

# Legislative Journal

TUESDAY, OCTOBER 28, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 54

## SENATE

TUESDAY, October 28, 1997

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

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

### PRAYER

The Chaplain, Reverend STEVE TISCHENDORF, of Bethel Presbyterian Church, Bethel Park, offered the following prayer:

Let us pray.

Sovereign and gracious God, whom we adore as the light of all that is true and the strength of all that is good, inspire us this day with the splendor of faith and fortitude which nothing can eclipse or extinguish. By Your spirit direct our thoughts, temper our words, and moderate our actions in order that all that takes place this day will be pleasing in Your sight.

We humbly recognize that long before we came to this place others were here providing leadership for Your people. After we are gone, another generation will have been raised up to take our places. But for now, through the voice of the people, You have given us a particular stewardship responsibility for this Commonwealth. Inspire us, O God, by the examples of courage and wisdom, that we in our time may bear witness to the best and noblest of our human inclinations.

Also, endow us with a sense of compassion and grace within the balance of justice and law, to the end that the people of this land may benefit from our actions today. Indeed, may the ethic of goodwill and love, justice and righteousness, be the foundation stone upon which we are seeking to build our Commonwealth, a better world, and an enduring civilization.

O God, be with us we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Tischendorf, who is the guest today of Senator Murphy.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 27, 1997.

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

## HOUSE MESSAGE

### SENATE CONCURRENT RESOLUTION RETURNED WITH AMENDMENT

The Clerk of the House of Representatives returned to the Senate, Senate Concurrent Resolution, entitled **Recess Adjournment**, with the information that the House has adopted the same with amendment, in which the concurrence of the Senate is requested.

The resolution, as amended, was read by the Clerk as follows:

In the Senate, October 27, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, November 17, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, November 24, 1997, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the Senate adjourns the week of November 17, 1997, it reconvene on Monday, November 24, 1997, unless sooner recalled by the President Pro Tempore of the Senate.

### SENATE CONCURS IN AMENDMENT MADE BY THE HOUSE TO SENATE CONCURRENT RESOLUTION

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendment of the adjournment resolution.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Mr. Mark R. Nicoletti as a member of the Board of Trustees of the Pennsylvania College of Podiatric Medicine.

### 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 Senate Bill No. 176 and certain nominations.

### BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

October 28, 1997

Senator MELLOW presented to the Chair **SB 1179**, entitled:

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, providing additional State appropriations to the Department of Education for development and improvement of libraries and for library access.

Which was committed to the Committee on APPROPRIATIONS, October 28, 1997.

Senators SCHWARTZ, COSTA, BODACK, AFFLERBACH, O'PAKE, MUSTO, KITCHEN, BELAN, STOUT, FUMO, MURPHY, KASUNIC, WHITE, HART, GERLACH, RHOADES, MELLOW, HUGHES, TOMLINSON, TARTAGLIONE, KUKOVICH and STAPLETON presented to the Chair **SB 1180**, entitled:

An Act prohibiting discrimination in health insurance on the basis of genetic information or a request for genetic services.

Which was committed to the Committee on BANKING AND INSURANCE, October 28, 1997.

Senators BRIGHTBILL, LOEPER, WILLIAMS, HELFRICK, SALVATORE, LAVALLE, SLOCUM, MURPHY, TOMLINSON, EARLL, LEMMOND, HART and O'PAKE presented to the Chair **SB 1181**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information to consumer reporting agency, for cooperation of government and nongovernment agencies and for general administration of support matters; providing for duties of Title IV-D attorney; further providing for order of support, for mandatory inclusion of child medical support, for commencement of support actions or proceedings, for expedited procedure, for paternity, for attachment of income, for costs and fees, for continuing jurisdiction over support orders, for duty to report and for denial or suspension of licenses; providing for Title IV-D program and related matters; further providing for acknowledgement and claim of paternity, for continuing, exclusive jurisdiction, for recognition of child support orders, for duties of initiating tribunal, for duties and powers of responding tribunal, for inappropriate tribunal, for duties of support enforcement agency, for supervisory duty, for duties of the Department of Public Welfare and for income-withholding order of another state; providing for compliance with multiple income-withholding orders; further providing for notice of registration order, for procedure to contest validity or enforcement of registered order and for modification of child support order of another state; providing for jurisdiction to modify child support order of another state and for notice to issuing tribunal of modification; further providing for supervisory duty; and making repeals.

Which was committed to the Committee on JUDICIARY, October 28, 1997.

Senators GREENLEAF, TOMLINSON, EARLL and DELP presented to the Chair **SB 1182**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of the initiative and referendum as Commonwealth processes under certain circumstances.

Which was committed to the Committee on STATE GOVERNMENT, October 28, 1997.

Senators GREENLEAF, TOMLINSON, SCHWARTZ, AFFLERBACH, WAGNER and WILLIAMS presented to the Chair **SB 1183**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, providing for insurance coverage for infertility treatment services.

Which was committed to the Committee on BANKING AND INSURANCE, October 28, 1997.

Senators GREENLEAF, JUBELIRER, AFFLERBACH, BRIGHTBILL, COSTA, GERLACH, HART, HELFRICK, KASUNIC, KUKOVICH, MUSTO, O'PAKE, RHOADES, SALVATORE, SLOCUM, STOUT, TOMLINSON, WHITE, SCHWARTZ and LEMMOND presented to the Chair **SB 1184**, entitled:

An Act designating December 15 of each year as "Bill of Rights Day."

Which was committed to the Committee on STATE GOVERNMENT, October 28, 1997.

Senators GREENLEAF, BRIGHTBILL, GERLACH, AFFLERBACH, COSTA, DELP, HOLL, KASUNIC, RHOADES, SALVATORE, TOMLINSON and WOZNIAK presented to the Chair **SB 1185**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the rights of crime victims.

Which was committed to the Committee on JUDICIARY, October 28, 1997.

### RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled, and referred as follows, which were read by the Clerk:

October 28, 1997

Senators BRIGHTBILL, JUBELIRER, COSTA, HELFRICK, ULIANA, O'PAKE, GERLACH, LAVALLE, SLOCUM, GREENLEAF, ROBBINS, MURPHY, TOMLINSON, HOLL, TARTAGLIONE, SCHWARTZ and LEMMOND presented to the Chair **SR 94**, entitled:

A Concurrent Resolution urging the Supreme Court to establish training programs relating to domestic violence.

Which was committed to the Committee on JUDICIARY, October 28, 1997.

Senators GREENLEAF, BRIGHTBILL, EARLL, AFFLERBACH, COSTA, KASUNIC, LEMMOND, THOMPSON and TOMLINSON presented to the Chair **SR 95**, entitled:

A Resolution designating the month of February 1998 as "Landscape Architecture Month."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 28, 1997.

### REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

#### SB 308 (Pr. No. 301)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the operation of clubs and businesses patronized primarily for the purpose of engaging in sexual activity.

#### SB 833 (Pr. No. 898)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of sexual assault and indecent assault.

#### SB 908 (Pr. No. 1439) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compensation of jurors and reimbursement to counties.

#### SB 1087 (Pr. No. 1275)

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for contempt for violation of a protection order or agreement and for the definition of "delinquent act."

#### HB 141 (Pr. No. 151)

An Act amending the act of August 11, 1967 (P.L.205, No.69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," changing a certain date.

#### HB 360 (Pr. No. 1479)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the furnishing of drug-free urine for the purpose of evading drug tests.

#### HB 1412 (Pr. No. 2522) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for responsibilities of law enforcement agencies and court-ordered relief.

#### HB 1763 (Pr. No. 2226)

An Act repealing certain parts of acts as being supplemented or superseded by other acts or otherwise obsolete.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

#### SB 457 (Pr. No. 479)

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts and for violations of the act.

#### SB 847 (Pr. No. 912)

An Act amending the act of December 20, 1985 (P.L.457, No.112), entitled Medical Practice Act of 1985, providing for the regulation of tattoo artists and body piercing technicians.

#### SB 922 (Pr. No. 1000)

An Act amending the act of May, 3, 1933 (P.L.242, No.86), entitled, as amended, Cosmetology Law, further providing for amount of education required.

#### HB 507 (Pr. No. 1624)

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; providing penalties; and making a repeal.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, also reports BPOA Final Regulations No. 16A-439, 16A-443, 16A-468, 16A-475, 16A-481, 16A-494, 16A-512, 16A-517, 16A-526, 16A-537, 16A-546, 16A-632 and 16-15; and PUC Final Regulations No. 57-168, 57-169, 57-179, 57-164 and 57-166 were reported to the IRRC without objections.

### SENATE RESOLUTION ADOPTED

Senators WHITE, STAPLETON, EARLL, MOWERY, BRIGHTBILL, CORMAN, WILLIAMS, HELFRICK, DELP, O'PAKE, GERLACH, COSTA, KUKOVICH, TOMLINSON, ULIANA, HART, MELLOW, SCHWARTZ, SLOCUM STOUT, BELAN, GREENLEAF, HOLL, AFFLERBACH, RHOADES and LEMMOND, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution designating the week of November 16 through 22, 1997, as "Rural Pennsylvania Week."

On the question,

Will the Senate adopt the resolution?

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

Senator WHITE. Mr. President, this resolution names the week of November 16 through 22 as Rural Pennsylvania Week. Pennsylvania, with 42 out of 67 counties classified as rural, has the largest rural population in the nation. This population is undergoing tremendous change, and in 1987 the legislature created the Center for Rural Pennsylvania. Senator Stapleton and I are delighted to serve as the Senate's representatives on that body. It is celebrating its 10th year of existence as the focal point for research and policy development for rural Pennsylvania, and the week of November 16 through 22 will be celebrating that. We hope that all Members of the legislature, and especially the Senate, can join us for the activities that will be taking place during that week.

Thank you.

And the question recurring,  
Will the Senate adopt the resolution?  
A voice vote having been taken, the question was determined  
in the affirmative.

### LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, at this time I request a legislative leave for today's Session on behalf of Senator Helfrick.

The PRESIDENT. Senator Loeper requests a legislative leave on behalf of Senator Helfrick. Without objection, that leave is granted.

### CALENDAR

#### SENATE RESOLUTION No. 90 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 90**, entitled:

A Resolution designating the week of November 3 through 10, 1997, as "Women Veterans Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, society is sometimes slow to recognize its war heroes. It happened to those of us who returned from Vietnam, and it happened with the often forgotten veterans who served in Korea. It happened to veterans who provided service in both of those conflicts, as well as the American Revolution, World War I, World War II, the Persian Gulf, and all the other conflicts we have been in. They are nearly 2 million strong, and today I ask the Senate of Pennsylvania to make a statement that should have been made a long time ago.

Mr. President, I ask the Senate's support for Senate Resolution No. 90. It will designate the week of November 3 through November 10 as Women Veterans Week in Pennsylvania. It will go much further. It will remind Pennsylvanians that service to our country knows no gender. It will remind our citizens that women have been wounded and killed in the line of duty, taken prisoner, and have committed selfless acts of bravery and heroism. Their roles are limited but impressive nonetheless.

Today women fill a variety of roles and ranks in our nation's military, both active, reserve, and National Guard. They range from medics to fighter pilots, recruits to flag officers. As I said, Mr. President, we are sometimes a little slow in recognizing our heroes, but we usually end up setting the record straight, and that is what is happening with women veterans across America.

On October 18, capping 4 days of special events, the United States Postal Service issued a commemorative stamp honoring women veterans. More importantly, that was the day the nation dedicated the Women in Military Service for America Memorial at the gateway of Arlington National Cemetery. Among those on hand was Freda Harden, a 101-year-old former Navy yeoman, who pointed out that she and other women were serving their country even before they had the right to vote. For many years women like Freda Harden carried around a quiet sense of pride. They did their job and they did not ask for a "thank you" in return. This resolution says these brave women deserve a "thank you" as well as a hearty "job well done."

Thank you, Mr. President.

And the question recurring,  
Will the Senate adopt the resolution?

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

#### YEA-49

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

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

Senator ULIANA. Mr. President, I am pleased to introduce Ms. Amy Welch, who is joining us here today. Amy is from Doylestown and is not represented by a Senator here because we have a special election in that district, and she has asked me to introduce her. Amy is on the list to be voted as a gubernatorial appointee to the Council of Trustees for East Stroudsburg University, which is in my senatorial district. She is joined by her husband and her father-in-law. If they would please rise and receive the customary warm welcome of the Senate.

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

(Applause.)

**CONSIDERATION OF CALENDAR RESUMED****BILL WHICH HOUSE HAS NONCONCURRED  
IN SENATE AMENDMENTS**

BILL OVER IN ORDER

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

**FINAL PASSAGE CALENDAR**

BILL OVER IN ORDER

**SB 382** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**THIRD CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1160 (Pr. No. 1434)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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 Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, Senate Bill No. 1160 is a bill that will transfer the Harrisburg International Airport and the Capital City Airport from the Commonwealth of Pennsylvania to a regionally constructed authority here in central Pennsylvania made up of several counties, cities, and other municipalities. Two times during the 1980s the Pennsylvania Economy League did an analysis of the operation and made some recommendations for the Harrisburg International Airport, and on both of those occasions the Economy League came to the conclusion that the Harrisburg International Airport could be self-supporting and that it should be operated for the maximum amount of benefits by a regionally operated authority and that this regional authority could provide the most responsive and effective management.

As I said, this was done on two occasions by the Pennsylvania Economy League during the 1980s. For a variety of reasons, up until today, that could not take place. At HIA particularly there were a large number of dilapidated structures, there was a large amount of outstanding debt, and there was a listing of that facility as a hazardous waste site. Working together with both State and local officials, the Department of Transportation has transformed that facility into what we have today.

Economic development for central Pennsylvania can be increased and maximized by the transfer of these airports to the regional authority.

This has been a process long in coming, and there are many individuals and entities that deserve commendation and the thanks of the people of this region for making this possible. The Department of Transportation, the counties of Dauphin, Cumberland, and York, the city of Harrisburg, the city of York, the townships of Lower Swatara, and Fairview Township have all worked together to make this transfer a reality.

I would urge my colleagues in the Senate today to adopt Senate Bill No. 1160. We have worked very diligently to make sure that not only will this transfer take place with the maximum amount of benefits for our region, but we are making sure that the dislocation of any employees who might have been affected by this transfer is minimized, and in fact those concerns have been addressed by a yeoman's effort on the part of both the newly created authority and the office of administration in the Department of Transportation, which currently employs those particular employees. I would urge that the Senate give its consent to adopting Senate Bill No. 1160.

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I, too, would like to ask for support of the airport authority, the reason is that I have an interest in the Capital City Airport, which is in my district on the West Shore. That is an airport that has needed a lot of attention in the past number of years. It is a great airport. It has a lot to offer, and I think that the private sector can do a much better job in making things happen from the economic development side.

In addition to that, as Senator Piccola has stated, I am very pleased with the fact that we are working very hard to maintain the employees who were formerly working as State employees to be brought into the new authority as of January 1. We hope that the benefits, the advantages, and so forth that they have had with the State will be the same if not better under the new authority system of privatization. So I would ask that the Members here also support the transfer.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, originally we had voted "no" for this in committee. Since that time, Mr. Bacas talked to me and other people, and our objections have been put to rest. My concern was the future of general aviation in central Pennsylvania. I thought it was very important that we maintain at least one airport with access to the Capitol. I am assured that that is going to happen. I am assured that there are going to be improvements there. There were some other concerns with the F.O.P., and that has been put to rest.

So I, too, would urge my colleagues to vote "yes" on this, and I would like to see this happen unanimously.

Thank you, Mr. President.

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

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 41 (Pr. No. 846)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for facsimile bombs.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-49**

Afflerbach	Hart	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**BILLS OVER IN ORDER**

**SB 56, SB 133, SB 212, HB 402, SB 438, HB 440 and SB 529** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 543 (Pr. No. 1412)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the crime of municipal housing code avoidance.

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

On the question,  
Shall the bill pass finally?

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

**YEA-49**

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

**BILLS OVER IN ORDER**

**SB 577, SB 799, SB 838, SB 902, SB 962 and HB 1065** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR**

**BILL OVER IN ORDER**

**HB 13** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**HB 679 (Pr. No. 1802)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, adding a definition; providing for the commitment of minors; and further providing for financial obligation.

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

**BILL OVER IN ORDER**

**SB 950** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 1117 (Pr. No. 1309)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for attachment of the property of certain support obligors.

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

**SENATE RESOLUTION  
No. 92, ADOPTED**

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 92**, entitled:

A Resolution designating November 5, 1997, as "U.S.S. Olympia Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?  
A voice vote having been taken, the question was determined in the affirmative.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,  
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 SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

July 8, 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, Vivian O. Potamkin, 237 South

18th Street, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2000 and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

September 12, 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, Amy S. Welch, 2977 Whitetail Court, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Frederick W. Taylor, East Stroudsburg, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

September 24, 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, Gerald M. Monahan, Jr., 1937 L Pinehurst Court, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1999 and until his successor is appointed and qualified, vice John J. Reilly, Altoona, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION**

June 5, 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, The Honorable Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

September 2, 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, Joseph L. French, Ed.D., 544 Kemmerer Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Psychology, 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 Patricia M. Bricklin, Ph.D., Wayne, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

September 8, 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, Alex M. Siegel, J.D./Ph.D., 561 Fairthorne Avenue, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Psychology, 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 Alvin I. Gerstein, Ph.D., Penn Valley, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF SCOTLAND SCHOOL FOR  
VETERANS' CHILDREN**

September 18, 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, Lois A. Waters, Esquire, 98 Nottingham Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice The Reverend W. Larry Johnson, Chambersburg, whose term expired.

THOMAS J. RIDGE  
Governor

**COMMONWEALTH TRUSTEE OF TEMPLE  
UNIVERSITY-OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION**

October 15, 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, Jane S. Fumo, 1818 South 13th

Street, Philadelphia 19148, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Temple University-of the Commonwealth System of Higher Education, to serve until October 14, 2001, and until her successor is appointed and qualified, vice Brian J. O'Neill, Esquire, Philadelphia, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE TRANSPORTATION  
COMMISSION**

September 16, 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, Robert A. Gleason, Jr., 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Transportation Commission, to serve until November 26, 2002 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bonney Daubenspeck, Erie, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BEDFORD COUNTY  
BOARD OF ASSISTANCE**

June 25, 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, Larry W. Garlock (Republican), R. D. 2, Box 157, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE  
Governor

On the question,  
Will the Senate advise and consent to the nominations?

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

Senator MELLOW. Mr. President, the name of Jane S. Fumo appears on our Executive Calendar for confirmation as a member of the Board of Trustees of Temple University. Mrs. Fumo has been a member of that board for several years and now has been appointed by the Governor, and the only question is a ruling from the Chair if Senator Fumo, who is her husband, could vote on her confirmation.

The PRESIDENT. Insofar that it is the Chair's considered opinion that the gentleman will not be benefiting directly from this membership or actions as a member of the Temple University Board of Trustees, it is the Chair's opinion that the gentleman may vote.

And the question recurring,  
Will the Senate advise and consent to the nominations?



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

**YEA-49**

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

**NAY-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 SALVATORE. Mr. President, I move that the Executive Session do now rise. The motion was agreed to.

**RECESS**

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate. We still have an off-the-floor meeting of the Committee on Rules and Executive Nominations to convene in the Rules room at the rear of the Senate Chamber to consider Senate Bill No. 176. However, I understand certain Members are attending a rally at this point dealing with the homestead exemption. They anticipate their return at 12:45, and therefore I ask for a recess of the Senate with the understanding that a meeting of the Committee on Rules and Executive Nominations will convene at 12:45 in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. Senator Loeper requests 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 Chamber at 12:45. For that purpose, the Senate will stand in recess.

**AFTER RECESS**

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

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

**REPORT FROM COMMITTEE**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

**SB 176 (Pr. No. 1438) (Amended) (Rereported) (Concurrence)**

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, further providing for contents or parts of policies and for applications for policies; providing mastectomy and breast cancer reconstructive surgery coverage standards for health insurance policies; regulating individual access to health care insurance; and providing for penalties.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON CONCURRENCE IN  
HOUSE AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED**

**SB 176 (Pr. No. 1438) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, further providing for contents or parts of policies and for applications for policies; providing mastectomy and breast cancer reconstructive surgery coverage standards for health insurance policies; regulating individual access to health care insurance; and providing for penalties.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 176?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 176.

On the question,

Will the Senate agree to the motion?

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

Senator HOLL. Mr. President, as the prime sponsor of Senate Bill No. 176, I rise to offer my support for this important legislation. The Mastectomy Coverage Standards Act will prevent insurance companies from requiring that mastectomies be performed on an outpatient basis and bring an end to the drive-through mastectomies. The bill will return medical decision-making to the physician and help ensure that financial concerns do not come before the number one concern, which is making sure that women get appropriate treatment and care following a mastectomy. This bill will also guarantee coverage for reconstructive surgery.

I also support language that was amended into the bill that reflects Senate Bill No. 1165, which I also introduced. This legislation will bring Pennsylvania into compliance with the Federal Health Insurance Portability and Accountability Act and must be passed by the end of the year. This important legislation will allow purchasers of individual insurance policies to move from one policy to another without the threat of pre-existing conditions exclusions which would deny them insurance coverage.

I urge the Members of this body to support this important and timely legislation.

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator KUKOVICH.

Senator KUKOVICH. Mr. President, I ask for a concurrence vote also. I think there are some important concepts embodied in this legislation which I think we all have to be for. However, I am somewhat concerned about the process. I realize that we need to be in compliance with Kennedy-Kassebaum. I think that is very positive Federal legislation. I am looking at Senate Bill No. 875, of which I was a cosponsor, along with Senator Holl and a number of our colleagues here, that became Act 29 of this year, which brings us into compliance with Kennedy-Kassebaum, which was signed into law back on June 25, especially as it affects group-to-group policies. And I realize that this legislation deals more with group policy shifting to individuals, but it seems to me that we have met the compliance deadline and I have a concern that sort of transcends just this issue.

When I saw Senate Bill No. 1165 introduced and starting to move through the system rather quickly, I had some concerns. Not that I would necessarily be against the bill, I thought again that bill was probably pretty good. That is what is embodied in Senate Bill No. 176. But I had some amendments prepared, and because of the actions of the Committee on Rules and Executive Nominations, I do not have an opportunity to offer any of those amendments. Some of the Members of this Chamber might have liked those amendments, others might not, but we will not know because we are not getting that chance to even talk about the policies of health care. And I guess that is my concern.

I am concerned about the way the Committee on Rules and Executive Nominations is sort of operating as a supercommittee. I had three committee meetings today within a span of about half an hour. One of them I could not even make, I had to send my proxy. I am not sure at this point why we need standing committees. I am not sure why we are here. I mean, if the Committee on Rules and Executive Nominations is going to take legislation that the House passed in a bipartisan way, both sides of the Chamber voted for a bill, it comes over here, we have amended it, we have changed it, all of a sudden it ends up in the Committee on Rules and Executive Nominations and now language is put in there that we had absolutely no input regarding. We have not even been able to discuss it.

And now we are going to pass a bill that I think we all have to vote for, but there is also some language that was put in this bill that I think is rather restrictive in terms of insurance portability. The amendment I would have offered if I had had the chance to offer it would have allowed more options and would have had more commercial insurance companies offering more benefits. I think it would have been very positive for the health care consumer of this State.

Now, I guess you could say, well, I am up here speaking because, gee, I did not get my chance. Well, I think I am

speaking for more than just myself and my ideas or my amendments. That is what I mean when I feel that this issue transcends just Senate Bill No. 176. I think the people I represent are being denied input into the democratic process. I think health care consumers across this State are being denied options because we are not even getting a chance to talk about it or debate it. And I am beginning to see those issues occur in the Committee on Rules and Executive Nominations more and more.

I do not know if this is just recent, I do not know if there is a difference between the House rules and the Senate rules, but just in this Session alone language has been added to at least half a dozen very important bills. House Bill No. 8 became Act 30. It had to do with the School Code. The final version we could not amend, we could not discuss. Neither Democrats nor Republicans, a majority of the House or the Senate, had a chance for input on that because the guts of it was handled in the Committee on Rules and Executive Nominations. House Bill No. 67, the rather controversial gas tax bill, which became Act 3, was handled the same way. The charter school bill, which became Act 22, the same way. The Regional Renaissance bill was again rammed through the same way, Senate Bill No. 125 became Act 18. Senate Bill No. 200, we did not know until the last minute about language in the Committee on Rules and Executive Nominations, which came to be a very big issue in the editorial pages all over this State because it unfairly restricted independent candidates.

And I am not even arguing the substance of those bills. You could argue maybe on both sides of all those issues. They were not clear-cut. My argument is are we going to allow a process to go through where we no longer have input in the committees or in the Chamber itself? I think we are shortchanging the policy discourse of this Commonwealth. I understand maybe if I were in the Majority and I would want to streamline things, I would want to get things through as efficiently as possible, I would not want to have any messy debate or embarrassing amendments offered. I think I have been precluded from offering amendments that are not necessarily messy, they might not be agreed to by everybody, but I think they would improve the public policy of the Commonwealth. I have been denied that ability.

I am not going to go on, but I do want the record to show that I hope for the rest of this Session that we will have a greater opportunity on major issues like this to have full input from all the Members of the Chamber who care about that particular issue, and maybe we will not have some of the problems we have had earlier this Session with legislation being pushed through that has been flawed and has not been in the best interests of all of us.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I, too, rise to speak about this legislation. And first, let me say that I do not want to cloud the discussion by only speaking about the additional language that was added in the Committee on Rules and Executive Nominations. First, let me speak about the actual sub-

stance of Senate Bill No. 176. The fact is this is very good legislation, and I am very pleased, particularly during October, which is Breast Cancer Awareness Month, to be able to vote on this legislation with some of the changes that have been made in the House. This covers reconstructive surgery, post mastectomy, for both the affected breasts, the removed breast and for symmetry in the other breast, to recognize this is not cosmetic surgery, that this should not be optional, that this should not be a fight that women have to engage in post mastectomy when they are dealing with issues of having cancer, having to go through chemotherapy and radiation, and actually to have some length of time for that option is very important. It is important to the healing process and important to helping women feel whole again after breast surgery. So I am very pleased that this is happening.

I am very pleased, too, about the addition of language on hospital stays and ensuring the adequacy of hospital stays. Some of us think it is unfortunate that we have gotten into our needing to step up to the plate to define adequate length of stay by diagnosis. It is not an easy role for us to play, but clearly, as issues come to our attention that have risen to such public awareness that require us to do this, I am glad that we have been able to attend to this and to recognize the possibility of coverage for home health services, post mastectomy as well.

So overall, I think this is very important legislation, not just for the women of Pennsylvania, not just for the one in eight of us who will have breast cancer in our lifetime, but, of course, to all the men who care about us as well and to the thousands and thousands of families that this affects in Pennsylvania. So first let me say this is important legislation. It is legislation on which I am enthusiastic to vote "yes." It would be nice to have it just be this legislation for us to be talking about today, for us to be able to congratulate each other on having done some good and important work, and getting it done in October is really significant for many of the advocacy groups that have been dealing with this.

Now having said that, language obviously was added just a few minutes ago in the Committee on Rules and Executive Nominations, language as was pointed out before that we did vote on in the Committee on Banking and Insurance just this week as well, and it is something we knew we had to do for months and has been discussed by this administration, certainly with the insurers, discussion about complying with the Kennedy-Kassebaum legislation that is again very significant legislation that helps to address a very small area of the concern about lack of health insurance for millions of Americans and in fact about a million and a half Pennsylvanians. There are many uninsured. This is a particular population. These are individuals who did have coverage through their places of employment, who are now either between jobs, unemployed, and are looking in the marketplace to be able to continue their insurance by being able to purchase individual policies.

We had an opportunity, as was pointed out by the previous speaker, to expand the marketplace, and again, I think it is not necessarily a Republican notion, it is not something that Democrats always talk about, but this is one situation, certainly as many others, where I have been very strongly advocating for

increasing the market options and the competitiveness of the marketplace as a way of providing options for individuals and group policies. I have a variety of proposals that I have had voted on in this Chamber, but this is a case where we have the opportunity because of Federal requirements for us to assure this portability, to open up the marketplace, to push commercial insurance companies to cover individuals. They are very reluctant to cover individuals, particularly sick individuals. This legislation could have required them to cover individuals, and again, these are individuals who have already had a history of having health insurance. So if they were sick, they at least had the option of being taken care of. These are not individuals who have been uninsured for years and years and years. It is a market that I think is out there. We have 500,000 individuals, and the current individual marketplace of 60 percent of them are covered by the Blues.

To have not allowed an open airing of this legislation over time, to not let us on the floor be able to offer amendments to possibly modify this legislation, I think is not just shortchanging us but in fact shortchanging consumers in Pennsylvania and particularly individual consumers. There was no consideration of what would actually help to drive the cost of individual insurance down, what would help improve the affordability of insurance. This actually provides some access to the marketplace, but truthfully does not do all it could to drive the cost down. So while you may be able to purchase it if you are unemployed, if you are finding it hard to make ends meet, or maybe you are newly self-employed, this is not going to make it more affordable, and we should have pushed the commercial insurers to do more and to reduce costs and open up that marketplace.

So I think it is unfortunate that there was a sense of pressure that it had to be done, had to be done in the Committee on Rules and Executive Nominations, had to be done without the opportunity for full debate on the floor here or some adequate time for input, and I think, Mr. President, it again is a way that we have protected the insurance carriers without really considering the insurance consumer. All of us are purchasers of insurance. We do not feel very protected by the administration, by the Insurance Department, in many ways. We feel rates are too high, we feel access is not great enough, and coverage is often denied because of pre-existing conditions or our fear of it. This is a case where we could have done much better for the consumers. We may have done the right things by the insurers, but our only purpose here cannot be to protect the insurance companies in Pennsylvania and their ability to sell insurance, but it should also have been to do all that we could to assure that individual consumers had access to affordable health insurance as individuals.

There is more that we could have done, there is more we should do. There is much more that other States have done. Pennsylvania is way behind on this, and this was an opportunity, Mr. President, to do much more on behalf of health insurance coverage for Pennsylvanians and we should have seized that opportunity. So as we watch it walk away, I, too, will vote for this legislation because it goes in part towards meeting the Federal requirements, but we could have done far better.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I would just like to state that I believe that an awful lot of work from a lot of different parties went into the insurance part of this bill that has recently been discussed. I believe that we have made Pennsylvania more competitive by the way this bill was put together, simply because in States where they spread it out among all the insurance companies to require that they pick up those who are, let us say, not retired but those who left a company's employment and after COBRA, which is an 18-month Federal law where they can still be covered under the group program, where companies were forced to pick up those who came off the COBRA and were not in good health, those companies withdrew from that State completely, because they said that they could not afford to do what that State had required.

The way we did it here in Pennsylvania was we found a number of carriers, put them into a pool, and said that you will pick up those people who do not qualify for a regular insured type of program. And by doing that, we are keeping the competition, we are keeping the other companies all in Pennsylvania. The rates are more competitive, individuals will have better rates. There is nothing to keep them, those who qualify medically, from participating in any company they wish to in the Commonwealth of Pennsylvania. So I do not think it is really fair to say that we are not being competitive or that we are not giving our consumers the very best possible rate. Yes, we are giving them the very best possible rate, and I really believe that this is the best we can do under the circumstances of the Federal law. Therefore, I would ask that we support this bill and this legislation.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, as I look at Senate Bill No. 176, I am struck on several different levels. The first is that the bill contains some very valuable legislation that many of us support and have supported for some time. We have heard previous speakers talk about the mastectomy portion. We have heard others indicate that we are now finally going to implement Kennedy-Kassebaum at the State level and provide for portability and indeed provide for continuing insurance for those individuals who may in fact have a prior condition. Those are all meritorious goals and, as I have indicated, I believe a number of us have supported them for some time.

But as I look at Senate Bill No. 176, I am also struck by the fact that once again the inordinate influence of the private insurance industry has reared its ugly head in this Chamber and indeed in the Governor's Office. There is no question whatsoever that Senate Bill No. 1165, which recently came out of the Committee on Banking and Insurance, underwent serious discussion in that committee, and the point was very well made that we did in fact have additional options available to us which were not included in that bill but which was given to us as an indication that we would be able to address those issues

on the floor of this Chamber. And, of course, because of the action of the Committee on Rules and Executive Nominations a few moments ago, we do not have that ability to address those issues other than to stand here and talk about them. We are precluded from offering any amendments to address those issues. We are precluded from offering any amendments to make corrections that we believe should be added into what had been the contents of Senate Bill No. 1165 and is now the contents of Senate Bill No. 176.

The gentleman from Cumberland believes that we have indeed increased competitiveness in the private insurance market with the contents of this bill. I agree that we have increased competitiveness for those individuals who happen to be healthy, who probably happen to be young, and that is part of the reason they are healthy, and who would have no difficulty finding health care insurance with or without the implementation of Kennedy-Kassebaum. And why have we done that? Why are we in a rush to move this bill at this point? Because come January 1998 if we do not take primacy in this issue, Kennedy-Kassebaum becomes implemented with Federal primacy.

Guess what that includes? That includes the provision that private insurers will have to share the burden of those individuals who are not healthy and who may in fact not be able to achieve private insurance as an individual because they have a prior condition. That is what we have neglected. In the rush to assume primacy, and in the rush of the Committee on Rules and Executive Nominations to move this bill to the floor and to preclude any serious amendment on the floor, we are saying to the Blues of Pennsylvania, the Blue Cross and Blue Shield plans, that you and you alone will be mandated to assume those unhealthy individuals who are leaving a group plan and who are now guaranteed portability and are guaranteed insurance with or without a prior condition. And we are saying to those hundreds of private insurers who operate in this Commonwealth, just keep making the profits because we are not going to ask you to do your fair share in insuring people in this Commonwealth who are not one hundred percent healthy. That is what this bill is saying.

Once again, the insurance industry has won out over consumers. And I say that again: once again the insurance industry has won out over consumers, because the long-term effect of forcing Blue Cross and Blue Shield to accept those individuals who lose their existing insurance is to guarantee that Blue Cross and Blue Shield will have a ratio of greater and greater individuals with prior conditions, with health care problems that are going to cost more, and they subsequently will be in before the Insurance Commissioner seeking additional rate increases for every member of Blue Cross and Blue Shield.

While the private insurers hold this threat over our head saying, gosh, if you make us meet our responsibility, we are going to leave Pennsylvania, well, I say to them, let them leave Pennsylvania. It is time to draw a line and say that private insurers in this Commonwealth will meet their responsibility and stop creaming only the best policy risks and thereby forcing the costs on to every other member who takes Blue Cross and Blue Shield. It is time to say to the private insurers that

there is a responsibility for being an insurance underwriter in this Commonwealth, and that responsibility exceeds the ability to simply write the very best risks and tell the public to pick up the cost of individuals who are not the very best risks.

But we are not going to see that message delivered today. What we are going to see is a bill pass this Chamber, because in fact it does provide things that all of us in this Chamber want to see done, and we are going to see it go back to the House of Representatives, where there will be no chance for the Members on the floor of the House to amend the bill either, and eventually go to the Governor's desk, where I am sure at the urging of the Governor's legislative secretary, who himself comes out of the insurance industry, he will sign the bill. And lo and behold, down the road we will see cost increase rate cases coming before this Insurance Commissioner, which I have no doubt will be approved, to raise the rates of Blue Cross and Blue Shield while the private insurance companies, those hundreds of competitive insurance companies, continue to roll in the profits by writing only the best risks in this Commonwealth.

It is time we told those companies there is such a thing as community rating. It is time we told them there is such a thing as responsibility for having the privilege to write here and to earn profits here. And when we do that, then we will be addressing the insurance needs of the people of this Commonwealth. And until we do that, this kind of legislation, yes, it is a step forward, but I fear it also puts our consuming public at great risk in the long run.

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

Senator ULIANA. Mr. President, last year I was fortunate enough to have the chance to be with a good friend of mine, Sandy Cray. She is a breast cancer survivor and part of the Breast Cancer Coalition of the Commonwealth of Pennsylvania. In working with her and a number of surgeons and medical providers in the Lehigh Valley, we were able to fashion the Breast Cancer Reconstructive Surgery Act. Today we are one step away from that bill becoming law. The Breast Cancer Reconstructive Surgery Act was amended into Senate Bill No. 176 earlier this year, and now after a lot of work moving through committees of the House and over here, we are one step away from that becoming a reality.

Why is that important, Mr. President? It is important because no woman should face life after surgery, a very difficult and trying time itself, with having to live with the psychological pain of disfigurement. I hope that now with this act we can move Pennsylvania's health care system a step forward to tell everybody across the 50 States of this country that we have concern and care for these specific ailments, for these specific very chronic conditions.

Mr. President, I think as we look at the end of this year and the next couple weeks as we look back, we are going to mark this Session of the legislature as one where we have done more to address health care issues and health care concerns than we have done in a long time in this General Assembly. Not only did we deal with mastectomies as outpatient surgeries, but we

have dealt with reconstructive surgery. We are having a hearing right now on mental health parity, and it is my hope we can get to that issue sometime this year, as well as substantive changes to reflect an increased awareness of problems with HMOs.

This is a big health care agenda, Mr. President, a big agenda which can help the consumers of Pennsylvania to have a little more relief in this process. Today we are taking a major step in that agenda to approve legislation which will set Pennsylvania above the national standard and set Pennsylvania out as one that understands that breast cancer is a serious ailment and a serious condition which needs our help and our support.

Mr. President, I know we are going to get a strong vote here, but I urge every Member of this General Assembly, especially in October, Breast Cancer Awareness Month, to support this legislation because it is the right thing to do for Pennsylvania.

Thank you very much, Mr. President.

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

Senator MELLOW. Mr. President, I do not believe that there will be any votes against this proposal here in the Senate. I would be rather shocked if there are, and I think much of the discussion that has taken place with regard to Senate Bill No. 176 has very little to do with the merit of Senate Bill No. 176, since we all know that it is a bill whose time has come. I do not think there are a lot of individuals in this body who on final passage would be opposed to Senate Bill No. 1165. I am sure there are Members who would like to have had the opportunity to change Senate Bill No. 1165, but I do not believe, Mr. President, that on final consideration there would be too many Members who would want to vote against Senate Bill No. 1165, because portability of insurance is something in which we have all been so very much interested, regardless of the condition of the individual.

But, Mr. President, the problem with what has taken place with Senate Bill No. 176 is the manner in which we are being asked to consider it this afternoon. If you will, just yesterday, Senate Bill No. 1165 was recommitted to the Committee on Appropriations. It was recommitted to the Committee on Appropriations, Mr. President, because according to the rules of the Senate, and it would be Rule XIII(16), subparagraph (b), it says, "No bill which may require an expenditure of Commonwealth funds or funds of any political subdivision or cause a loss of revenue to the Commonwealth or any political subdivision shall be given third consideration on the calendar until it has been referred to the Appropriations Committee and a fiscal note attached thereto." Senate Bill No. 1165, Mr. President, needed a fiscal note. That is recognized here on the floor of the Senate. That was recognized just a little while ago in the Committee on Rules and Executive Nominations, because it is going to cost either political subdivisions and/or the Commonwealth money, and therefore, we should have some opportunity of knowing how much money we are going to spend before we are asked to consider it on final passage.

I am not sure, Mr. President, what has taken place between the recommitment of Senate Bill No. 1165 yesterday and the

action in the Committee on Rules and Executive Nominations today, because for some reason, Members of this body, or at least a Member of this body, thought it was very important to incorporate Senate Bill No. 1165 into Senate Bill No. 176 and have them considered at the same time. What, in essence, took place here by doing this is that you are now making the Committee on Rules and Executive Nominations a supercommittee in the Senate. Any bill of extreme importance, and I think it was reported just earlier by Senator Kukovich the number of bills of extreme importance that have cleared the Committee on Rules and Executive Nominations in this past legislative Session that we have not had the opportunity to amend on the floor of this Senate.

We are faced today with the exact same situation. I understand, Mr. President, that there are times when the Committee on Rules and Executive Nominations must deal with very specific legislation and perhaps must have to use the Committee on Rules and Executive Nominations as a supercommittee where we bypass the floor of the Senate, put a bill into the Committee on Rules and Executive Nominations and report it out so that all Members could consider that bill, but this is not that proposal. Mr. President, there are 19 Members of the Committee on Rules and Executive Nominations. Currently there are 49 active Members of the Senate. Any bill on concurrence that is amended in the Committee on Rules and Executive Nominations, once that bill comes to the floor of the Senate, it precludes any Member of the Senate from offering an amendment to change that bill without first having the opportunity to suspend the rules of the Senate. The fiscal considerations that are in Senate Bill No. 1165 are not being addressed in Senate Bill No. 176, and they are not being addressed because the bill is here on concurrence. It is not on third consideration and it would necessitate a suspension of the rules even to consider that one point as to what the cost is to the taxpayer.

There are differences of opinion on this side of the aisle as to what should take place with Senate Bill No. 1165. All that we are asking is for the opportunity to be able to express our differences here on the floor of the Senate and not be shut out because the Committee on Rules and Executive Nominations, which is now acting as a supercommittee, has precluded the other 30 Members of this Senate who are not Members of the Committee on Rules and Executive Nominations from being able to offer any amendment to give their consideration as to final passage of the bill.

Mr. President, this is not something that should continue to take place. It is something that the Minority party has absolutely no control over, except to express our displeasure with what is happening here on the floor of the Senate. We have no problem with the bill, with Senate Bill No. 176, we have no problem with most of the provisions that are in Senate Bill No. 1165. We have a problem with the procedure as to what is taking place, because by and large we are not certain as to the entire ramifications and implementations of Senate Bill No. 1165. We do not know what the future cost is going to be to the taxpayer of Pennsylvania. They are the ones, the taxpayer and the consumer, the very individuals who are supposed to be

protected by Senate Bill No. 1165 are eventually those individuals who are being jeopardized, because we could be putting on the taxpayer of Pennsylvania a cost that we are not certain of because we have not had the opportunity of giving the Committee on Appropriations the right to be able to work as to what the cost is of Senate Bill No. 1165.

I am not opposed to either proposal. I am opposed to the procedure, to the way we have utilized the Committee on Rules and Executive Nominations, the way we have excluded 30 Members of this body from being able to offer amendments without suspension of the rules, and I know full well that we would not be able to get the rules suspended here. There was a move yesterday to do that with the helmet bill. It failed. We will not be able to have the opportunity to do that here on the floor of the Senate, and what I am begging the Majority Leader of the Senate to do is that when we have bills that are this substantive in nature, when we have bills that are this important to every Member of this Commonwealth, these are family-oriented bills, these are not political bills in nature, these are not Democrat bills versus Republican bills, these two bills are of Republican sponsor but they are important bills to both sides of the aisle and they are important family concepts, that we let all 50 Members of the Senate, when we come back after the election, have the opportunity to discuss them on the floor of the Senate.

Then the Majority will have its way. The Majority will be able to say what in fact passes this body, but do not preclude the Minority from having an opportunity to participate in the discussion, such as is taking place with the way Senate Bill No. 176 is being dealt with here today, Mr. President.

Thank you very much.

And the question recurring,  
Will the Senate agree to the motion?

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

#### YEA-49

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



## REPORTS FROM COMMITTEE

Senator GERLACH, from the Committee on Local Government, reported the following bills:

### SB 270 (Pr. No. 1441) (Amended) (Rereported)

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; further providing for various matters relating to the comprehensive plan and for compliance by counties; providing for optional integrated county comprehensive planning; and further providing for certain ordinances.

### SB 828 (Pr. No. 893)

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled The Second Class Township Code, further providing for monthly meetings, quorum, voting, rent and expenses.

### SB 1047 (Pr. No. 1233)

An Act authorizing certified real estate appraisers to represent real property owners in certain real estate assessment appeals.

### HB 1111 (Pr. No. 1257)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further regulating public records.

### HB 1113 (Pr. No. 1749)

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Department of Property and Supplies to political subdivisions," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

### HB 1114 (Pr. No. 1260)

An Act amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," further providing for definitions; providing for a definition of "county" and clarifying the application of the act to include home rule counties; and further providing for the disposition of county records.

### HB 1116 (Pr. No. 1262)

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class

and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," further providing for additional methods for the recording, copying and maintenance of records.

## CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Daniel Hostetter, Mr. and Mrs. Richard Ludwig and to Jason R. Porter by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Donald James Shreffler by Senator Corman.

Congratulations of the Senate were extended to Rosemary D. Mazzatenta by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Donahue, Mr. and Mrs. Tony Fleck, Mr. and Mrs. George F. Johnston, Mr. and Mrs. John J. Klima, Mr. and Mrs. Harry Levisch, Mr. and Mrs. Joseph Lousche, Mr. and Mrs. Harry Weisseg, Chester Dudiak, Wayne E. Freehling, Jeffrey R. Jones, Joseph Kapelewski, Jr., Edward Kasprzyk, Joseph A. Kolek, Frank Lemon, Burrell Robertson, Edward Trestan, Rudy Vojtko, Edward Vrotney, Braeburn Alloy Steel of Pittsburgh, Hartwood Elementary School of Pittsburgh and to the Pioneer Hose Company No. 1 Ladies Auxiliary of Brackenridge by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Glen O. Beagle, Mr. and Mrs. Foster D. Freas and to Chad Liddick McKibben by Senator Helfrick.

Congratulations of the Senate were extended to Diane Steelman and to Joyce Valenza by Senator Holl.

Congratulations of the Senate were extended to Robert Simons by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Steven R. Bieber, Sr., Mr. and Mrs. James W. Bower, Mr. and Mrs. Waldron C. Brown, Mr. and Mrs. Marvin Garis, Mr. and Mrs. Aaron L. Potts, Kristen Gutosky, Glenn Thomas Moorhead, Joseph Anthony Ratke, Chris Secules and to Jesse T. Stryker by Senator Madigan.

Congratulations of the Senate were extended to Arthur J. Glatfelter by Senator Mellow.

Congratulations of the Senate were extended to Dauphin Manor of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Chatcavage, Mr. and Mrs. John V. Finn, Mr. and Mrs. John J. Kovatch, Jr., Mr. and Mrs. Anthony Manzo, Mr. and Mrs. Harold E. Schylaske and to Casey Fenstermacher by Senator Rhoades.

Congratulations of the Senate were extended to Paul Dominic Carucci by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Englerth, Jr., Mr. and Mrs. Robert A. Vaughn, Jr., Robert DiSimone, Peggy Mahan, Patricia Reeser and to Greater Philadelphia Clean Cities, Inc., by Senator Thompson.

Congratulations of the Senate were extended to Matthew Chabot, Brian Miller and to the Valley Elementary School of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Williams Township Fire Company, Wind Gap Volunteer Fire Company, Liberty Fire Company of Bangor, Leithsville Volunteer Fire Company, Plainfield Township Volunteer Fire Department, Columbia Fire Company No. 1, Lookout Volunteer Fire Company, Palmer Township Municipal Fire Department, Vigilance Hose Company No. 1 of Nazareth, Eastlawn Volunteer Fire Company, Se-Wy-Co Volunteer Fire Company of Bethlehem, Steel City Volunteer Fire Company of Bethlehem, East Bangor Fire Company, Klecknersville Rangers Volunteer Fire Company, Southeastern Volunteer Fire Company of Hellertown, Rescue Fire Company of Bangor, Bethlehem Township Volunteer Fire Company, Second Ward Fire Company of Bangor, Tatamy Fire Company, Acme Hose Company No. 1 of East Stroudsburg, Blue Ridge Hook & Ladder Volunteer Fire Company, Bushkill Township Volunteer Fire Company, Citizens Fire Company of Slatedale, Delaware Water Gap Fire Company, Dewey Fire Company No. 1, Freemansburg Volunteer Fire Company, Forks Township Volunteer Fire Company, Friedens Fire Company, Hecktown Volunteer Fire Company, Liberty Hose Company of Stockerton, Kunkletown Volunteer Fire Company, Lower Mount Bethel Township, Sandis Eddy Fire Company, Marshalls Creek Volunteer Fire Company, Mount Bethel Fire Company, Nancy Run Fire Company, North Bangor Fire Company, Polk Township Volunteer Fire Company, Stroudsburg Volunteer Fire Company, Shawnee Volunteer Fire Company, Safety First Volunteer Fire Company of West Easton, Stroudsburg Fire Company, Starhouse Fire Company of Emerald, West End Fire Company of Brodheads ville and to The Exchange Club of Easton by Senator Uliana.

Congratulations of the Senate were extended to John Paul Wolf by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew J. Smith by Senator Wozniak.

#### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Carolann C. Henderson and to the family of the late Patricia M. Superka by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Roland H. Lair by Senator Uliana.

#### BILLS ON FIRST CONSIDERATION

Senator WAGNER. 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 308, SB 457, SB 828, SB 833, SB 847, SB 908, SB 922, SB 1047, SB 1087, HB 141, HB 360, HB 507, HB 1111, HB 1113, HB 1114, HB 1116, HB 1412 and HB 1763.**

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

#### COMMUNICATION FROM THE GOVERNOR

##### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

##### MEMBER OF THE PENNSYLVANIA GAME COMMISSION

October 28, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 8, 1997 for the appointment of Domenick Argento, 910 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward L. Vogue, Jr., Dupont, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE  
Governor

#### RECESS

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

Senator LOEPER. Mr. President, at this time I anticipate that there will be no more votes in today's Session. However, I would request that the Senate recess to the call of the President pro tempore, with the understanding that we may receive another bill back from the House that still may need a signature yet this afternoon.

So with that in mind, Mr. President, I now request a recess of the Senate to the call of the President pro tempore.

The PRESIDENT. The Senate will stand in recess until such time as the President pro tempore makes the call for a return to the floor.

#### AFTER RECESS

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

#### ADJOURNMENT

Senator WENGER. Mr. President, I move that the Senate do now adjourn until Wednesday, October 29, 1997, at 2:23 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.