

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 29, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 26

SENATE

TUESDAY, April 29, 1997

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (David W. Heckler) in the Chair.

PRAYER

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

Eternal and everliving God, our source of all love, strength, and mercy, pour down Your Holy Spirit of grace upon the Members and staff of this Senate of Pennsylvania. Bless us with the clear, open, and discerning minds to properly address the issues confronting us today. May what is decided and enacted be in accordance with Your will and a credit to Your kingdom in this world. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 28, 1997.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly adjournment.

GENERAL COMMUNICATION

ANNUAL REPORT OF THE AGRICULTURAL LAND PRESERVATION BOARD

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

COMMONWEALTH OF PENNSYLVANIA
Department of Agriculture
2304 North Cameron St.
Harrisburg, PA 17110-9408

April 25, 1997

Mr. Mark R. Corrigan
Secretary of the Senate
Room 461, Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

In accordance with Section 14.4 of Act 149 of 1988, (the Agricultural Area Security Law), the State Agricultural Land Preservation Board submits to the General Assembly an annual report for the period through April 30, 1997.

In just over eight years since authorizing legislation has become effective, the Farmland Protection Program has permanently preserved 89,577 acres of farmland. The great majority of this land is designated as Class I, II, and III farmland, the best farmland in Pennsylvania.

Act 149 provides for permanent preservation of agricultural land through the purchase of conservation easements from qualifying farmers. Easements can be purchased entirely with Commonwealth funds or with a combination of state and county funds.

Should you have any questions about the data supplied in this report, or should you require additional information, please contact my office.

Very truly yours,

CHARLES C. BROSIUS
Secretary

The PRESIDING OFFICER. This report will be filed in the Library.

REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Transportation, reported the following bills:

SB 213 (Pr. No. 1027) (Amended)

An Act designating a covered bridge on which SR 3021 crosses over Tom's Creek in Adams County as the G. Donald McLaughlin Memorial Covered Bridge.

SB 726 (Pr. No. 759)

An Act designating a section of Legislative Route 48 in Allegheny County as the Leonard A. Funk, Jr. Highway.

**HB 77 (Pr. No. 1528)**

An Act designating a certain bridge on SR 0011 over the West Branch of the Susquehanna River connecting Point Township, Northumberland County and Monroe Township, Snyder County, as the Barry A. King Memorial Bridge; redesignating the Pullman Viaduct (SR 3001) in Butler County as the Picklegate Crossing; designating a certain bridge on SR 2028 in Mifflin Township and South Centre Township, Columbia County, as the Mifflin-South Centre Veterans Memorial Bridge; designating a section of the Southern Tier Expressway in Erie County as the Forest W. Hopkins Memorial Highway; and designating a certain bridge in the Borough of Clarks Summit, Lackawanna County, as the Veterans of Foreign Wars Memorial Bridge.

**HB 90 (Pr. No. 1509)**

An Act designating a portion of U.S. Route 220 in Lycoming County as the Lycoming County Veterans' Memorial Highway; and designating a portion of State Route 307 in Lackawanna County as the Joseph M. McDade Expressway.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

**SB 91 (Pr. No. 89)**

An Act amending the act of June 5, 1968 (PL.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," further providing for cancellation or refusal to renew and for review procedures and policy termination.

**SB 428 (Pr. No. 451)**

An Act amending the act of October 28, 1966 (1st Sp.Sess., PL.55, No.7), entitled Goods and Services Installment Sales Act, further providing for the definition of "goods."

**SB 875 (Pr. No. 1028) (Amended)**

An Act providing for the regulation of health insurance practices.

Senator LEMMOND, from the Committee on State Government, reported the following bills:

**SB 254 (Pr. No. 255)**

An Act amending the act of July 3, 1986 (PL.388, No.84), entitled Sunshine Act, further providing for attorney fees.

**SB 425 (Pr. No. 517)**

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the registration of athletic agents; and imposing a penalty.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator LEMMOND, from the Committee on State Government, reported the following resolution:

**HR 108 (Pr. No. 1216)**

A Concurrent Resolution endorsing the initiative of the Pennsylvania Historical and Museum Commission to apply the designation "Commonwealth Treasure" to any location, structure, record and artifact which the commission deems to be of outstanding historical significance.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

**LEGISLATIVE LEAVES**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

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

The PRESIDING OFFICER. Senator Brightbill requests a legislative leave for Senator Greenleaf, and temporary Capitol leaves for Senator Tilghman and Senator Jubelirer. 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 Hughes, and a legislative leave for Senator Williams.

The PRESIDING OFFICER. Senator Stapleton requests a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Williams. Without objection, those leaves will be granted.

**LEAVE OF ABSENCE**

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

**CALENDAR**

**SENATE RESOLUTION No. 39  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, as a Special Order of Business, Senate Resolution No. 39, entitled:

A Resolution memorializing the Governor to proclaim the ten days of May 4 through 13, 1997, as "Days of Remembrance of the Victims of the Holocaust."

On the question,  
Will the Senate adopt the resolution?

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

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	

Greenleaf  
Hart

Madigan  
Mellow

Stapleton  
Stout

NAY-0

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR JOHN N. WOZNIAK  
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, for a number of years now the city of Johnstown, at the Cambria County War Memorial, has hosted a cheerleading contest where young ladies from all over the Commonwealth compete against each other. It is important to note that we are often here honoring football teams, basketball teams, individual wrestlers, but very rarely do we realize that cheerleading is also a sport. It is very physical, it takes a lot of teamwork, and I am very proud to say that today we have an opportunity to recognize a number of those teams from Pennsylvania.

I have from my hometown of Johnstown four different schools. We have the Cresson Cheerleaders from the Richland Middle School, who are the Junior High Division Champs; Cresson Cheerleaders, who are Junior All-Star Champs; Bishop McCort High School, Varsity AA Champs; and Penn-Cambria High School, Varsity AAA Champs. Their coaches are Bernice Bobak, Melissa Moehler, Priscilla Sibis, Patty Frank, Gina Cogan, Dr. John Walker, Mrs. Mary Lou Walker, Patricia Sorichetti, Bridget Sorichetti and Amber Davison.

These young ladies, all the cheerleaders, have done an excellent job and have proven themselves to excel in greater Johnstown, and we are very proud to have them here in the balcony of this august body of the State Senate. So would my colleagues give a great Senate welcome to my champions from the greater Johnstown area.

The PRESIDING OFFICER. Would our guests please rise.

Senator WOZNIAK. Let us hear a cheer.

(Applause.)

The PRESIDING OFFICER. Thank you very much, Senator. It is wonderful to have that much enthusiasm in this Chamber on a Tuesday afternoon.

**GUESTS OF SENATOR EDWARD W.  
HELFRICK PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, just about every year I have the honor of bringing the State championship football team to this august body here, and we always welcome them greatly.

Today I have an honor that I think is even more important than that. I am honored today to present a group of my young constituents who are taking part in today's activities to honor

the State Champion Cheerleaders. I am especially proud to introduce the members of the Our Lady of Lourdes Regional High School Varsity Cheerleading Squad, because my children are all graduates of Our Lady of Lourdes High School. Attending with the cheerleaders are many of their parents. Under the capable direction of their coach, Mary Lou Osevala, the Lourdes squad captured the Class A State Championship, and I ask my colleagues to extend their usual warm welcome to these fine young ladies.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the guests of Senator Helfrick please rise so that the Senate may extend to you its usual warm welcome.

(Applause.)

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, the Senate is blessed today with a multitude of guests, so many so that one of mine was unable to find a seat in the gallery, but I believe she is still in the Capitol building and is perhaps even watching these proceedings on our closed circuit television.

I would like the Senate to recognize and welcome Michelle M. Grove, of Susquehanna Township here in Harrisburg. Michelle is a junior majoring in political science and public policy at Elizabethtown College, and she is an intern studying health policy and legislation with the Pennsylvania Academy of Family Physicians. Michelle has been shadowing me today to learn a little bit about the legislative process and to apply what she learns to her studies and her internship at Elizabethtown. So if the Senate would welcome Michelle, even though she is not present in the Chamber today, I would be most grateful.

(Applause.)

The PRESIDING OFFICER. The Chair will join you in welcoming Michelle to the Senate.

Senator PICCOLA. Mr. President, the Senate has in recent days been recognizing the athletic prowess and the cheerleading prowess of many Pennsylvania students. I would like to recognize a young man who has demonstrated another kind of prowess, namely a mathematics prowess.

Michael Church, who is an eighth grade student at Susquehanna Township Middle School here in Harrisburg, recently won the first place individual championship statewide MATH-COUNTS competition, which is sponsored by the Pennsylvania Society of Professional Engineers. Michael now qualifies to represent Pennsylvania at the national competition to be held in Washington, D.C., on May 9, 1997. Michael is here today in the gallery, and he is accompanied by his parents, Joe and Eileen Church, as well as his coach from Susquehanna Township Middle School, Elise K. Berry. I would really be grateful, Mr. President, if the Senate would welcome and congratulate Michael on this fine achievement.

The PRESIDING OFFICER. Would Michael and Senator Piccola's other guests please rise so that we may extend our welcome to you.

(Applause.)

#### **GUESTS OF SENATOR RICHARD A. KASUNIC PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I am also pleased to welcome visitors from my district this afternoon, the Champion Pee-Wee Cheerleading Squad from Conemaugh Township, Somerset County. They are accompanied by their coaches, Ginger and Sally Muir. Would you please give the Pee-Wee Cheerleading Squad from Conemaugh Township our usual warm welcome.

The PRESIDING OFFICER. Would the guests of Senator Kasunic please rise.

(Applause.)

Senator KASUNIC. Mr. President, if we asked them, maybe they would do a little cheer for us.

The PRESIDING OFFICER. I fear that might be out of order, Senator. We will save that for events in succeeding weeks, perhaps.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, with me today in the gallery also is the Evergreen Youth All-Star Cheerleading Squad from Indiana County. They won first place at the Pennsylvania State Cheerleading Championship that was held in November of last year at the Cambria County War Memorial. With them are their coaches and a number of their parents, and I certainly would appreciate it if the Senate would extend to them its customary warm welcome.

The PRESIDING OFFICER. Would the guests of Senator Stapleton please rise so that we may extend our greetings to you.

(Applause.)

#### **GUESTS OF SENATOR ALLEN G. KUKOVICH PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I am very proud to introduce the AAAA Cheerleading Champions from Westmoreland County, who with their spirit, skill, and tenacity went to the lovely town of Johnstown. Is the gentleman from Cambria, Senator Wozniak, still here? I wanted him to hear that. They prevailed exceedingly well. They are in the far corner, and I would ask the Senate to welcome the Derry Area Trojans High School Cheerleaders.

The PRESIDING OFFICER. Would the guests of Senator Kukovich please rise.

(Applause.)

#### **GUESTS OF SENATOR ROY C. AFFLERBACH PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, as was the case with the guests of the gentleman from Dauphin, Senator Piccola, I am not certain that mine are in the gallery at the moment. However, we have been recognizing a number of individuals for their athletic attributes, and again as in the case of Senator Piccola's guests, my particular guest has been one of academic attributes. His name is David Haefele, and he, together with his parents, Mark and Sharon, are visiting Harrisburg today. David has won the second place individual championship in the statewide MATHCOUNTS competition.

And for those of our colleagues who may not be precisely aware of what the competition entails, it is indeed sponsored by the Pennsylvania Society of Professional Engineers, as Senator Piccola has indicated. It is open to seventh and eighth grade students and it tests their competency in mathematical problem solving considering basic mathematics, logic, geometry, probability, statistics, linear algebra, and polynomials. David placed second in the individual category and will join Michael Church in going to Washington, D.C., in May to represent this Commonwealth as part of the Pennsylvania State team at the national MATHCOUNTS.

May I ask this Chamber to give its usual warm welcome and congratulations to David Haefele, and I would suggest to Senator Piccola to be careful, second place works harder and we may be here with first place next year.

The PRESIDING OFFICER. If David and his parents are with us, please rise and we certainly do extend our greetings.

(Applause.)

#### **GUESTS OF SENATOR JACK WAGNER PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I have the distinct honor of introducing some very special guests who are with us today in this Senate Chamber. They are competition winners and alternates for MATHCOUNTS. I suspect some other Senators have winners also.

MATHCOUNTS is a national program for seventh and eighth grade students designed to build math skills and problem-solving techniques. Students compete on both an individual basis and a team basis solving problems covering basic arithmetic, math logic, geometry, probability and statistics, and many other kinds of math problems.

The winners of MATHCOUNTS with us today are Matt Cohen, Rafe Lee Judkins, and Matt Berner. They are all in the eighth grade at Sewickley Academy. All will receive Senate citations for being winners, and in addition to those three, there are two alternates: David Chen and Mac Bryson. Mr. President, we are all very proud of this team from Sewickley

Senator KASUNIC. Mr. President, I rise today in support of Senate Bill No. 176. It is a piece of legislation that is long overdue. I do so emphatically. The time for this piece of legislation to take effect is now, Mr. President, for the women of Pennsylvania and their families.

Mr. President, breast cancer is the most common cancer in American women. It affects 182,000 women every year. One out of every nine women afflicted with breast cancer dies. That is 46,000 women killed annually. Coping with this disease is a medical and emotional struggle. I know, Mr. President, I know the pain, I know the frustration and the helplessness in helping somebody work through this ordeal. I, too, have somebody very special to me, very near and dear, who has suffered through this terrible disease, and I am happy today to say that she is a survivor and she is still with us, and as I look at her I just cannot forget the courage and the strength and the optimism she showed and certainly it was inspirational to me, and I am sure it would be inspirational to each and every person sitting in the Chamber right now if they would have seen the strength and the faith and the courage that she displayed.

Coping with this disease, Mr. President, also carries a fear, the fear of disfigurement, especially in our society which places so much significant value on physical appearance. Mr. President, this legislation will allow these women to maintain their dignity and preserve their self-esteem after surgery. Some insurance carriers deny coverage for breast cancer reconstruction. They do not consider the procedure to be medically necessary. Most insurance companies will not cover procedures on the opposite breast to provide the symmetry for the reconstruction. Yet, they are the same companies that will pay for reconstruction of other body parts. This is wrong, Mr. President. It is discriminatory and it is an insult to all the women of this Commonwealth and their families, especially those afflicted by this terrible disease.

Senate Bill No. 176 provides mastectomy and breast cancer reconstructive surgery as part of the insurance policy. It means that women will not have to pay out of their pockets to reconstruct one or both breasts. This legislation also requires that procedures associated with mastectomies will be provided as in-patient care. Insurance companies will no longer be allowed to hurry women through the door when they need to be properly cared for. I urge all of you who love your mother, your sister, your aunt, your grandmother, your wife, your daughter, your girlfriend, to please vote in favor of Senate Bill No. 176. You will make a difference in their lives. Mr. President, let us show the women of our Commonwealth that we value them, we care about them, and that we love them.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman from Fayette, Senator Kasunic, and also would acknowledge Senator Holl, Senator White, and Senator Uliana for their profound remarks.

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:

#### YEA-49

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

#### 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 present said bill to the House of Representatives for concurrence.

#### LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, I request that Senator Tilghman's temporary Capitol leave be cancelled.

The PRESIDENT. Senator Tilghman's temporary Capitol leave is cancelled.

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILLS OVER IN ORDER

SB 212, SB 219, SB 251 and SB 640 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### SECOND CONSIDERATION CALENDAR

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

HB 132 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### BILLS OVER IN ORDER

SB 114, HB 133, SB 182 and SB 301 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL REREFERRED

SB 415 (Pr. No. 430) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 25, 1986 (P.L.89, No.33), entitled "An act amending the act of March 23, 1972 (P.L.136, No.52), entitled 'An act relating to the practice of psychology, providing for licensing of psychologists, making certain acts illegal and providing penalties,'....," further providing for the implementation of the required transition period for prospective psychologists.

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

Senator WHITE. Mr. President, I want to thank Senator Holl and his committee for bringing to us the Breast Cancer and Mastectomy Reconstructive Surgery Act. It is a very important piece of legislation for the women of this Commonwealth. I want to thank Senator Uliana for bringing to the attention of the committee the issue of symmetry and reconstructive surgery.

Understandably, insurers do not want to pay for cosmetic surgery under a medical insurance policy, but that is really not what we are talking about here. Women who have been through the ordeal of a mastectomy want to be made whole, physically, psychologically, and financially, and they have that right. What we have done today is clarified the situation when medical coverage is appropriate and in fact required in reconstructive surgery. One of the really good things this bill does is it extends the time for reconstructive surgery from 2 years to 3 years. In discussions with an oncologist concerning language that was appropriate for this bill, it was made apparent to me that it is not uncommon for a woman after having undergone a mastectomy to spend the first year simply concentrating on survival. It frequently is not until after that early treatment time has passed that she suddenly decides I have a future and I want to be made whole.

I want to thank Senator Loeper's staff for their assistance in drafting, and the insurance industry representatives who helped us fashion language for this amendment. My Senate colleagues on both sides of the aisle are urged to cast this vote for the women of Pennsylvania - their wives, their mothers, their sisters, their daughters, and their friends - and I urge passage of Senate Bill No. 176.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I do not need to repeat all the very good and important words that were spoken by my colleagues, Senator Uliana and Senator White, and I do appreciate their raising the issue, bringing it up, and as we know, pushing it forward and making sure it happened.

I certainly want everyone to know that on our side of the aisle, too, we were very interested in this legislation. The issue of mastectomy and length of stay is certainly one that has been discussed, it has been in the news somewhat as well. But the fact of adding on this language that also speaks to reconstructive surgery is extremely, extremely important. The healing process immediately post-mastectomy, the process after radiation or chemotherapy is a long and difficult one both medically and emotionally for both the woman and her family. And the fact that we can ease that burden by assuring insurance coverage, by assuring that reconstructive surgery is available post-mastectomy is extremely important to even getting through that initial period for women.

I want to say, Mr. President, that just a couple of weeks ago I had the honor of being the mistress of ceremonies for a fundraising event for an organization in southeastern Pennsylvania called Living Beyond Breast Cancer. It was actually a very emotional fundraiser, in part because there was an exhibit

of artwork done in memory and in honor of women who had breast cancer, and there were many women in the group who had had breast cancer and certainly there were many members of their families. And what I can say that is so wonderful about this particular organization is that it recognizes that while it is extremely important for all of us to work toward a cure and the work we will do on research, and that we may deal with later, the fact that there is support, there is information, and there is this kind of security in assuring financial support, assuring that the medical system will be there for women is extremely important, certainly to all the women and men who were at that particular gathering, that particular event for all the women with whom that organization, Living Beyond Breast Cancer, deals.

And I think for all of us here in the Senate we have done good work in Pennsylvania, Mr. President, on breast cancer, on assuring mammography is available to women in Pennsylvania. We might have a little more work to do on that but we have done that. We established quality standards for mammography well before many other States in the nation and we should be proud of that, and this is one more step we should be very proud of in moving forward to assure the kinds of health services, the kinds of coverage for those health services for the women in Pennsylvania.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, this serious and very important question of proper health care for women has been a matter before the Committee on Banking and Insurance and other committees in the Senate for several years. There are many different questions that have arisen, and this is just another one to be added to the many serious concerns. And so as I said, for several years, the Committee on Banking and Insurance finally took action in an affirmative way to provide for a solution to this problem.

Senate Bill No. 176, of which I am the prime sponsor, has been considered for I think 3 or 4 years that I can recall, and maybe longer, and it deals with the Mastectomy Coverage Standard Act, and was introduced in response to the recent developments which have brought this to the limelight regarding drive-through mastectomies. It is crucial to the health and well-being of the patient, both men and women, that treatment be based on medical standards. This bill will make sure that the doctor and not the insurance company determines how long a patient should remain in the hospital following treatment, following a mastectomy. It will also ensure coverage for reconstructive surgery, which was introduced in the amendment today by Senator Uliana and Senator White.

I urge the Members of the Senate to support this important legislation and assure them that we will be coming forth in the near future with additional items of importance to the health and well-being of patients who find themselves afflicted with a serious disease.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

**AFTER RECESS**

The PRESIDENT. The time of recess having expired, the Senate will come to order.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER TEMPORARILY**

**SB 7** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

**BILL RECOMMITTED**

**SB 131 (Pr. No. 1023)** -- 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 bad checks by requiring that certain suspects be fingerprinted in order to determine prior bad checks violations.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill was recommitted to the Committee on Appropriations.

**BILL OVER IN ORDER**

**HB 148** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 176 (Pr. No. 1024)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing mastectomy and breast cancer reconstructive surgery coverage standards for health insurance policies.

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 PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, I rise today to speak about a very important piece of legislation to all people in Pennsylvania. Each year about 10,000 women in Pennsylvania are diagnosed with breast cancer. Breast cancer is the most common cancer affecting American women, and according to current statistics, one woman in nine will be diagnosed with some form of breast cancer during her lifetime.

For many women, treatment of breast cancer means undergoing surgery to remove diseased tissue. The extent and scope of this surgery often depends on the severity and type of cancerous growth. Unfortunately, in some cases a mastectomy provides the only effective cure. The consequences of a mastectomy are serious enough, but many women have to face concerns about their appearance after surgery. Those who opt for reconstructive surgery should not have to fight their insurance company.

Coping with breast cancer is both a medical and emotional struggle. It carries a fear of disfigurement in a society that often places excessive value on physical appearance. This traumatic experience is compounded in some cases when the woman finds out that her health insurance will pay for the mastectomy but will not cover any of the costs of prosthetic or reconstructive surgery that could bring a sense of normalcy back to her life. Some insurance carriers deny coverage for breast reconstruction because they consider the procedure not medically necessary. They may cover the costs of reconstructing other body parts but deny benefits for breast reconstruction.

That policy is discriminatory and demeaning to the thousands of Pennsylvania women who undergo mastectomies each year. We are not talking about nose jobs, face-lifts, or any type of elective procedure for strictly aesthetic purposes. Breast cancer is a serious, debilitating, and potentially fatal disease. The physical and emotional stress surrounding a mastectomy is tremendous. It is ludicrous that some women now find themselves in a situation where personal finances determine how they will face life after surgery.

Today, Senate Bill No. 176 contains language that I introduced that will prevent this discrimination and give the women of Pennsylvania a sense of security. I have amended the Breast Cancer Reconstructive Surgery Act into this bill. This new language will mandate that insurance carriers that provide coverage for mastectomies also be required to cover reconstructive surgery and prosthetic devices. The Breast Cancer Reconstructive Surgery Act will provide a level of support to women who are facing mastectomies. Now they will know that their insurance companies will be required to cover services that will aid in the psychological and emotional healing process. No woman who is recovering from the trauma of a mastectomy should have to worry about fighting her insurance company to cover the costs of surgery to restore her physical appearance and aid in the emotional recovery.

Finally, I would like to thank all those who worked on this bill - Senator Holl, and his staff; Senator Mary Jo White, who was a great help - but more importantly I would like to thank Sandy Cray of Bethlehem Township who brought this problem to my attention and who has been a strong advocate for women's health issues. She is a courageous survivor of breast cancer. Her story is a testament to the personal strength of an individual and an inspiration to all of us to never stop fighting this dreaded disease.

Mr. President, I urge all my colleagues today, I hope we will have a unanimous vote in support of this important legislation to make sure that that sense of security and normalcy is brought back to Pennsylvania's women.



Academy, and we wish them the best of luck at the national competition on May 9, 1997, in Washington, D.C., and I would ask for the usual warm welcome for our guests.

The PRESIDING OFFICER. The Chair thanks the gentleman from Allegheny, and would Senator Wagner's guests please rise.

(Applause.)

#### GUESTS OF SENATOR CLARENCE D. BELL PRESENTED TO THE SENATE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, we have also an outstanding team of cheerleaders from Ridley Park Athletic Club. These are the Varsity All-Star State Champions. They also won third place in the NCAA Northeastern United States Regional Competition in Princeton, New Jersey. They also participated in a nationwide competition of UCA in Orlando, Florida, and I believe they ended up about 17th.

But before I finish introducing them, I want all the young people in the audience to look up in front. Over to the left is a mural of Washington leading the Continental Army as they marched from Philadelphia to Wilmington to meet the British at the Battle of Brandywine. In the corner of that picture is Old Glory. That is the first time the Stars and Stripes were carried by the American Army, and for my neighbors from Ridley Park, they marched down Chester Pike in Ridley Park. Look at that picture, because many of the soldiers were 16 and 17 years old, and at the Battle of Brandywine there were more American soldiers killed and wounded than in any other battle in the Revolutionary War, and this is part of the heritage of young Pennsylvanians.

I want to point to this other picture. This is Lincoln at Gettysburg. If you look at it, you will see a lady in black. That is a widow. You will see two towheaded sons, orphans. That is a message that Pennsylvania always is deeply concerned with the widows and orphans of service people.

And I want to conclude this with a little bit of a sermon. Today the Cold War has ended and we are in a hot war. We are in a war against drugs, and you young people, you are the soldiers of today and tomorrow, and just as those young soldiers fought the Battle of Brandywine, you are going to be fighting for the future of this State and this nation, because it is your generation who will be the leaders of tomorrow. God bless you.

(Applause.)

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

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

(Applause.)

#### GUEST OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I have a special guest in the gallery as well. She is a former State legislator from Kansas and is the executive director of the Women's Network of the National Conference of State Legislators. She is here meeting with women legislators and will be having dinner with the women's caucus this evening, so I hope you will give a warm welcome to Nancy Brown, who has traveled here from Kansas to meet with us.

The PRESIDENT. Will Nancy please rise so the Senate may acknowledge you.

(Applause.)

#### GUEST OF SENATOR J. DOYLE CORMAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, on behalf of the gentleman from Centre, Senator Corman, he has a special guest in the gallery today. The special guest is J. Michael Aubuchon, an eighth grade student at Park Forest Middle School, who is the son of Jay and Karen Aubuchon of State College. He recently won the fourth place individual championship in the statewide MATHCOUNTS competition, and he will be representing Pennsylvania at the national competition in Washington, D.C., on May 9. Senator Corman tells me that he will do very well. The people who were up before talking about the competition they are going to face, they better be looking at Michael, so could we give him our traditional warm welcome.

The PRESIDENT. Will our math whiz please rise so that we may acknowledge you.

(Applause.)

#### RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, and we will reconvene immediately thereafter. Mr. President, we estimate that we will be out for approximately 1 hour.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request that the Democratic Members report immediately to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic Caucus meetings, with the intention of returning at approximately 3 p.m., or with an hour of meeting time needed, this Senate stands in recess.



Amend Sec. 2 (Sec. 5.1), page 23, line 13, by striking out "The commission may toll the time for review" and inserting: The review period set forth under paragraph (1) may be tolled

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A1491

Senator HUGHES, on behalf of Senator MELLOW, offered the following amendment No. A1491:

Amend Sec. 3 (Sec. 6), page 30, line 11, by inserting a bracket after "Law."

Amend Sec. 3 (Sec. 6), page 30, line 15, by striking out the bracket after "day."

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A1525

Senator HUGHES, on behalf of Senator MELLOW, offered the following amendment No. A1525:

Amend Sec. 1 (Sec. 3), page 5, line 2, by inserting after "agency": or amending, revising or otherwise altering the terms and provisions of an existing regulation

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A1592

Senator HUGHES, on behalf of Senator MELLOW, offered the following amendment No. A1592:

Amend Sec. 1 (Sec. 3), page 4, by inserting between lines 5 and 6: "Family." A parent, spouse, child, brother or sister.

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A1649

Senator HUGHES, on behalf of Senator MELLOW, offered the following amendment No. A1649:

Amend Sec. 2 (Sec. 5), page 15, line 9, by inserting after "days": In no case shall the comment period be less than 15 days.

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 BRIGHTBILL.

### REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

February 28, 1997

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, John P. Mays, Ph.D., Lehenberg Road, R. R. #1, Box 125, Reigelsville 18077, Bucks County, Tenth 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 Michael Mokotoff, Ph.D., Mount Lebanon, whose term expired.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

March 21, 1997

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, Nora Mead Brownell, Woodbridge Meadow, 4 Timber Fare Place, Spring House 19477, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2002, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lisa Crutchfield, Philadelphia, whose term expired.

THOMAS J. RIDGE  
Governor

### NOMINATIONS LAID ON THE TABLE

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

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

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

#### BILLS OVER IN ORDER

**SB 419** and **SB 529** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL ON SECOND CONSIDERATION

**HB 844 (Pr. No. 1199)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as The C.P.A. Law, further providing for education requirements and for reinstatement.

Considered the second time and agreed to,

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

#### RECESS

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

Senator LOEPER. Mr. President, I understand that there still may be some final touching-up of an amendment that is necessary in dealing with Senate Bill No. 7. Therefore, at this time I ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate, the Senate stands in recess.

#### AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### SB 7 CALLED UP

**SB 7 (Pr. No. 793)** -- 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 BRIGHTBILL.

#### BILL AMENDED

**SB 7 (Pr. No. 793)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted, Regulatory Review Act, further providing for legislative intent, for definitions, for the Independent Regulatory Review Commission, for review criteria, for commission and agency review procedure, for statutory compliance, for subsequent review, for classification of documents, for modifying regulations, for existing regulations, for staff, for subpoena power, for administrative functions and for termination.

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

#### WENGER AMENDMENT A1156

Senator WENGER offered the following amendment No. A1156:

Amend Sec. 2 (Sec. 5), page 21, line 9, by inserting after "regulation": The commission shall notify the agency and the committees of its approval or disapproval.

Amend Sec. 3 (Sec. 7), page 32, lines 8 and 9, by striking out "final-form or final-omitted regulation" and inserting: notice

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

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

#### WENGER AMENDMENT A1676

Senator WENGER offered the following amendment No. A1676:

Amend Sec. 3 (Sec. 8.1), page 39, line 18, by striking out "five" and inserting: three

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### WENGER AMENDMENT A1677

Senator WENGER offered the following amendment No. A1677:

Amend Sec. 3 (Sec. 9), page 40, line 17, by striking out "executive director may" and inserting: commission shall

Amend Sec. 3 (Sec. 9), page 40, line 18, by striking out "executive director" and inserting: commission

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

#### WENGER AMENDMENT A1059

Senator WENGER offered the following amendment No. A1059:

Amend Sec. 1 (Sec. 4), page 10, line 3, by inserting after "chairperson": A meeting may be rescheduled by the commission upon the provision of at least ten days' notice to all affected agencies

Amend Sec. 2 (Sec. 5.1), page 23, lines 7 and 8, by striking out "commission may, with the agency's consent" and inserting: agency may, unless the commission shall object,

## 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 Dr. Peter Likins and to Martha A. Phelps by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Arnold Lampert by Senator Bell.

Congratulations of the Senate were extended to Olivia Esh, Autumn Slother and to the Pennsylvania State University Fencing Team by Senator Corman.

Congratulations of the Senate were extended to Frederick Schmidt by Senator Hart.

Congratulations of the Senate were extended to Michael B. Palkendo and to Brian D. Walburn by Senator Helfrick.

Congratulations of the Senate were extended to Amber Lynn Dressler by Senators Helfrick and Corman.

Congratulations of the Senate were extended to Mr. and Mrs. H. Glenn Koontz and to James McDonald by Senator Jubelirer.

Congratulations of the Senate were extended to Craig Robert Harrington and to Henry Nicholas by Senators Kitchen and Tartaglione.

Congratulations of the Senate were extended to Dominick Amoroso by Senator Kukovich.

Congratulations of the Senate were extended to the Armed Forces Week Committee of Northeastern Pennsylvania by Senator Mellow.

Congratulations of the Senate were extended to Michael A. Jemo, Dr. Robert A. Fumanti and to the citizens of Wright Township by Senator Musto.

Congratulations of the Senate were extended to Marge Danowski and to Terry L. Sassaman by Senator O'Pake.

Congratulations of the Senate were extended to Gene DiVincenzo by Senator Salvatore.

Congratulations of the Senate were extended to George J. Barron by Senator Slocum.

Congratulations of the Senate were extended to Dwayne Durham by Senator Stout.

## DISCHARGE PETITIONS

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

In the Senate, April 29, 1997

### A PETITION

To place before the Senate the nomination of Thomas G. Miller, Jr., as District Justice, Allegheny County.

TO: The President 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 Thomas G. Miller, Jr., as District Justice, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

### A PETITION

To place before the Senate the nomination of Donald C. Georgino, as a member of the Clearfield County Board of Assistance.

TO: The President 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 Donald C. Georgino, as a member of the Clearfield County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

### A PETITION

To place before the Senate the nomination of Oliver C. Bullock, as a member of the State Board of Osteopathic Medicine.

TO: The President 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 Oliver C. Bullock, as a member of the State Board of Osteopathic Medicine, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

### A PETITION

To place before the Senate the nomination of Mark Navarro, as a member of the State Board of Optometry.

TO: The President 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 Mark Navarro, as a member of the State Board of Optometry, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic

Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the State Board of Nursing.

TO: The President 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 Donna Kriner, as a member of the State Board of Nursing, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

A PETITION

To place before the Senate the nomination of Nannette McLaughlin, as a member of the Pennsylvania Liquor Control Board.

TO: The President 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 Nannette McLaughlin, as a member of the Pennsylvania Liquor Control Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

A PETITION

To place before the Senate the nomination of John K. Thornburgh, as a member of the State System of Higher Education Board of Governors.

TO: The President 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 John K. Thornburgh, as a member of the State System of Higher Education Board of Governors, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

A PETITION

To place before the Senate the nomination of Robyn S. Walsh, as a member of the Health Policy Board.

TO: The President 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 Robyn S. Walsh, as a member of the Health Policy Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

A PETITION

To place before the Senate the nomination of John R. Agras, as a member of the State Board of Education.

TO: The President 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 John R. Agras, as a member of the State Board of Education, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

A PETITION

To place before the Senate the nomination of Margaret A. Tyndall, as a member of the Children's Trust Fund Board.

TO: The President 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 Margaret A. Tyndall, as a member of the Children's Trust Fund Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

In the Senate, April 29, 1997

#### A PETITION

To place before the Senate the nomination of Robert M. Frankel, as a member of the Pennsylvania Council on Arts.

TO: The President 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 Robert M. Frankel, as a member of the Pennsylvania Council on Arts, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic  
Patrick J. Stapleton  
Vincent J. Fumo

The PRESIDENT. These communications will be laid on the table.

#### BILLS ON FIRST CONSIDERATION

Senator WHITE. 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 91, SB 213, SB 254, SB 425, SB 428, SB 726, SB 875, HB 77 and HB 90.**

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

#### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, for at least 2 years I have endorsed the concept of repealing the tax on computer services in Pennsylvania. There have been countless rallies, news releases, and literally hundreds if not thousands of letters sent to Members of the General Assembly, the Governor, and anyone concerned and interested in this issue.

In the last legislative Session, Mr. President, I introduced Senate Bills No. 1114 and 1115. One was the manufacturing exemption and the other was the elimination of the computer services sales tax. In this Session I have introduced Senate Bill No. 321 and Senate Bill No. 322 that do something very similar to the previous bills that were introduced in the last Session.

Mr. President, this issue has been discussed in 1995, 1996, and 1997. And just for the sake of the public, the computer services sales tax is levied on software development for computer applications as well as on computer services provided by one company for another company, on outside data processing, on contracted payroll services, and on a host of other related

services such as inventory control, logistic support, and even travel reservations. It is levied on whatever computer services we can force companies to pay for since 1991. This tax was implemented in 1991 when there was a serious revenue shortfall in the Commonwealth of Pennsylvania, and, Mr. President, this tax generates approximately \$82 million a year in our State budget.

Mr. President, as I indicated, the issue was discussed in 1995 and, if you recall, that is when we had a \$500 million surplus going into the 1995-96 budget. We did not deal with this issue then. In 1996 in the Governor's Budget Address to the General Assembly there was to be a partial elimination of the computer services sales tax. That did not occur last year. In 1997 the Governor indicated in his Budget Address that it is his intent to have a partial repeal of this onerous tax. Mr. President, the time has truly come for us to follow up with that initiative, seeing that we again have a surplus, a surplus anywhere from \$400 million to \$500 million to \$600 million in 1997 going into next year's budget.

Mr. President, this is a tax on innovation. It is a tax on improvement. It is a tax on new ideas in an industry that is full of new ideas in this Commonwealth - new ideas to create jobs, to generate revenue, and to employ people in the Commonwealth of Pennsylvania. Mr. President, the time has come for us to really deal with this tax because what it has done is literally eliminate thousands of jobs since its implementation in 1991. It has become a job-killing tax, and to think that it is a job-killing tax and it only generates \$82 million a year really sends a message that we in the General Assembly have to do something about this tax, because it relates to an industry that is truly the growth industry in this Commonwealth, across the country, and across the world. It is an industry that we want to embrace rather than discourage. And quite frankly, for the last 6 years in this State we have been discouraging the growth of this industry, the majority of which is small companies.

Now, Mr. President, in this year's budget we have put significant taxpayer dollars to higher education, and we really know that higher education is the area where these companies begin, places like Carnegie-Mellon University, the University of Pittsburgh, Duquesne University, and many, many other colleges and universities across the Commonwealth. We are, in essence, funding universities and colleges to create the kinds of people who generate new ideas in high technology, and then they come out of school with those ideas and begin as entrepreneurs with a new company, and we discourage the growth of that company and we actually force those companies to move out of Pennsylvania.

Why? Because we have a sales tax, and States around us do not have a sales tax, and in Philadelphia County and Allegheny County the tax is 7 percent on computer services. In the other 65 counties it is 6 percent. So when it comes to the bottom line of operating a small company, a new company, what it really means is the difference between profit or no profit, or success or failure. This tax, Mr. President, has become a big problem in terms of our tax policy in Pennsylvania. As far as I am concerned, it is the worst tax we have in terms of the

generation of new jobs, the kinds of jobs that we want to create.

Now, the Pittsburgh Post-Gazette did a survey in 1996. They called it a benchmark survey, and in that survey they found that Pennsylvania can be a true leader, especially western Pennsylvania, in the growth of the high technology industry. But we also found out that this tax is an impediment to that growth, and in order for the kinds of jobs to be created which are, incidentally, relatively high paying jobs, the kinds of jobs to be generated that our people need in the high technology industry, this tax must be eliminated.

Now, Mr. President, I believe we all recently received a letter sent to us from GTE Telephone Operations by Mr. Walter Japak, the government affairs coordinator, and I would just like to read half of a paragraph of the letter. (*Reading:*)

"Now is the time to repeal this tax before it becomes an even bigger problem, before the year 2000 when every computer in the nation must be retrofitted to recognize the new millennium. Without these changes, finance, banking, billing and numerous other legal and financial conveyances will cease to be legally recognized because they will be dated January 1, 1900, rather than January 1, 2000. Under Pennsylvania tax law, every dollar spent to make these critical changes will be taxed" —under our computer services sales tax to change the computer systems, the software, within this industry throughout every company that has computers and software in Pennsylvania.— "If you were a computer intensive business, why would you move into Pennsylvania and pay 6 percent or 7 percent more than your competitors or why would you stay?"

So, Mr. President, the point that this gentleman is making in this letter and the point that I am making today is that Pennsylvania has the worst tax policy in the nation for computer software and information technology. And the time has come for us to stand up and be counted. Last year at budget time we did not do that. This year, Mr. President, we have the capability of doing that, and that is precisely what the people of Pennsylvania want us to do. They want us to eliminate onerous taxes that are impediments to job growth in this Commonwealth, and I believe we have the capability of doing that with the surplus that exists in the budget. We are talking about \$82 million, and we are talking about a \$500 million surplus, and we are talking about a possibility of generating thousands of jobs, quality jobs for the people of Pennsylvania.

Mr. President, we have a Rainy Day Fund. I would suggest on this floor that it is a rainy day for the high technology and computer services industries in Pennsylvania. It is time for us to address that issue and to repeal this tax.

Thank you, Mr. President.

#### ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA  
COMMITTEE MEETINGS  
WEDNESDAY, APRIL 30, 1997

10:30 A.M. FINANCE (to consider Senate Bills No. 105, 672 and 755; and any other business that may come before the Committee) Room 461 Main Capitol

10:50 A.M. URBAN AFFAIRS AND HOUSING (to consider House Bill No. 329) Rules Cmte. Conf. Rm.

#### THURSDAY, MAY 1, 1997

9:00 A.M. PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 100) Erie City Council Chamber

#### FRIDAY, MAY 2, 1997

9:00 A.M. PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 100) Greentree Municipal Building Greentree

#### WEDNESDAY, MAY 28, 1997

9:30 A.M. CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on the retail deregulation of the natural gas industry) Room 8E-B East Wing

#### ADJOURNMENT

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Wednesday, April 30, 1997, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:37 p.m., Eastern Daylight Saving Time.