

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, JANUARY 28, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 6

SENATE

WEDNESDAY, January 28, 1998

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend JAMES G. GANNON, of St. Martha Parish, Philadelphia, offered the following prayer:

Let us call to mind that wherever we are, we are in the presence of God.

We thank You, O God of mysterious ways, that You have a holy design for each of us, and we rejoice that we are, each of us, special to You and our names are written in the palm of Your hand and we have a place in Your history and our purpose of existing is known within Your heart since endless ages.

We are most grateful for that long line of holy people who since ancient times have inspired others by their faithfulness and example to their own special destinies. They, by their very lives, shout out to us not to compromise our destinies but to live fully within Your eternal design.

Blessed are You, Lord of all creation, for those events, persons, talents, and loves which have helped us to discover adventure and purpose in our sometimes empty and seemingly insignificant lives. Blessed are You for parents and teachers, for leaders of church and State, and other guides who call us out of our comfort and contentment to embark upon that unique path which You have set forth for us each day.

Give us light and strength to know Your will, guide us by Your wisdom, support us by Your power. You desire justice for all. Enable us to uphold the rights of others. Do not allow us to be misled by ignorance or corrupted by fear or favor. As we gather this day, may we always temper justice with love so that all our decisions may be pleasing to You and earn the reward promised to good and faithful servants. Amen.

The PRESIDENT. The Chair thanks Reverend Gannon, who is the guest today of Senator Salvatore.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 27, 1998.

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 382, 425 and 641.

NOMINATION REFERRED TO COMMITTEE

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

**JUDGE, SUPERIOR COURT
OF PENNSYLVANIA**

January 28, 1998

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, Berle M. Schiller, Esquire, 331 Cherry Bend, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2000, vice The Honorable Thomas G. Saylor, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 213, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTIONS**

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

**Weekly adjournment
Joint Session.**

BILLS SIGNED

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

SB 213 and HB 1476.

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, January 28, 1998

A PETITION

To place before the Senate the nomination of Kevin T. Stroyan, as Coroner, Pike County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Kevin T. Stroyan, as Coroner, Pike County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, January 28, 1998

A PETITION

To place before the Senate the nomination of Mary D. Evans, as a member of the State Board of Veterinary Medicine.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Mary D. Evans, as a member of the State Board of Veterinary Medicine, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

The PRESIDENT. These communications will be laid on the table.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Punt and Senator Salvatore.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Punt and Senator Salvatore. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Belan. Without objection, that leave is granted.

LEAVES OF ABSENCE

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

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

HB 440 (Pr. No. 2771) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of combustible and flammable liquids; allocating functions of the Department of Labor and Industry and the Pennsylvania State Police; imposing penalties; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 440?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 440.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

NAY-1

Afflerbach

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

HB 909 (Pr. No. 2772) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of U.S. Route 15 in Union County, Pennsylvania, as the Donald L. Heiter Memorial Highway; designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway; designating a section of S.R. 981 in Unity Township, Westmoreland County, as Technology Way; designating a bridge in Curwensville Borough, Clearfield County, as the Louis R. Donahue Memorial Bridge; designating a certain bridge on S.R. 2012 in Castanea Township, Clinton County, as the Castanea Firemen's Memorial Bridge; and designating a certain bridge crossing the Juniata River as the Mifflin County Veterans Memorial Bridge.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 909?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 909.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 635 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 492 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1113 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 80, HB 109, SB 157, SB 212, HB 595, SB 962, HB 1048, HB 1111, HB 1114, HB 1116, SB 1175, HB 1272, HB 1764 and HB 1765 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 950 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT J. THOMPSON
PRESENTED TO THE SENATE

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

Senator THOMPSON. Mr. President, in the gallery today are two friends of mine from Germany: Ms. Bridget Kuhl, who is a practicing attorney from Stuttgart, and Mr. Ralph Kitzenberger, who is an attorney finishing 2 years of service in the State government of Baden-Württemberg in Stuttgart, Germany. The two are following me around today and learning a little bit more about the workings of the Pennsylvania Senate, and hopefully they will be able to learn something. I ask Ralph and Bridget to stand and accept a warm welcome from the Pennsylvania Senate.

The PRESIDENT. I ask the Senate to kindly acknowledge their presence.

(Applause.)

SECOND CONSIDERATION CALENDAR RESUMED**BILL ON SECOND CONSIDERATION**

SB 5 (Pr. No. 1574) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 62 (Procurement), 1 (General Provisions) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to procurement; and making repeals.

Considered the second time and agreed to,

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

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, I would indicate, for the information of the Members, that Senate Bill No. 5 was moved up to third consideration. There had been a request to make Members aware that it is on third consideration, so that any Members who may have amendments that they would like to prepare to that bill, there would be adequate time in order to do so.

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

Senator FUMO. May we be at ease for a moment.

The PRESIDENT. At the request of Senator Fumo, the Senate will be at ease.

(The Senate was at ease.)

SECOND CONSIDERATION CALENDAR RESUMED**BILL ON SECOND CONSIDERATION
AND REREFERRED**

HB 14 (Pr. No. 2827) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating the check-cashing industry; providing for the licensing of check cashers, for additional duties of the Department of Banking and for certain terms and conditions of the business of check cashing; and providing penalties for money-laundering activities and violations of the act.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILLS OVER IN ORDER

SB 94, HB 911, SB 1013, HB 1189, SB 1195, SB 1202, HB 1291, HB 1495 and HB 1757 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators MOWERY and GERLACH, by unanimous consent, offered **Senate Resolution No. 117**, entitled:

A Resolution recognizing the 225th anniversary of Dickinson College.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, Senator Gerlach and I have presented this resolution for consideration, both being graduates of Dickinson College. I would just like to give a few points from the resolution that I feel might be of interest to the other Members of the Senate.

Dickinson College was functioning as a grammar school as early as 1773 on land granted by Thomas and John Penn, son and grandson of William Penn, the founder of Pennsylvania. Dickinson College is the third oldest private institution of higher education in this Commonwealth and has been educating Pennsylvanians as well as students from across the nation and from many foreign countries for 225 years.

In 1783, Philadelphia physician Benjamin Rush asked John Dickinson, president of the Supreme Executive Council of Pennsylvania, drafter of the Articles of Confederation and signer of the Constitution, to grant to the school a charter as a college dedicated to "the instruction of Youth in the learned languages" and in the "useful arts, Sciences, and Literature."

The charter members of the board of trustees of the college included three Founding Fathers of our nation: John Dickinson, Benjamin Rush, and James Wilson. Charles Nisbet, a Calvinist minister from Scotland and a supporter of the American Revolution, served as the first president of the college for 20 years.

In 1803, Benjamin Latrobe, architect of the United States Capitol, drew the architectural plans for the rebuilding of the first structure on the present campus in Carlisle, which had been destroyed by fire and which serves today as the main administrative building known as Old West.

Finally, I would just like to mention a little bit about the athletic program at the college. It has yielded 117 All-American athletes, 14 academic All-Americans since 1971, 12 Centennial Conference championships since 1983, and 5--pay attention--5 football victories over Penn State between 1888 and 1931.

The Senate congratulates Dickinson College on its 225th anniversary and commends the college and alumni for their many educational contributions to the Commonwealth of Pennsylvania.

I feel, after reading parts of this resolution, that I am very honored to have been a graduate of Dickinson College.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes another Dickinson graduate, the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Mr. President, I also rise in support of this resolution. Dickinson is a wonderful educational institution and is one of the great colleges in Pennsylvania and in this country. And as an alumnus of that institution, I am very proud of its history and educational quality, and I appreciate this Chamber's recognition of its 225th anniversary this year.

Thank you very much.

And the question recurring,

Will the Senate adopt the resolution?

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mark Ormesher by Senator Afflerbach.

Congratulations of the Senate were extended to Ronald Ford by Senator Armstrong.

Congratulations of the Senate were extended to Shawn Fenstermacher by Senator Delp.

Congratulations of the Senate were extended to Elizabeth Price Robinson by Senator Hughes.

Congratulations of the Senate were extended to Raymond J. Sobota by Senator Lemmond.

Congratulations of the Senate were extended to Kevin Edmondson and to Robert H. Thompson by Senator Loeper.

Congratulations of the Senate were extended to Frank S. Arico by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Wendell Aughenbaugh by Senator Mowery.

Congratulations of the Senate were extended to Donald Patrick by Senator Musto.

Congratulations of the Senate were extended to Emil Wagner by Senator O'Pake.

Congratulations of the Senate were extended to Donald Delbert Suntheimer and to Matthew Ryan McEwen by Senator Robbins.

Congratulations of the Senate were extended to Blair Corporation by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Lloyd Sallade, Timothy Parkinson and to Allan R. Bloom by Senator Stapleton.

Congratulations of the Senate were extended to Joseph T. Kider, Jr., by Senator Tartaglione.

Congratulations of the Senate were extended to Henry U. Walker, Dr. Peter Rizzotte, Dell Coller and to Andrew D. Verbovszky by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Marvin Harpel by Senator Uliana.

Congratulations of the Senate were extended to Joseph C. Reichenbacher by Senator White.

Congratulations of the Senate were extended to Boy Scout Troop 115 of Hooversville by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Gerald M. Monahan, Sr., by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Loren E. Fenner by Senator Uliana.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, February 2, 1998, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 11:58 a.m., Eastern Standard Time.