

Legislative Journal

WEDNESDAY, OCTOBER 22, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 52

SENATE

WEDNESDAY, October 22, 1997

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

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

PRAYER

The Chaplain, Reverend HENRI EBERLY, of Christ Evangelical Lutheran Church, Elizabethtown, offered the following prayer:

I bring you greetings from the members of Christ Evangelical Lutheran Church in Elizabethtown, Lancaster County, a congregation that historically predates our Declaration of Independence. I am the pastor of a parish where Lutheran Christians have been worshipping on the exact site since the year of 1771.

I would also like to bring you greetings from the fine borough of Elizabethtown, a borough which has been much in the news this past year. I understand we made the Associated Press news for the kinds of school board actions that were taken, and then most recently because of a mix-up on the part of the FBI.

I pray now the Lord will be with you and also with me. Let us pray.

Gracious God, Loving Father, You call us to love You with our heart, our soul, our mind, and our strength, and to share love for one another in the same manner in which You have loved us. We thank You for this day. We thank You for the privilege of gathering in Your name as Members of a Senate in order to transact the business of a representative government. You have endowed each one of us with special gifts, the gift of wisdom, intelligence, the ability to make good and right judgments. Again, this day in all the planning that is done and by the actions that are taken, may our work reflect that which is in keeping with Your holy will.

Open our eyes, Lord God, to take note of the wealth that regularly is dumped into our laps. If there are those in our great State whose basic needs have not been sufficiently met, then open our hearts that actions will be taken so that all mankind may be touched by Your love. To this end, Mighty God, make us true and living instruments of Your will in this small corner of Your world.

We offer this prayer in the name of the Father and of the Son and of the Holy Spirit. Amen.

The PRESIDENT. The Chair thanks Reverend Eberly, who is the guest today of Senator Wenger.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 21, 1997.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 55**, with the information the House has passed the same without amendments.

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:

October 22, 1997

Senators ULIANA, WILLIAMS, AFFLERBACH, STOUT, TARTAGLIONE, TOMLINSON, GERLACH, COSTA and O'PAKE presented to the Chair **SB 1166**, entitled:

An Act amending the act of July 31, 1968 (P.L. 738, No. 233), entitled The Pennsylvania Fair Plan Act, providing for additional optional property insurance coverage.

Which was committed to the Committee on BANKING AND INSURANCE, October 22, 1997.

Senators STAPLETON and O'PAKE presented to the Chair **SB 1167**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the service charge for bad checks.

Which was committed to the Committee on JUDICIARY, October 22, 1997.

Senator KASUNIC presented to the Chair **SB 1168**, entitled:

An Act authorizing and directing the Department of Conservation and Natural Resources, with the approval of the Governor, to convey

to Turkeyfoot Fish and Game Association, Inc., a certain tract of land situate in Henry Clay Township, Fayette County, in exchange for certain tracts of land.

Which was committed to the Committee on STATE GOVERNMENT, October 22, 1997.

Senator ARMSTRONG presented to the Chair **SB 1170**, entitled:

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," further providing for deferred compensation plans of the Commonwealth and political subdivisions; and making editorial changes.

Which was committed to the Committee on FINANCE, October 22, 1997.

Senators FUMO, MELLOW, MUSTO, ARMSTRONG, KITCHEN, BODACK, TARTAGLIONE, KUKOVICH, KASUNIC, HELFRICK, SALVATORE, WOZNIAC, BELAN, LOEPER, EARLL, RHOADES, LEMMOND and COSTA presented to the Chair **SB 1171**, entitled:

An Act providing for the regulation and licensure of somatic practitioners, massage therapists and reflexologists; creating the State Board of Somatic Practices, Massage Therapy and Reflexology and providing for its powers and duties; providing for licensure, for unlawful practices and for disciplinary actions; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 22, 1997.

GENERAL COMMUNICATIONS BUDGET REQUEST OF THE OFFICE OF CONSUMER ADVOCATE

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

OFFICE OF CONSUMER ADVOCATE
Commonwealth of Pennsylvania
1425 Strawberry Square
Harrisburg, Pennsylvania 17120

Hon. Thomas J. Ridge
Governor of Pennsylvania
Commonwealth of Pennsylvania
Room 225, Main Capitol Bldg.
Harrisburg, PA 17120

Hon. Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Room 292, Main Capitol Bldg.
Harrisburg, PA 17120

Hon. Matthew J. Ryan
Speaker
House of Representatives
Room 139, Main Capitol Bldg.
Harrisburg, PA 17120

Gentlemen:

Enclosed with this letter is the Budget Request of the Office of Consumer Advocate (OCA) for Fiscal Year 1998-1999. The OCA's requested budget for Fiscal Year 1998-99 is \$4,115,000. This budget represents an increase of \$120,000, or 3%, above our approved 1997-98 budget of \$3,995,000.

The present budget request is submitted pursuant to Act No. 25 of July 20, 1983. *The OCA budget is not derived from the General Fund*, but is funded through a direct assessment on the public utilities that are regulated by the Pennsylvania Public Utility Commission (PUC).

Please contact me if you have any questions about the OCA's budget request or about the Office of Consumer Advocate.

Sincerely,

IRWIN A. POPOWSKY
Consumer Advocate

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

1996 ANNUAL REPORT OF PENNSYLVANIA ONE CALL SYSTEM, INC.

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

PENNSYLVANIA ONE CALL SYSTEM, INC.
925 Irwin Run Road
West Mifflin, PA 15122-1078

October 16, 1997

W. Russell Faber
Chief Clerk of the Senate
Pennsylvania Senate
House Box 20202
Harrisburg, PA 17120-2020

To whom it may concern:

In accordance with Pennsylvania Act 187 of 1996, enclosed please find 6 copies of the 1996 Annual Report of Pennsylvania One Call System, Inc.

Sincerely,

PENNSYLVANIA ONE CALL
SYSTEM, INC.

S. ROBIN JOHNSON
Support Representative

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

APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Senator Robert C. Jubelirer to serve as a member of the Judicial Council of Pennsylvania.

BILL SIGNED

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

SB 55.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves for today's Session on behalf of Senator Armstrong, Senator Delp, and Senator Helfrick.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Armstrong, Senator Helfrick, and Senator Delp. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I ask for a temporary Capitol leave for Senator Afflerbach, and legislative leaves for Senator Bodack, Senator Schwartz, and Senator Williams.

The PRESIDENT. Senator Stapleton requests a temporary Capitol leave for Senator Afflerbach, and legislative leaves for Senator Bodack, Senator Schwartz, and Senator Williams. Without objection, those leaves are granted.

LEAVE OF ABSENCE

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

CALENDAR

BILL WHICH HOUSE HAS NONCONCURRED IN HOUSE AMENDMENTS

BILL OVER IN ORDER

HB 1476 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 279 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED REREFERRED

HB 1048 (Pr. No. 2442) -- 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 subpoena of medical records; providing for a limit on charges for reproducing medical charts or records; and further providing for rights of patients, for obtaining personal appearance of custodian of original charts, for obtaining production of original medical records and for exemption from attachment of retirement funds and accounts.

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

BILL OVER IN ORDER TEMPORARILY

SB 97 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 212, SB 382, HB 440, SB 529, SB 577 and SB 799 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1475 (Pr. No. 2472) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for self-employment assistance, for eligibility, for costs and for limitation.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SB 97 CALLED UP

SB 97 (Pr. No. 95) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 97 (Pr. No. 95) -- 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 appeals from government agencies; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A4170:

Amend Sec. 1 (Sec. 933), page 2, line 30, by inserting a bracket before "(iii)"

Amend Sec. 1 (Sec. 933), page 3, line 2, by striking out the brackets before and after the quotation marks

Amend Sec. 1 (Sec. 933), page 3, line 3, by striking out the brackets before and after the quotation marks

Amend Sec. 1 (Sec. 933), page 3, line 5, by inserting a bracket after "act."

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.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MARY JO WHITE
AND SENATOR EDWARD W. HELFRICK
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Butler, Senator White.

Senator WHITE. Mr. President, at this time I would like to introduce some people who are in the gallery. This is a group from Bloomsburg University. I am actually doing this on behalf of Senator Helfrick, who is not here today. My staff person, Patrick Henderson, is a graduate of Bloomsburg, and these are people from his district, friends and colleagues.

At this time I would like to introduce Dr. Gloria Cohen-Dion and her State and Local Government class from Bloomsburg University, who are here at the Capitol as guests of Representative Gordner, and since the House is not in Session they came over to see the real pros at work. I ask the Senate to please welcome them.

The PRESIDENT. Would our special guests please rise so that the Senate may acknowledge you.

(Applause.)

**GUESTS OF SENATOR JEFFREY E. PICCOLA
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I am pleased to introduce again today students from Halifax Area High School who are shadowing me to learn a little bit about the operation of State government. They are seniors at Halifax High School. They are Seth Baluch and Brandon Enders, and I would be most grateful if the Senate would give them a warm welcome.

The PRESIDENT. Would our special guests please rise so that the Senate may acknowledge you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION**

SB 133 (Pr. No. 1405) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), entitled Vital Statistics Law of 1953, further providing for local registrars' fees.

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

**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 438 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 13, SB 56, HB 402, SB 429, SB 543, HB 679 and SB 838 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 902 (Pr. No. 982) -- 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 grading for the use of tobacco in schools.

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

BILLS OVER IN ORDER

SB 950, SB 962 and SB 996 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1065 (Pr. No. 1190) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for training requirement, for the Deputy Sheriffs' Education and Training Board and for the Deputy Sheriffs' Education and Training Account.

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

BILLS OVER IN ORDER

SB 1077 and **SB 1117** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1160 (Pr. No. 1413) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

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.

BILL OVER IN ORDER

SB 1165 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SENATE RESOLUTION No. 88, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 88**, entitled:

A Resolution declaring the week of November 2 through 8, 1997, as "Chemistry Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

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 Mr. and Mrs. Jack Lucas and to Mr. and Mrs. Richard Wisnoski by Senator Bodack.

Congratulations of the Senate were extended to Asbury United Methodist Church and to the O'Sullivan Corporation of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to the citizens of New Stanton Borough by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Ward Barber, Sr., Mr. and Mrs. Leonard Rolston and to Mr. and Mrs. Francis Tedesco by Senator Lemmond.

Congratulations of the Senate were extended to Berks County Tribute to Women Veterans and to Godiva Chocolatier, Inc., of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Keith by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Clark, Sr., Mr. and Mrs. Anthony Hancher and to Frances L. Stahl by Senator Rhoades.

Congratulations of the Senate were extended to A. J. Bartlett, Mary Manderville, Ken Merkle, Barbara Merkle and to Nancy Woodcock by Senator Robbins.

Congratulations of the Senate were extended to Ethel Craft-Jose by Senator Stapleton.

Congratulations of the Senate were extended to St. Paul AME Church of Malvern and to the Friends Association for Care and Protection of Children of West Chester by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Ara J. Barber, Mr. and Mrs. Richard Davis, Mr. and Mrs. Stephen M. Kukucha, Mr. and Mrs. George Milkie, Mr. and Mrs. Andrew J. Smith, Mr. and Mrs. Henry Vitovich, C. Guy Berkebile, Michael Brobeck, Tim Brobeck, Bobbie A. Miller, Patrick F. Nagle and to Dave Scott by Senator Wozniak.

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 E. Peter Strickler by Senator Brightbill.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, October 27, 1997, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 11:25 a.m., Eastern Daylight Saving Time.