

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 7, 1989

SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 36

SENATE

WEDNESDAY, June 7, 1989.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

PRAYER

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

Almighty God, we recognize the heavy responsibilities of the women and men who are part of this legislative Body. They carry with them many personal concerns about their own lives and families, but they also bear the burdens of the people whom they represent. Help them to be aware that they cannot carry out these responsibilities without divine help. In their weakness, give them strength, in periods of doubt, enable them to have faith in an unchanging God and in the midst of conflicting ideas, grant them the wisdom to discern Your truth. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 6, 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.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 681, with the information the House has passed the same without amendments.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair wishes to announce he has made the following appointments:

Mr. Robert Bittenbender as a member of the State Highway and Bridge Authority.

Senator James Greenwood (Chairman), Senator John D. Hopper and Senator Charles D. Lemmond, Jr. as members of the Joint State Government Commission Task Force to update the study of all services rendered to children relative to problems of abuse, delinquency, neglect and mental health.

BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

SB 681.

DISCHARGE PETITIONS

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Dennis Wolff as a member of the Animal Health and Diagnostic Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Dennis Wolff, Millville, Pennsylvania, as a member of the Animal Health and Diagnostic Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Joseph M. Hoeffel III, Esq., as a member of the Environmental Hearing Board.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Joseph M. Hoeffel III, Esq., Abington, Pennsylvania, as a member of the Environmental Hearing Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Daniel P. Elby as a member of the Council of Trustees of Lock Haven University.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Daniel P. Elby, York, Pennsylvania, as a member of the Council of Trustees of Lock Haven University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Louis J. Apichell, Sr., as a member of the Board of Trustees of Shamokin State General Hospital.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Louis J. Apichell, Sr., Kulpmont, Pennsylvania, as a member of the Board of Trustees of Shamokin State General Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of James A. Williams as Commonwealth Trustee of Temple University.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of James A. Williams, Holland, Pennsylvania, as Commonwealth Trustee of Temple University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Dennis G. Hursh as Treasurer of Cumberland County.

TO: The Presiding Officer of the Senate

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

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of James J. Flaherty, Esq., as Commonwealth Trustee of the University of Pittsburgh.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of James J. Flaherty, Esq., Pittsburgh, Pennsylvania, as Commonwealth Trustee of the University of Pittsburgh, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Michael Brennan as a member of the Blair County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Michael Brennan, Altoona, Pennsylvania, as a member of the Blair County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Patricia A. Byrne as a member of the Blair County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Patricia A. Byrne, Altoona, Pennsylvania, as a member of the Blair County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of The Reverend Bonaventure N. Midili as a member of the Blair County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of The Reverend Bonaventure N. Midili, Altoona, Pennsylvania, as a member of the Blair County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Jacqueline A. Smith as a member of the Blair County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Jacqueline A. Smith, Altoona, Pennsylvania, as a member of the Blair County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, June 7, 1989.

A PETITION

To place before the Senate the nomination of Susan E. Murray as District Justice of Delaware County.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Susan E. Murray, Media, Pennsylvania, as District Justice of Delaware County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

The PRESIDENT pro tempore. The communications will be laid on the table.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for legislative leaves for Senator Tilghman, Senator Helfrick and Senator Hopper.

The PRESIDENT pro tempore. Senator Brightbill requests legislative leaves of absence for Senator Tilghman, Senator Helfrick and Senator Hopper. The Chair hears no objection. Those leaves will be granted.

Senator STAPLETON. Mr. President, I ask for legislative leaves for Senator Belan, Senator Fumo, Senator Jones and Senator Lynch and a temporary Capitol leave for Senator Andrezski.

The PRESIDENT pro tempore. Senator Stapleton requests legislative leaves for Senator Belan, Senator Fumo, Senator Jones and Senator Lynch and a temporary Capitol leave for Senator Andrezski. The Chair hears no objection. Those leaves will be granted.

GUESTS OF SENATOR EARL M. BAKER PRESENTED TO SENATE

Senator BAKER. Mr. President, I have as guests today the following members of the Republican Committee from the Nineteenth District in Chester and Montgomery Counties:

John Jorenci	Georgia Snyder
Vince Carbo	Warren Diefenbach
May Carbo	Ed Wilkes
Charlotte Good	Janet Wilkes
Hildegard Lechner	Peggy Laden
Pete Phillips	Clare Trendergast
Ann Cavanaugh	Bill Goetz
John F. Bicking	Ann Swayne
David W. Allen	Dottie Ierton
Georgia Snyder	

These are very active citizens in their communities, and I am happy to introduce them to the Senate.

The PRESIDENT pro tempore. Would those guests of Senator Baker who are in the gallery please rise so the Senate may give you our usual warm welcome.

(Applause.)

GUESTS OF SENATOR CHAKA FATTAH PRESENTED TO SENATE

Senator FATTAH. Mr. President, can the Members of the Senate extend our usual warm welcome to a group of future leaders in this state and, in fact, present leaders who are student government leaders at the Lamberton Elementary and High School in Philadelphia. Among this group of students is my own daughter, Frances, and a special welcome to her today.

The PRESIDENT pro tempore. Would Frances and the young leaders who are guests of Senator Fattah please rise and we will give you a warm welcome, too.

(Applause.)

The PRESIDENT pro tempore. Frances, you are going to have to wave your hand so we know who you are. There she is. It is always nice to have family here as well as guests.

Senator FATTAH. Thank you, Mr. President.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 5, 339 and 365 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 430 (Pr. No. 1101) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for the broker's disclosures to the buyer.

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—50

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

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 JAMES J. RHOADES PRESENTED TO SENATE

Senator RHOADES. Mr. President, I have had the pleasure today of meeting with visiting graduate nurses who are in the master of science program in nursing at the University of Pennsylvania. They are specifically here to see state government in operation, and specifically to discuss issues related to the nursing profession and health care. I ask the Senate to extend its usual warm welcome to Ann Marie Moran, R.N., Ave Marie Kane, R.N., Suzanne Wary, R.N., Suzann Eaton, R.N. and Patty Kauffman, R.N.

The PRESIDENT pro tempore. Would those guests of Senator Rhoades who are in the gallery please rise so the Senate may give you our usual warm welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 555 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 576 (Pr. No. 1176) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a Statewide emergency telephone number "911" system; establishing a telecommunications unit within the Department of General Services; providing for funding of the system, for a referendum and for contributions from telephone subscribers; providing a penalty; making appropriations; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER. Mr. President, Senate Bill No. 576, when enacted, would establish the 911 Emergency Telephone Number Act. The purpose of the bill is to encourage, and I say "encourage" because it would be optional at the county level, county governments to implement a 911 emergency communication system where none exists and encourage the improvement of existing 911 systems. In other words, if they have a system and wish to go to an enhanced system, there would be an incentive to do so. According to a survey made by my office, only about one-third of the counties in the Commonwealth of Pennsylvania presently have a 911 system intact and in operation. Today we have the opportunity of voting for this bill to encourage the establishment of a statewide 911 emergency telephone system. This has been under consideration for at least the last ten years, and today we have the opportunity to move the process forward by voting affirmatively on Senate Bill No. 576.

Senator FATTAH. Mr. President, after the spirited debate on my amendment of yesterday, I wanted to stand today and speak in favor of Senate Bill No. 576, even though the amendment effort was not successful, because it is important that we do encourage all of our counties to go to a 911 system. I think that with the passage of this bill and, hopefully, finally working out the differences with the other House, we will be able to move this process forward. Therefore, I would encourage all of my colleagues to be supportive of the gentleman from Lancaster, Senator Wenger, in Senate Bill No. 576.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was 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—50

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

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.

BILL OVER IN ORDER

SB 715 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

SB 873 (Pr. No. 994) — 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," limiting the use of money from the Emergency Medical Services Operating Fund.

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

BILL OVER IN ORDER

SB 935 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 31 (Pr. No. 1155) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking; and providing penalties.

Considered the second time and agreed to,

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

SB 784 (Pr. No. 1156) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1986 (P. L. 1610, No. 181), entitled "Rabies Prevention and Control in Domestic Animals and Wildlife Act," providing for additional powers and

duties of the Department of Agriculture, for the establishment of a rabies hotline and for the purchase of antirabies vaccines and supplies; and making an appropriation.

Considered the second time and agreed to,

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

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

SB 613 (Pr. No. 655) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Department of Health for drug and alcohol programs.

Considered the second time and agreed to,

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

SB 904 (Pr. No. 1157) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Considered the second time and agreed to,

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

SB 905 (Pr. No. 1034) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Considered the second time and agreed to,

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

SB 906 (Pr. No. 1035) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

Considered the second time and agreed to,

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

SB 907 (Pr. No. 1036) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

Considered the second time and agreed to,

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

SB 908 (Pr. No. 1037) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

Considered the second time and agreed to,

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

SB 909 (Pr. No. 1038) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

SB 910 (Pr. No. 1039) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 22, SB 34, HB 50, SB 123, 252, 287, 312, 340, 364, 373 and 405 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 459 (Pr. No. 481) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," changing the definitions of "child abuse" and "sexual abuse"; adding a definition of "physical neglect"; and further providing for persons who are required to report child abuse and for taking children into protective custody.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 483 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 522 (Pr. No. 546) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

Considered the second time and agreed to,

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

HB 570 (Pr. No. 1632) — 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 spousal privilege in evidence.

Considered the second time and agreed to,

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

SB 605 (Pr. No. 1149) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1919 (P. L. 581, No. 274), entitled "First Class City Government Law," further providing for duties of controller.

Considered the second time and agreed to,

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

BILLS REREFERRED

SB 614 (Pr. No. 1150) — 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," providing assistance for students at risk for drug and alcohol abuse.

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

SB 633 (Pr. No. 676) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of a Statewide program to support and guide public schools in this Commonwealth in the establishment of extended school day-care programs for latchkey children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an allocation.

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

BILL ON SECOND CONSIDERATION

SB 640 (Pr. No. 683) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Environmental Resources to acquire and develop abandoned railroad rights-of-way for public recreational trail use; requiring the Department of Transportation to coordinate certain acquisitions of rights-of-way with the Department of Environmental Resources; providing a limitation on the liability of persons who provide property for public recreational trail use; and making an appropriation.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 699 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 702 (Pr. No. 1105) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding projects.

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

BILL ON SECOND CONSIDERATION

SB 730 (Pr. No. 794) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 21, 1953 (P. L. 1323, No. 373), entitled "The Notary Public Law," further providing for the embosser on documents to be recorded in the office of recorder of deeds.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 732, 735, 742, 764, 775, 787, 842, 875 and 899 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

SB 917 (Pr. No. 1152) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment and operation of regional poison control centers throughout this Commonwealth; imposing powers and duties on the Department of Health; and making an appropriation.

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

SB 927 (Pr. No. 1056) — 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," providing for individual transition plans for handicapped students; and making an appropriation.

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

BILLS OVER IN ORDER

SB 943, 959, 967, 968, 970 and 971 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SPECIAL ORDER OF BUSINESS**BILLS IN PLACE**

Senator SCANLON presented to the Chair several bills.

PERSONAL PRIVILEGE

Senator SCANLON. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Scanlon, will state it.

Senator SCANLON. Mr. President, I introduced a package of six bills which have been signed and sponsored by eighteen Democrats, which comprises Governor Casey's insurance reform program. If any Republicans would like to join, please feel free to sign.

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 STATE BOARD
OF ACCOUNTANCY**

April 13, 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, Lewis E. Elicker, III, R. D. 2, North Road, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Accountancy, 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.

ROBERT P. CASEY.

**MEMBER OF THE STATE
CONSERVATION COMMISSION**

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, David Shepler, R. D. #1, Champion 15622, Fayette County, Thirty-second Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 1992, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Clifford W. Tinklepaugh, Thompson, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

April 20, 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, Sheila J. Slimmer, 1722 Breckenridge Road, Orwigsburg 17961, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Faith A. Jones, Leesport, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF**

April 4, 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, William T. Moran, Jr., R. D. 3, Jefferson Heights, Lake Ariel 18436, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, 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 WERNERSVILLE STATE HOSPITAL**

April 20, 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, Dennis D. Louwerse, 103 Park Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Carolyn Rae Holleran, Reading, whose term expired.

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—50

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

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.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS

SENATE CONCURRENT RESOLUTION

RECOGNIZING JUNE 1989 AS "LOU GEHRIG TRIBUTE MONTH"

Senators BAKER, REIBMAN, MELLOW and BODACK offered the following resolution (*Senate Concurrent Resolution No. 75*), which was read, considered and adopted:

In the Senate, June 7, 1989.

A CONCURRENT RESOLUTION

Recognizing June 1989 as "Lou Gehrig Tribute Month."

WHEREAS, The ALS Association and Major League Baseball will be commemorating the 50th anniversary of Lou Gehrig's retirement from baseball due to Amyotrophic Lateral Sclerosis (ALS); and

WHEREAS, Lou Gehrig was known as the "Iron Horse of Baseball," playing 2,130 consecutive games, with more than 8,000 times at bat and 493 home runs, and being nominated by special election to the Baseball Hall of Fame in 1939 after 16 years with the New York Yankees; and

WHEREAS, Amyotrophic Lateral Sclerosis is commonly known as Lou Gehrig Disease, the only disease to be named for a victim; and

WHEREAS, ALS is a fatal, progressively paralytic neuromuscular disease in which the patient's mind is typically unaffected, which locks the person into a body that doesn't move and which often renders the person unable to speak; it has been described by one patient as "having a ringside seat to one's own demise"; and

WHEREAS, The ALS Association, the only voluntary health organization dedicated solely to ALS through research and patient services, works to enhance the quality of life and individual dignity of ALS patients while seeking a cause and cure for this terrible disease; and

WHEREAS, Major League Baseball, with teams all over North America, has designated June 1989 as "Lou Gehrig Tribute Month" to benefit the ALS Association and will, through its Commissioner A. Bartlett Giamatti and Presidents

Bill White (NL) and Dr. Robert Brown (AL) and the individual teams, focus on Lou Gehrig Tribute Month in June, with the national kickoff with the Phillies in Philadelphia; therefore be it

RESOLVED (the Senate concurring), That the General Assembly of Pennsylvania join with the ALS Association and Major League Baseball to designate the month of June 1989 as "Lou Gehrig Tribute Month"; and be it further

RESOLVED, That a copy of this resolution be conveyed to the Governor to solicit his support of this designation.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Whitehall High School Varsity Cheerleaders by Senator Afflerbach.

Congratulations of the Senate were extended to the Friendship Force Ambassadors of Ryde, Isle of Wight; Bristol, England; and Lancaster, Pennsylvania by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Eric Petrazio by Senator Corman.

Congratulations of the Senate were extended to Scott Thurston by Senator Fisher.

Congratulations of the Senate were extended to Donielle Booker, Bradley Davis, Christopher Dunn, Kezian LaTorre, Lauren Medica, Tinika Stubbs, Erika Saunders and to Sabrina Trapp by Senator Fumo.

Congratulations of the Senate were extended to Jeannette D. Dickerson, Melodye Stewart, Cara Swinden, Jen Sun, Patrick Hunnicutt and to Scott Burke by Senator Greenleaf.

Congratulations of the Senate were extended to the Northwest Philadelphia Branch of the NAACP by Senator Jones.

Congratulations of the Senate were extended to James Connery by Senator Lemmond.

Congratulations of the Senate were extended to Donna Evans Anthony, Perry S. Culver and to Stan McLaughlin by Senator Lincoln.

Congratulations of the Senate were extended to the Burnley Workshop of the Poconos, Incorporated of Stroudsburg by Senators Mellow, Reibman and Rhoades.

Congratulations of the Senate were extended to the Northwest Branch of the Reading Public Library by Senator O'Pake.

Congratulations of the Senate were extended to Officer Donald Dreier by Senator Regoli.

Congratulations of the Senate were extended to Vincent J. Fenerty, Sr. and to Joseph S. Powers by Senator Rocks.

Congratulations of the Senate were extended to Mr. and Mrs. William Krueger and to Reverend F. Dickson Marshall by Senator Shaffer.

Congratulations of the Senate were extended to Reverend Monsignor Joseph M. O'Toole and to the citizens of Johnstown by Senator Stewart.

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, I read in the morning Inquirer the report of Governor Casey's insurance package. I am very happy to see that he has endorsed a proposal I have made for a number of years of a consumer advocate in the Insurance Department. I have introduced bills to that effect, and I understand that the House today may be passing such a bill. I also was very interested in other parts of that package. Although I am not going to be one of the cosponsors of the package of bills that was introduced earlier by the Democrats, I am going to study it very carefully because many of the bills that are introduced I agree with the concept, but, of course, I want to see the bills.

I want to close these brief remarks by saying this: I have circulated in my district about 2,000 postcards asking my constituents to advise me as to what the most serious matters are that affect them with state jurisdiction, and insurance is always number one or number two. This is a tremendous problem in my district. It is not like the Inquirer says, it is not purely a Philadelphia problem. It affects my district as well as the City of Philadelphia.

Senator LINCOLN. Mr. President, about six weeks ago I took the microphone in Petitions and Remonstrances and talked about my party, the Democrat Party, and one of our most famous members, that being President Harry Truman. Periodically, I am going to do this and I have another history lesson that I want entered in the record today. I did not intend to ruffle any feathers with the last little group of remarks I made, and I really do not intend to do that today. I just ask people to listen and if they are offended by it, I will handle that when it comes. I really am not doing this to offend anybody. I feel very strongly that the Democrat Party in the last few years has been given some titles and wearing some crowns that they did not necessarily deserve. I think the people in this Commonwealth should know some of the things that members of my party have done over the years.

I begin by talking about Herbert Hoover. Herbert Hoover was one of this nation's most qualified presidential candidates. A man who started life as a poor Iowa farm boy, by the 1920s he was known internationally as an engineer, an able organizer, a brilliant administrator of relief in Europe, which had been devastated after the first World War, and as a man of great wealth. He was a humanitarian who truly felt for the plight of poor people, but he was a Republican who held firmly to the Republican belief that the business of government is business. In the end, he was trapped by his belief, and I quote, "The sole function of government is to bring about a condition of affairs favorable to the beneficial development of private enterprise." He said this at a time of desperation. During Hoover's term, unemployment grew from 4 million to 22 million, farm foreclosures were everywhere. In 1932 there were 5,000 bank failures and depositors lost \$3 billion. In New York alone, 72,800 eviction orders were issued in the first six months of 1930. People were wiped out, savings gone, no work, no homes. Desperation and resentment grew, demonstrations were everywhere, stores were raided and Washing-

ton was besieged. The stock market crash of 1929 made things worse for people, but, in fact, things had been bad for the workingman for a long time. Since before the turn of the century, the gap between the rich and poor had been widening. An unchecked marketplace had allowed huge trusts to monopolize industry. The rich lived like kings while the workingmen and women lived in deplorable conditions with no protection from the government. Farmers were doing terribly. Workers' wages were kept low by large waves of immigration. Although laws had been passed to break up monopolies and to impose regulations to restrict the excesses of business, Republican presidents like Warren Harding relaxed controls and the excesses started again. In the 1920s, a lot of the boom was false. The stock market manipulators were the winners, allowed to make huge paper profits by buying on credit. Herbert Hoover, with his Republican philosophy, was unable to cope with this crisis.

When Democrat Franklin Delano Roosevelt arrived in the White House, he squarely faced the need for government action. First, he established massive relief programs to put people to work and to feed and house them. Second, he recognized that even when our economy was functioning properly, our society had changed so much that government action was necessary to ensure fairness and equity. He created programs which today are our safety nets, which today are so much a part of the fabric of our lives that they are called "entitlements." With Democratic Senator Robert Wagner of New York, he passed the National Labor Relations Act which recognized that the laws of supply and demand did not alone provide decent wages for workers. It legitimized labor unions, allowed for collective bargaining and ensured that workers were not excluded from profits. He established a minimum wage to ensure that workers not covered by collective bargaining would be ensured a decent return for their labor. He set up the Securities and Exchange Commission to prevent the excesses that had destroyed Wall Street and the Federal Deposit Insurance Corporation to insure bank deposits and return confidence to our monetary system. Most importantly, Franklin Delano Roosevelt, a Democratic president, established the Social Security System. He recognized that those who had worked hard all their lives deserved a decent retirement and those who, because of illness or disability or extreme family circumstances could not work, deserved support. Democrat Franklin Roosevelt recognized that society had changed, that the America of extended families on farms who could take care of their own was gone; that an urban, industrial society with small nuclear families was excluding from its care the young, the old and the infirm.

Now, today, we are once again standing at a similar crossroads. Because the previous Republican Administration loosened controls on businesses, virtually destroying the Securities and Exchange Commission, we once again have Wall Street running wild. Because the previous Republican Administrations have been anti-labor and anti-minimum wage, we once again have millions without homes, and additional millions who work every day of their lives and are still classified

as poor. In fact, 34 percent of the employed population in 1987 was classified as poor, 40.4 million Americans earning full-time wages of less than \$11,611 a year. During the so-called Reagan "economic boom," just as the numbers for the working poor increased, so did the number of the rich. Those in between, the middle wage earners, dropped from 64 percent of the population to 61 percent of the population during the last ten years. Almost half of all workers who lost jobs between 1983 and 1987 found new jobs which paid less. Twenty percent of our children live in poverty. There is a 46 percent chance that a female-headed household with children will be poor. On top of this, when all federal taxes are taken into account, families in the bottom tenth of incomes have seen their tax rates increase by 46 percent during the 1980s, while families in the upper tenth have enjoyed a 3 percent decrease.

Ladies and gentlemen, the 1980s look an awful lot like the 1920s. And once again we have a President who is superbly well qualified to hold the office, a man who is a humanitarian but a man who is a Republican, a man who threatens to veto a minimum wage increase above \$4.25 per hour, a man whose child care proposals cannot assist the working poor, a man who has been silent on the plight of the homeless, a man whose only tax proposal is to lower capital gains for the rich, a man, after all, whose party believes that the business of government is business.

In the 1930s, a great Democrat recognized the changing social landscape. As we face the 1990s, we need another great Democrat to recognize that it has once again changed, that single mothers abound and two parents need to work to support a family. Our social institutions are from the 1940s, but people are facing situations from the 1980s.

Last week we lost one of the great visionaries of the Congress, Representative Claude Pepper. As his eulogies so obviously attest, he will be sorely missed.

But now we must look to a new generation of visionaries. From the record of the first hundred days of this new Republican Administration, I think it is clear we must look elsewhere. From the record of the last half century, I think it is clear that we must look to Democrats in Congress and state Houses to once again pick up the pieces, recognize that our society has changed and direct the government to deal with it quickly and efficiently. To my mind, that time has come to look to people who recognize that too many Americans are in pain—desperate for decent jobs, decent homes and decent health care. The time has come to look to the party which believes that the business of government is people and, ladies and gentlemen, that is my party, the Democratic Party, and I would hope that I could be a part of bringing about the kind of changes that are needed to face the 1990s and beyond.

Senator LOEPER. Mr. President, I had not intended to speak under Petitions and Remonstrances, but I think, in light of the gentleman's history lesson that he just gave for purposes of the record, I might indicate to the gentleman, as a former social studies teacher who used to teach out of textbooks, I could remember, depending which book I used to

teach out of, you got a different point of view. I am certain, Mr. President, there is a different textbook that we could use on this side of the aisle to examine that same period in our history and come up, very possibly, with different conclusions, particularly if we look at the situation of the federal government and where it was at the end of the 1970s and the improvement of that situation during the '80s. I think, Mr. President, maybe we could have another history lesson on the same type of years and come up with a different perspective. I thank the gentleman for his remarks.

Senator LINCOLN. Mr. President, I think that probably the most poignant thing that could be picked up here today is the fact that two people who are very similar in a lot of their background and age, and everything else, did choose to be on different sides of political issues and have different party affiliations, and yet we work and have worked for a number of years together. I would think that even as strongly as I feel about the Democratic Party, I would always welcome someone who is as sincere as Joe Loeper in helping solve the problems that we have ahead of us.

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, June 12, 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 11:55 a.m., Eastern Daylight Saving Time.