

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 27, 1989

SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 53

### SENATE

WEDNESDAY, September 27, 1989.

The Senate met at 10:00 a.m., Eastern Daylight Saving Time.

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

### PRAYER

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

Eternal God, endow us with the spirit of kindness. May we realize that only when all men are free, free to think, free to speak, free from fear, can the true potential of this Commonwealth and all peoples be realized. Bless us in our work this day and evermore. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 26, 1989.

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.

### COMMUNICATION FROM THE GOVERNOR

#### NOMINATION BY THE GOVERNOR 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:

#### MEMBER OF THE STATE CIVIL SERVICE COMMISSION

September 26, 1989.

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, Elizabeth H. Kury, Esquire, 420 Fishing Creek Valley Road, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice David M. Zurn, Erie, whose term expired.

ROBERT P. CASEY.

### 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:

September 26, 1989

Senators GREENWOOD, CORMAN, REIBMAN, JONES, FUMO, AFFLERBACH, LEWIS, FATTAH and WILLIAMS presented to the Chair **SB 1220**, entitled:

An Act providing for a woman's right to choose abortion without governmental interference; protecting the right to use birth control; requiring informed consent for abortion; encouraging involvement of parents whose minor children seek abortion; authorizing regulations; and making repeals.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senators JONES, AFFLERBACH, GREENWOOD, REIBMAN, CORMAN, LEWIS, FUMO, FATTAH and WILLIAMS presented to the Chair **SB 1221**, entitled:

An Act providing for the public funding of necessary medical procedures; prohibiting discrimination based on a choice to obtain or to advocate for contraceptives or abortion; protecting the liberty of conscience in abortion matters; and making repeals.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, September 26, 1989.

Senators GREENWOOD, CORMAN, HOPPER, LEWIS, AFFLERBACH, JONES, REIBMAN, FATTAH and WILLIAMS presented to the Chair **SB 1222**, entitled:

An Act to provide an additional appropriation from the General Fund to the Department of Public Welfare for the fiscal year July 1, 1989, to June 30, 1990, for family planning agencies.

Which was committed to the Committee on APPROPRIATIONS, September 26, 1989.

Senators CORMAN, GREENWOOD, HOPPER, AFFLERBACH, ANDREZESKI, REIBMAN, JONES, LEWIS, DAWIDA, FATTAH and WILLIAMS presented to the Chair **SB 1223**, entitled:

An Act to provide an additional appropriation from the General Fund to the Department of Health for the fiscal year July 1, 1989, to June 30, 1990, for the Special Supplemental Food Service Programs for Women, Infants and Children.

Which was committed to the Committee on APPROPRIATIONS, September 26, 1989.

Senators REIBMAN, GREENWOOD, CORMAN, HOPPER, AFFLERBACH, ANDREZESKI, LEWIS, DAWIDA, FATTAH, JONES and WILLIAMS presented to the Chair SB 1224, entitled:

An Act providing a supplemental appropriation for day-care services.

Which was committed to the Committee on APPROPRIATIONS, September 26, 1989.

Senators GREENWOOD, CORMAN, FUMO, JONES, REIBMAN, AFFLERBACH, LEWIS, FATTAH and WILLIAMS presented to the Chair SB 1225, entitled:

An Act requiring practitioners of the healing arts to disclose their prenatal diagnosis policy to patients; imposing civil penalties; and providing for private rights of action.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, September 26, 1989.

Senators WILT, GREENWOOD, CORMAN, JONES, LEWIS, AFFLERBACH, FUMO, REIBMAN, FATTAH and WILLIAMS presented to the Chair SB 1226, entitled:

An Act requiring municipal police to report to the Office of Attorney General actions taken to prevent and combat anti-abortion and anti-contraception violence; giving the Attorney General certain investigative and prosecutorial powers; requiring reports to the General Assembly; and making an appropriation.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senators AFFLERBACH, GREENWOOD, FATTAH, CORMAN, REIBMAN, JONES, LEWIS and WILLIAMS presented to the Chair SB 1227, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing that the right to make personal reproductive decisions shall not be violated.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senators BELL, WENGER, MADIGAN, AFFLERBACH, LEMMOND, SHUMAKER, O'PAKE, BELAN, PUNT, REIBMAN, FISHER, SALVATORE, ARMSTRONG, PETERSON, SCANLON, HELFRICK, STEWART, LINCOLN, MUSTO, PORTERFIELD, FUMO, ROCKS, WILT, RHOADES and REGOLI presented to the Chair SB 1228, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, prohibiting the nonconsensual designation of churches, synagogues and other religious property as landmark or historic property, or as part of a historic district.

Which was committed to the Committee on STATE GOVERNMENT, September 26, 1989.

Senators BRIGHTBILL, SALVATORE, ROCKS, REIBMAN, PETERSON, BELAN, STEWART, LEWIS, PECORA, SHAFFER and LYNCH presented to the Chair SB 1229, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the regulation of small-site day-care centers; conferring powers and duties upon the Department of Public Welfare; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, September 26, 1989.

Senator HESS presented to the Chair SB 1230, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," regulating cancellation of automobile insurance policies.

Which was committed to the Committee on BANKING AND INSURANCE, September 26, 1989.

Senator HESS presented to the Chair SB 1231, entitled:

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), entitled "The Local Tax Enabling Act," further providing for the distribution of earned income taxes; and imposing a penalty against employers who fail to remit to taxing authorities taxes that have been withheld.

Which was committed to the Committee on LOCAL GOVERNMENT, September 26, 1989.

Senators O'PAKE, ROSS, JONES, GREENLEAF, AFFLERBACH, MUSTO, SALVATORE, LEWIS, BELAN, LYNCH and HELFRICK presented to the Chair SB 1232, 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 rescissions.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, September 26, 1989.

Senators REIBMAN, O'PAKE, SHUMAKER, MUSTO, STAPLETON, SALVATORE, SHAFFER, BELAN, LYNCH, AFFLERBACH and RHOADES presented to the Chair SB 1233, entitled:

An Act amending the act of March 4, 1970 (P. L. 128, No. 49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions;....," further providing for display of the official POW/MIA flag.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, September 26, 1989.

Senators REIBMAN, MUSTO, PORTERFIELD, BELL, MELLOW, AFFLERBACH, LINCOLN and ANDREZESKI presented to the Chair SB 1234, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled "The Pennsylvania Workmen's Compensation Act," making an exception to the exclusive remedy provision for the deliberate or wanton disregard of employee safety.

Which was committed to the Committee on LABOR AND INDUSTRY, September 26, 1989.

Senators PECORA, SALVATORE and PORTERFIELD presented to the Chair **SB 1235**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for temporary surrender of key or other ignition device of a vehicle upon request of the police when the operator is believed to be driving under the influence; and providing penalties for refusal to comply.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senators PECORA, BAKER, REGOLI, WENGER, BELAN, SALVATORE, PORTERFIELD, CORMAN, AFFLERBACH, SHUMAKER, MUSTO, SHAFFER, MADIGAN, JONES, LEMMOND, ROCKS, LYNCH, HELFRICK, O'PAKE and FISHER presented to the Chair **SB 1236**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating penalties for trafficking drugs to minors in play areas.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senator ANDREZESKI presented to the Chair **SB 1237**, entitled:

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities;....," further providing for membership on certain retirement boards; and empowering the board to grant cost-of-living increases.

Which was committed to the Committee on LOCAL GOVERNMENT, September 26, 1989.

Senators REGOLI, GREENWOOD, MUSTO, JONES, MELLOW, SALVATORE, FISHER, O'PAKE, REIBMAN, STOUT, HELFRICK, DAWIDA and PORTERFIELD presented to the Chair **SB 1238**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a voter education program.

Which was committed to the Committee on EDUCATION, September 26, 1989.

Senators REGOLI, GREENWOOD, MUSTO, JONES, MELLOW, SALVATORE, FISHER, O'PAKE, REIBMAN, STOUT, HELFRICK and DAWIDA presented to the Chair **SB 1239**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for voter registration forms.

Which was committed to the Committee on EDUCATION, September 26, 1989.

Senators REGOLI, JONES, REIBMAN, WILLIAMS, LEWIS, STAPLETON, STOUT, BELAN, MUSTO, HELFRICK, DAWIDA, O'PAKE, LYNCH, PORTERFIELD, MELLOW, SALVATORE and BODACK presented to the Chair **SB 1240**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," changing maximum annual income requirements.

Which was committed to the Committee on AGING AND YOUTH, September 26, 1989.

Senators REGOLI, JONES, REIBMAN, WILLIAMS, LEWIS, STAPLETON, STOUT, AFFLERBACH, BELAN, MUSTO, HELFRICK, DAWIDA, O'PAKE, PORTERFIELD, MELLOW, SALVATORE, BODACK and ANDREZESKI presented to the Chair **SB 1241**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for research in the area of Alzheimer's disease in the Department of Health; and providing for funding.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, September 26, 1989.

Senators REGOLI, JONES, REIBMAN, WILLIAMS, LEWIS, STAPLETON, STOUT, AFFLERBACH, BELAN, MUSTO, HELFRICK, DAWIDA, O'PAKE, PORTERFIELD, MELLOW, SALVATORE, BODACK and ANDREZESKI presented to the Chair **SB 1242**, entitled:

An Act establishing the Golden Keystone Card Program for senior citizens; and providing for powers and duties of the Department of Aging.

Which was committed to the Committee on AGING AND YOUTH, September 26, 1989.

Senators REGOLI, JONES, REIBMAN, WILLIAMS, LEWIS, STOUT, BELAN, MUSTO, HELFRICK, DAWIDA, O'PAKE, PORTERFIELD, MELLOW, SALVATORE and BODACK presented to the Chair **SB 1243**, entitled:

An Act establishing a program providing for medical assistance to the aged to pay for eye examinations and eyeglasses with State Lottery Fund moneys.

Which was committed to the Committee on AGING AND YOUTH, September 26, 1989.

Senators REGOLI, JONES, REIBMAN, WILLIAMS, LEWIS, STOUT, BELAN, MUSTO, HELFRICK, DAWIDA, O'PAKE, PORTERFIELD, MELLOW, SALVATORE and BODACK presented to the Chair **SB 1244**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," further providing for payments from the State Lottery Fund to support an optical assistance program; and making editorial changes.

Which was committed to the Committee on AGING AND YOUTH, September 26, 1989.

Senators REGOLI, ROSS, PECORA, O'PAKE, REIBMAN, STAPLETON, STOUT, AFFLERBACH, BELAN, MUSTO, HELFRICK, PORTERFIELD, MELLOW, WENGER, SALVATORE and ANDREZESKI presented to the Chair **SB 1245**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, exempting spousal transfers from inheritance taxation; and making technical changes.

Which was committed to the Committee on FINANCE, September 26, 1989.

Senators REGOLI, JONES, SCANLON, MUSTO, BELAN, STOUT, RHOADES, PORTERFIELD and ANDREZESKI presented to the Chair **SB 1246**, entitled:

An Act providing for public employee occupational health and safety, for standards and procedures in relation to same; providing further duties of the Department of Labor and Industry; establishing the Public Employee Occupational Safety and Health Review Board and providing for its powers and duties; providing for the establishment of various advisory committees; providing for enforcement and for civil and criminal penalties; and making an appropriation.

Which was committed to the Committee on LABOR AND INDUSTRY, September 26, 1989.

Senators REGOLI, ROCKS, O'PAKE, BELAN, SCANLON, JONES, AFFLERBACH, ROSS, FISHER, DAWIDA, PECORA, STOUT, RHOADES, PORTERFIELD and ANDREZESKI presented to the Chair **SB 1247**, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," further providing for the schedule of compensation for permanent disability.

Which was committed to the Committee on LABOR AND INDUSTRY, September 26, 1989.

Senators LEWIS and AFFLERBACH presented to the Chair **SB 1248**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for township tax levies.

Which was committed to the Committee on LOCAL GOVERNMENT, September 26, 1989.

Senators LEWIS, MUSTO, AFFLERBACH, SALVATORE, BELAN and LYNCH presented to the Chair **SB 1249**, entitled:

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled "Local Option Small Games of Chance Act," providing for annual raffles by amateur athletic organizations and amateur sports booster clubs.

Which was committed to the Committee on FINANCE, September 26, 1989.

Senators LEWIS, MUSTO, REGOLI, PORTERFIELD, STAPLETON, SALVATORE, GREENLEAF, REIBMAN, BELAN, LYNCH and CORMAN presented to the Chair **SB 1250**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further defining "income" to exclude benefits received under the Federal Social Security Act.

Which was committed to the Committee on AGING AND YOUTH, September 26, 1989.

Senators LEWIS, PORTERFIELD, SALVATORE, BELAN, LYNCH and RHOADES presented to the Chair **SB 1251**, entitled:

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," providing for the deduction of the cost of reasonable repairs from rent in certain cases.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, September 26, 1989.

Senators GREENWOOD, BRIGHTBILL, REIBMAN, FISHER, SHAFFER and CORMAN presented to the Chair **SB 1252**, entitled:

An Act amending the act of April 25, 1929 (P. L. 694, No. 297), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries;....," requiring Commonwealth per diem payments to counties for State prisoners housed in county correctional facilities.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senators GREENWOOD, AFFLERBACH and PECORA presented to the Chair **SB 1253**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted and amended, "Liquor Code," further providing for notice to an affected municipality regarding a hearing on new or transfer licenses.

Which was committed to the Committee on LAW AND JUSTICE, September 26, 1989.

Senators GREENLEAF, PETERSON, BELL, FISHER, PUNT and HELFRICK presented to the Chair **SB 1254**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, repealing surcharges for certain offenses to provide moneys for the Catastrophic Loss Benefits Continuation Fund; and repealing the fund and certain transition provisions.

Which was committed to the Committee on BANKING AND INSURANCE, September 26, 1989.

Senator GREENLEAF presented to the Chair **SB 1255**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a registration fee surcharge and an increase in a fee paid to salvors.

Which was committed to the Committee on TRANSPORTATION, September 26, 1989.

Senators GREENLEAF, LEMMOND, AFFLERBACH, PECORA, ROCKS, O'PAKE, HELFRICK, PORTERFIELD and ANDREZESKI presented to the Chair **SB 1256**, entitled:

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

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senators WILT, BRIGHTBILL, REIBMAN, STAPLETON, PORTERFIELD, O'PAKE, AFFLERBACH and ANDREZESKI presented to the Chair **SB 1257**, entitled:

An Act relating to the establishment of regional jails.

Which was committed to the Committee on JUDICIARY, September 26, 1989.

Senator BRIGHTBILL presented to the Chair SB 1258, entitled:

An Act designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the Thomas R. Morgan Bridge.

Which was committed to the Committee on TRANSPORTATION, September 26, 1989.

## RESOLUTION INTRODUCED AND REFERRED

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

September 26, 1989

### MEMORIALIZING THE UNITED STATES CONGRESS TO STUDY THE PROBLEM OF THE DEFORESTATION OF THE RAIN FORESTS IN SOUTH AMERICA

Senators SHAFFER, GREENWOOD, BELAN, WILT, HELFRICK, DAWIDA and ANDREZESKI offered the following resolution (Senate Resolution No. 107), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, September 26, 1989.

#### A RESOLUTION

Memorializing the United States Congress to study the problem of the deforestation of the rain forests in South America.

WHEREAS, Rain forests are wet tropical wilderness lands found across the globe at or near the equator; and

WHEREAS, Rain forests cover about 7% of the earth's surface; and

WHEREAS, Some experts believe that every second an area of a rain forest equal to a football field is destroyed and by the year 2050 the world's rain forests will be depleted; and

WHEREAS, Rain forests control the earth's temperature and climate and one-half of the world's animal and plant species are found in rain forests; and

WHEREAS, Much damage to our planet would result from the deforestation of our rain forests; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the United States Congress to study the problem of the deforestation of the rain forests in South America and to take whatever actions are necessary to prevent the loss of the rain forests.

## LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request legislative leaves for Senator Afflerbach and Senator Stewart and temporary Capitol leaves for Senator Bodack and Senator Fattah.

Senator BRIGHTBILL. Mr. President, I ask for a temporary Capitol leave for Senator Hopper and a legislative leave for Senator Greenleaf.

The PRESIDENT. Senator Brightbill requests temporary Capitol leave for Senator Hopper and a legislative leave for Senator Greenleaf. Senator Mellow requests legislative leaves

for Senator Afflerbach and Senator Stewart and temporary Capitol leaves for Senator Bodack and Senator Fattah. The Chair hears no objection. Those leaves will be granted.

## LEAVES OF ABSENCE

Senator MELLOW asked and obtained leaves of absence for Senator ANDREZESKI, Senator JONES and Senator LYNCH, for today's Session, for personal reasons.

## CALENDAR

### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### SENATE CONCURS IN HOUSE AMENDMENTS

SB 357 (Pr. No. 1240) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," permitting health care facilities to board an animal in certain cases; and limiting liability when animals are boarded or brought on the premises of health care facilities.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 357.

On the question,

Will the Senate agree to the motion?

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

#### YEAS—47

Afflerbach	Greenleaf	Mellow	Salvatore
Armstrong	Greenwood	Musto	Scanlon
Baker	Helfrick	O'Pake	Shaffer
Belan	Hess	Pecora	Shumaker
Bell	Holl	Peterson	Stapleton
Bodack	Hopper	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	Lemmond	Regoli	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher	Loeper	Rocks	Wilt
Fumo	Madigan	Ross	

#### NAYS—0

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

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

## SPECIAL ORDER OF BUSINESS

### GUESTS OF SENATOR RALPH W. HESS PRESENTED TO SENATE

Senator HESS. Mr. President, in the gallery today I have some guests from Hanover 7001 Associates and their leader, Susan Klaus, and also a neighbor of mine, Sally Miller. I would like the Senate to offer them its warm welcome.

The PRESIDENT. Would the guests of Senator Hess please rise so we can welcome you to the Senate of Pennsylvania.  
(Applause.)

**GUESTS OF SENATOR PATRICK J. STAPLETON PRESENTED TO SENATE**

Senator STAPLETON. Mr. President, in the gallery we have Representative Paul Wass and several ladies from Indiana County who are visiting the Capitol and their Legislators, and I would welcome a warm reception for them.

The PRESIDENT. Would the guests of Senator Stapleton please rise, along with Representative Paul Wass, so we can welcome you to the Chamber of the Senate.  
(Applause.)

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 620 (Pr. No. 1232)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for the power to parole; and making a repeal.

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:

**YEAS—47**

Afflerbach	Greenleaf	Mellow	Salvatore
Armstrong	Greenwood	Musto	Scanlon
Baker	Helfrick	O'Pake	Shaffer
Belan	Hess	Pecora	Shumaker
Bell	Holl	Peterson	Stapleton
Bodack	Hopper	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	Lemmond	Regoli	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher	Loeper	Rocks	Wilt
Fumo	Madigan	Ross	

**NAYS—0**

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

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

**SB 940 (Pr. No. 1535)** — 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; and providing for additional aggravating circumstances in death penalty cases.

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

On the question,  
Shall the bill pass finally?

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

**YEAS—46**

Afflerbach	Greenleaf	Musto	Salvatore
Armstrong	Greenwood	O'Pake	Scanlon
Baker	Hess	Pecora	Shaffer
Belan	Holl	Peterson	Shumaker
Bell	Hopper	Porterfield	Stapleton
Bodack	Jubelirer	Punt	Stewart
Brightbill	Lemmond	Regoli	Stout
Corman	Lewis	Reibman	Tilghman
Dawida	Lincoln	Rhoades	Wenger
Fattah	Loeper	Rocks	Williams
Fisher	Madigan	Ross	Wilt
Fumo	Mellow		

**NAYS—1**

Helfrick

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

**SECOND CONSIDERATION CALENDAR**

**NONPREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION**

**SB 1135 (Pr. No. 1384)** — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute of Philadelphia.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**HB 71, SB 756 and 762** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILLS REREFERRED**

**SB 851 (Pr. No. 1531)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of taxicabs in first class cities.

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

**SB 896 (Pr. No. 1025)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for scholarships.

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

**SB 903 (Pr. No. 1032)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing programs for the education of disruptive students.

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

#### BILL ON SECOND CONSIDERATION

**SB 943 (Pr. No. 1072)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the registration and reporting of certain noncontrolled substances; imposing additional powers and duties on the Secretary of Health; and fixing penalties.

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

#### BILLS OVER IN ORDER

**SB 1163, 1164, 1165, 1166 and 1167** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1201 (Pr. No. 1505)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for courses of instruction relating to alcohol and chemical abuse.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.  
Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

#### SENATE RESOLUTION NO. 104, CALLED UP

Senator LOEPER, without objection, called up from page 3 of the Calendar, **Senate Resolution No. 104**, entitled:

A Resolution designating October 1989 as "Lupus Awareness Month."

On the question,  
Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 104, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 104.

The motion was agreed to and the resolution was adopted.

#### SENATE RESOLUTION NO. 105, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 105**, entitled:

A Resolution designating the month of October as "Disability Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 105, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 105.

The motion was agreed to and the resolution was adopted.

### EXECUTIVE NOMINATIONS

#### EXECUTIVE SESSION

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

Which was agreed to.

#### NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

#### MEMBER OF THE ENVIRONMENTAL HEARING BOARD

June 27, 1989.

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, Richard S. Ehmman, Esquire, 7031 Penn Avenue, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, pursuant to Act 94, approved July 13, 1988.

ROBERT P. CASEY.

#### MEMBER OF THE ENVIRONMENTAL HEARING BOARD

June 27, 1989.

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, Joseph N. Mack, Esquire, 2681 Route 422 West, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified, vice William A. Roth, West Homestead, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

August 9, 1989.

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, Catana Sue McFarland, 12664 Polktown Road, Waynesboro 17268, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Jane C. First, Harrisburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE CENTRE COUNTY BOARD OF ASSISTANCE

May 12, 1989.

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, Florence Dale Wilson (Democrat), R. D. 5, Box 425, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Centre County Board of Assistance, to serve until December 31, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

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

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

YEAS—47

Table with 4 columns of names: Afflerbach, Armstrong, Baker, Belan, Bell, Bodack, Brightbill, Corman, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Helfrick, Hess, Holl, Hopper, Jubelirer, Lemmond, Lewis, Lincoln, Loeper, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Regoli, Reibman, Rhoades, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams, Wilt.

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator WILT. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

April 28, 1989.

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, Socorro Rivera, 747 North 20th Street, Philadelphia 19130, Philadelphia County, Second Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1993, and until his successor is appointed and qualified, vice Julio Tio, Harrisburg, resigned.

ROBERT P. CASEY.

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

Senator O'PAKE. Mr. President, will someone consent to a brief interrogation on this nominee?

The PRESIDENT. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator O'PAKE. Mr. President, we have been advised on this side of the aisle that this nominee is going to be voted down, and my question to the gentleman is, why?

Senator SALVATORE. Mr. President, I think we would like to speak to this gentleman. We have never been contacted by this gentleman, and until we have, we are going to knock him down.

Senator O'PAKE. Mr. President, that answers my question.

And the question recurring, Will the Senate advise and consent to the nomination?

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

YEAS—20

Table with 4 columns of names: Afflerbach, Belan, Bodack, Dawida, Fattah, Fumo, Lewis, Lincoln, Mellow, Musto, O'Pake, Porterfield, Regoli, Reibman, Ross, Scanlon, Stapleton, Stewart, Stout, Williams.

NAYS—27

Table with 4 columns of names: Armstrong, Baker, Bell, Brightbill, Corman, Fisher, Greenleaf, Greenwood, Helfrick, Hess, Holl, Hopper, Jubelirer, Lemmond, Loeper, Madigan, Pecora, Peterson, Punt, Rhoades, Rocks, Salvatore, Shaffer, Shumaker, Tilghman, Wenger, Wilt.

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator WILT. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

May 1, 1989.



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 M. Nardo, D.M.D., 1504 Woodledge Circle, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1991, and until his successor is appointed and qualified, vice Samuel A. Breene, Esquire, Oil City, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

#### LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Fisher has been called from the floor and I would ask for temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Fisher. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred:)

Senator BELAN. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator WILLIAMS. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—9

Corman	Lincoln	Punt	Scanlon
Greenwood	O'Pake	Ross	Stapleton
Hess			

#### NAYS—38

Afflerbach	Fumo	Mellow	Salvatore
Armstrong	Greenleaf	Musto	Shaffer
Baker	Helfrick	Pecora	Shumaker
Belan	Holl	Peterson	Stewart
Bell	Hopper	Porterfield	Stout
Bodack	Jubelirer	Regoli	Tilghman
Brightbill	Lemmond	Reibman	Wenger
Dawida	Lewis	Rhoades	Williams
Fattah	Loeper	Rocks	Wilt
Fisher	Madigan		

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

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

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

The motion was agreed to.

## UNFINISHED BUSINESS

### SENATE RESOLUTION

#### RELATING TO THE WIDESPREAD DESTRUCTION AND MISERY CAUSED BY HURRICANE HUGO IN THE COMMONWEALTH OF PUERTO RICO

Senators ROCKS, SALVATORE, LOEPER, FUMO, JONES, LYNCH, FATTAH and WILLIAMS offered the following resolution (Senate Resolution No. 108), which was read, considered and adopted:

In the Senate, September 27, 1989.

#### A RESOLUTION

Relating to the widespread destruction and misery caused by Hurricane Hugo in the Commonwealth of Puerto Rico.

WHEREAS, On Monday, September 18, Hurricane Hugo hit Puerto Rico with savage winds approaching 125 mph and left behind nearly 28,000 people homeless and 29 dead; and

WHEREAS, While it is still too soon to assess the total damage, the final figure will run into the millions of dollars—not even counting the personal tragedies being experienced by these citizens of the United States; and

WHEREAS, Puerto Rico became part of the United States in 1898, and its citizens received citizenship status through the Jones Act of 1917 and continue to proudly proclaim their allegiance to the United States of America; and

WHEREAS, The Commonwealth of Puerto Rico and its 3,000,000 inhabitants—who are fellow brothers and sisters—need all forms of assistance as quickly as it can be mobilized; therefore be it

RESOLVED, That the Senate of Pennsylvania hereby urge all the legislative members of the General Assembly to lend their support to the relief effort; and encourage that all relief efforts—both monetary and in-kind contributions—be directed to the PUERTO RICAN DISASTER RELIEF FUND, c/o Office of the Commonwealth of Puerto Rico, 500-06 North 6th Street, Philadelphia, PA 19123; and be it further

RESOLVED, That copies of this resolution be immediately transmitted to Governor Robert Casey, to the presiding members of each house of Congress, to each member of Congress from Pennsylvania, to U.S. Senators Arlen Specter and John Heinz; and President George Bush.

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Wilbert E. Hively, Mr. and Mrs. Elmer K. Rill, Mr. and Mrs. Davis K. Weaver, Mr. and Mrs. Tedford L. Bair, Mr. and Mrs. John K. Frey, Mr. and Mrs. John O. Hess, Mr. and Mrs. Charles R. Hall, Sr., Mr. and Mrs. George W. Koehn, Mr. and Mrs. Ray K. Henne, Mr. and Mrs. Kenneth Johnson, Mr. and Mrs. Porter A. Stout, Mr. and Mrs. Clarence W. Rohrer and to Eric John Nute by Senator Armstrong.

Congratulations of the Senate were extended to the Christian Street Branch of the YMCA of Philadelphia and Vicinity by Senator Fumo.

Congratulations of the Senate were extended to Richard Goad of Nottinghamshire, England by Senator Greenwood.

Congratulations of the Senate were extended to Union Fire Company No. 1 of Carlisle by Senator Hopper.

Congratulations of the Senate were extended to the Sunday Independent of Wilkes-Barre by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Sister Gregory Schessler by Senator Lincoln.

Congratulations of the Senate were extended to Dr. H. Jay Chivian by Senator O'Pake.

Congratulations of the Senate were extended to the citizens of New Kensington and Arnold by Senator Regoli.

Congratulations of the Senate were extended to Harry Beruck by Senator Rhoades.

Congratulations of the Senate were extended to Ashley L. Shook by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Daniel Rogers by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Gerry Green by Senator Stout.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Harry Goldstein by Senator Bell.

### PETITIONS AND REMONSTRANCES

Senator ROCKS. Mr. President, ever so briefly, the resolution which the Chamber graciously provided for consideration and passage today deals with the phenomenon that we all watched over the past week of Hugo, the hurricane which struck with some terrific force, particularly the Island of Puerto Rico. The resolution today, presented by all the Philadelphia Senators, comes at the request of the Hispanic community of Philadelphia, which is 95 percent Puerto Rican. I will send to each office today a copy of the resolution. In addition to the Puerto Rican Disaster Relief Fund, the Archdiocese of Philadelphia has actively involved itself in what is not just a fund-raising effort but an immediate need for what would be the basics, particularly food and clothing. There are, since the resolution has been drafted, over 30,000 people who have been left homeless, and in an information-enriched world where we all watched the phenomenon of a killer hurricane, maybe one of the best reactions we all have is to, in some little way, join in and reach toward our fellowman, and in this instance in Puerto Rico, and hopefully the efforts across this great United States will help in the relief of what is some terrible tragedy that is being felt there today.

I thank the Chamber for this consideration, and I will send a copy of the resolution to everyone if you would care in some small way to participate yourself.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

THURSDAY, SEPTEMBER 28, 1989

9:30 A.M.	EDUCATION (Confirmation Hearing Secretary of Education, Donald M. Carroll, Jr.)	Room 8E-A Hearing Room East Wing
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TUESDAY, OCTOBER 3, 1989

10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 389, 482, 876, 1200 and Senate Resolution No. 33 and a brief review of regulations pertaining to Off-Track Betting)	Room 460 4th Floor Conference Room North Wing
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11:30 A.M.	JUDICIARY (to consider Senate Bills No. 352, 881, 883, 885, 983 and 1067)	Room 8E-B Hearing Room East Wing
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WEDNESDAY, OCTOBER 4, 1989

9:00 A.M.	STATE GOVERNMENT (Public Hearing on Senate Bill No. 1203, Regarding Initiative and Referendum)	Room 8E-A Hearing Room East Wing
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WEDNESDAY, OCTOBER 11, 1989

9:30 A.M.	STATE GOVERNMENT (for a confirmation hearing on the nomination of Christopher Lewis for Secretary of the Commonwealth)	Room 8E-B Hearing Room East Wing
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1:00 P.M.	STATE GOVERNMENT (Public Hearing on Senate Bill No. 1202, regarding Inspectors General)	Room 8E-B Hearing Room East Wing
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### ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, October 2, 1989, at 2:00 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 10:55 a.m., Eastern Daylight Saving Time.