which was committed to the Committee on LAW AND JUSTICE, April 15, 1997.

Senators GREENLEAF, O'PAKE, LEMMOND, PICCOLA, HELFRICK, HOLL, SALVATORE, THOMPSON, WENGER and WHITE presented to the Chair **SB 901**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for wiretapping and electronic surveillance and for windshield obstructions.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators GREENLEAF, O'PAKE, COSTA, HELFRICK, KASUNIC, MUSTO, RHOADES, THOMPSON, TOMLINSON, WENGER and WHITE presented to the Chair **SB 902**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading for the use of tobacco in schools.

Which was committed to the Committee on EDUCATION, April 15, 1997.

Senators DELP, PICCOLA, HART, SALVATORE, HELFRICK, WENGER, WOZNIAK, GERLACH, COSTA, SCHWARTZ, O'PAKE and TOMLINSON presented to the Chair **SB 903**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of harassment when committed against a care-dependent person by a caretaker.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators DELP, HART, SALVATORE, HELFRICK, GREENLEAF, EARLL, COSTA and RHOADES presented to the Chair **SB 904**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for restitution and for priority for recipients of restitution.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators O'PAKE, MELLOW, BELAN, AFFLERBACH, COSTA, MUSTO, KITCHEN and KASUNIC presented to the Chair **SB 905**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), entitled Unfair Trade Practices and Consumer Protection Law, further requiring a notice to be attached to extended warranties and a right of rescission.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 15, 1997.

Senators O'PAKE, MELLOW, BELAN, AFFLERBACH, COSTA, MUSTO, KITCHEN and KASUNIC presented to the Chair **SB 906**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), entitled Unfair Trade Practices and Consumer Protection Law, further providing for a service assurance agreement reserve account and penalties for noncompliance.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 15, 1997.

Senators O'PAKE, BODACK, COSTA, KUKOVICH, STAPLETON, STOUT, TARTAGLIONE, RHOADES, MUSTO, BELAN, AFFLERBACH and GERLACH presented to the Chair **SB 907**, entitled:

An Act establishing the Commonwealth Matching Fund for Municipal Police and providing for expenditures from the fund.

Which was committed to the Committee on LOCAL GOVERNMENT, April 15, 1997.

Senators O'PAKE, BODACK, KUKOVICH, STAPLETON, KITCHEN, STOUT, WHITE, TARTAGLIONE, RHOADES, BELAN and GERLACH presented to the Chair **SB 908**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compensation of jurors and reimbursement to counties.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators O'PAKE, BODACK, STAPLETON, COSTA, KITCHEN, STOUT, RHOADES, MUSTO, HART, BELAN, AFFLERBACH, TARTAGLIONE and GERLACH presented to the Chair **SB 909**, entitled:

An Act establishing a juvenile delinquent boot camp program in the Department of Public Welfare.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators O'PAKE, BODACK, STAPLETON, COSTA, KITCHEN, STOUT, RHOADES, MUSTO, HART, BELAN, AFFLERBACH, TARTAGLIONE and GERLACH presented to the Chair **SB 910**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing disposition of delinquent children to boot camps.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators O'PAKE, MELLOW, BODACK, STAPLETON, COSTA, KITCHEN, STOUT, TARTAGLIONE, RHOADES, MUSTO, BELAN, AFFLERBACH and GERLACH presented to the Chair **SB 911**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, providing for a youth employment tax credit.

Which was committed to the Committee on FINANCE, April 15, 1997.

Senators O'PAKE, MELLOW, BODACK, HELFRICK, STAPLETON, KITCHEN, STOUT, SCHWARTZ, TARTAGLIONE, RHOADES, MUSTO, BELAN and GERLACH presented to the Chair **SB 912**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the possession of weapons on school property.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators O'PAKE, MELLOW, BODACK, HELFRICK, COSTA, KUKOVICH, GREENLEAF, STAPLETON, KITCHEN, STOUT, WILLIAMS, TARTAGLIONE, RHOADES, MUSTO, BELAN, AFFLERBACH and GERLACH presented to the Chair **SB 913**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of forfeited property.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators WOZNIAK, WAGNER, HELFRICK, MUSTO, HART, STOUT, BELAN and COSTA presented to the Chair **SB 914**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for construction, relocation, suspension and abolition of crossings.

Which was committed to the Committee on TRANSPORTATION, April 15, 1997.

Senators O'PAKE, MELLOW, AFFLERBACH, COSTA, STAPLETON, BELAN, STOUT and KUKOVICH presented to the Chair **SB 915**, 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 definitions of "crime" and "victim" for the purpose of compensating victims of crimes.

Which was committed to the Committee on JUDICIARY, April 15, 1997.

Senators HART, WOZNIAK, THOMPSON, O'PAKE, ROBBINS, COSTA, WENGER, RHOADES and STOUT presented to the Chair **SB 918**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for exclusions from tax.

Which was committed to the Committee on FINANCE, April 15, 1997.

Senators HART, WENGER and THOMPSON presented to the Chair **SB 919**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further defining "corporation."

Which was committed to the Committee on FINANCE, April 15, 1997.

Senators HART, HELFRICK, THOMPSON, WENGER and STOUT presented to the Chair **SB 920**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for licenses.

Which was committed to the Committee on FINANCE, April 15, 1997.

Senators BRIGHTBILL, O'PAKE, MUSTO, THOMPSON, WOZNIAK, MOWERY, ROBBINS and HART presented to the Chair **SB 921**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, limiting taxation of short-term corporations and business entities.

Which was committed to the Committee on FINANCE, April 15, 1997.

Senator BELAN presented to the Chair **SB 922**, entitled:

An Act amending the act of May, 3, 1933 (P.L.242, No.86), entitled, as amended, Cosmetology Law, further providing for amount of education required.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 15, 1997.

Senators RHOADES, ULIANA, DELP, O'PAKE, COSTA and ROBBINS presented to the Chair **SB 923**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for the transition of power for Constitutional Officers.

Which was committed to the Committee on STATE GOVERNMENT, April 15, 1997.

Senators RHOADES, SALVATORE, BELL, KASUNIC, TARTAGLIONE and BODACK presented to the Chair **SB 924**, entitled:

An Act providing for a Statewide ballot question relating to limited electronic gaming.

Which was committed to the Committee on STATE GOVERNMENT, April 15, 1997.

Senators CORMAN, STOUT, HELFRICK, WHITE, WENGER, COSTA, MUSTO and HART presented to the Chair **SB 925**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duty of driver on approach of emergency vehicle.

Which was committed to the Committee on TRANSPORTATION, April 15, 1997.

### RESOLUTION INTRODUCED AND REFERRED

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

April 15, 1997

Senators MUSTO and MADIGAN presented to the Chair **SR 38**, entitled:

A Resolution urging the President of the United States and Congress to make the more than \$1 billion of Federal moneys already earmarked for abandoned mine reclamation available to states.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, April 15, 1997.

### LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave for Senator Mowery.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Mowery. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT pro tempore. Senator Mellow requests legislative leaves for Senator Belan and Senator Williams, and a temporary Capitol leave for Senator Stapleton. Without objection, those leaves are granted.

### REMARKS ON VOTE

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

Senator MELLOW. Mr. President, yesterday when we were voting on final passage of the budget, I incorrectly voted the gentleman from Cambria, Senator Wozniak, as voting against final passage of the bill. Senator Wozniak was attending a meeting with the agriculture community from his district who were here on a legislative day, and that vote should have been in the affirmative on House Bill No. 847, which was passed yesterday and will be the General Fund budget. I inaccurately recorded him as voting "no" when I should have voted him "yes," and I would like the record to reflect that.

The PRESIDENT pro tempore. The record will so reflect. The Chair thanks the gentleman.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 850 (Pr. No. 952)** -- 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 third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEA-50

|            |           |           |             |
|------------|-----------|-----------|-------------|
| 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 without amendments.

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR GERALD J. LAVALLE PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, it is a pleasure for me today to introduce to the Senate two young ladies from Beaver County representing the Beaver Castle Girl Scouts, MaryBeth Scialabba and Crystal Noakes. They are here with a number of other Girl Scouts seeing their government in action.

Thank you, Mr. President.

The PRESIDENT pro tempore. Would those guests of Senator LaValle who are in the gallery please rise so that we may give you a warm Senate welcome.

(Applause.)

### GUEST OF SENATOR J. BARRY STOUT PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I want to join my colleague, the gentleman from Beaver, Senator LaValle, and introduce a young lady from Beaver County. I represent a portion of Beaver County with Senator LaValle; he has the vast majority of it. This young lady, Maureen Doyle, is a student at Blackhawk High School in Beaver County. Many of the Members may recognize the name "Blackhawk" because I think they have been perpetual State Champions in basketball and football, and so forth, over the years, but this young lady is a member of the Beaver Castle Girl Scout Council, Troop 197. After finishing at Blackhawk High School, she is planning on attending Notre Dame and taking up law, so some of us may be around long enough to see her come back to the Senate of Pennsylvania someday to serve as a Senator or give advice and counsel to us. I would like the young lady who is on the floor now to stand up, Maureen Doyle.

The PRESIDENT pro tempore. Would Senator Stout's guest please rise and we will give you a warm welcome.

(Applause.)

### GUESTS OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE

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

Senator MELLOW. Mr. President, I would also like to introduce a Girl Scout, a young lady who has had the opportunity of spending the morning in my office. She was able to attend two news conferences and a meeting on the possibility of relocating some jobs from New Jersey into the Poconos in Monroe County. The young lady with me today, Mr. President, is Michelle Lynott. She is a sophomore at North Pocono High School. She would like to be a lawyer, and she is a member of Girl Scout Troop 597. Her mother, Barbara, is also up in the gallery, and I wish that the Senate would give them a cordial welcome.

The PRESIDENT pro tempore. Would those guests of Senator Mellow please rise so that we may welcome you to the Senate of Pennsylvania.

(Applause.)

### GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE

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

Senator SCHWARTZ. Mr. President, I, too, have a Girl Scout traveling with me today, and her name is Ashley Spearman. She is a junior at Overbrook High School and she is with a group of Girl Scouts and was interested in visiting with us today. So I would ask that we give a warm welcome to Ashley.

The PRESIDENT pro tempore. Would Senator Schwartz's guest please rise. Welcome to the Senate of Pennsylvania.

(Applause.)

Senator SCHWARTZ. Mr. President, I also have some students visiting today who are here because they received a local community service award, the Eastmont Area Neighbors Community Service Award. So these are young people who have already begun to give back to their communities in a whole variety of ways. They are my constituents, but they go to a number of different schools in Philadelphia. There are four of them, and I would like to read their names and have them stand.

First is Kristopher Beard, a 12-year-old in seventh grade at the Mifflin School; Andrew McKee, a 14-year-old attending Roosevelt Middle School; Mikeyha Abrams, a 13-year-old in seventh grade at Roosevelt Middle School; and Michael Jackson, a 12-year-old in seventh grade at the Cecilian Academy. They are accompanied by one of my staff people from my district office, Evelyn Fellder, who has also been active in the Eastmont Area Neighbors, and I welcome her also to the Chamber and I ask all my colleagues to do the same.

The PRESIDENT pro tempore. Welcome, all of you, to the Senate of Pennsylvania.

(Applause.)

### GUEST OF SENATOR DANIEL S. DELP PRESENTED TO THE SENATE

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

Senator DELP. Mr. President, York County is represented today by some Girl Scouts as well, and one of them has been traveling and following me this morning. She is Brenna Sinclair, a senior at Dallastown High School, who is interested in studying international studies when she goes on to college next year. I would appreciate it if the Senate would give her our usual warm welcome.

The PRESIDENT pro tempore. Would Senator Delp's guest please rise so that we may welcome you.

(Applause.)

### GUESTS OF SENATOR ROBERT J. THOMPSON PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, I think I have bragging rights for the guests who have come the farthest. I would like to recognize some visitors in the gallery from the Philippines. They are part of a Group Study Exchange Team which is sponsored by Rotary International representing District 3850 of Rotary International of the Philippines. I would ask them to stand.

They are: Rotarian Bunny Ong, who is the team leader from Zamboanga City. He is in the hardware business and is a past president of his Rotary Club. Johanna Divinagracia, a project officer for ANP Foundation for Enterprise Development; Raymund Baylon, assistant manager of Philippine Airlines,

who probably has all the frequent flyer milage for this trip; Ahnee Garcia, who is a faculty member at Western Mindanao State University; and Delia Mercene, who is a CPA and the city accountant of Iloilo City, Philippines. They also have with them two hosts from the Paoli-Malvern-Berwin Rotary Club, Ted Liebert and Dick Conway. I ask that the Senate give them its usual warm welcome.

The PRESIDENT pro tempore. We welcome all of you to the Senate of Pennsylvania.

(Applause.)

#### **GUEST OF SENATOR MARY JO WHITE PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, as a former Girl Scout and a former Girl Scout leader, I am proud to recognize Marie Clendenning, who is on the floor here today. Marie is a Girl Scout from the Beaver Castle Council who has spent the day with me. She is from Rochester, Pennsylvania, and is completing her sophomore year at Rochester High School. Please join me in welcoming her.

The PRESIDENT pro tempore. Would Senator White's guest please rise. Welcome to the Senate of Pennsylvania.

(Applause.)

#### **GUEST OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE**

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

Senator WENGER. Mr. President, I am pleased to have in the gallery today a gentleman from my district, Mr. George Stroup. He is a special education teacher and he is the girls' varsity basketball coach at Cocalico High School. The girls' varsity team at Cocalico, under his leadership, were the Lancaster-Lebanon League Section II Champions, they were the District III Class AAA Champs, and they finished their season in second place in the State's Eastern Finals. I would like at this time for the Senate to welcome Coach Stroup to the Pennsylvania Senate.

The PRESIDENT pro tempore. Would the guest of Senator Wenger please rise, and we welcome you to the Senate of Pennsylvania.

(Applause.)

#### **GUEST OF SENATOR JAMES J. RHOADES PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I also have a Girl Scout who has been shadowing me for most of the day, Jessica Catherman. She is a freshman at Mount Airy High School who happens also to be taught English by my wife, and I found out today that when I was a teacher Jessica's mother was a student of mine. Jessica is a college prep student. She is with Scout Troop 121, works with computers, is in the school band,

school choir, Spanish Club, home economics, and manages to attain honor roll status. I would appreciate it if the Senate would extend its usual warm welcome to Jessica.

The PRESIDENT pro tempore. Would Senator Rhoades' guest please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

#### **GUEST OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I also am honored to have a shadow today. She is Jessica Knieling, from Hermitage, Pennsylvania, and Hickory High School. She is a Girl Scout who has been going around seeing how government works. I think she has had an exciting day, and I would like the Senate to give a warm welcome to Jessica Knieling.

The PRESIDENT pro tempore. Would the guest of Senator Robbins please rise. Welcome to the Senate of Pennsylvania.

(Applause.)

#### **GUEST OF SENATOR JANE M. EARLL PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Erie, Senator Earll.

Senator EARLL. Mr. President, I, too, am delighted to have a Girl Scout shadowing me today. She is Tina Zuschlag from Troop 316. She attends Greenville High School and is a sophomore this year, and if we could please extend our usual warm welcome to Tina.

The PRESIDENT pro tempore. Would the guest of Senator Earll please rise. Welcome to the Senate of Pennsylvania.

(Applause.)

#### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Mowery, and his temporary Capitol leave is hereby cancelled.

#### **PERMISSION TO ADDRESS**

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

Senator LOEPER. Mr. President, just a footnote before we continue with today's Calendar, a word of explanation to many of the guests who were here today for the Senate to convene at 11 o'clock and the delay that we experienced. I want them to understand that was due to various meetings taking place relevant to a major issue that is being considered between the House of Representatives and the Senate at this point, and we apologize to those guests. The Members are used to that, but we apologize to the guests who are with us today for that delay.

**THIRD CONSIDERATION CALENDAR RESUMED**

**PREFERRED APPROPRIATION BILLS  
RECOMMITTED**

**HB 851 (Pr. No. 953)** -- 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.

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

**HB 852 (Pr. No. 954)** -- 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.

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

**PREFERRED APPROPRIATION BILLS ON THIRD  
CONSIDERATION AND FINAL PASSAGE**

**HB 853 (Pr. No. 955)** -- 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 third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-50**

|            |           |           |             |
|------------|-----------|-----------|-------------|
| 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 without amendments.

**HB 855 (Pr. No. 957)** -- 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 third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-50**

|            |           |           |             |
|------------|-----------|-----------|-------------|
| 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 without amendments.

**BILLS OVER IN ORDER**

**HB 86 and SB 131** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 147 (Pr. No. 974)** -- 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 disposition of forfeited property.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEA-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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 148 and SB 176 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 200 (Pr. No. 975) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the compensation of election officers and constables; and making repeals.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

|            |           |           |             |
|------------|-----------|-----------|-------------|
| 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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,  
Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, this is a bill I have introduced dealing with incidents involving prison assaults by prisoners on guards and other individuals. This legislation would close a loophole and increase the penalties for those prisoners who commit assaults on guards or other persons by using blood or other bodily fluids or materials. It also would apply to those people who are awaiting sentence or under arraignment. It is an important issue. The Department of Corrections is very much in favor of it because of this type of activity that is going on in our prisons. It also deals with HIV assaults and that type of thing, and I would urge the Senate to approve it.

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       |
| 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 present said bill to the House of Representatives for concurrence.

## 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 ON SECOND CONSIDERATION

**SB 7 (Pr. No. 793)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted, Regulatory Review Act, further providing for legislative intent, for definitions, for the Independent Regulatory Review Commission, for review criteria, for commission and agency review procedure, for statutory compliance, for subsequent review, for classification of documents, for modifying regulations, for existing regulations, for staff, for subpoena power, for administrative functions and for termination.

Considered the second time and agreed to,

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

## BILL RECOMMITTED

**SB 23 (Pr. No. 945)** -- The Senate proceeded to consideration of the bill entitled:

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.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Banking and Insurance.

## BILLS OVER IN ORDER

**SB 211, SB 219 and SB 301** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILL ON SECOND CONSIDERATION

**SB 307 (Pr. No. 300)** -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting termination and discipline of an employee for failing to report to work during a state of emergency; and providing penalties.

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

## BILL OVER IN ORDER

**SB 419** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL REREFERRED

**SB 427 (Pr. No. 450)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

## BILL OVER IN ORDER

**SB 529** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL REREFERRED

**SB 770 (Pr. No. 826)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

SENATE RESOLUTION No. 31,  
AMENDED AND ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 31**, entitled:

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.

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. A1158:

Amend First Resolve Clause, page 2, line 23, by striking out Borough" and inserting: City

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.

#### SENATE RESOLUTION No. 35, ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 35**, entitled:

A Resolution declaring April 29, 1997, as "Federally Qualified Health Centers' Legislative Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

#### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I would like this opportunity for the Senate to recognize the students from St. Hilary of Poitiers School on Susquehanna Avenue in Abington Township, which is in my district. The students are here along with their principal, John M. Steck; chaperone, Peg Hartigan; and Barbara Aiken, who is a friend of mine and is also a student in this class. I hope that the Senate would offer them its welcome.

The PRESIDENT pro tempore. Would the guests of Senator Greenleaf in the gallery please rise so that we may welcome you to the Senate of Pennsylvania.

(Applause.)

#### SENATE RESOLUTION ADOPTED

Senators DELP, STAPLETON, WENGER, O'PAKE, MADIGAN, KASUNIC, PUNT, WOZNIAK, HELFRICK, ROBBINS, COSTA, JUBELIRER, STOUT, CORMAN, LOEPER, AFFLERBACH, MOWERY, HOLL, THOMPSON, WHITE, GERLACH, EARLL, SLOCUM and BRIGHTBILL, by unanimous consent, offered **Senate Resolution No. 37**, entitled:

A Resolution declaring the week of April 20 through 27, 1997, as "Pennsylvania Grange Week" and congratulating the Grange for its contribution to Pennsylvania's agricultural and rural communities.

On the question,

Will the Senate adopt the resolution?

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

Senator DELP. Mr. President, I rise today as the Majority chairman of the Senate Committee on Agriculture and Rural Affairs to offer a resolution declaring the week of April 20 through 27 as Pennsylvania State Grange Week. The Pennsylvania State Grange is celebrating its 125th year in 1997, and I think it is appropriate for this Senate to congratulate the Grange for its contribution to Pennsylvania's rural communities.

This Commonwealth's rural and farming communities are vitally important to the welfare and economy of Pennsylvania. Agriculture is, after all, our number one industry. With that in mind, the State Grange has always been a leader in the movement to improve life for all Pennsylvanians. It offers a wide variety of services dealing not only with agriculture but also with transportation, health care, education, and many other areas affecting our rural communities.

The Pennsylvania State Grange has 31,000 members in 66 counties, and 300,000 members nationwide. These members provide every citizen of this Commonwealth and many others across the United States and throughout the world with an abundant, inexpensive, safe, and nutritious food supply.

Mr. President, I ask for unanimous adoption of this resolution as we prepare to commemorate Pennsylvania State Grange Week.

And the question recurring,

Will the Senate adopt the resolution?

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

#### EXECUTIVE NOMINATIONS

##### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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.

##### NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. 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 FISH AND BOAT COMMISSION

January 30, 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, Ted R. Keir (District 5), 601 North Main Street, Athens 18810, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice J. Wayne Yorks, Benton, whose term expired.

THOMAS J. RIDGE  
Governor

On the question,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE 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      | La Valle  | Salvatore | Williams    |
| Fumo       | Lemmond   | Schwartz  | Wozniak     |
| Gerlach    | Loeper    | Slocum    |             |
| Greenleaf  | Madigan   | Stapleton |             |

## NAY-0

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

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE ARCHITECTS  
LICENSURE BOARD**

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, James Canova (Public Member), 9 Hawthorne Lane, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Architects Licensure Board, 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 Ellen Q. Bush, Lake Harmony, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS**

February 25, 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, Gary L. Morrison, 825 Stockbridge Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice The Reverend Dr. Horace S. Sills, Harrisburg, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
NORRISTOWN STATE HOSPITAL**

March 17, 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, Bruce L. Castor, Jr., Esquire, 548 Mininger Road, Soudertown 18964, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Marianne D. Szauer-Mehler, Bethlehem, whose term expired.

THOMAS J. RIDGE  
Governor

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

March 25, 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, Barry S. Ramper, II, 3001 Rose Hill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 21, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert A. Smith, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

December 23, 1996

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, Benson Y. Olenick, O.D., 65 North Third Street, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Optometry, 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 George J. Falcone, O.D., Plains, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PODIATRY**

February 26, 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, Michael A. Cibik, Esquire (Public Member), 230 South Broad Street, Eighth Floor, Philadelphia 19102, Philadelphia County, First Senatorial District, for reappointment as a member of the State Board of Podiatry, 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.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

January 6, 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, Gary R. Cenna, 7146 Bingham Street, Philadelphia 19111, Philadelphia County, Second Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Richard J. Restivo, Pittsburgh, whose term expired.

THOMAS J. RIDGE  
Governor

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

February 26, 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, Edward P. Becker, 1242 Seidersville Road, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PROFESSIONAL STANDARDS  
AND PRACTICES COMMISSION**

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, George E. Dull, Ph.D., 1716 Fox Chapel Road, Pittsburgh 15238, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Mina H. Shuman, Philadelphia, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF**

March 17, 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, Thomas A. Blaskiewicz, 926 William Street, Avoca 18641, Luzerne County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third

Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SELINGROVE CENTER**

March 12, 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, Stanley R. Saylor, P. O. Box 161, Beaver Springs 17812, Snyder County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsrove Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SELINGROVE CENTER**

March 12, 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, Irvin A. Sigafos, 117 Tenth Avenue, Shamokin Dam 17876, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsrove Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Douglas M. Garrison, Beaver Springs, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE TAX  
EQUALIZATION BOARD**

February 13, 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, James E. Bach, Sr., R. D. #3, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 1999, or until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE TAX  
EQUALIZATION BOARD**

February 13, 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, Trevor Edwards, Esquire, P. O. Box 1204, Harrisburg 17108, Dauphin County, Fifteenth Senatorial

District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 1999, or until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

February 13, 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, Martha Bell Schoeninger, 245 Valley Stream Lane, Wayne 19087, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 1999, or until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
WARREN STATE HOSPITAL

March 12, 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, Robert Sokolski, 204 Pamela Drive, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Raymond F. Feroz, Ph.D., Seneca, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
WHITE HAVEN CENTER

February 24, 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, Dorothy Lashock, 348 Winters Avenue, West Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Cheryl Bubrowski, Lattimer, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CLEARFIELD COUNTY  
BOARD OF ASSISTANCE

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, Jane E. Elling (Republican),

Box 22, R. R. 2, Mahaffey 15757, Clearfield County, Twenty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1999, and until her successor is appointed and qualified, vice David M. George, Houtzdale, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BRADFORD COUNTY  
BOARD OF ASSISTANCE

March 19, 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, John E. Brenchley (Republican), 121 West South Avenue, Canton 17724, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1998, and until his successor is appointed and qualified, vice Frederick R. Gerrity, Towanda, whose term expired.

THOMAS J. RIDGE  
Governor

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

The yeas and nays were required by Senator SALVATORE 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       | 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 Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

**UNFINISHED BUSINESS  
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Edward J. Giles by Senator Belan.

Congratulations of the Senate were extended to Thomas Allen Koontz II by Senator Delp.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Lojek, John J. Collins and to Raymond J. Collins by Senator Hart.

Congratulations of the Senate were extended to Darren Block by Senator Heckler.

Congratulations of the Senate were extended to Mindy Tobias by Senators Heckler and Greenleaf.

Congratulations of the Senate were extended to Victoria Eydelberg and to Evan Orchinik by Senators Heckler and Tomlinson.

Congratulations of the Senate were extended to Montgomery County Small Business Loan Fund and to Montgomery Hose and Steam Fire Engine Company No. 1 by Senator Holl.

Congratulations of the Senate were extended to Dr. Oscar E. Remick by Senator Holl and others.

Congratulations of the Senate were extended to Mary A. Patsy by Senator Kasunic.

Congratulations of the Senate were extended to the Central Pennsylvania Insurance Day Committee 1997 by Senators Mowery and others.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph T. Galicki, Alex Kashatus, Ashley Lions Club and to the Hanover Area School District by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Richard K. Waltz, Sr., Morton and Alyce Spector, Richard Allen Heiss and to Helen Graybill by Senator Piccola.

Congratulations of the Senate were extended to Stephanie Stepnowski and to Marie M. Dowling by Senator Robbins.

Congratulations of the Senate were extended to Clare E. Blakeslee by Senators Robbins, Earll, and Slocum.

Congratulations of the Senate were extended to James McHugh by Senator Salvatore.

Congratulations of the Senate were extended to Jacob Anthony Gregg and to Timothy J. Wright by Senator Slocum.

Congratulations of the Senate were extended to Minnie G. Carey and to Rachael Sauers by Senator Stout.

Congratulations of the Senate were extended to Joseph M. Popiel by Senator Tartaglione.

Congratulations of the Senate were extended to John M. Pinto, Michael Spence and to Alan Szmodis by Senator Uliana.

Congratulations of the Senate were extended to Michael Allison and to Christine Spinelli by Senator Wozniak.

#### BILLS ON FIRST CONSIDERATION

Senator MADIGAN. 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 415, SB 493, SB 882, HB 134 and HB 844.**

And said bills having been considered for the first time,

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

#### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, if I could have the Members' attention for just a moment, the request that I am going to make at this time is that the Senate recess to the call of the President pro tempore, with the understanding that there may be a possibility of reconvening tomorrow afternoon sometime at 4 p.m. or thereafter, and at this point in time I would make that motion, and also request that all Republican Members meet in the Rules room at the rear of the Senate Chamber.

The PRESIDING OFFICER. It has been moved by Senator Loeper that the Senate recess to the call of the President pro tempore.

Senator LOEPER. However, Mr. President, that recall would not be before 4 p.m. tomorrow, if in fact it occurs.

On the question,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDING OFFICER. The Senate stands in recess to the call of the President pro tempore.

#### AFTER RECESS

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

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

#### CALENDAR OVER

Senator LOEPER. Mr. President, I move that a regular Calendar not be printed for April 16, and that the Calendar go over in its order until April 28, without prejudice.

The PRESIDENT. Senator Loeper moves that the regular Calendar for April 16 not be printed, and that it go over in its order, without prejudice.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. The regular Calendar for April 16, 1997, will go over in its order, without prejudice.

#### ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, April 16, 1997, at 10:27 p.m. Eastern Daylight Saving Time.

The motion was agreed to.

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