

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 2, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 54

SENATE

MONDAY, October 2, 1989.

The Senate met at 2:00 p.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:

Gracious Lord, our God, again we pause at the beginning of another week's work to invoke Your blessing and Your guidance upon this Session of the Senate. We ask that You would teach us the best way to see, the best way to reason and discern and the best way to act in serving the people of this Commonwealth. Amen.

JOURNAL APPROVED

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 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, Allan L. Tereshko, Esquire, 2613 East Lehigh Avenue, Philadelphia 19125, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1990, vice The Honorable Nicholas A. Cipriani, mandatory retirement.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

September 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, Benjamin Calesnick, 646 Springfield Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic 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 Elias Packman, D.Sc., Merion, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

September 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, K. H. Heisey, D.D.S., 1043 Mumma Road, Wormleysburg 17043, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic 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 William W. Weiss, D.D.S., Narberth, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

September 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, Patrick Stapleton, III, Esquire, 3422 Queen Lane, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic 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 Stanton A. Berkowitz, Esquire, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE
ATHLETIC COMMISSION

September 29, 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, Charles P. Bednarik, R. D. 4, Box 30, Coopersburg 18036, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Athletic Commission, to serve for a term of two years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE
ATHLETIC COMMISSION

September 29, 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, Howard E. McCall, 1415 North Corlies Street, Philadelphia 19121, Philadelphia County, Third Senatorial District, for reappointment as a member of the State Athletic Commission, to serve for a term of two years and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE
ATHLETIC COMMISSION

September 29, 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, Timothy Ward, 2256 Beechwood Boulevard, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Athletic Commission, to serve for a term of two years and until his successor is appointed and qualified, vice Richard Baer, Gibsonia, whose term expired.

ROBERT P. CASEY.

JUDGE, TRAFFIC COURT

October 2, 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 J. Gorka, 2842 Nautilus Road, Philadelphia 19154, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January, 1992, vice The Honorable Dominic N. Cermele, resigned.

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 53**.

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

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 727**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

GENERAL COMMUNICATIONS

REPORT OF THE ENERGY CONSERVATION AND ASSISTANCE FUND

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

PENNSYLVANIA ENERGY OFFICE
116 Pine Street
P. O. Box 8010
Harrisburg, Pennsylvania 17105

September 29, 1989

Mr. Mark R. Corrigan
Secretary of the Senate
Room 462, Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

I am pleased to forward a report to the General Assembly that describes in detail the use of oil overcharge funds by the Pennsylvania Energy Office during FY 1988-89. Act 122 of 1986 requires this report be made available to the General Assembly by September 30 of each year. The report contains an itemization of \$9,538,986.01 allocated to a wide range of energy projects by the Pennsylvania Energy Office. In addition, the report includes \$3,283,547.78 allocated by the Pennsylvania Energy Office to the Department of Environmental Resources for recycling and waste to energy projects.

I hope you find the report informative and if I can provide you with any additional information, please feel free to contact me.

Sincerely,

JAN H. FREEMAN
Executive Director

The PRESIDENT. This report will be filed in the Library.

**DEPARTMENT OF COMMUNITY AFFAIRS
ANNUAL REPORT OF THE FINANCIALLY
DISADVANTAGED MUNICIPALITIES
MATCHING ASSISTANCE PROGRAM**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY AFFAIRS
Harrisburg 17120

October 1, 1989

Mr. Mark R. Corrigan, Secretary
Pennsylvania Senate
Room 462 - Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

As required by Act 110 of 1986, the Department of Community Affairs respectfully submits its report of activities for the Financially Disadvantaged Municipalities Matching Assistance Program, for the preceding state fiscal year and current fiscal year.

Please let us know if you need further information.

Very truly yours,
KAREN A. MILLER
Secretary

The PRESIDENT. This report will be filed in the Library.

JOB TRAINING PARTNERSHIP ACT PLANS

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

PRIVATE INDUSTRY COUNCIL
WEST CENTRAL JOB PARTNERSHIP
585 East State Street - Buhl Building
Sharon, Pennsylvania 16146

August 25, 1989

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Main Capitol Building
Harrisburg, PA 17120

Honorable Robert C. Jubelirer:

With this correspondence you are notified West Central Job Partnership Private Industry Council for Service Delivery Area #28 of Lawrence and Mercer Counties is submitting to the Pennsylvania Dept. of Labor and Industry, Bureau of Job Training Partnership Act, a modification to the Service Delivery Area Master Plan for the period of July 1, 1988 to June 30, 1990.

The J.T.P.A. funds made available under this Master Plan will enable Service Delivery Area #28 to provide training to local economically disadvantaged residents in an effort to enable their economic self sufficiency.

This Master Plan Modification is available for public review any weekday from 9:00 a.m. to 3:00 p.m. at West Central Job Partnership Mercer County J.T.P.A. Office located at 585 E. State Street, Sharon, PA or at the West Central Job Partnership Lawrence County J.T.P.A. Office located at 102 Margaret Street, New Castle, PA. All questions should be directed to Shelia Gregg, Director of Administrative Services at (412) 347-9257.

A copy of this Master Plan Modification will be provided to you for review upon request.

Sincerely,
EDWARD DONOFRIO
Chairperson
Private Industry Council

OFFICE OF EMPLOYMENT & TRAINING
County of Delaware
321 W. State Street
Media, Pennsylvania 19063

September 19, 1989

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Main Capitol Building
Harrisburg, PA 17120

Dear Senator Jubelirer:

The Delaware County Office of Employment and Training will submit to the Pennsylvania Department of Labor and Industry the TITLE III PY 1989 Modification 901 to Annual Plan 0209K100 under the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA).

The Plan or a Summary thereof may be reviewed at your request and convenience.

Sincerely,
FRANCIS J. CAREY
Executive Director

The PRESIDENT. The communications will be filed in the Library.

**DEPARTMENT OF EDUCATION
PUBLIC SCHOOL DROPOUT REPORT 1987-1988**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

September 21, 1989

Subject: 1987-88 Public School Dropout Report
To: The Honorable Ronald Cowell, Chairman
House Education Committee
The Honorable Ed Burns,
Minority Chairman, House Education Committee
The Honorable Ralph Hess, Chairman
Senate Education Committee
The Honorable Jeanette Reibman,
Minority Chairman
Senate Education Committee
The Honorable John J. Zubeck, Chief Clerk
House of Representatives
The Honorable Mark R. Corrigan, Secretary
The State Senate
From: WALTER L. CARMO
Director
Office of Policy and Government Relations

Pursuant to the provisions of Act 49 of 1987, I am providing herewith a copy of the Acting Secretary's 1987-88 Public School Dropout Report and our draft press release.

The Department is releasing the school-by-school dropout report so that legislators, parents, teachers and school adminis-

trators could better evaluate their schools performance. This report will be released publicly by the Department at 2:00 p.m. this date.

If you have any questions about the report, please do not hesitate to call me at 7-7575.

The PRESIDENT. This report will be filed in the Library.

**DEPARTMENT OF HEALTH
VIETNAM VETERANS HEALTH INITIATIVE
COMMISSION ANNUAL REPORT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH
P.O. Box 90
Harrisburg, PA 17108

August 31, 1989

The Honorable Robert C. Jubelirer
President Pro Tempore
of the Pennsylvania Senate
Room 292, Main Capitol
Harrisburg, PA 17108

Dear Senator Jubelirer:

I am submitting the Annual Report of the Vietnam Veterans Health Initiative Commission which chronicles its first full year of activity. The Commission has made significant progress in addressing the legislative mandates of Act 67. This report will present an overview of that progress.

The report includes no legislative recommendations. If the Commission concludes specific legislative action is necessary, it will send its recommendations to you in a separate report.

Sincerely,

N. MARK RICHARDS, M.D.
Secretary of Health

The PRESIDENT. This report will be filed in the Library.

**DEPARTMENT OF ENVIRONMENTAL RESOURCES
MUNICIPAL WASTE PLANNING, RECYCLING,
AND WASTE REDUCTION ANNUAL REPORT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
Post Office Box 2063
Harrisburg, Pennsylvania 17120

September 26, 1989

Mark R. Corrigan
Secretary of the Senate
Room 462 Main Capital
Harrisburg, PA 17120

Dear Secretary Corrigan:

On July 28, 1988, Governor Robert P. Casey signed The Municipal Waste Planning, Recycling, and Waste Reduction Act, Act 101, into law. Section 705(f) of the Act requires the Department to submit an annual report on the progress in achieving the goals stated below, as well as a financial status report and projections for revenues and expenditures in the upcoming fiscal year.

I am pleased to submit the first annual 101 report as required by this statute.

The Department of Environmental Resources began to aggressively implement this landmark piece of legislation on September 26, 1988, in concert with the following goals set forth by the General Assembly:

- (1) At least 25% of all municipal waste and source-separated recyclable materials generated in this Commonwealth on and after January 1, 1997, should be recycled.
- (2) The weight or volume of municipal waste generated per capita in this Commonwealth on January 1, 1997, should, to the greatest extent practicable, be less than the weight or volume of municipal waste generated per capita on the effective date of this act.
- (3) Each person living or working in this Commonwealth shall be taught the economic, environmental and energy value of recycling and waste reduction and shall be encouraged through a variety of means to participate in such activities.
- (4) The Commonwealth should, to the greatest extent practicable, procure and use products and materials with recycled content and procure and use materials that are recyclable.

Each member of the General Assembly will receive a printed annual report under separate cover in the near future.

Sincerely,

ARTHUR A. DAVIS
Secretary
Department of
Environmental Resources

The PRESIDENT. This report will be filed in the Library.

LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SENATE OF PENNSYLVANIA

October 2, 1989

To the Honorable, the Senate of the
Commonwealth of Pennsylvania

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from September 1, 1989 through September 30, 1989 inclusive, for the 173rd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary
Senate of Pennsylvania
JOHN J. ZUBECK
Chief Clerk
House of Representatives

(See Appendix for complete list.)

APPOINTMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Chaka Fattah as a Commonwealth Trustee of Lincoln University.

APPOINTMENTS BY MINORITY LEADER

The Chair wishes to announce the Minority Leader has made the following appointments:

Mr. Thomas P. Comerford, Jr. as a member of the Independent Regulatory Review Commission.

Mr. James F. Kenney to serve with the Philadelphia Regional Port Authority.

BILL SIGNED

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

SB 357.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator HESS submitted the Report of Committee of Conference on **SB 253**, which was placed on the Calendar.

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Andrezeski.

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

LEAVE OF ABSENCE

Senator MELLOW asked and obtained leave of absence for Senator FUMO, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, October 2, 1989.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 16, 1989, unless sooner recalled by the President Pro Tempore of the Senate; and be it

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, October 10, 1989, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 10, 1989, it reconvene on Monday,

October 16, 1989, unless sooner recalled by the Speaker of the House of Representatives.

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

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

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber, to be followed by a Republican caucus to take place immediately upon the conclusion of the meeting of the Committee on Rules and Executive Nominations in the first floor caucus room, with an expectation of returning to the floor at approximately 3:15 p.m.

Senator MELLOW. Mr. President, I would likewise request that upon conclusion of the meeting of the Committee on Rules and Executive Nominations that the Democrat Members of the Senate report to the caucus room at the rear of the Chamber so we can have a brief caucus.

The PRESIDENT. Would the Members of the Committee on Rules and Executive Nominations please meet in the room at the rear of the Senate Chamber. For the purpose of that meeting of the Committee on Rules and Executive Nominations to begin immediately, to be followed by Republican and Democratic caucuses, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

LEGISLATIVE LEAVES

Senator BELAN. Mr. President, I request Capitol leaves for Senator Scanlon and Senator Williams.

The PRESIDENT. Senator Belan asks temporary Capitol leaves for Senator Scanlon and Senator Williams. The Chair hears no objection. The leaves will be granted.

Senator LOEPER. Mr. President, I would also ask for temporary Capitol leaves for Senator Pecora and Senator Hopper who have been called to their offices.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Pecora and Senator Hopper. The Chair hears no objection. Those leaves will be granted as well.

CALENDAR

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

Senator LOEPER. Mr. President, just briefly, Senate Bill No. 1135 that is before us has to do with the will of Benjamin Franklin, which was drawn over 200 years ago. Franklin's will actually provided for the distribution of funds to the Towne of Philadelphia and to the State of Pennsylvania, and it was to be distributed in two 100-year intervals. That first 100-year interval took place in 1890 and the second 100-year interval will take place in 1990, which is really the Franklin legacy year. I think it is appropriate that this legislation is before us in order that part of the Franklin legacy can go to the Franklin Institute as part of their new future center and provide opportunities in technical areas for our young people of the future, and I would ask for an affirmative vote.

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:

YEAS—49

Afflerbach	Greenwood	Madigan	Ross
Andrezski	Helfrick	Mellow	Salvatore
Armstrong	Hess	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bell	Jones	Peterson	Stapleton
Bodack	Jubelirer	Porterfield	Stewart

Brightbill	Lemmond	Punt	Stout
Corman	Lewis	Regoli	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher	Lynch	Rocks	Wilt
Greenleaf			

NAYS—0

A constitutional two-thirds 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 TEMPORARILY

SB 943 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 950 (Pr. No. 1484) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the forfeiture of property and interests of persons convicted of involvement with corrupt organizations; and making a repeal.

Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A3038:

Amend Sec. 1 (Sec. 911), page 22, line 24, by striking out "BY" and inserting: but

Amend Sec. 1 (Sec. 911), page 22, line 24, by striking out "AN"

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

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 71 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREFERRED

SB 756 (Pr. No. 1529) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the certification of real estate appraisers; creating the Real Estate Appraisers Board and imposing powers and duties; providing additional powers and duties for the Bureau of Professional and Occupational Affairs; and fixing civil and criminal penalties for violations.

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

SB 762 (Pr. No. 1530) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of travel promoters; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

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

BILL ON SECOND CONSIDERATION

SB 1163 (Pr. No. 1533) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for confidentiality of certain records; providing for the authorized sharing of certain information; providing for written consent prior to an HIV-related test; providing for civil immunity for certain licensed physicians; establishing a criminal penalty, creating a civil cause of action; and making a repeal.

Considered the second time and agreed to,

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

BILLS REREFERRED

SB 1164 (Pr. No. 1436) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," providing for the prevention of infectious diseases.

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

SB 1165 (Pr. No. 1437) — The Senate proceeded to consideration of the bill, entitled:

An Act providing a pilot program to establish a pilot Pediatric AIDS Institute Program; and making an appropriation.

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

SB 1166 (Pr. No. 1438) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the recording and reporting of certain laboratory tests; and imposing additional powers and duties on the Secretary of Health.

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

SB 1167 (Pr. No. 1534) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the development of a special AIDS home care program within the Department of Public Welfare; and providing medical care and support systems for persons who have AIDS.

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

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator WILT, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the follow-

ing nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

July 7, 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, Christine V. Rider, 584 Lake Meade Drive, East Berlin 17316, Adams County, Thirty-third Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joan B. Michelotti, Mechanicsburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE CONSERVATION COMMISSION

July 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, Amos H. Funk, R. D. 1, Box 174, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 1993, and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE MILK MARKETING BOARD

May 2, 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, J. Robert Derry, R. D. 1, Box 7-C, Penn Run 15765, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Milk Marketing Board, to serve until May 1, 1993, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MILK MARKETING BOARD

May 2, 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, Donald E. Lanius, R. D. 3, York 17402, York County, Twenty-eighth Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 1995, and until his successor is appointed and qualified, vice Paul A. O'Hop, Sr., Moscow, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF OPTOMETRY

May 24, 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, Arthur J. Jordan, O.D., 2230 North Washington Avenue, Scranton 18517, Lackawanna County, Twenty-second 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 Gerald B. M. Stein, O.D., State College, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF SOMERSET STATE HOSPITAL

May 22, 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, Nathan C. Rascona, Esquire, 113 East Main Street, Somerset 15501, Somerset County, Thirty-second Senatorial District, for reappointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF SOMERSET STATE HOSPITAL

May 22, 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, Helen M. Smith, 807 Oden Street, Confluence 15424, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Board of Trustees of Somerset State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Wanda B. Fetzko, Central City, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE WASHINGTON
CROSSING PARK COMMISSION

August 30, 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, Nathan Golub, Box 126, Washington Crossing 18977, Bucks County, Tenth Senatorial District, for appointment as a member of the Washington Crossing Park Commission, to serve for a term of five years and until his successor is appointed and qualified, vice Stanton C. Kelton, Jr., Newtown, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

September 11, 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, James A. Reed, 505 East Fairfield Avenue, New Castle 16105, Lawrence County, Twenty-first Senatorial District, for appointment as District Justice in and for the County of Lawrence, Magisterial District 53-3-04, to serve until the first Monday of January, 1990, vice Robert L. Zedaker, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

July 24, 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, David B. Harding, 36 North Seventh Street, Coopersburg 18036, Lehigh County, Sixteenth Senatorial District, for appointment as District Justice in and for the County of Lehigh, Magisterial District 31-3-03, to serve until the first Monday of January, 1990, vice Charles Deutsch, deceased.

ROBERT P. CASEY.

DISTRICT JUSTICE

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, Jay H. Dutton, R. D. 2, Box 429, Claysville 15323, Washington County, Forty-sixth Senatorial District, for appointment as District Justice in and for the County of Washington, Magisterial District 27-3-10, to serve until the first Monday of January, 1992, vice Richard L. Martin, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator WILT. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

REPORTS FROM COMMITTEE

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

SB 258 (Pr. No. 1311) (Rereported)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

SB 854 (Pr. No. 1567) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for a carryover for corporate net income taxes.

SB 927 (Pr. No. 1568) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for individual transition plans for handicapped students; and making an appropriation.

SB 929 (Pr. No. 1058) (Rereported)

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," further providing for distribution of the foreign fire insurance premium tax.

SB 948 (Pr. No. 1078) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for Statewide municipal police jurisdictions.

SB 1201 (Pr. No. 1569) (Amended) (Rereported)

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.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Trooper Ronald W. Rossi by Senator Afflerbach.

Congratulations of the Senate were extended to Donna and William Strauss and to Service Electric Cable TV, Incorporated of Allentown by Senators Afflerbach and Reibman.

Congratulations of the Senate were extended to Gary R. Caldwell, Rhea Weindorf and to Stephanie Domitrovich by Senator Andrezeski.

Congratulations of the Senate were extended to Charlie Regennas by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Paul W. Furtow, Mr. and Mrs. Joseph Pagano, Mr. and Mrs. Charles D. Ruth, Mr. and Mrs. Russell D. Keeley, Mr. and Mrs. Andrew DeMeo, Mr. and Mrs. Harry Shellender and to Mr. and Mrs. Gardner Smith by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Emery Smith, Mr. and Mrs. Albert Mayes, Harry Royer and to Carl Warntz by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. John Donovan and to Hugh Francis Toner by Senator Dawida.

Congratulations of the Senate were extended to Woodrow Parham by Senator Fattah.

Congratulations of the Senate were extended to Robert Shannon, Jr. by Senator Fumo.

Congratulations of the Senate were extended to Ethel Cirotti, Paul A. Wilson, Jr., Louis Parys and to Independent Fire Company No. 2 of Jenkintown by Senator Greenleaf.

Congratulations of the Senate were extended to Steven W. Hess, Steven R. Kaczinski and to Brandon McGrath-Bernhard by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Shiposh and to St. Paul's Church of Atlas by Senator Helfrick.

Congratulations of the Senate were extended to Don Lacy and to the Pennsylvania-New York Chapter of the International Customer Service Association by Senator O'Pake.

Congratulations of the Senate were extended to the Penn Hills Council of Republican Women by Senator Pecora.

Congratulations of the Senate were extended to the Alumnae and Friends of Wilson College by Senator Punt.

Congratulations of the Senate were extended to Peter DiGiacomo by Senator Reibman.

Congratulations of the Senate were extended to Troy L. Thompson, citizens of the Borough of Schuylkill Haven, Girardville Rangers Hose Company and to the Economic Development Council of Northeastern Pennsylvania by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Dale Myers, Mr. and Mrs. John Zabetakis, Mr. and Mrs. Ralph E. Mook, Mr. and Mrs. William Bauer and to Mr. and Mrs. Alfred D. Miller by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Charles T. Diffenderfer by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. George Davis, Mr. and Mrs. Frank Deptola, Mr. and Mrs. George Nadzadi and to Helen Degnan Otell by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Ross, Mr. and Mrs. Frank Chiera and to Mr. and Mrs. George J. Rolek by Senator Stout.

Congratulations of the Senate were extended to Dr. Melvin D. Wolfberg by Senators Tilghman and Shumaker.

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 Darlington Hoopes by Senator O'Pake.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Carl Kellogg was extended by Senator Corman.

COMMUNICATIONS FROM THE GOVERNOR**NOMINATIONS BY THE GOVERNOR
REFERRED TO COMMITTEE**

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

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

October 2, 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, Sharon Schnure Laverdure, B 4 5047 R. D. 5, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve until June 30, 1991, and until her successor is appointed and qualified, vice Donna L. Bennett, Towanda, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

October 2, 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, Harry R. Martini, Box 243, Lyndell 19354, Chester County, Nineteenth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-2-06, to serve until the first Monday of January, 1990, vice C. Burtis Coxe, deceased.

ROBERT P. CASEY.

CONSIDERATION OF CALENDAR RESUMED

SB 943 CALLED UP

SB 943 (Pr. No. 1072) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

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 third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator PETERSON, by unanimous consent, offered the following amendment No. A3027:

Amend Sec. 2, page 1, line 10, by striking out "chemicals or chemical"

Amend Sec. 2, page 1, line 11, by inserting after "substances": , salts and isomers

Amend Sec. 2, page 1, lines 12 through 17, by striking out all of said lines and inserting:

- (1) Phenyl-2-propanone.
- (2) Methylamine.
- (3) Ethylamine.
- (4) D-lysergic acid.
- (5) Ergotamine.
- (6) Diethyl malonate.
- (7) Malonic acid.
- (8) Ethyl malonate.

- (9) Barbituric acid.
- (10) Piperidine cyclohexane carbonitrite.
- (11) N-acetylanthranilic acid.
- (12) Pyrrolidine.
- (13) Phenylacetic acid.
- (14) Anthranilic acid.
- (15) Morpholine.
- (16) Ephedrine.
- (17) Pseudoephedrine.
- (18) Norpseudoephedrine.
- (19) Phenylpropanolamine.
- (20) Propionic anhydride.
- (21) Isosafrole.
- (22) Safrole.
- (23) Piperonal.
- (24) Thionylchloride.
- (25) Benzyl cyanide.
- (26) Ergonovine.
- (27) N-methylephedrine.
- (28) N-ethylephedrine.
- (29) N-methylpseudoephedrine.
- (30) N-ethylpseudoephedrine.
- (31) Chloroephedrine.
- (32) Chloropseudoephedrine.

Amend Sec. 2, page 2, line 2, by inserting after "substances": , salts and isomers

Amend Sec. 2, page 2, line 3, by inserting after "substance": , salt or isomer

Amend Sec. 2, page 2, line 7, by inserting after "substances": , salts or isomers

Amend Sec. 3, page 2, line 9, by striking out "of sellers and distributors"

Amend Sec. 3, page 2, line 10, by striking out all of said line and inserting: Any manufacturer, wholesaler, retailer or other person who is engaged in the sale, distribution, transfer or furnishing of any substance, salt or isomer

Amend Sec. 4, page 2, lines 25 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting:

Section 4. Records.

(a) General rule.—Any manufacturer, wholesaler, retailer or other person shall, prior to selling, distributing, transferring or otherwise furnishing any substance, salt or isomer specified in section 2, record the following information:

(1) The purchaser's motor vehicle operator's license which contains a photograph of the purchaser.

(2) The residential mailing address of the purchaser, other than a post office box number.

(3) The motor vehicle license number of any motor vehicle owned or operated by the purchaser.

(4) A letter of authorization from the business for which any substance, salt or isomer specified in section 2 is being furnished, which includes the business license number and address of the business, a full description of how the substance, salt or isomer is to be used and the signature of the purchaser.

(5) The date, time, location, quantity and price of the substance, salt or isomer.

(6) The manner of payment. For purchases made with check, money order or bank draft, the name and address of the financial institution on the check, money order or draft and its number, the name and address of the signer, the date of issuance and other identifying data shall be recorded.

(b) Exceptions.—The requirements of this section shall not apply to:

(1) Any pharmacist or other authorized person who sells or furnishes a substance, salt or isomer upon the prescription of a physician, dentist, podiatrist or veterinarian.

(2) Any physician, dentist, podiatrist or veterinarian who administers or furnishes a substance, salt or isomer to his or her patients as part of their regular medical treatment.

(3) Any manufacturer or wholesaler licensed by the Department of Health who sells, transfers or otherwise furnishes a substance, salt or isomer to a licensed pharmacy, physician, dentist, podiatrist or veterinarian in the usual course of business.

(4) Any sale, transfer, furnishing or receipt of any drug which contains any substance, salt or isomer which is lawfully sold, transferred or furnished over the counter without a prescription pursuant to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) or regulations adopted thereunder.

Amend Sec. 5, page 3, line 13, by striking out "seller or distributor" and inserting: manufacturer, wholesaler, retailer or other person

Amend Sec. 5, page 3, lines 15 and 16, by striking out "the seller or distributor acquired the substances" and inserting: substances, salts or isomers were acquired

Amend Sec. 5, page 3, line 17, by inserting after "substances": , salts or isomers

Amend Sec. 6, page 3, line 23, by inserting after "Health": and the Office of Attorney General

Amend Bill, page 3, line 30; page 4, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 8, page 4, line 3, by striking out "8" and inserting: 7

Amend Sec. 8, page 4, line 5, by striking out "to a seller or distributor under this act" and inserting: under this act to a manufacturer, wholesaler, retailer or other person

Amend Sec. 8, page 4, lines 10 and 11, by striking out "Seller or distributor violation.—A seller or distributor" and inserting: Other violations.—A manufacturer, wholesaler, retailer or other person

Amend Sec. 9, page 4, line 19, by striking out "9" and inserting: 8

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PETERSON.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 3, 1989

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| 9:30 A.M. | ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 211, 235 and 371) | Room 8E-A
Hearing Room
East Wing |
| 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 |
| 12:45 P.M. | APPROPRIATIONS (to consider Senate Bills No. 851 and 916) | Room 461
4th Floor
Conference Room
North Wing |
| Off the Floor | RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations) | Rules Committee
Conference Room |

WEDNESDAY, OCTOBER 4, 1989

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| 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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TUESDAY, OCTOBER 10, 1989

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| 9:30 A.M. | CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider Senate Bill No. 333 and the nomination of David W. Rolka to the PUC) | Room 8E-A
Hearing Room
East Wing |
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WEDNESDAY, OCTOBER 11, 1989

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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 Tuesday, October 3, 1989, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:05 p.m., Eastern Daylight Saving Time.