

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, SEPTEMBER 27, 2000

SESSION OF 2000 184TH OF THE GENERAL ASSEMBLY

No. 35

SENATE

WEDNESDAY, September 27, 2000

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

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

PRAYER

The Chaplain, Reverend Canon CALVIN C. ADAMS, Rector of St. Gabriel's Episcopal Church, Douglassville, offered the following prayer:

Let us pray.

O God, You are the source of all life and all being. You are the fountain of all wisdom. You are the author of all that is good and holy. Governor of the universe, You declare Your almighty power, chiefly in creating and giving, in blessing and nurturing, in showing mercy and pity. We beseech You, the One whose will is good and whose law is truth, so to guide and bless these Senators and all in authority in our Commonwealth, that they may enact laws that shall please You, that shall glorify Your name, and that shall promote the welfare of the people.

Fill them with the love of truth and righteousness, with the grace to know and do Your will, and with mindfulness toward their calling to serve the people in Your fear. Lord of all peace, protect them as they work. Keep them safe when far from their families, fill their homes with joy and blessing, and grant to their constituents a true sense of gratitude for the service these women and men offer on their behalf, and mercifully accept these prayers we offer in Your most gracious name. Amen.

The PRESIDENT. The Chair thanks Reverend Adams, who is the guest today of Senator Gerlach.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 26, 2000.

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

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

September 27, 2000

HB 661 -- Committee on Transportation.

**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.

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:

September 27, 2000

Senators WOZNIAK, MELLOW, BODACK, O'PAKE, FUMO, STAPLETON, MUSTO, STOUT, TARTAGLIONE, BELAN, BOSCOLA, COSTA, HUGHES, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, SCHWARTZ, WAGNER and WILLIAMS presented to the Chair **SB 1530**, entitled:

An Act making an appropriation to the Department of Aging for the Senior Community Center Capital Assistance Program.

Which was committed to the Committee on AGING AND YOUTH, September 27, 2000.

Senators WAGNER, BELAN, STAPLETON, COSTA, MELLOW and BOSCOLA presented to the Chair **SB 1533**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, providing for the utilization of Internet voting systems.

Which was committed to the Committee on STATE GOVERNMENT, September 27, 2000.

Senators RHOADES, TILGHMAN, TOMLINSON, WHITE, KITCHEN, COSTA, HOLL, TARTAGLIONE, BOSCOLA, EARLL, CORMAN, MELLOW, SCHWARTZ, LEMMOND and MOWERY presented to the Chair **SB 1534**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for definitions, for creditable school service and for member contributions for creditable school service.

Which was committed to the Committee on FINANCE, September 27, 2000.

Senators MOWERY, HOLL, SALVATORE, HART, WHITE, TARTAGLIONE, EARLL, WENGER, TILGHMAN, WAUGH, O'PAKE, BOSCOLA, RHOADES and LEMMOND presented to the Chair **SB 1535**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), entitled, as amended, The Fourth to Eighth Class County Assessment Law, further providing for time period for appeals of assessment values.

Which was committed to the Committee on LOCAL GOVERNMENT, September 27, 2000.

Senators GERLACH, SALVATORE, WENGER, MOWERY, EARLL, TOMLINSON, WAUGH, TILGHMAN, HOLL, KITCHEN, TARTAGLIONE, BOSCOLA, O'PAKE and LEMMOND presented to the Chair **SB 1536**, entitled:

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), entitled, as amended, Disease Prevention and Control Law of 1955, further providing for human immunodeficiency virus (HIV) testing; and making editorial changes.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, September 27, 2000.

Senators HELFRICK, KUKOVICH, KITCHEN, MELLOW and BRIGHTBILL presented to the Chair **SB 1538**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sentencing procedure for murder of the first degree.

Which was committed to the Committee on JUDICIARY, September 27, 2000.

Senator RHOADES presented to the Chair **SB 1539**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to child-care personnel.

Which was committed to the Committee on AGING AND YOUTH, September 27, 2000.

APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Roy E. Brant, Ph.D., as a member of the State Transportation Advisory Committee.

REPORTS FROM COMMITTEE

Senator ROBBINS, from the Committee on Military and Veterans Affairs, reported the following bills:

SB 1453 (Pr. No. 2156) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for eligibility for paralyzed veteran's pension.

HB 1584 (Pr. No. 2688)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the computation of seniority for reduction in force.

HB 2139 (Pr. No. 3974) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission and for military leaves of absence.

RESOLUTION REPORTED FROM COMMITTEE

Senator ROBBINS, from the Committee on Military and Veterans Affairs, reported the following resolution:

SR 201 (Pr. No. 2121)

A Resolution honoring the 225th anniversary of the United States Marine Corps on November 10, 2000.

The PRESIDENT. The resolution will be placed on the Calendar.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Rhoades, and a temporary Capitol leave on behalf of Senator Helfrick.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Helfrick, and a legislative leave for Senator Rhoades. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Williams. Without objection, that leave is granted.

LEAVES OF ABSENCE

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

SB 1281 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 1281, Printer's No. 2047, be taken from the table and placed on the Calendar.

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

The PRESIDENT. The bill will be placed on the Calendar.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 976 (Pr. No. 2143) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the Department of Community and Economic Development to require a certification that a developer has no delinquent municipal taxes within certain taxing districts, outstanding utility bills or any fines or fees owed to the municipality as part of a grant or loan from the department.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 976?

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. 976.

On the question,
Will the Senate agree to the motion?

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

YEA-46

Armstrong	Greenleaf	Madigan	Tartaglione
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	O'Pake	Wagner
Conti	Jubelirer	Piccola	Waugh
Corman	Kasunic	Punt	Wenger
Costa	Kitchen	Rhoades	White
Dent	Kukovich	Robbins	Williams
Earll	LaValle	Salvatore	Wozniak
Fumo	Lemmond	Schwartz	
Gerlach	Loeper	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.

**SPECIAL ORDER OF BUSINESS
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 someone shadowing me today who purchased "A Day with Senator Schwartz" at an auction for a synagogue in the Philadelphia area. She made a contribution in order to spend the day here and watch what we have to do.

Her name is Claire Baker, and she is the executive director of the William Way Community Center in Philadelphia, so she knows a good deal about the importance of service in the community. I ask my colleagues to give her a warm welcome.

The PRESIDENT. Would our special guest please rise so the Senate may welcome you.

(Applause.)

GUEST OF SENATOR MIKE WAUGH PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I have the privilege today to introduce to the Senate a guest Page. He is hard at his responsibilities here in front of the Chamber. Alexander McCobin is 14 years old and lives in York and attends Central York High School.

An important note, an affiliation I have had with him over the years is that he has been a member of the People to People organization the last 3 years, which is a student ambassador program where he has represented our State, and our country for that matter, and travels--get this, for a 14-year-old--to Hawaii, England, Ireland, Australia, and Wales. So, he has been around.

He is a straight-A student. He plays soccer and baseball and wrestles. He really enjoys politics, which is another reason he is here today, and he is studying to become a lawyer someday. So wish him well and welcome him, please.

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

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I have two introductions to make. The first is a very young and bright and articulate intern who is spending this semester with me. She is a graduate of Susquehanna Township High School here in Dauphin County but is presently a student at Indiana University of Pennsylvania. She is interested in the governmental process and wants to experience firsthand all that it has to offer, and I am delighted that she is working with my office this semester as part of the State College and University Internship Program. She is Rebecca Spangler, and I ask the Chair to recognize Rebecca.

The PRESIDENT. Rebecca is already standing, and we welcome her.

(Applause.)

Senator O'PAKE. In addition, Mr. President, today, as we probably all know, is homeschoolers visitation day. In the small Rotunda, as well as in our offices today, we are fortunate to be visited by many, many homeschoolers. The parents, the children,

some of them are in the gallery, and rather than offend anyone by neglecting their names, I would like all the homeschoolers from Berks County and the others who are in the Senate to be recognized. We appreciate what they have been doing and we want to welcome them to the Senate of Pennsylvania.

The PRESIDENT. Would our special guests and homeschoolers please rise so the Senate may welcome you. (Applause.)

GUESTS OF SENATOR CHARLES W. DENT PRESENTED TO THE SENATE

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

Senator DENT. Mr. President, it is indeed my honor and privilege to have two friends with me today. Sandi Boll and Ruth Crane are both from the West Allentown Rotary and are shadowing me. I am pleased and honored to have these friends join me today.

The PRESIDENT. Would Sandi and Ruth please rise so the Senate may welcome you. (Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 227 and SB 1032 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1424 (Pr. No. 3957) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for changes in valuation, for issuance of a building permit and for information on improvements.

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-46

Armstrong	Greenleaf	Madigan	Tartaglione
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	O'Pake	Wagner

Conti	Jubelirer	Piccola	Waugh
Corman	Kasunic	Punt	Wenger
Costa	Kitchen	Rhoades	White
Dent	Kukovich	Robbins	Williams
Earll	LaValle	Salvatore	Wozniak
Fumo	Lemmond	Schwartz	
Gerlach	Loeper	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 with amendments in which concurrence of the House is requested.

HB 1863 (Pr. No. 3958) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the letting of contracts without advertising, bidding or price quotations.

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-46

Armstrong	Greenleaf	Madigan	Tartaglione
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	O'Pake	Wagner
Conti	Jubelirer	Piccola	Waugh
Corman	Kasunic	Punt	Wenger
Costa	Kitchen	Rhoades	White
Dent	Kukovich	Robbins	Williams
Earll	LaValle	Salvatore	Wozniak
Fumo	Lemmond	Schwartz	
Gerlach	Loeper	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 with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

HB 1150 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR**BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 643 and **SB 1346** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 47, **SB 386**, **HB 398** and **HB 454** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 519 (Pr. No. 3954) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for reports of child death where abuse is suspected.

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

BILLS OVER IN ORDER

SB 1295, **SB 1312**, **SB 1444**, **SB 1447**, **SB 1475**, **SB 1495**, **SB 1504**, **SB 1520**, **SB 1532**, **HB 2037**, **HB 2189** and **HB 2533** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION No. 199, ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 199**, entitled:

A Resolution designating the month of October 2000 as "Planning Great Communities Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 202, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 202**, entitled:

A Resolution designating October 2000 as "Italian American Heritage Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 203, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 203**, entitled:

A Resolution congratulating the public and private organizations, law enforcement agencies and Philadelphia city officials involved in making the 2000 Republican National Convention a success.

On the question,

Will the Senate adopt the resolution?

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

Senator SALVATORE. Mr. President, I just wanted to say "thank you," and this Senate resolution is a thank you for the dedication and commitment of the individuals from every walk of life who made the Republican National Convention a success. The convention left Philadelphia shining in the eyes of the world, and it could not have been done without the cooperation of many individuals, including the Philadelphia Police Department, the State Police of Pennsylvania, volunteers from all walks of life, and the workers in the city of Philadelphia and all over the State who did such a great job. That is what this resolution is all about. I just hope that it opens up other people's eyes and we have other conventions such as this in the city of Philadelphia in the future.

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.

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 by voice vote.

NOMINATIONS TAKEN FROM 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 STATE BOARD
OF ACCOUNTANCY**

June 30, 2000

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 J. Dolan (Public Member), 175 North Seventh Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
ALLENTOWN STATE HOSPITAL

August 14, 2000

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, Francis J. Pecuch, Jr., 414 East Fairview Street, Bethlehem 18108, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE ANIMAL HEALTH AND
DIAGNOSTIC COMMISSION

August 14, 2000

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, Ernest O. Miller, 324 Virginville Road, Hamburg 19526, Berks County, Eleventh Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

March 23, 2000

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, Gloria Blandina, 100 West Eighth Street, Wyoming 18644, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE
CONSERVATION COMMISSION

July 17, 2000

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, Kenneth M. Rutt, 44 Edgefield Road, Quarryville 17566, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2004, and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

June 27, 2000

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 J. Millard, 6 Fairview Drive, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

June 27, 2000

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, Harry Stump, 103 Bloom Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

June 27, 2000

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, C. Herbert Zeager, R.D. #2, Box 147, Shady Hill Road, Watsonstown 17777, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of

January 2001, and until his successor is appointed and qualified, vice Michael A. Benjamin, Danville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER

May 16, 2000

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, Marcelle A. Cooney, P.O. Box 246, Cresson 16630, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER

May 16, 2000

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, Genevieve K. Schaefer, 565 Heidelberg Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA ECONOMIC DEVELOPMENT
FINANCING AUTHORITY

June 6, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William D. Davis, 1500 Ritchey Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY

August 18, 2000

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 J. Doyle Corman, 1230 Sylvan Circle, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2005 and until his successor is appointed and qualified, vice Helen D. Wise, D.Ed., Spring Mills, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

August 30, 2000

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, Edward J. Rak (Public Member), 3222 Sundale Drive, Glenshaw 15116, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve until June 8, 2002 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daron J. Smith, York, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

June 5, 2000

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, Donald E. Houser, P.O. Box 45, 331 West Main Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice R. Edward Nestlerode, Jr., Lock Haven, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF MEDICINE

June 6, 2000

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, Solomon C. Luo, M.D., 350 Patton Drive, Orwigsburg 17961, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Medicine, 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 A. Kinsel, M.D., Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

August 14, 2000

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, Gayle M. Wright, 23 Niagara Pier, Erie 16507, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

June 27, 2000

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, Jeffrey S. Gerland, D.P.M., 311 Louella Avenue, Wayne 19087, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

May 26, 2000

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 Richard A. Lewis, 2321 Forest Hill Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice The Honorable Kenneth G. Biehn, Doylestown, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

June 12, 2000

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, Henry M. Weeks, IV, Ph.D., 211 Echo Road, Carlisle 17013-9510, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE REAL
ESTATE COMMISSION

August 30, 2000

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 J. McGettigan, 237 Long Lane, Upper Darby 19082, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Real Estate Commission, to serve until November 13, 2001 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice James E. Grandon, Jr., Mechanicsburg, resigned.

THOMAS J. RIDGE
Governor

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

June 27, 2000

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 P. Daday, Jr., 1042 West Walnut Street, Allentown 18102, Lehigh County, Sixteenth 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 2001, and until his successor is appointed and qualified, vice John E. McAllister, Mechanicsburg, deceased.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING

June 27, 2000

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, George S. Osborne, Ph.D., 131 Piqua Circle, Berwyn 19312, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and

until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE EMPLOYEES
RETIREMENT BOARD

April 26, 2000

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 M. Joseph Rocks, 720 Manatawna Avenue, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Employees Retirement Board, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

May 17, 2000

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, Thomas J. McGrath, D.V.M., 1493 Iron Bridge Road, Columbia 17512, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, 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 Paul J. Suorsa, V.M.D., Slippery Rock, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BERKS COUNTY
BOARD OF ASSISTANCE

May 10, 2000

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, Linda M. Matthews (Independent), 115 Ridgeway Road, Birdsboro 19508, Berks County, Eleventh Senatorial District, for appointment as a member of the Berks County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice A. Robert Leupold, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

June 12, 2000

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, Reverend Jack D. Moyer (Democrat), 702 Ridge Road, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified, vice Viola P. Johnson, Altoona, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE CLEARFIELD COUNTY
BOARD OF ASSISTANCE

June 19, 2000

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, Francis L. Cherry (Republican), 42 Tenth Street, Dubois 15801, Clearfield County, Twenty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified, vice Harry F. Bigler, Clearfield, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

June 2, 2000

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, Dean R. Patton, 941 Lobelia Avenue, Reading 19605, Berks County, Eleventh Senatorial District, for appointment as District Justice, in and for the County of Berks, Magisterial District 23-1-06, to serve until the first Monday of January 2002, vice Anthony F. Horning, mandatory retirement.

THOMAS J. RIDGE
Governor

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

Senator MELLOW. Mr. President, may we be at ease for a moment.

The PRESIDENT. At the request of Senator Mellow, the Senate will be at ease.

(The Senate was at ease.)

NOMINATION WITHDRAWN AND TABLED

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

Senator SALVATORE. Mr. President, on page 6, the nomination of The Honorable M. Joseph Rocks for the State Employees Retirement Board, I would like to withdraw that nomination and lay it on the table.

The PRESIDENT. Senator Salvatore has requested that the nomination of The Honorable M. Joseph Rocks be withdrawn and laid upon the table.

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

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

YEA-46

Armstrong	Greenleaf	Madigan	Tartaglione
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	O'Pake	Wagner
Conti	Jubelirer	Piccola	Waugh
Corman	Kasunic	Punt	Wenger
Costa	Kitchen	Rhoades	White
Dent	Kukovich	Robbins	Williams
Earll	LaValle	Salvatore	Wozniak
Fumo	Lemmond	Schwartz	
Gerlach	Loeper	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 by voice vote.

**UNFINISHED BUSINESS
REPORTS FROM COMMITTEE**

Senator THOMPSON, from the Committee on Law and Justice, reported the following bills:

SB 1491 Pr. No. 2157) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for issuance of hotel, restaurant and club liquor licenses; deleting provisions relating to transfer of restaurant licenses to deteriorated areas; further providing for malt and brewed beverages retail licenses, for limitations on the number of retail licenses to be issued in municipalities, for incorporated units of national veterans' organizations, for hearings and appeals, for assignment and transfer of licenses, for local option and for granting of liquor licenses in certain municipalities.

SB 1531 (Pr. No. 2158) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21) entitled, as reenacted, Liquor Code, further providing for definitions, for standing at hearings on license applications, for posting of notice of application for a license, for issuance of licenses and for sales by liquor licensees; repealing provisions relating to certain types of licenses; providing for a public venue license and for a performing arts facility license; further providing for stadium or arena permits, for limiting number of

licenses in each municipality, for places of amusement not to be licensed, for renewal of licenses, for local option and for unlawful acts relative to licensees.

SENATE RESOLUTION ADOPTED

Senators KASUNIC, SCHWARTZ and HOLL, by unanimous consent, offered **Senate Resolution No. 210**, entitled:

A Resolution designating Fallingwater as the 2000 Commonwealth Treasure of the Pennsylvania Historical and Museum Commission.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:
Congratulations of the Senate were extended to Donna Glover, Barbara A. Dixon and to Carlos Graupera by Senator Armstrong.

Congratulations of the Senate were extended to Point Park College of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Robert M. Gehringer by Senator Brightbill.

Congratulations of the Senate were extended to Deborah McManus by Senator Costa.

Congratulations of the Senate were extended to the Lehigh County Medical Society Alliance by Senators Dent, Gerlach, and Brightbill.

Congratulations of the Senate were extended to Victor S. Rotunda by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Donald James Lewis and to Robert B. Asher by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Bob Mazzotta by Senator Hart.

Congratulations of the Senate were extended to St. Stephen Episcopal Church of Mt. Carmel by Senator Helfrick.

Congratulations of the Senate were extended to The Reverend Harvey H. B. Sparkman III by Senator Hughes.

Congratulations of the Senate were extended to Dr. Gerald L. Fowler, Leonard R. Ference and to Lee Seibert by Senator Mowery.

Congratulations of the Senate were extended to Reverend David Zona and to Holy Trinity Ukrainian Catholic Church of Carnegie by Senator Murphy.

Congratulations of the Senate were extended to Arrow International, Incorporated, of Reading, by Senator O'Pake.

Congratulations of the Senate were extended to Kristy Kowal by Senators O'Pake and Brightbill.

Congratulations of the Senate were extended to William Kuhn, David Kauffman, Nolan Staub, Thelma Staub, Mazie Baltimore, Edward Wachter, Florence Stutting, William Wenrich, Marlin Bell, Charlotte Shuey, Ann Sherman, Gladys Keith, Jean Harclerode and to Miriam Hornberger by Senator Piccola.

Congratulations of the Senate were extended to Dr. E. Jane Goplerud and to Donald Reinhard by Senator Rhoades.

Congratulations of the Senate were extended to Reverend Willie I. Graves, Sr., by Senator Schwartz.

Congratulations of the Senate were extended to Micaela Jiminez Woodley by Senators Schwartz and Hughes.

Congratulations of the Senate were extended to Josephine Plummer Wright by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Snyder, Mr. and Mrs. Donald Parks, Mr. and Mrs. Raymond Cushman and to Mr. and Mrs. Charles Deist by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Ray M. Bollinger by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Bishop Benjamin F. Peterson, Sr., by Senator Hughes.

Condolences of the Senate were extended to the family of the late Jose M. Ortiz by Senator Kitchen.

BILLS ON FIRST CONSIDERATION

Senator BOSCOLA. 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 1453, SB 1491, SB 1531, HB 1584 and HB 2139.

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

SENATE RESOLUTION ADOPTED

Senator HUGHES, on behalf of Senator MELLOW, by unanimous consent, offered **Senate Resolution No. 211**, entitled:

A Resolution designating the week of October 1 through 7, 2000, as "Latex Allergy Awareness Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

PETITIONS AND REMONSTRANCES

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

Senator COSTA. Mr. President, I rise today to speak about an issue that has garnered a considerable amount of attention not only here in Harrisburg and across our Commonwealth but across our country, and that is the issue of the ever-increasing and escalating pharmaceutical prices that our seniors in particular must encounter on a regular basis.

Mr. President, over the course of the summer, as a Member of the Senate Democratic Policy Committee, we conducted hearings in the four corners of the Commonwealth to talk about this very important issue. And also, Mr. President, as a Member of the Senate Committee on Public Health and Welfare, I had the opportunity to participate in hearings as well, where again these issues were discussed, and we had several witnesses who appeared before us. During the course of these hearings, we heard

from senior citizens, consumer advocates, health care professionals, and pharmacists. We heard many stories that clearly show that the high cost of prescription drugs is a very real problem, and that it is a problem that needs to be addressed now. We heard from seniors who spend one-half of their monthly pension checks on prescription drugs. We heard from seniors who take just one-half of their prescribed daily dosage just so their medication would last longer. We heard from seniors who stated that they would not take their prescription drugs towards the end of the month because they had to wait for their next pension check in order to purchase more drugs. We heard from 33 seniors who traveled to Canada and saved a total of \$56,000 on prescription drug purchases in Canada and not here in the United States.

At the same time, Mr. President, we heard about our PACE program, the fact that we have a very good program, particularly the PACE portion of that program. But we have the need now to increase that, to expand that particular PACE program so more seniors can benefit. We also heard that the pharmaceutical industry has experienced a 38-percent profit rate, a rate that is 20 percent higher than all other industries combined. And, Mr. President, this morning when I opened up USA Today, I found out that government investigators, and this is a story from today's USA Today, government investigators have uncovered documents that say that some drugmakers deliberately manipulate prices so that doctors could overcharge.

Mr. President, here in Pennsylvania approximately 16 percent of our total population is age 65 and older. In 20 years, 36 percent of our population will be over the age of 65, one of the largest in the country. Of the 2 million senior citizens in Pennsylvania today, approximately 500,000 have no prescription drug insurance. That is one in every four Pennsylvanians. And even those today who find themselves covered will be soon finding out or are finding out now that they are also going to be a part of those uninsured. Approximately 9,000 seniors, Mr. President, were kicked off the PACE program during 1998-99 after receiving a very modest cost-of-living increase in their Social Security, and we expect another 12,000, another 12,000 to be dropped from these rolls this year. At one time, Mr. President, our PACE program had an enrollment of over 450,000 Pennsylvanians. Today that number is down to approximately 250,000 people who are enrolled in our PACE program, a significant decrease.

In response to the public hearings that were held, Mr. President, Senate Democrats, including myself and Senator Wagner, unveiled legislation that we feel would make a significant difference in terms of helping seniors address the issue of prescription drug costs. Our program, Mr. President, is called FAIRx, and it would enable all Pennsylvanians over the age of 65 who are not covered under an insurance plan to buy many of the prescription drugs at a reduced price. Under our FAIRx program, we can easily today provide some immediate relief from the burden of high cost prescription drugs. Pennsylvanians would simply have to take their Medicare card to the PACE participating pharmacist and receive the prescription drug at the same price that the PACE participating pharmacist receives reimbursement from the Commonwealth for that particular drug. That is a price that is significantly lower than the retail price, and it is also a price, Mr. President, that is not only fair to the purchaser, but more importantly, fair to the pharmacist.

We have also developed a way, Mr. President, that we believe will help expand the PACE program, and it is a way that does not expand State spending. It does not require the Commonwealth to expend additional dollars. It does not impact on the integrity or the surplus of the Lottery Fund, and it does not take precious dollars away from the tobacco settlement money. What we are proposing is that a pharmacy benefits manager be created under this legislation whose responsibility will be to pool all the existing State pharmacy programs in the Commonwealth. We are talking about 2.4 million people, Mr. President, who are currently covered by State pharmacy plans. We are talking about State employees, State retirees, PACE enrollees, Medicaid enrollees, and so forth, at a minimum of 2.4 million direct beneficiaries, and that is not even counting the number of direct beneficiaries' children, siblings, and the like. The single benefits pharmacy manager would also be authorized to negotiate the best price rebate with the manufacturers for these programs.

Based upon the rebates that drug companies are currently paying in exchange for their participation in the existing PACE program and the Medicaid program, we very conservatively estimate that we will generate, through this program, an additional \$103 million in rebates each year. And it is our goal that \$103 million be placed into the PACE fund for the purpose of expanding the PACE program and expanding the income limits of the PACE program to allow an additional 77,000 more Pennsylvanians the opportunity to participate in one of the country's best pharmaceutical drug programs. It would also, Mr. President, address the issue of the PACENET program and that abysmal failure of a program relating to the \$500 deductible and require that particular program be dissolved.

Mr. President, I recognize that there are a significant number of proposals that exist out there. This is a Senate Democratic response, a Senate Democratic plan to the very important issue of prescription drug costs. I ask my colleagues on the Republican side of the aisle to join with us in addressing this very important issue. There may be merit in many of the plans we have, but what I am putting as a challenge to my colleagues is that maybe the leaders of the respective Caucuses sit down and work towards some resolution of this matter. Whether we take different parts of different plans, however we approach it, Mr. President, the goal is that when we walk out of here at the end of our legislative Session that we collectively have addressed this very important issue. So I ask my colleagues to join us in the beginning of the discussion and the dialogue that needs to take place surrounding this issue.

I thank you for the opportunity to speak. Thank you.

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

Senator MOWERY. Mr. President, Senator Costa, who serves on the Committee on Public Health and Welfare in the Senate, I think has presented very well the concerns that we all have for our people in Pennsylvania regarding the high cost of prescription drugs. I would like to offer a few prepared remarks, however, at this time.

Over the past several months, the Senate Committee on Aging and Youth, chaired by Senator Murphy, and the Senate Committee on Public Health and Welfare, which I chair, held three hearings on rising prescription drug costs in Pennsylvania. These

were bipartisan meetings aimed at trying to increase our understanding of the causal factors behind the rising costs, as well as the impact of those rising costs on various purchasers, including our constituents, insurers, business, and government agencies. During these hearings we learned that prescription drugs are the fastest growing segment of our health care spending. In the United States in 1977, spending amounted to almost \$79 billion. In 1998, spending was up to \$93.5 billion, 18 percent. In 1999, spending amounted to \$111 billion, up 19 percent. Estimates are that increases will continue between 12 to 18 percent, meaning retail expenditure for drugs will be \$218 billion to \$254 billion by the year 2005.

We learned that these increases in expenditures are primarily based on increased utilization, that we have more people using these more expensive drugs than we had before. And we learned that increased utilization corresponds with increased marketing that followed changes made by the FDA in Washington, D.C., in 1997 regarding how drugs can be advertised on TV. Increased utilization can be viewed positively if it results in a decrease in other health care costs. For example, if increased sales of Lipitor, a cholesterol lowering drug, is resulting in fewer heart attacks, that is a positive outcome. However, if increased utilization is simply the result of increased marketing with no corresponding improvement in health outcomes, then we have a problem. And we recognize that it may take years until we can actually substantiate better outcomes.

We also learned that we are the only country that allows pharmaceutical companies to market directly to consumers. Unfortunately, it appears that this decision adds to the ultimate costs of prescription drugs. For example, England has lower drug prices than we do, even though their pharmacy companies have similar profits and comparable costs for the administration, manufacturing, and research and development. The only difference is that they prohibit direct-to-consumer advertising, and limit other marketing expenses to less than 10 percent. In 1999, pharmaceutical companies spent 33 times as much in direct-to-consumer advertising than they did in the year 1993, with expenditures going from \$55 million to \$1.8 billion. And all marketing expenses for pharmaceutical companies topped \$13 billion last year.

We recognize the relationship that exists between marketing directly to consumers and increased drug utilizations. Marketing sells, particularly when it deals with a person's health. What is less obvious is the benefit that is derived from this increased utilization. We know that heavy marketing can make a best seller out of an allergy medication. What we do not know is if that medication is any more effective than the less publicized and less expensive generic drug. Pharmaceutical companies claim that advertising is resulting in more individuals visiting their doctors, resulting in earlier treatment of disease, that a better-informed public can make better decisions. But we are not convinced that the changes made by the FDA regarding TV advertising are providing consumers with all the information that they need regarding the risks and side effects of many of the new patented drugs.

Further, we become alarmed when it appears that expenditures on marketing are regarded as a better investment than the investment that they could make by not doing direct marketing

advertising, could be better used for research and development. We do agree with the pharmaceutical companies that better information can result in better decisionmaking, and toward that end it is extremely important that we work together with the pharmaceutical manufacturers, as well as with the Federal government, as the cost of prescription drugs has become a major campaign issue with candidates currently running for President of the United States. That is why I support legislation that was recently being put together by Senator Murphy, legislation aimed at ensuring that we have adequate information to make informed decisions on how to lower drug costs.

I also recognize that there will be pressure for us to act on legislation that will expand the Pennsylvania PACE program. While I recognize that we must work on addressing the needs of our seniors, I also recognize that the expansion of PACE will help in part, and only help part of the need of our citizens, as far as the population is concerned. It will not reduce costs for our disabled who are on fixed incomes or for our citizens who do not have insurance and who must pay for their drugs in their entirety. I also realize that if we simply expand PACE coverage without addressing other cost issues that we will be creating a system that in a few short years will not have the financial wherewithal to pay for it as far as State government.

Since our hearings, we have been exploring ways that we can reduce drug costs, as well as ways that we can use the savings to expand drug coverage for those on fixed incomes. In these efforts I am somewhat frustrated because I recognize that many of the solutions must come from Washington. But I also recognize that there are real dangers if we proceed with statewide solutions without coordinating our efforts with the Federal government.

Therefore, while I welcome the open discussion regarding expansion of the PACE program, I urge that we do not act too quickly, but rather deliberatively, and that we do not act until we fully understand the financial consequences of our actions and how our efforts will coordinate with the Federal government.

Thank you very much, Mr. President.

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

Senator KASUNIC. Mr. President, as election day approaches, we hear more and more rhetoric about helping senior citizens pay for prescriptions. Senate Democrats have been trying for years to help older Pennsylvanians cope with the cost of prescription drugs. If the looming threat of the voting booth is what it takes to spur our colleagues from the other side of the aisle into action, then I guess we should strike while the iron is hot. I am sure no one in this Chamber needs to be made aware of the enormous burden that faces many, many middle-income seniors in Pennsylvania. The very simple and sad fact is sick people are going without medicine because they simply cannot afford it. In a Commonwealth as prosperous as Pennsylvania, this is nothing short of a crime.

But perhaps the real crime lies with the pharmaceutical companies who charge vulnerable, uninsured senior citizens sometimes three times as much as they charge more favored customers for the same drugs. Profits in the pharmaceutical industry are more than two times what the rest of corporate America's profits are. Mr. President, to me this is price gouging, and it certainly is

a crime. They are charging twice as much for life-sustaining drugs, drugs which they know are of the most need to people.

Mr. President, how can anyone remain indifferent when a prescription for Tamoxifen, a drug used to fight breast cancer, sells for \$25 in Canada and costs more than \$300 here in Pennsylvania? It is clear that we need to act. Senate Democrats have introduced legislation that would make prescriptions available to all Medicare eligible Pennsylvanians at PACE prices. The legislation which we call FAIRx would also provide PACE coverage for more than 75,000 additional older Pennsylvanians. It is no exaggeration, Mr. President, to say that people are dying because they need help in paying for their medication. Let us give them that help. Let us give them that help now, not because it is the politically expedient thing to do, but because it is the right thing to do.

Mr. President, I do believe, in deference to some of the comments that were just made, I do believe that we here on the State's issue can do it. We already proved it with the PACE program, the best program in the United States, a program that was copied and patterned after by others throughout this entire country. We can do it better. We have a track record of being able to do it better.

So I would ask that we stay here as long as it takes. Let us get this done, let us pass the necessary legislation that will help older Pennsylvanians get the medicine that they need.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, we are about 7 weeks out of a presidential year. Both George W. Bush and Al Gore have plans for a prescription plan for America. The reality is that as we live longer, we need more medicine, and the insurance companies, as well as the prescription companies, are finding ways to make that more and more expensive. I suppose if we looked at the world in a way in which competition only drove the costs, prescription medicine would be a lot less. But because everybody has to kick in to have insurance so that if something happens to them they are covered, the real market does affect prescription medicine. If everybody had to pay out of their own pocket, you could be guaranteed competition would drive those processes and products that prescription companies have to rock bottom, but it does not work that way.

I think we need to work with Washington, as well as the States, to try to come up with a plan to make prescription medicine affordable to every citizen. We sit up here in this nice hallowed hall, and you know what? Whenever I need medicine, the doctor writes a prescription for me and my copay is the same as the PACE program, I believe. My father, who is 82 years of age, takes a plethora of medicine - Zocor, Indocin, Allopurinol, and a bunch of other things - and I go down to the Carlisle War College just about every week because he was a career officer and he gets his medicine for free. And it never stops, when you are talking about it, my father says, do you know how much this costs if you do not have coverage? And, what do people do?

The previous speaker was talking about we should wait until Washington makes some decisions, and obviously, with the few days left we have in this legislative Session, it is probably very

unlikely that we will pass any meaningful legislation dealing with a prescription plan. The House passed legislation using more government money to pay for prescriptions, and now with the two presidential candidates, and because now it is a hot button, everybody is out running around like chickens with their heads cut off trying to outdo each other, when the reality is we have a problem.

Not too long ago, a few legislators from Pittsburgh took a road trip to Canada. That bus, in the aggregate, saved themselves, if you extrapolate those prescriptions, over \$56,000. Something is wrong in Denmark when in Canada you can get the very same, identical drugs as you can in America for prices much less. There is nothing wrong with profit. There is nothing wrong with going out and doing business. But greed is something that this nation has to take a look at. It was based upon competition, it was based on beating the other guy out, it was based upon the motive of making money, but when you are using it on the backs of the poor, not the people covered by insurance because they do not care, they are paid. We are paid. My father is paid. But for the poor people who do not have that insurance and pay out of their own pockets, it is wrong.

The Democratic proposal in the Senate is to go after the pharmaceutical companies and rebate money from them to put into our program that already exists to expand PACE. The previous speaker said that we want to wait until Washington does something. If we did that, we would not have the CHIP program that Senator Kukovich championed, one of the premier programs in the United States of America, to have health insurance for our children. If we waited for Washington, we would still be waiting, and the truth of the matter is we bankrupted no companies, we hurt nobody financially, but what Pennsylvania did bipartisanly was create a program that insures our children.

Now it is time for us to take that same bipartisan approach, to find a way to take care of our older citizens. Hubert Humphrey said a nation is gauged by the way we treat our weakest, and each and every one of us have parents or had parents or have grandparents, each and every one of us have spoken at senior citizen centers, and you have heard firsthand, maybe they are not as vocal, maybe they do not go and make the phone calls or the political contributions, but these people have contributed their efforts to the United States through the years. They have educated you, and now it is our turn to take a serious look to see how we can make prescription drugs affordable and available to every single Pennsylvanian.

I urge everybody to work together. The FAIRx program might not fix everything, but it is a program that does not cost the taxpayers any money and yet it delivers the goods that we need, so I urge both Democrats and Republicans in both Chambers to take a look at this. And I challenge Governor Ridge to make this a priority in the next legislative Session. We have done it before, we can do it again.

Thank you very much, Mr. President.

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, during the summer break, many of us had the opportunity to study more in depth the problems that affect the people of Pennsylvania. Senate Democrats had hearings across the State. I know in my own district we tried to find out what was most on the minds of the people we are supposed to serve in this astute body. What came through very loud and clear was that Pennsylvanians of all ages, of all classes, and of all economic backgrounds are being oppressed by the outrageous cost of prescription drugs. This is not something that is optional or something that they have a choice about. These are medications that have been prescribed by their physicians in many cases to keep them alive, to help with debilitating diseases such as arthritis, diabetes, you name it. We have medicine available that if taken can prevent very, very expensive and crippling hospitalizations, operations, rehabilitation, even nursing home stays, if only they have the money to buy the medication that will keep them out of the hospital, that will prevent a trauma or some type of accident that will debilitate them for the rest of their lives. Unfortunately, while people are living longer in Pennsylvania, they cannot afford the medicine that is needed to make it a secure and healthy life.

During our hearings across the State, as has been alluded to, we heard from many, many people who told very real life stories about what the high cost of prescription drugs is doing to them. In Erie, we heard the story of Richard Hart. He and his wife have no prescription insurance coverage, and that is the case for about one-third of all senior citizens in Pennsylvania. They have no prescription drug coverage. Many of them bought into the HMOs and, as you know, the first thing the HMOs did was withdraw prescription drug coverage. Many of them are now being forced, at least in Berks County, to look for a Medicare supplement because the HMOs are withdrawing from the Berks market entirely - Aetna U.S. Healthcare, HealthCentral.

These people are frustrated. The Harts, for example, in Erie, who have no prescription drug coverage, are spending \$495 a month on medications prescribed by their physicians. That is almost half of his entire monthly pension. The Harts were among a group of those retired and disabled Pennsylvanians who recently traveled to Canada to have their prescriptions filled. Imagine, people having to go to Canada to get cheaper drugs when our tax laws have benefitted the pharmaceutical companies so they could research and develop and come up with these new drugs, and we pay in some cases 10 times more than what our neighbors to the north have to pay for the medications that our American companies, with tax incentives and write-offs, have been able to develop.

But in any event, there is another group going up from southeastern Pennsylvania, and they will be going to Canada on October 3. The westerners who went there included the Harts. Their prescriptions cost \$1,366 to fill here in western Pennsylvania, in the United States. In Canada, they cost \$716. That is a difference of \$650. They pay more in the United States than they paid in Canada for the prescriptions that they need. That is a lot of money for almost anybody, but for an older couple on a limited income, basically pensions, it can be all the money they have. These are people who sometimes take half of the medication their doctors prescribe to make it last longer. Sometimes the Harts go a week without taking any medication at all, waiting for

Mr. Hart's pension check to arrive. In Reading, a senior citizen said she stopped eating one meal a day so she could afford to buy the prescriptions that a doctor prescribed for her.

In the meantime, Mr. President, the pharmaceutical industry is the most profitable and powerful in the United States. While Mr. and Mrs. Hart are back in Erie cutting their pills in half waiting for a pension check, drug company sales representatives are spending thousands and thousands of dollars each day on advertising and marketing their product, including visits with physicians and gifts and meals and everything else. The senior citizens of Pennsylvania deserve more from us, the Commonwealth, the elected legislators of this Commonwealth. They deserve to have their voices heard just as clearly as those who are represented by big insurance companies and HMOs. We have listened to Pennsylvania senior citizens all summer. We are ready to act on their behalf.

Today I am asking my colleagues on the other side of the aisle to join us in making a commitment today to older Pennsylvanians. We have the financial means to make prescription drugs accessible and affordable for older Pennsylvanians. What we have lacked thus far is the will to make it happen. Senate and House Democrats have pledged to stay in Session as long as it takes to pass legislation that expands Pennsylvania's PACE program and to consider other legislation.

Briefly, this summer was also an opportunity to sit down with elected officials from all over the northeastern part of the country. I know Senator Murphy was there, I was there, and we are directors of a new group called the Northeast Association of Legislators Concerned About Prescription Drug Costs. We heard a very interesting study from an academic, not a politician, a professor from the University of Boston in their public health school who told us that in the northeastern part of the country people are paying about \$6 billion more than they should be paying for prescription drugs. In Pennsylvania alone, they are paying more than they should to the tune of almost \$2 billion a year more than they should be paying for the cost of prescription drugs.

Maine has already responded to this problem. This summer they passed a law, which their Governor signed, which says in essence that no individual should pay more for his or her prescription medication than a bulk provider such as the PACE system or Medicaid or whatever. My bill, Senate Bill No. 1518, which is patterned after the Maine bill, encourages all bulk providers, purchasers in Pennsylvania, to unite together to negotiate a lower price that all Pennsylvanians would pay, not only those on PACE but on any other group plan.

Why should the one-fifth of Pennsylvanians who have no prescription drug coverage pay three or four times more than their neighbor down the street is paying when that neighbor has the benefit of PACE eligibility or some other third party insurance program? This is one option we should explore, and that would not cost the taxpayers any money. That does not look to the tobacco settlement to take \$182 million out of it, as I understand the House bill that passed last night would do. That puts the burden on the pharmaceutical giants to sit down with a bulk provider, a purchaser in Pennsylvania that would negotiate a price that would be one-third or one-fourth or one-half of what

the individuals of Pennsylvania, whether they are senior citizens or not, are paying for their prescription drugs.

There are a lot of opportunities out there. What I would hate to have happen is for this to die on the vine, for this proposal, this need, to be the victim of paralysis by analysis. We have had enough of analysis. We know what the problem is. Go out and talk to any senior citizen or any Pennsylvanian, and one of the things they will complain about is they cannot afford the prescription drug that they need to stay alive. We must deal with this. This should be our top priority. We ought to do it before the election so the people know where we stand, and then we can look every senior citizen, every Pennsylvanian in the face and say we are trying to help.

So, we issue this challenge, we ask you to join with us to work with us. No one has all the knowledge or the expertise in this area, but a lot of us have done some work and we are anxious to work with you to get a solution to this problem and not just rhetoric.

Thank you, Mr. President.

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

Senator MURPHY. Mr. President, I am here to agree with many of the things that have been stated by my colleagues from Berks and Cambria and Allegheny and Cumberland Counties, and to add some more information on what I really see as the battle before us.

I would like to state, first of all, that the issue about prescription drugs, I am sure we will all agree, is not just an issue for our senior citizens. We also have to recognize that many who are chronically ill, that many family members who are trying to support their parents and grandparents are also facing the issue of how to pay for prescription drugs. But I want to make sure we are looking at it as not just an issue of insurance, it is an issue of cost. It is an issue of affordability, and when we look at the massive increases in drug costs over the past 3 or 4 years, this is a big part of the reason why we are here today talking about this vitally important issue. This is the reason why many States across the nation are also sharing in these discussions, and this is an issue of why the presidential debates are also involved here.

We are told that many of the increased costs with drugs are related to the advances in science. We have been told, for example, AARP did an analysis that perhaps 20 percent or so of prescription drug costs, about 20 cents on the dollar, are because of the research and development, and we are grateful for those. Why just today we will be hearing in the news that there were advances in molecular genetics which will allow doctors to construct DNA photo files of tumors which will transform the treatment of breast cancer. Doctors will be able to form something of a genetic snapshot to reveal how tumors are behaving, how receptors in the cells are reacting, what proteins are doing, and doctors will be able to customize drugs for breast cancer in a way that was unheard of or unthinkable a few years ago. Tomorrow's New England Journal of Medicine will be talking about how early large doses of beta-interferon can slow or halt the progress of multiple sclerosis.

We can go on and on and talk about the changes and treatments and what we may expect in the next few years for diabetes and AIDS and Parkinson's disease and Alzheimer's. What we may very well see are cures, in part because it was not too long ago, or perhaps even presently, that the number of sites that medications act on in human cells throughout the body is about 300 sites. With the human genome study and with some of the tremendous changes in research, we will be able to identify some 5,000 sites in human cells where we can have an impact. We are grateful for all that our drug companies are doing, that our universities are doing, that the National Institutes of Health is doing that has really changed our life expectancy, from the 1900s for living to about 50 years of age to the year 2000 when our life expectancy will be in the mid-70s, and in 20 or 30 years from now it will be commonplace to have people living to 100.

But all this comes back to the point of cost. An overriding concern for seniors and for family members of the chronically ill is the cost of prescription drugs which have risen steadily and we have to continue to ask why. It has been mentioned before about the high profits of drug companies. This week's issue of Newsweek magazine mentioned it is one of the most profitable, perhaps the most profitable, industry in the world.

But an area that continues to be cloudy for us is the issue of advertising by drug manufacturers to promote their product to health care professionals and to the public. We have seen a tremendous increase in direct-to-consumer advertising through television spots, magazine ads, probably soon more and more on the Internet, and radio since the FCC permitted this direct-to-consumer advertising in 1997. At that time there were warnings from the medical community and from consumer groups that allowing direct-to-consumer advertising might have some potential problems, perhaps in driving people to take drugs that they may not need and having people make increased visits to their doctors that they may not need, as well as perhaps some benefits of people going to the doctor and getting treatment for a disease of which they may not have known all of the symptoms.

At one of our hearings, representatives from a statewide consumer group said it is the promotion and advertising, not research and development, which is now the pharmaceutical industry's fastest growing expenditure category. We were told that direct-to-consumer advertising alone is projected this year to be over \$2 billion. There has been a steady increase in the last few years. Other promotional costs involve sales calls, also known as detailing, where drug representatives will come to hospitals, perhaps bring lunch, perhaps bring pens and pamphlets and other materials, and free samples to doctors' offices and hospitals, which, by the way, are oftentimes then sold to patients.

The question is how much is spent there? How much is spent on the salaries of the people who do this? And the question stands, where do the costs of this go? Who is paying the bill? And how much of the whole price increase on prescription drugs that we have seen in the last few years is placed upon consumers as a result of advertising? Well, studies show direct-to-consumer advertising is effective. The top 25 direct-to-consumer advertised drugs posted sales growth totaling 43.2 percent in 1999, and that growth is well above the 13 percent growth posted by all of the drugs. Again, the drug companies say that allows them

to make enough profit to pay for the research and development and perhaps their profits as well.

We do not want to stand in the way of research and development. We want to support that and make those things continue, but we have to demand some answers about how much money is there and where does this money really go. Drug manufacturers claim that their advertising has inspired more people to call their doctors and seek treatment. They claim that the drugs have reduced hospital days. They claim the cost is worth the benefits. But when we asked, what are all the hidden costs, they told us it is none of our business. Well, when we see how many tax dollars are spent on prescription drug advertising, I think it is our business. We have seen some numbers. The industry has provided some information about what is spent for advertising and promotion, but we also need to know the costs that are not reported.

Certainly there are other advertising expenses which are not released and may be hidden. These include entertainment, travel to exotic places, or other frills provided to health care professionals and meant to influence prescriptions, and also the costs of the employees who do this detailing. Eventually these costs are passed on to consumers. Eventually we all have to pay for it, either through higher taxes, lower wages to pay for the benefits, or cutting into the family income.

And what I question is, should we merely sit back and continue to write checks for whatever the drug companies tell us they need? It is interesting how much of the debate in this nation has gone toward how to continue to pay for this accelerating status quo instead of questioning what we can do to stem that tide.

At one of our hearings when a representative of the drug companies was asked, what should we tell our seniors who cannot afford these drugs, he replied, they should buy more insurance. It reminds me of Marie Antoinette's statement when people complained that they could no longer afford bread, she said, let them eat cake. Now we are seeing nationwide proposals to buy more insurance to cover this. And although we agree that we can and should work to cover low-income seniors, I do not agree with just paying whatever bills they send us. Drug companies want us to spend literally hundreds and hundreds of billions of dollars of taxpayers' and employers' money to them through prescription drug insurance plans without questioning how the money will be used. I sometimes have to wonder if they are sitting there smiling like Cheshire cats adding up their massive profits.

We believe any program to cover the costs of prescription drugs cannot be a blank check or the costs will continue to climb with more and more prescriptions being written. With an aging population, we can expect to see the overall costs continue to climb.

Let us take, for example, our PACE program, a model program, a wonderful program in this nation. For the next couple of years the PACE program costs alone are expected to rise 22 percent per year. Again, do we continue to write checks for that without questioning what is going on? No. No. There is need for disclosure. This is too important an issue for the people who pay the bills for those prescriptions, it is too important for policymakers not to know how the money provided through

subsidized prescription programs like PACE and PACENET is being spent. The information should be reviewed by the Pennsylvania Health Care Cost Containment Council to give us some real information.

Is the added cost of massive advertising justified? Do more people really go to their doctors? Are hospital days really reduced? Are health insurance premiums going down because people are getting medical care and medicine sooner? Some studies suggest, no, it actually has the opposite effect. But certainly if people are getting healthier, we want to see that. The question is, are they getting healthier in proportion to the amount of money spent in that direction and could it be done in a more effective way?

We need this information, we need the facts, and we need them now, and that is why we are introducing a bill calling for this disclosure, and I certainly hope the drug manufacturers will comply with that. Give us some information so we can deal with some real policy here, real policy. This is a time of discernment, not a time of delay. This is a time of focused action, not just reaction. We have many concerns and we recognize now that time is getting short. We do not want to rush into this blindly. But quite frankly, if we cannot get that information, we will be forced to make some policies with which some of the drug companies may not agree.

Let me mention another area here. As was mentioned a little bit earlier by my colleague from Allegheny County, the issues involved with questioning drug companies and are they involved with some aspects of manipulating prices, there have been charges from the Federal Trade Commission against some companies that have paid off generic drug manufacturers to not manufacture drugs, to delay them for a year. There have been accusations against other companies that have had their documents subpoenaed by the U.S. House Commerce Committee. There are enough questions to go around to say that perhaps not everybody here is altruistic and benevolent, and all this is mixed in an atmosphere where we want to keep the research moving forward.

But let me mention one other note of caution here and why we need to proceed with deliberation and not delay, but in a way that really looks at some facts. It is really unclear, as I have gone through this and studied this intensely over the last couple of years, and more so with our hearings with the Committee on Public Health and Welfare, chaired by Senator Mowery, and the Committee on Aging and Youth, chaired by myself, as to where the money is going to come from if we just continue this blank check approach.

Let us look at a couple of options. One, we can probably expand some things in the PACE program, perhaps have higher deductibles, perhaps change the income levels, but right now the PACE program costs about \$290 million out of the Lottery Fund. If we continue at this 22-percent rate of growth, and there is nothing to suggest that it will not continue at that rate in terms of inflation in the cost of drugs and more utilization, and certainly if we let more people in, there will be more utilization. But I believe if we do this without checking some of the costs, we are going to put at risk the property tax and rent rebate program, we will put at risk the transit and ride program for seniors, we will put at risk the PENNcare program. Those programs all combined - PACE, rent rebate, the transit program, the PENNcare

program - right now total \$757 million. If we even look at program expansion, it is going to cost \$150 million a year. What we are going to see is the Lottery Fund being eaten up in about 10 years. If we look at something that starts at the \$160 million level, the Lottery Fund will be eaten up in less than that, and if it starts at \$180 million, the Lottery Fund will be eaten up in about 7 years.

If we look at things with the tobacco fund, we will see the same approach. We will see that many of the programs proposed in the tobacco fund are not going to be funded. What will we say to those who will not get health insurance? Now, it is important to have coverage for prescription drugs and we want to see that and I believe we are going to get some action both in this building, the Capitol of Pennsylvania, and also on the Federal level. But what good is it to be able to buy a prescription drug if you cannot get the insurance to see the doctor to write you that prescription, if you cannot get people who are indigent to hospitals?

I would also hate to see some problems come up with the prevention and cessation program. The prevention program is probably the only aspect of the tobacco fund which helps children. The city of Pittsburgh, that region, out of the 50 largest cities in the United States, has the highest level of maternal smoking during pregnancy. If children never smoke throughout their lifetime while their mothers smoked during pregnancy, they are still at higher risk for obesity, diabetes, cancer, and a whole host of other diseases. Those are things which will then come into the health care system and will cost to treat. We do not want to say no to that treatment, but we do want to try to help them stop before they get started. It also puts at risk the home and community based care, the research to try to find new treatments for diseases. Uncompensated care will be at risk and several other things.

What we need to do here is make sure we do not get caught in some of the traps that we got involved in with the Federal government with CHIP. Some \$67 million per year was left on the table, in part punishing us for our good deeds. We moved forward in Pennsylvania with CHIP, which became a model for the nation, and once we had that it was almost as if the Federal government punished us and said, well, you do not need as much, you have to spend more upfront now, and we ended up leaving some money on the table. We will catch up to that eventually, but the point is we do not want Pennsylvanians in the position of paying twice. We want to make sure that we can get as many people involved in our programs, whether it is PACE or expanding some of the drug programs mentioned before, but we want to do that right.

This is a time for sound programs, not just sound bites. And I also share my concerns with all our colleagues here in saying, let us work this out on a solid level. Let us demand the information we are asking for so we can base some policy on some facts. If we fail to get that sort of cooperation from the pharmaceutical companies, so be it, we will move forward. But I want to make sure we avoid paying twice in cutting hundreds of thousands, if not millions, of people from potential programs. I want to make sure we are prudent in our actions, that we pay for things now in the right way and not just costly ways. I want to make sure that we are not just like someone driving at top speed to exchange

their faulty Firestone tires and creating more danger in the process. Let us include a solid look at the costs.

If we do not do these things now, and if the pharmaceutical companies are not in agreement with some of our rationale, here is what I predict will happen. We will, motivated by, I believe, compassion and trying to do the right thing to help people out, we will come up with some programs in the near future. But if they are ones that are going to continue to accelerate in cost, we have, it seems to me, three options: One, increase taxes to pay for it. Not a very happy option that many of us would embrace. Two, cut some of the other programs that we have now funded by the Lottery Fund for seniors, or perhaps funded in the future through the tobacco fund. Three, get into some cost controls. And I would assume that is not something that the drug companies want to get into. Other States have done it, but I really see that unless we start doing things now on a prudent level, we are going to be heading out in some of those directions.

I urge us all to work out some changes in the issues of the deductibles, the copayments, and increasing eligibility. I believe we will be moving in that direction, but I also know we have to keep an eye on what is happening at the Federal level so we do not get punished in this process.

I join my colleagues in saying let us work together on this. We have a massive amount of work to do. The stakes are high, whether we do it right or do it wrong, but we need to do it and get to work on this now.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, this has been a very interesting one hour's worth of debate this afternoon here on the floor of the Senate, and I think some very important pieces of information have been delivered. There have also been some quotes that I have taken from various Members who have spoken that I think should bear our consideration. Mr. President, I do not think there is any question in my mind or in the minds of Members who are here and those who may be listening to us this afternoon that this is one of the most important questions that we will deal with during the remainder of this Session and probably into our next legislative Session next year, and how we deal with it between now and the break for election and how we deal with it when we come back into Session after the election is going to be very important as to what happens to people in Pennsylvania.

Mr. President, one of the previous speakers said, and the quote was, "Most of the solutions must come from Washington, D.C." That was stated by a Republican Member of the Senate in his speech. The previous speaker said the Lottery might, because of increased programs over a 10-year period of time, might have a problem, a financial problem, in 10 years, and then said, quote, "We need sound programs, not sound bites." Mr. President, it was also discussed about at length on the floor of this Senate about how drug companies, through their advertising, are indeed part of the problem. And I think it was said about the sale of Lipitor, which I assume is a drug dealing with cholesterol, after watching it be advertised, it is being marketed, and that because it is being marketed, perhaps more people are taking it but cannot afford the prescription.

Mr. President, I think it is important that we start getting down to what the important issue is here with regard to drugs. This particular issue has very little or nothing to do with the tobacco settlement as we talk here today. This particular issue right now with regard to how people can take their prescriptions has little or nothing to do with teen pregnancy and how teens who are pregnant are also smoking and taking nicotine into their body. This issue has nothing to do with, although it is a very major issue, but this issue with regard to prescription drugs for the people of Pennsylvania has nothing to do with an educational program that will ask people not to smoke, because I think it is unfortunate that individuals in Pennsylvania smoke, but there is little that we can do about it in talking about prescription drugs for senior citizens or disabled Pennsylvanians or Pennsylvanians who are on Medicare.

Mr. President, if I can take you back to 1993, during the period of time of 1993 through March of 1994, the party which I represent controlled the passage of legislation in this Senate. One thing that we did in 1993 and passed on to the House of Representatives, because in Pennsylvania as we talk we basically have no antitrust laws with regard to price-fixing, with regard to monopolies, with regard to conspiracies, and with regard to restraining trade in Pennsylvania, so in 1993, the Majority party of the Senate, which at that time was the Democratic Party, thought it was important that we pass various types of antitrust laws in Pennsylvania to give the Attorney General of the Commonwealth, who then I believe was Attorney General Preate, to give him the opportunity to go after drug companies, if you will, who were charging too much money in Pennsylvania through various types of price schemes and price-fixing.

Well, Mr. President, a number of people voted against that legislation on the day that it passed. At least one of the principals who spoke on the floor of this Senate here this afternoon, and I am not going to mention names, but at least one of those individuals also voted against this legislation which would have given the Attorney General of Pennsylvania the opportunity to conduct an investigation if in fact prices were too high in this State because of price-fixing that was brought about by the pharmaceutical companies who do their manufacturing in Pennsylvania. Mr. President, we passed it in the Senate. The House of Representatives amended that particular proposal. Then, if memory serves me correctly, and I am sure if I am not correct in my memory I will be reminded or corrected on the floor of this Senate before we leave here this afternoon, when it came back over to the Senate, the Senate was not under the same control of the Democratic Party that it was when the antitrust legislation passed the Senate and it never did see the light of day in the Republican-controlled Senate back in 1994.

Now I bring this to your attention, Mr. President, only because of what took place in the city of Pittsburgh, where one of our previous speakers comes from and represents. There is a pharmaceutical company in Pittsburgh by the name, I believe, of Mylan Laboratories, Inc. Mylan Laboratories is a large drug distributor. It is a large drug manufacturer. That laboratory group several years ago was charged by the Attorney General of the State of Minnesota with establishing some type of a price-fixing scheme that allowed two drugs that deal with anxiety to be increased in price by almost 2,000 percent.

It affected people in Pennsylvania, Mr. President. It affected the same individuals we are talking about here today who have to take their prescriptions that are paid for by the PACE program. It affected those disabled Pennsylvanians who do not qualify for PACE or those who are on Medicare that we talked about before who do not qualify for PACE, but because we did not have the type of laws in Pennsylvania that would allow the Pennsylvania Attorney General to conduct an investigation where they would have been able to act on a complaint to establish an investigative authority, to establish if in fact or to discuss if in fact there was a conspiracy on the part of Mylan Laboratories in increasing the costs of the anxiety medication, because we did not have the proper type of antitrust legislation, we could not deal with the issue, and therefore it took the Attorney General in the State of Minnesota to handle an issue that should have properly been dealt with right here in the Commonwealth of Pennsylvania. As we talk here today, Mr. President, I still do not believe that there is the proper type of antitrust legislation in Pennsylvania with the proper jurisdiction and proper authority to the Pennsylvania Attorney General to crack down on pharmaceutical companies who are price-fixing for the purpose of increasing their profits in the sale of prescription drugs right here in Pennsylvania.

Now, Mr. President, those issues have not been mentioned by any of our previous speakers, and that is not an issue that we really want to talk about today. We want to talk today about what is happening in Pennsylvania and what took place with the abysmal failure of the act in 1996 which established the PACENET program. If you read the Journal of the final passage of that proposal, it is very clear what statements were made on that day by Senator O'Pake and Senator Fumo, that PACENET will in fact not work in Pennsylvania, that all we are doing is we are taking away from people who must choose between buying food and buying drugs, we are taking away the life-sustaining support system they need to be able to have the government, through the PACE program, pay for their drugs, pay for their heart medication, pay for their high cholesterol medication, and pay for medication that will take care of their blood pressure problems.

We begged in this body, the Democrats on this side of the aisle, to not come up with the PACENET program, to let us expand the eligibility in income for people who have to take drugs that are being paid for through the PACE program. Mr. President, the sponsor of that legislation was a current Member of the Senate, Senator Salvatore, who is not on the floor right now, and a former Member of the Senate, Senator Heckler, who is now a distinguished member of the judiciary in southeastern Pennsylvania. That was 4 years ago, and let me tell you what has happened in 4 years. And I realize that there is much interpretation left to figures of how people want to talk about things, but these are facts, Mr. President, that have come from the Pennsylvania Department of Revenue and the Pennsylvania Department of Aging.

Back in 1984, Mr. President, when the PACE program first came into existence, those of us who were here will recall that after much opposition and much indifference by the administration, we were able to pass a PACE program, the same way we passed the CHIP program, because universally the CHIP pro-

gram, which is the insurance program today that takes care of uninsured children, was not a program that was universally supported in this Chamber. In fact, many Members on the Republican side, not all, but many Members on the Republican side, including that individual who now serves as a Member of Congress, opposed the CHIP program, and it was not until the Democrats took control of this body in November of 1993 that the CHIP program even passed, under the direction of Governor Casey.

Mr. President, the number of people who were taking advantage of the PACE program in 1984 when it was first instituted in Pennsylvania was 450,000-plus people. In 1999, the number of people who were taking advantage of the PACE program, based on information given to us by the Department of Revenue and the Department of Aging, was 217,000 people, which was 50 percent fewer than were receiving the benefit in 1984. And, Mr. President, to go further, under the PACENET program today, of the 217,000 people, 16,885 people in Pennsylvania are enrolled under PACENET. People in Pennsylvania, let us get the issue back to where it belongs, senior citizens in Pennsylvania today as we talk, in the greatest period of prosperity ever in the history of the United States, must choose whether they take their prescription drugs on a daily basis or whether they have enough money to go out to buy the food which will provide the nutrition to run their body on a daily basis. That is something of which we in this State should be ashamed.

This past year, depending on whom you would talk with, our surplus in Harrisburg in our General Fund, Mr. President, was anywhere between \$750 million and \$1 billion, depending on what kind of metric system you would take as those individuals who come up with the proper type of figures. As we talk right now, the surplus in the Lottery Fund for those senior citizens who have to choose between their food one day and their medication the next day, the surplus in the Lottery Fund is \$209 million. In addition to that, in the Lottery Fund to take care of all of the interest of the Lottery and the programs that it pays, the reserve in the Lottery is \$160 million. So as we talk today, between the surplus in the Lottery Fund and the reserve in the Lottery Fund, we have \$369 million in Pennsylvania that we can take advantage of to try to broaden our program where more seniors can take advantage of the prescription program to maybe get back to somewhere near the 460,000 people who had the benefit back in the 1980s compared to the 217,000 people who have the program and have been able to take advantage of it today.

Furthermore, Mr. President, because we have not been able to, we, as a Democratic initiative, will try desperately and we will try until we leave prior to the election and when we come back after the election to have the cost-of-living increase prospectively not taken into consideration for eligibility in the PACE program. When you fill out the PACE prescription application, we do not want to have Pennsylvanians prospectively be removed from eligibility because of a cost-of-living increase in their Social Security, over which they have no control.

We are sitting on a surplus and a reserve of \$369 million, and because this body and the other body in the Capitol and the administration will not support elimination of the cost-of-living increase for Social Security annuitants, Mr. President, we have

12,000 people this year, based on the figures given to us by the Department of Revenue, who may lose their benefits on PACE. Last year we had 9,000 people who lost their benefits on PACE because they had no control over their cost-of-living increase on Social Security, and therefore it made them ineligible to collect PACE. That is 21,000 people over the last 2-year period of time.

And, Mr. President, we have no idea in this Commonwealth how many people after January 1 of the year 2001 will lose their benefits because of what is taking place with HMOs in Pennsylvania where senior citizens who have purchased an HMO, an insurance policy to cover their prescription needs, who do not qualify for PACE, how many of those individuals will lose their benefit because of HMOs not offering this benefit to senior citizens.

Mr. President, our need is now. We cannot wait for the Congress of the United States to act. We cannot wait for this to be addressed in a presidential campaign as to how people should be able to receive their prescription drugs. We have people in Pennsylvania right now who cannot afford to buy drugs in Pennsylvania. We have to make drugs in Pennsylvania affordable and accessible, and we have to do it now. Delay is not a reason. A sound program is important, Mr. President.

If anyone would like to take a look at Senate Bill No. 1525, which was introduced by Senator Costa and others, and it was referred to the Committee on Aging and Youth, if you look at that proposal alone, it will give us the opportunity in Pennsylvania of being able to broad base our program in drugs for senior citizens. It will give us the opportunity of extending that program to individuals who are disabled or under Medicare that today do not qualify for any program, and it will not cost the taxpayer of Pennsylvania \$1, Mr. President. If you will look at Senate Bill No. 1525, there is no compelling reason why we have to leave Harrisburg next week or the week after to go back and to make ourselves available for campaigns. Campaigning is an important part of the elected process, but so is governing, so is guaranteeing people who are less fortunate than we are that we mean what we say here in Harrisburg, that we want to provide for benefits for the senior citizen, that we want to provide for the benefits for those individuals who cannot provide for themselves, that there should not be the difference between the privileged and those who are not privileged, that because those of us who are privileged we can qualify for a program either paid for by the insurance company or paid for by a governmental program, and those who are not privileged cannot qualify, and therefore they have to make their choice between do I buy the nourishing food that I need and eat it every day, or do I take my prescription medicine every other day.

Mr. President, two individuals came into my office during this past year and asked for help in filling out their application for prescription drugs. Both individuals were beyond the age of 80 and both were women. One lady, Mr. President, qualified for prescription drugs with an income of \$13,999. She is a widow. That means she qualified by \$1. Another woman came in, Mr. President, and she qualified for prescription drugs with \$13,899. She is also a widow. That means that she qualified by \$101. The next time these women receive an increase in their Social Security cost of living, over which they have no control, and if it is a 2.4-percent increase or a 2.5-percent increase, it will give them

an increase that will be just enough money that will make them ineligible to take their life-sustaining medication for high blood pressure, for high cholesterol, and for heart problems.

And we sit here in Harrisburg and we talk about let us make Washington, D.C., address the issue; or we cannot do something right now because in 10 years we may bankrupt the Lottery. Mr. President, these people cannot wait 10 years for what is going to happen to their life-sustaining medication, and I cannot agree more with what was stated by Senator Murphy: Now is the opportunity to do sound programs and not sound bites that will be used for 30-second commercials on television or on the radio.

Mr. President, we on the Democratic side of the aisle are prepared to stay here through the last day of October to election eve in November to deal with the issue of prescription drugs. This is not a Democratic issue, this is not a Republican issue, this is a people issue, and we cannot turn our backs on individuals who have made this country great. The senior citizens in Pennsylvania need our help and they need our help now. And we as Democrats, Mr. President, are prepared to walk in lockstep with them to guarantee that we will do everything that we can in our Minority status to try to guarantee that their benefits will be there for them when they need them.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I, too, want to add my voice to this conversation about the need to cover prescription drugs for our seniors, and I do want to answer some of the issues that were raised by one of my colleagues, particularly in relationship to the CHIP program and the tobacco settlement program. It was suggested by one of the previous speakers that if we were to move ahead to extend prescription coverage to more seniors in Pennsylvania, we could potentially be hurting them and hurting us and hurting taxpayers because of our experience with CHIP, the Children's Health Insurance Program. That speaker could not be more wrong. We were one of just a handful of States, four States if I remember correctly, that went ahead to offer and create the opportunity to provide private health insurance to uninsured children in the State. Yes, we were ahead of many other States, most other States in this country, and our children have benefitted from that, and because of the work that we did here in Pennsylvania, the national program, the national CHIP program was created. And we were specifically grandfathered in that legislation. I myself went and testified before Congress, and they were impressed with what Pennsylvania had already done for children who were previously uninsured, and they made sure that we would not be hurt.

And as has just been shown in the last week in some articles around the country, Pennsylvania is one of the States, because we were prepared and ready and had the matching funds already in place and had the program already set up and knew how we would proceed, we do not have to give back the millions of dollars that many other States have to. So our children are benefitting because of the work that we did to make sure that they would have health insurance. And then we were able to take advantage of the Federal program so we could insure more children, and we demonstrated to the nation that it could be done. So

5 million children in this country have the opportunity to get health insurance in part because of what Pennsylvania did.

And that is something to be proud of and not to retire from, not to be hesitant about that we might actually do the same thing under prescription medications for seniors, that we might actually be ahead of the curve a little bit, and when the Federal government does come into play, which it might, and then again it might not because you know there is a lot of talk in Washington and they do not always get things done, we might be ahead of the curve here, too.

We do have the PACE program in Pennsylvania, a program we can be very proud of that provides prescription coverage to our lowest income senior citizens, and that is important. And if there are 200, and we hear different numbers, 219,000 the previous speaker said are now covered under PACE, that is something to be proud of. The fact that we have an opportunity if we are smart and if we move ahead to cover more people under the PACE program, we should do that. Now, the Democrats have suggested that we not use the tobacco settlement dollars, and in that case I agree with the previous speaker that there are many good ideas, some already agreed to, although the fine print is not done, the details have not played out, that we should not tap into the tobacco settlement necessarily for this because if we are smart and we do negotiate for all of the seniors under PACE and for all the other beneficiaries who are paid for with public dollars, including State employees and retirees, we could in fact negotiate possibly a much lower rate with those pharmaceutical companies.

And when one of the previous speakers said we should not go ahead after actually beating them up a bit for a few minutes, he said that we cannot go ahead until they agree. Well, if we wait for permission from the pharmaceutical companies to proceed, how do we negotiate? That is not negotiation. That is not saying wait a minute, we need to get a better price for prescription medication for our seniors, as we probably do for many of our other beneficiaries, and we can and the suggestion we have made on this side of the aisle is that we use those rebates to cover more people under the PACE program so that those people Senator Mellow was just talking about, because of being just a little over the income, and here we are talking about seniors who have incomes of \$15,000, \$16,000 a year who might not be eligible for PACE and not eligible for anything else that helps them pay for medication, we are simply not able to get it.

We should expand eligibility, we should cover more seniors, and we should get the best prices that we possibly can from those pharmaceutical companies. And when we have done all that and we have helped the seniors that we can help, then, yes, we should take a look at where we are in the State and nationally and what else should be done.

Should advertising be allowed by pharmaceutical companies? I think that is an interesting question. I do not know whether that helps or hurts the health care in this country. I know it is costly. It must be working, otherwise they would not be doing it, but should we let them do that or would we rather see that money put into actual benefits for people? That is a question I would be interested in having a conversation about. I am not sure if we are even allowed to do that on a State level, so we cannot wait until

all that is figured out when we have a variety of options that are available to us in Pennsylvania to proceed right now.

And you have heard all the personal stories. Every one of us must know family members who at the minimum complain about the high cost of prescription medication and at worst do not fill those prescription medications because they cannot afford to. And I, too, hear stories all the time. I participated in those hearings, so you hear them. I heard a story the other day about someone who was standing behind someone in line at the pharmacy getting a prescription filled, and the woman in front of him was embarrassed to have to ask of the cost between the two different prescriptions. Well, the second one cost \$31 and she said she did not have enough money to pay for it, so it turned out that the people behind her in line chipped in to pay for that. But otherwise she would have had to leave that on the counter. Now, I do not know whether she would have gotten sicker without it. I assume she would have. Whether that was a misjudgment on her part to take the one medication and not the other, maybe that was not the right choice to make. But she was making a choice that she should not have to make.

And we hear stories over and over again about people making those kinds of choices. We hear from pharmacists who watch this happen every day and are frustrated by it and know that they are being asked advice by people standing in front of them saying can I take this medication or not? What if I cut the pill in half? What if I take it every other day? What if I just do not take it for the last week of the month because I do not have enough money to go back to the pharmacy for the refill? Those are unacceptable choices.

Now maybe it does not fall to us alone in Pennsylvania to figure this out, it is a national problem, but we in Pennsylvania now have a record of moving forward, of creating the CHIP program for children, of creating the PACE program for seniors. So we know how to get these things done. So let us not wait until we have figured it all out and gotten agreement from all of the parties while, yes, we should be finding out. There should be more disclosure, there should be more discussions about this. In the meantime, let us make sure that our seniors, as many of them as we can, are helped to get prescription medication, because after all, they are my parents, they are your parents, they are our loved ones, and they are ones we talk to every day of our lives, hoping that they will be healthy and well, and we have a part to play in making that happen.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, you know we are currently in a crisis situation here in Pennsylvania with our PACE and PACENET programs, and these programs are the programs out there that help seniors pay for their prescription drug costs. Participation in these programs is at an all-time low. Last year, 9,000 people became ineligible for PACE because of the Social Security cost-of-living adjustments. This year, the department expects 12,000 more people to fall off of PACE, become ineligible for PACE, because of the Social Security cost-of-living adjustment.

Mr. President, that is going in the wrong direction. It was not too long ago that Democrats and Republicans worked together

to solve the COLA problem as it related to the property and rent rebate program. We allowed seniors to deduct 50 percent of their Social Security to help them qualify for property and rent rebates. We did the right thing. Thousands more qualified for the program. So let us get together and find a way to do the same for PACE.

We need to address the Social Security COLA problem as it relates to PACE as soon as possible. I, for one, along with my 19 other Democratic colleagues, said we will stay here as long as it takes, as long as we have to, to help our seniors. They desperately need our help. They are asking for our help. We can do this, so let us just do it.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, we have had a very healthy debate here for the last hour or so, and we have heard many speakers who have come before the body to present their particular views of some of the history of some of the health issues that have come before this Senate, but I think it is important just for the record maybe to indicate that on the PACENET program, which was passed here on November 19, 1996, the vote in the Senate was unanimous, 49 to 0, on passing the PACENET program.

And I think there was some reference to CHIP made earlier by one of the speakers. I think if one was to go back and look at the history of CHIP, they would see that it was a program that was negotiated by the Majority, myself as the Majority Leader at that time, with Governor Casey, and that it was already in progress of moving through the committee when the change of leadership took place in the Senate. And I think that would be reflected again in the final vote on CHIP.

I think the bottom line, who did what and who did what when, is that we have issues before us that are of concern to all Members that affect really all Pennsylvanians. And I think one thing that we have been able to do here is to work together in a bipartisan fashion in order to improve the legislative lot of all Pennsylvanians, and that is where I believe we are going to move to in the future.

ADJOURNMENT

Senator LOEPER. Mr. President, at this time I move that the Senate do now adjourn until Monday, October 2, 2000, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 1:30 p.m., Eastern Daylight Saving Time.