

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MARCH 8, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 18

SENATE

WEDNESDAY, March 8, 1995

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

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

PRAYER

The Chaplain, Reverend ALLAN R. VIVONA, Pastor of Grace Bible Fellowship Church, Harrisburg, offered the following prayer:

Let us pray.

O, Lord our Lord, how excellent is Thy name in all the earth. Remind us again, Almighty God and gracious Heavenly Father, that You are King of kings and Lord of lords.

Father, we invoke Your blessing and Your guidance upon this Session today. We ask that You enable us to take a fresh look at our Creator, and in a fresh and new way to trust You.

Father, we invoke Your blessing, at least in three areas. We ask that You would guide us, grant us Your wisdom, and remind us again that righteousness does exalt a nation, but sin is a reproach to any people.

Father, we ask today that You remind us again of Your justice, enable us by Your grace to see what is right and what is wrong. Give us the diligence, Father, to respond appropriately. And, Father, today we ask that You would remind us again of Your mercy. We thank You that You have withheld Your wrath against all those who would trust in Your Son.

And, Father, remind us again of Your grace, that You give us that which we do not deserve, for reasons known only to You. We ask these things as we come in the name of our God and Savior, the living Lord Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Pastor Vivona, who is the guest today of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 7, 1995.

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.

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:

March 7, 1995

Senators ROBBINS, CORMAN, BAKER, STOUT and STEWART presented to the Chair **SB 687**, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals.

Which was committed to the Committee on STATE GOVERNMENT, March 7, 1995.

Senators CORMAN, BAKER, ROBBINS, STOUT and STEWART presented to the Chair **SB 688**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the information to be provided by signers of nomination petitions and papers and by certain affiants.

Which was committed to the Committee on STATE GOVERNMENT, March 7, 1995.

Senators ROBBINS, CORMAN, BAKER, STOUT and STEWART presented to the Chair **SB 689**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

Which was committed to the Committee on LOCAL GOVERNMENT, March 7, 1995.

Senator HOLL presented to the Chair **SB 690**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for the imposition of the utilities gross receipts tax on the transportation of freight, for the application of certain credits and for settlements, resettlements, determination and redeterminations; and making a repeal.

Which was committed to the Committee on TRANSPORTATION, March 7, 1995.

Senators SCHWARTZ, MELLOW, AFFLERBACH, JONES, BELAN, WILLIAMS, RHOADES, O'PAKE, LAVALLE, STAPLETON, KASUNIC, STOUT, MUSTO,

STEWART, ANDREZESKI, TARTAGLIONE, WAGNER, BODACK and HUGHES presented to the Chair **SB 691**, entitled:

An Act amending the act of December 2, 1992 (P. L. 741, No. 113), entitled "Children's Health Care Act," further providing for children's health care; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 7, 1995.

Senators BELAN, WAGNER, BODACK, STOUT, AFFLERBACH, MELLOW, HELFRICK, RHOADES, MUSTO and KASUNIC presented to the Chair **SB 692**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing for notice of availability of insurance against damage resulting from mine subsidence.

Which was committed to the Committee on BANKING AND INSURANCE, March 7, 1995.

Senators PETERSON, LAVALLE, HELFRICK, JUBELIRER, BELL, SHAFFER, LOEPER, PUNT, WENGER, BRIGHTBILL, MOWERY, FISHER, HART, TOMLINSON, ROBBINS and MADIGAN presented to the Chair **SB 693**, entitled:

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

Which was committed to the Committee on EDUCATION, March 7, 1995.

Senators AFFLERBACH, MADIGAN, PORTERFIELD, HUGHES, STOUT and BELAN presented to the Chair **SB 694**, entitled:

An Act providing for formal recognition by the Governor of Native American tribes, bands, groups or clans indigenous to Pennsylvania; providing for certification of Native American organizations; providing for powers and duties of the Pennsylvania Heritage Affairs Commission; and imposing a penalty.

Which was committed to the Committee on STATE GOVERNMENT, March 7, 1995.

Senators JUBELIRER, HART, HELFRICK, MADIGAN, ROBBINS, MOWERY and KASUNIC presented to the Chair **SB 695**, entitled:

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," further defining "meeting."

Which was committed to the Committee on STATE GOVERNMENT, March 7, 1995.

Senators ROBBINS, HELFRICK, SALVATORE, O'PAKE, CORMAN, STOUT, FISHER, MADIGAN, TOMLINSON, HART, GERLACH and LEMMOND presented to the Chair **SB 696**, entitled:

An Act providing for the review and coordination of Federal mandates; and establishing the Joint Legislative Committee on Federal Mandates.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, March 7, 1995.

Senators ROBBINS, HELFRICK, SALVATORE, O'PAKE, CORMAN, STOUT, FISHER, MADIGAN, TOMLINSON, GERLACH and LEMMOND presented to the Chair **SB 697**, entitled:

An Act providing for the legal review of Federal mandates; and establishing the Constitutional Defense Council.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, March 7, 1995.

Senators ROBBINS, HECKLER, PUNT, HELFRICK, BELL, BRIGHTBILL, RHOADES, AFFLERBACH, STAPLETON, MUSTO, DELP, ANDREZESKI and KASUNIC presented to the Chair **SB 698**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational aid for certain members of the Pennsylvania National Guard; and conferring powers and duties on the Adjutant General, the Department of Military Affairs and the Pennsylvania Higher Education Assistance Agency.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 7, 1995.

Senators ROBBINS, LAVALLE, HECKLER, JUBELIRER, STOUT, PUNT, WILLIAMS, SHUMAKER, BELL, WENGER, RHOADES, GERLACH, MADIGAN, HELFRICK, STAPLETON, HART, MUSTO, TOMLINSON, ANDREZESKI, KASUNIC and LEMMOND presented to the Chair **SB 699**, entitled:

An Act providing for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics, emergency medical technicians, ambulance attendants, first responders and law enforcement officers; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 7, 1995.

Senators ULIANA, SALVATORE, PETERSON, AFFLERBACH, DELP and HART presented to the Chair **SB 700**, entitled:

An Act amending the act of July 15, 1957 (P. L. 901, No. 399), entitled "Optional Third Class City Charter Law," further providing for form of government.

Which was committed to the Committee on LOCAL GOVERNMENT, March 7, 1995.

Senators HECKLER, DAWIDA, BRIGHTBILL, STEWART, AFFLERBACH, JONES, FUMO, SCHWARTZ, TARTAGLIONE, HUGHES, WILLIAMS, BODACK and ULIANA presented to the Chair **SB 701**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of ethnic intimidation to include sexual orientation; and changing the designation of the offense.

Which was committed to the Committee on JUDICIARY, March 7, 1995.

Senators HECKLER, DAWIDA, BRIGHTBILL, STEWART, AFFLERBACH, JONES, FUMO, SCHWARTZ, TARTAGLIONE, HUGHES, WILLIAMS, BODACK and ULIANA presented to the Chair **SB 702**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the collection of information on crimes relating to sexual orientation.

Which was committed to the Committee on LAW AND JUSTICE, March 7, 1995.

Senator SALVATORE presented to the Chair **SB 703**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," regulating the appointment of school directors in first class and first class A districts.

Which was committed to the Committee on EDUCATION, March 7, 1995.

Senator FISHER presented to the Chair **SB 704**, entitled:

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

Which was committed to the Committee on JUDICIARY, March 7, 1995.

Senators AFFLERBACH, PETERSON, LAVALLE, SCHWARTZ, HART, FUMO, O'PAKE and KASUNIC presented to the Chair **SB 705**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for immediate notice of accident to police department.

Which was committed to the Committee on TRANSPORTATION, March 7, 1995.

Senators HART, HELFRICK, LEMMOND, MOWERY, DELP, SHAFFER, BRIGHTBILL, PUNT, HECKLER, CORMAN, RHOADES and FISHER presented to the Chair **SB 706**, entitled:

An Act providing for an economic impact statement for proposed legislation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 7, 1995.

Senators HART, HELFRICK, LEMMOND, MOWERY, DELP, SHAFFER, BRIGHTBILL, PUNT, HECKLER, CORMAN, RHOADES and FISHER presented to the Chair **SB 707**, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted, "Regulatory Review Act," providing for economic impact statements.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 7, 1995.

Senators HART, JUBELIRER, HELFRICK, HECKLER, BRIGHTBILL, BAKER and MOWERY presented to the Chair **SB 708**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for granting of tenure to professional employees.

Which was committed to the Committee on EDUCATION, March 7, 1995.

Senators HART, SALVATORE, WAGNER, HELFRICK, AFFLERBACH and TOMLINSON presented to the Chair **SB 709**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "blind veteran."

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 7, 1995.

Senators HART, SALVATORE, WAGNER and HELFRICK presented to the Chair **SB 710**, entitled:

An Act establishing an incapacitated veterans guardianship program; authorizing the Bureau for Veterans' Affairs to manage the financial affairs of incapacitated veterans or their eligible family members; providing for the creation and powers and duties of the Veterans Guardianship Office; and establishing a fund.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 7, 1995.

Senators HELFRICK, JUBELIRER, LOEPER, BAKER, MOWERY, SHAFFER, BRIGHTBILL, DELP, CORMAN, HECKLER, ARMSTRONG, SHUMAKER, WENGER, MADIGAN and PUNT presented to the Chair **SB 711**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," eliminating authority for the fair share fee for employees of Commonwealth entities.

Which was committed to the Committee on LABOR AND INDUSTRY, March 7, 1995.

Senators HART, SALVATORE, WAGNER, AFFLERBACH and TOMLINSON presented to the Chair **SB 712**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the issuance of reports of separation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 7, 1995.

Senators GREENLEAF, LOEPER, BRIGHTBILL, FISHER, LEMMOND, MUSTO, PETERSON and RHOADES presented to the Chair **SB 713**, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled, as amended, "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for coverage of qualified persons.

Which was committed to the Committee on LABOR AND INDUSTRY, March 7, 1995.

Senators GREENLEAF, LOEPER, O'PAKE, BRIGHTBILL, FISHER, LEMMOND, AFFLERBACH, HART, MUSTO, PETERSON, RHOADES and SHUMAKER presented to the Chair **SB 714**, entitled:

An Act providing for a higher education tuition assistance program for children of firefighters, law enforcement officers and members of the ambulance services and rescue squads killed in the performance of their duties.

Which was committed to the Committee on EDUCATION, March 7, 1995.

Senators GREENLEAF, FISHER, MUSTO and SHUMAKER presented to the Chair SB 715, entitled:

An Act providing for the rights of law enforcement officers concerning certain complaints and grievances.

Which was committed to the Committee on JUDICIARY, March 7, 1995.

Senators GREENLEAF, BELAN, HART, MUSTO, SALVATORE and STOUT presented to the Chair SB 716, entitled:

An Act providing for playground safety, for powers and duties of the Department of Community Affairs, and for a playground safety advisory committee; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 7, 1995.

Senators GREENLEAF, BAKER and KASUNIC presented to the Chair SB 717, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the designation of the Constables' Education and Training Board; and further providing for powers and duties of the board.

Which was committed to the Committee on JUDICIARY, March 7, 1995.

REPORTS FROM COMMITTEES

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

SB 4 (Pr. No. 5)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the Commonwealth.

SB 490 (Pr. No. 509)

An Act exempting political subdivisions from compliance with certain laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

SB 504 (Pr. No. 528)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a family and medical leave tax credit.

Senator BAKER, from the Committee on Labor and Industry, reported the following bills:

SB 9 (Pr. No. 752) (Amended)

An Act repealing the act of June 2, 1993 (P. L. 45, No. 15), requiring public employees who are not members of a collective bargaining unit to contribute a fair share fee; establishing payment, notice, objection and reporting procedures; and imposing penalties.

SB 291 (Pr. No. 753) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," eliminating authority for the fair share fee for employees of school entities.

SB 711 (Pr. No. 745)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," eliminating authority for the fair share fee for employees of Commonwealth entities.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I ask for legislative leaves for Senator Afflerbach and Senator Williams.

The PRESIDENT. Senator Stapleton requests legislative leaves for Senator Afflerbach and Senator Williams. Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 282 (Pr. No. 681) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for buying or exchanging Federal food order coupons, stamps or authorization cards and for fraudulent traffic in food orders.

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—49

Afflerbach	Gerlach	Loeper	Shaffer
Andrezeski	Greenleaf	Madigan	Shumaker
Armstrong	Hart	Mellow	Stapleton
Baker	Heckler	Mowery	Stewart
Belan	Helfrick	O'Pake	Stout
Bell	Holl	Peterson	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo			

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.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR DAVID W. HECKLER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Heckler.

Senator HECKLER. Mr. President, I am happy to welcome Mr. Jeff Trauger and his daughter, Rachael, who are here today from Bucks County studying State government. I am happy that they are here among us, and I hope that the Senate will join with me in extending its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

The PRESIDENT. For the purpose of introducing some additional guests, the Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I have the honor of having two guest Pages this week. One is Sarah Palyo, daughter of Ronald and Susan Palyo, from Greenville. She is a sophomore at Reynolds High School.

Also, I have with me Ginger Clayton, daughter of Howard and Joy Clayton from Hartstown. She is a senior at Jamestown High School and has been accepted to work on her accounting degree at Grove City College next year.

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

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 47, SB 638 and SB 641 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Larry A. Williams by Senator Afflerbach.

Congratulations of the Senate were extended to W. Daniel Doyle and to Adam Z. Ebersole by Senator Armstrong.

Congratulations of the Senate were extended to John Lattanzi by Senator Belan.

Congratulations of the Senate were extended to Florence Loucks by Senator Corman.

Congratulations of the Senate were extended to Anthony Capertino by Senator Delp.

Congratulations of the Senate were extended to Frederick W. Schwesinger by Senator Fisher.

Congratulations of the Senate were extended to Branden S. Diehl and to James Industries of Hollidaysburg by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Northorn by Senator Lemmond.

Congratulations of the Senate were extended to the Federation of Hellenic American Societies of Philadelphia and Greater Delaware Valley and to Marple Newtown Leisure Services of Newtown Square by Senator Loeper.

Congratulations of the Senate were extended to Scranton Preparatory School by Senator Mellow.

Congratulations of the Senate were extended to Gary Borbidge and to Thomas Priore, Jr., by Senator Salvatore.

Congratulations of the Senate were extended to Mary H. Ochs by Senator Shaffer.

Congratulations of the Senate were extended to Constance Bastek-Karasow by Senator Tomlinson.

Congratulations of the Senate were extended to Robert A. Major by Senator Uliana.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 4, SB 9, SB 291, SB 490, SB 504 and SB 711.

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, March 13, 1995, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 11:40 a.m., Eastern Standard Time.