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WEDNESDAY, OCTOBER 11, 2000

SESSION OF 2000 184TH OF THE GENERAL ASSEMBLY

No. 40

SENATE

WEDNESDAY, October 11, 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 RICHARD TYSON, of Calvary Presbyterian Church, Willow Grove, offered the following prayer:

Let us pray.

Almighty God, You are the high and exalted one who lives forever and whose name is holy. You live in a high and holy place, but also with him who is humble in spirit. We thank You for the beauty of Your creation all around us. We praise You for the abundant harvest that we enjoy at Your hand. Preserve the freedom for which men fought and died, and may we not use our freedom for self-serving ends but to serve the people of Pennsylvania.

We pray for the men and women of this assembled body. As they seek to respond to the needs of the Commonwealth, touch their lives at the deepest place of need with the joy of Gospel grace. Guide their deliberations and decisions that Your sovereign purposes would be accomplished. May they understand that they answer not only to the people of this great Commonwealth, but to you.

Grant, O Lord, we pray, that each person in this Chamber be led by the biblical mandate to work for justice, to love mercy, and to walk humbly with their God. And may they remember that righteousness exalts a nation, but sin is a reproach to any people. Forgive our sins, heal our land, and glorify Your name, O God of our salvation. It is in Your great name that we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Tyson, who is the guest today of Senator Greenleaf.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 10, 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 CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1299**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 844** and **1224**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

**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:

Recess adjournment.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 11, 2000

HB 880 -- Committee on Consumer Protection and Professional Licensure.

HB 2080 -- Committee on Judiciary.

BILLS INTRODUCED AND REFERRED

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

October 11, 2000

Senators DENT, MADIGAN, COSTA, TARTAGLIONE, KUKOVICH, BELL, O'PAKE, EARLL, HART, LOEPER,

RHOADES, TILGHMAN and LEMMOND presented to the Chair **SB 1560**, entitled:

An Act amending the act of October 22, 1986 (P.L.1452, No.143), entitled Pennsylvania Adult Basic and Literacy Education Act, further providing for short title, for findings and purpose, for definitions, for grant program, for limitations on funding, for interagency coordinating council, for audits and records and for monitoring and reporting.

Which was committed to the Committee on EDUCATION, October 11, 2000.

Senators MELLOW, O'PAKE, BODACK, STAPLETON, KASUNIC, MUSTO, STOUT, FUMO, HUGHES, COSTA, TARTAGLIONE, WILLIAMS, BOSCOLA, SCHWARTZ, BELAN, KUKOVICH, KITCHEN, LAVALLE, WAGNER and WOZNIAK presented to the Chair **SB 1562**, entitled:

An Act prohibiting unreasonable restraints of trade; imposing penalties; and providing for enforcement.

Which was committed to the Committee on JUDICIARY, October 11, 2000.

Senators WAUGH, CORMAN, TILGHMAN and EARLL presented to the Chair **SB 1563**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses.

Which was committed to the Committee on TRANSPORTATION, October 11, 2000.

Senators WAUGH, COSTA, MELLOW, CORMAN, BELL, TILGHMAN, WENGER and RHOADES presented to the Chair **SB 1564**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for rights of property owners and residents.

Which was committed to the Committee on TRANSPORTATION, October 11, 2000.

Senators WAUGH, COSTA, TOMLINSON, MELLOW and TILGHMAN presented to the Chair **SB 1565**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles of nonresidents exempt from registration.

Which was committed to the Committee on TRANSPORTATION, October 11, 2000.

RESOLUTION INTRODUCED AND REFERRED

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

October 11, 2000

Senators WAUGH, THOMPSON, TARTAGLIONE, COSTA, BELAN, WAGNER, ARMSTRONG, SALVATORE, LAVALLE, BRIGHTBILL, GERLACH, LOEPER, O'PAKE, TOMLINSON, MELLOW, CORMAN, DENT, TILGHMAN,

BOSCOLA, WENGER, LEMMOND, ROBBINS, EARLL, MUSTO and KITCHEN presented to the Chair **SR 219**, entitled:

A Resolution designating November 2000 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 11, 2000.

BILL SIGNED

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

SB 1299.

REPORT FROM COMMITTEE

Senator MURPHY, from the Committee on Aging and Youth, reported the following bill:

SB 1549 (Pr. No. 2232) (Amended)

An Act authorizing heating assistance grants to certain eligible persons; providing for powers and duties of the Department of Public Welfare; and making an appropriation.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Armstrong.

The PRESIDENT. Without objection, that leave is granted.

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Bodack, Senator Fumo, and Senator LaValle, and temporary Capitol leaves for Senator Hughes, Senator Mellow, Senator Schwartz, and Senator Williams.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Bodack, Senator Fumo, and Senator LaValle, and temporary Capitol leaves for Senator Hughes, Senator Mellow, Senator Schwartz, and Senator Williams. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained leaves of absence for Senator BELAN, Senator STAPLETON, and Senator TARTAGLIONE, for today's Session, for personal reasons.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 706 (Pr. No. 2226) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, providing for adoption of budgets for 2001 by counties of the second class and political subdivisions of those counties and for an operating reserve fund; further providing for payments into certain fund and for amount of retirement allowance; providing for homestead property exclusion procedure; further providing for the making of contracts; prohibiting certain provisions in contracts relating to redevelopment assistance capital projects; continuing the county jail oversight board and its powers and duties; providing for a sports and exhibition authority; further providing for certain tax relief; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to Senate Bill No. 706?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to Senate Bill No. 706.

On the question,

Will the Senate agree to the motion?

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

Senator O'PAKE. Mr. President, this legislation contains a number of amendments to the Second Class County Code. I rise today to clarify the legislative intent for a portion of the language being added to section 1712. The provision deals with employee contributions made as a result of the removal of the cap on retirement allowances. It is the intent that employees make the contributions at least 90 days prior to the day of retirement and that the county match those contributions within 90 days.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-46

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

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 MIKE WAUGH
PRESENTED TO THE SENATE

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

Senator WAUGH. Mr. President, Members may recall yesterday a young lady who served as a guest Page from York County, Molly Fowler. Not to be outdone by his sister, today with us is a young man, Jake Fowler. He is a seventh-grade distinguished honor roll student who likes to play lacrosse, and also likes to surf and play soccer. Thank you, Jake. Could you rise.

The PRESIDENT. Jake, please rise so the Senate may welcome you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

HB 1140 CALLED UP OUT OF ORDER

HB 1140 (Pr. No. 4079) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED

HB 1140 (Pr. No. 4079) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for authority to sell or lease real property.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A4096:

Amend Title, page 1, line 6, by removing the period after "property" and inserting: ; and providing for alternative authority for third class county convention center authorities.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Rules room at the rear of the Senate Chamber, with the anticipation of returning to the floor at approximately 12:15 p.m.

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

Senator O'PAKE. Mr. President, likewise, I ask the Senate Democratic Members to meet in our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, Republicans meeting in the Rules room and Democrats meeting in their caucus room, and with the intention of returning at approximately 12:15 p.m., this Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER (Jeffrey E. Piccola) in the Chair.

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1296 (Pr. No. 2227) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Routes 22 and 322 in Dauphin County, Pennsylvania as the John J. Shumaker Memorial Highway.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1296?

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. 1296.

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

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.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

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

HB 1140 (Pr. No. 4085) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for authority to sell or lease real property; and providing for alternative authority for third class county convention center authorities.

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

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.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 618 (Pr. No. 2204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), entitled The Controlled Substance, Drug, Device and Cosmetic Act, adding a controlled substance.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 618?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 618.

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

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1219 (Pr. No. 1970) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), entitled, as amended, Cosmetology Law, further providing for definitions and for the management of cosmetology shops; and providing for booth rentals.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1219?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1219.

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

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1223 (Pr. No. 2176) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for discharge of tax claims; prohibiting certain individuals from purchasing property at a tax sale; and providing for landlord licensing ordinances.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1223?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1223.

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

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1271 (Pr. No. 2134) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1971 (P.L.206, No.34), entitled, as reenacted and amended, Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules; and making an editorial change.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1271?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1271.

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

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

Senator SALVATORE. Mr. President, Senate Bill No. 1271 is a vital piece of legislation. I think it is one of the answers to the blight in the city of Philadelphia. With the cooperation of city council there, I think this is urban revitalization at its best. We hope that this piece of legislation will bring people back to the city and will encourage people who live in the city to refurbish their houses and renovate their homes, and I look forward to working with the people of Philadelphia to try to make this bill really happen because this is legislation that everyone wanted - the developers, the builders, the people in the city, city council. Everyone was looking forward to the day that this piece of legislation would pass, and I want to thank the Members of the General Assembly for making this day happen.

Thank you.

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

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

YEA-46

Table with 4 columns of names: Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, Wozniak.

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

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

SB 1262 (Pr. No. 2215) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the maintenance and operation of multipurpose service centers for displaced homemakers and single parents; and providing for powers and duties of the Department of Education.

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

Table with 4 columns of names: Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, Wozniak.

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 1531 (Pr. No. 2216) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator O'PAKE offered the following amendment No. A4103:

Amend Sec. 1 (Sec. 102), page 2, lines 25 and 26, by striking out all of said lines and inserting: under Article XXIII(n) of the act of August 9, 1955 (P.L.323, No.130), known as "The County Code," or is

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Mellow and Senator Hughes have returned, and their temporary Capitol leaves are cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

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

HB 1604 (Pr. No. 4070) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for recording plats and deeds, for applicability of ordinance amendments and for validity of ordinance and substantive questions.

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

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

SB 130 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Williams has returned, and his temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 231 (Pr. No. 2191) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for the election of Senators in certain circumstances; and further providing for retirement of justices, judges and justices of the peace.

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

On the question,
Shall the bill pass finally?

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

Senator O'PAKE. Mr. President, we on this side of the aisle have concerns about Senate Bill No. 231. We wish we could divide the question, but unfortunately I am told we cannot since it is a proposed constitutional amendment and is not amendable by division of the question. There is substantial support on this side for allowing judges, district justices, and Justices to serve beyond their 70th birthday until the end of the calendar year in which their 70th birthday occurs. We agree that that should be put to the voters of the Commonwealth in a constitutional question.

However, we are very, very concerned about the impact of the second part of that amendment which could quite possibly displace a sitting State Senator as a result of reapportionment. Those of us who have been here for a while remember what happened after the last reapportionment. That was unfortunate. I am not so sure that this proposed constitutional amendment is the correct solution to that problem, and therefore we on this side of the aisle will be voting "no," not because we oppose allowing Justices and judges to serve until the end of the calendar year of their 70th birthday, but we have very serious concerns about combining that with the proposal that has to do with reap-

portionment and the impact on Senators who have already been elected by their constituents to serve a four-year term.

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

Senator LOEPER. Mr. President, I would just remind the Members that this joint resolution was before this body in the last Session, it passed in the last Session. This is the second Session that the joint resolution once again is before us, and I ask for an affirmative vote.

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

Senator O'PAKE. Mr. President, the question that was voted back on June 9, 1998, in the prior Session was not exactly the same as this. There was some other language that has been replaced by this language. That is another problem which perhaps a court will have to decide, but on almost a party-line vote last time this passed 27 to 21. Again, the wording was not identical to this wording. We all know that the courts have required that constitutional questions have to be identical in language and pass two successive Sessions of the General Assembly before they can appear on the ballot. We also know, as a result of a recent decision, that this will have to be stated as separate ballot questions when it is put to the voters. It is all combined into one question here.

We have serious reservations about part of that, and therefore we have to vote "no" on the whole question, as we did to other language back on June 9 of 1998.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Schwartz has returned, and her temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

POINT OF ORDER

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

Senator WHITE. Mr. President, before the vote is taken on this issue, I would like a ruling from the Chair as to whether I should vote on this issue since my spouse is a member of the judiciary.

The PRESIDENT. The Chair's reaction would be that it is not particularly personal to you as a Member of this Senate in that your spouse is a member of a general class affected by the outcome but not to the extent that it prevents you from casting your vote in that it is not particularly personal. So I think that it would guarantee you an opportunity to cast a vote.

Senator WHITE. Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-29

Armstrong	Greenleaf	Mowery	Tilghman
Bell	Hart	Murphy	Tomlinson
Brightbill	Helfrick	Piccola	Waugh
Conti	Holl	Punt	Wenger
Corman	Jubelirer	Rhoades	White
Dent	Lemmond	Robbins	
Earll	Loeper	Salvatore	
Gerlach	Madigan	Thompson	

NAY-17

Bodack	Kasunic	Musto	Williams
Boscola	Kitchen	O'Pake	Wozniak
Costa	Kukovich	Schwartz	
Fumo	LaValle	Stout	
Hughes	Mellow	Wagner	

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Hart, Senator Helfrick, and Senator Robbins have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Without objection, those leaves are granted.

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

Senator O'PAKE. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Without objection, that leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

HB 2200 CALLED UP OUT OF ORDER

HB 2200 (Pr. No. 4003) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2200 (Pr. No. 4003) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further defining "franchise"; and further providing for powers and duties of the State Board of Vehicle Manufacturers, Dealers and Salespersons, for protest hearing decision within 120 days unless waived by the parties, for reimbursement for all parts and service required by the manufacturer or distributor, for reimbursement audits, for unlawful acts by manufacturers or distributors, for restriction of manufacturer invoking a right of first refusal and for limitations on establishing or relocating dealers; and making editorial changes.

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 386 (Pr. No. 2219) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the
Pennsylvania Consolidated Statutes, providing for child-care facilities
at county judicial centers or courthouses.

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	Stout
Bell	Hart	Mellow	Thompson

Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	Musto	Wagner
Conti	Jubelirer	O'Pake	Waugh
Corman	Kasunic	Piccola	Wenger
Costa	Kitchen	Punt	White
Dent	Kukovich	Rhoades	Williams
Earll	LaValle	Robbins	Wozniak
Fumo	Lemmond	Salvatore	
Gerlach	Loeper	Schwartz	

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to
the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 454, HB 599 and HB 609 -- Without objection, the bills
were passed over in their order at the request of Senator
LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 643 (Pr. No. 2228) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the
Pennsylvania Consolidated Statutes, further providing for the number
of judges of the courts of common pleas in certain judicial districts.

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

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to
the House of Representatives for concurrence.

BILL OVER IN ORDER

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1290 (Pr. No. 2189) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), entitled, as amended, Housing Authorities Law, further providing for the members of an authority.

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

Table listing names of senators who voted 'YEA' for SB 1290, including Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, and Wozniak.

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SB 1312 (Pr. No. 2136) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for homicide by vehicle.

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

On the question, Shall the bill pass finally?

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

Senator MELLOW. Mr. President, I would just like to share some knowledge with the Members of the Senate so that the record is pretty clear as to how I got involved in introducing this piece of legislation, along with how Senator Waugh and his staff and my staff worked together on a bill that he introduced, Senate Bill No. 1486.

Mr. President, the final passage of Senate Bill No. 1312 will change a first-degree misdemeanor to a third-degree felony when an individual is involved in a motor vehicle accident where there has been a fatality and there are violations other than drunken driving.

Mr. President, a while ago we were contacted by a gentleman by the name of Ken Stackhouse, from Lake Ariel. It is a community that borders both Lackawanna and Wyoming Counties. His 15-year-old daughter, Lori, was killed in an automobile accident on October 22, 1998. The driver of the vehicle was a young woman who had previously had her license suspended for other violations and was driving that particular car without permission. At the time of the impact, she was speeding and passing on a hill in a no-passing zone. Mr. Stackhouse's daughter, Lori, and a 4-year-old child were passengers in the car. The 4-year-old was injured, an 82-year-old woman in the car being passed was killed, and this particular young lady also died.

Now, Mr. President, I think we have to extend to violators of the Motor Vehicle Code the same thing that we have extended to violators of the Motor Vehicle Code who have been under the influence of alcohol and/or drugs. When this particular woman caused this accident, although she was not under the influence of drugs and/or alcohol, she had a violation of the Vehicle Code, she was driving, speeding and passing on a hill in a no-passing zone. She quite honestly, Mr. President, was driving without her car under control, and what she really did is she aimed that car at another vehicle, not intentionally however, and caused terrible damage, not only to the families that were involved, but also to herself, because several people died as a result of that accident.

I do not think that these particular incidents should be lightly treated. Prior to this, we treated it as a misdemeanor. With the enactment of this bill, it will be changed to a third-degree felony, which will give the presiding judge much more discretion in sentencing.

So, Mr. President, I am thankful that we were able to bring it to the floor of the Senate. It is a very important piece of legislation. I am very sorry for the family of Lori Stackhouse, but at least we can tell people in Pennsylvania that if you are going to violate the Motor Vehicle Code and if you are going to speed and drive out of control and there is a fatality involved, that you are going to pay a very healthy price in Pennsylvania.

Thank you very much, Mr. President.

And the question recurring, Shall the bill pass finally?

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

YEA-46

Table listing names of senators who voted 'YEA' for SB 1312, including Armstrong, Bell, Greenleaf, Hart, Madigan, Mellow, Stout, and Thompson.

Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	Musto	Wagner
Conti	Jubelirer	O'Pake	Waugh
Corman	Kasunic	Piccola	Wenger
Costa	Kitchen	Punt	White
Dent	Kukovich	Rhoades	Williams
Earll	LaValle	Robbins	Wozniak
Fumo	Lemmond	Salvatore	
Gerlach	Loeper	Schwartz	

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL AMENDED

SB 1346 (Pr. No. 2141) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for endangering welfare of children.

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator WOZNIAK, offered the following amendment No. A3797:

Amend Sec. 1 (Sec. 4304), page 2, lines 1 through 5, by striking out all of said lines and inserting:

(c) Exception.—A parent who delivers a newborn to a safe haven shall not be prosecuted for violation of this section.

(d) Obligations.—

Amend Sec. 1 (Sec. 4304), page 2, by inserting between lines 15 and 16: (e) Liability.—

Amend Sec. 1 (Sec. 4304), page 2, line 16, by striking out "(3)" and inserting: (1)

Amend Sec. 1 (Sec. 4304), page 2, line 18, by striking out "subsection" and inserting: section

Amend Sec. 1 (Sec. 4304), page 2, line 19, by striking out "(4)" and inserting: (2)

Amend Sec. 1 (Sec. 4304), page 2, lines 21 through 30; page 3, lines 1 and 2, by striking out all of lines 21 through 30, page 2, all of line 1 and "(f)" in line 2, page 3 and inserting:

(3) A safe haven shall provide or transport the newborn to a facility where the newborn can receive immediate medical care or treatment.

(4) Safe havens shall post signs at or near entrances used by the public. The size, contents and placement of the signs shall be developed by the Department of Public Welfare through interim guidelines, which shall remain in effect for one year from the effective date of this subsection. Thereafter, the department shall promulgate regulations governing the size, contents and placement of such signs.

(f) Nonrelinquishing parent's rights.—The rights and duties of both parents and the safe haven and the procedures used for actions pursuant to this section shall be governed by 23 Pa.C.S. Ch. 25 (relating to proceedings prior to petition to adopt).

(g)

Amend Sec. 1 (Sec. 4304), page 3, line 11, by striking out "one month" and inserting: 30 days

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

SB 1444 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1468 (Pr. No. 2023) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1999 (P.L.205, No.27) entitled "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; and authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania," further providing for the purpose of the conveyance.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-46

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

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

HB 1473 (Pr. No. 3704) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations, for notification by manufacturers of gasoline additive information, for retail service stations and for penalties.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-46

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

SB 1487 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1502 (Pr. No. 2220) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Stepping Stone Counseling and Education Services, Inc., certain lands and building situate in the City of York, York County, Pennsylvania.

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	Stout
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	Musto	Wagner
Conti	Jubelirer	O'Pake	Waugh

Corman	Kasunic	Piccola	Wenger
Costa	Kitchen	Punt	White
Dent	Kukovich	Rhoades	Williams
Earll	LaValle	Robbins	Wozniak
Fumo	Lemmond	Salvatore	
Gerlach	Loeper	Schwartz	

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL AMENDED

SB 1523 (Pr. No. 2118) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1992 (P.L.761, No.115), entitled "An act designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police Week" in Pennsylvania; designating the Sunday during Fire Prevention Week as "Firefighters' Memorial Sunday"; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th," further providing for display of flags.

On the question,
Will the Senate agree to the bill on third consideration?
Senator O'PAKE, on behalf of Senator KUKOVICH, offered the following amendment No. A3782:

Amend Sec. 1 (Sec. 1), page 2, line 8, by striking out "paramedic" and inserting: emergency services personnel
Amend Sec. 1 (Sec. 1), page 2, line 8, by inserting after "duty":
The term emergency services personnel shall include any paramedic, rescue squad and ambulance services personnel.

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

On the question,
Will the Senate agree to the bill on third consideration, as amended?
Senator O'PAKE, on behalf of Senator KUKOVICH, offered the following amendment No. A3785:

Amend Title, page 1, line 8, by inserting after "15th,": providing for emergency services personnel; and
Amend Sec. 1, page 1, line 11, by striking out "Section 1(c)" and inserting: The title and section 1(b) and (c)
Amend Sec. 1, page 1, line 18, by striking out "is" and inserting: are
Amend Sec. 1, page 1, by inserting between lines 18 and 19:

AN ACT

Designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police and Emergency Services Personnel Week" in Pennsylvania; designating the Sunday during Fire Prevention Week as "Firefighters' Memorial Sunday"; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th.

Amend Sec. 1 (Sec. 1), page 1, by inserting after line 20:
(b) Peace Officers Memorial Day; Police and Emergency Services Personnel Week.--May 15th is designated as "Peace Officers Memorial

Day" in Pennsylvania in honor of peace officers who have been killed in the line of duty and designate that week of May during which May 15th occurs as "Police and Emergency Services Personnel Week" in Pennsylvania in recognition of our country's courageous peace officers and emergency services personnel including paramedics, rescue squad and ambulance service personnel.

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

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

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2209 (Pr. No. 3528) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, allowing doctors with volunteer licenses to prescribe medication to family members.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-46

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2481 (Pr. No. 3385) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for application and qualifications.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-46

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

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 BARBER EXAMINERS**

July 31, 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, James N. Papoutsis (Public Member), 9 Kensington Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Barber Examiners, 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, vice Nancy E. Anderson, Lancaster, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND
RESEARCH ADVISORY BOARD**

September 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, Rochelle L. Krowinski, 6040 Briar Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Joyce C. Wilhelm, Erie, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

July 20, 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, Glen S. Bartlett, M.D., Ph.D., 1420 Deerfield Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice Margaret A. Tyndall, Ph.D., Pittsburgh, resigned.

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, Elan L. Welter Lewis, 150 McEvoy Road, Fenelton 16034, Butler County, Twenty-first 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 CHILDREN'S
TRUST FUND BOARD

July 20, 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, David Turkewitz, M.D., 2720 Castanea Court, York 17402, York County, Twenty-eighth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice John F. Ochs, Erie, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

August 15, 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, Janet P. Thomas, 118 Tubbs Hill Road, Benton 17814, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Melissa Chapman, Marietta, whose term expired.

THOMAS J. RIDGE
Governor

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

May 31, 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. Talbot Heppenstall, Jr., 223 Cornwall Drive, Pittsburgh 15238, Allegheny County, Thirty-eighth Senatorial District, for appointment 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, vice Jerald S. Batoff, Esquire, Villanova, whose term expired.

THOMAS J. RIDGE
Governor

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

May 31, 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, Teri J. MacBride, 123 Victoria Lane, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment 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 her successor is appointed and qualified, vice William R. Sasso, Esquire, Gwynedd Valley, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF 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, The Honorable Samuel E. Hayes, Jr., Box 120, Warriors Mark 16877, Huntingdon County, Thirtieth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2004 or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 22, 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, Angela M. Ambrose, 301 Chardick Drive, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Joy C. Leonard, Easton, graduated.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 22, 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, James V. Manser, IV, 2040 Kerr Road, Harleysville 19438, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Zachary I. Cattell, West Chester, graduated.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

September 22, 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, Amy M. Yozviak, 126 Hanlin Drive, Nanticoke 18634, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Shelby A. Linton, Millersville, graduated.

THOMAS J. RIDGE
Governor

MAJOR GENERAL, PENNSYLVANIA
NATIONAL GUARD

June 7, 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, Brigadier General James M. Skiff, RD 2, Box 4482, Jonestown 17038, Lebanon County, Forty-eighth Senatorial District, for appointment as Major General, with assignment as Assistant Adjutant General/ Commander, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

June 7, 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, Colonel Michael H. Weaver, 220 Adams Point Boulevard #6, Mars 16046, Butler County, Fortieth Senatorial District, for appointment as Brigadier General, Chief of Staff, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD

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, Jessica L. Wright, RD 2, Box 469, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Assistant Adjutant General, Headquarters State Area Command (-), Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General John E. Stevens, reassignment.

THOMAS J. RIDGE
Governor

MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE

August 7, 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 H. Klaban (Republican), 724 West Fairmont Avenue, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified, vice Eleanor E. Gentzel, deceased.

THOMAS J. RIDGE
Governor

CONTROLLER, BUCKS COUNTY

May 15, 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, Raymond F. McHugh, 1496 Nancy Drive, Southampton 18966, Bucks County, Tenth Senatorial District, for appointment as Controller, in and for the County of Bucks, to serve until the first Monday of January 2002, vice Rea Boylan Thomas, Esquire, resigned.

THOMAS J. RIDGE Governor

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

QUESTION DIVIDED

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

Senator SALVATORE. Mr. President, I would like the nomination of Raymond F. McHugh as Controller, Bucks County, brought up at this time. It requires a two-thirds vote.

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

Senator O'PAKE. Mr. President, we are having difficulty hearing. Are we voting the nomination of Raymond McHugh or not?

The PRESIDENT. Senator Salvatore is proposing that the first order of business and the first vote in the nominations be that of Raymond F. McHugh. Is that right?

Senator SALVATORE. Yes, Mr. President.

Senator O'PAKE. Mr. President, and that will be a separate vote?

The PRESIDENT. Right now.

Senator O'PAKE. Mr. President, we intend to vote "no" on the McHugh nomination.

On the question,

Will the Senate advise and consent to the nomination of Raymond F. McHugh as Controller, Bucks County?

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

YEA-29

Table with 4 columns: Armstrong, Greenleaf, Mowery, Tilghman; Bell, Hart, Murphy, Tomlinson; Brightbill, Helfrick, Piccola, Waugh; Conti, Holl, Punt, Wenger; Corman, Jubelirer, Rhoades, White; Dent, Lemmond, Robbins; Earll, Loeper, Salvatore; Gerlach, Madigan, Thompson

NAY-17

Table with 4 columns: Bodack, Kasunic, Musto, Williams; Boscola, Kitchen, O'Pake, Wozniak; Costa, Kukovich, Schwartz; Fumo, LaValle, Stout; Hughes, Mellow, Wagner

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

RECONSIDERATION OF VOTE

NOMINATION LAID ON THE TABLE

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

Senator SALVATORE. Mr. President, I move to reconsider the vote on the nomination of Raymond F. McHugh as Controller, Bucks County, and I move that the nomination be laid on the table.

The PRESIDENT. Senator Salvatore moves that the vote be reconsidered and the nomination be laid upon the table.

On the question,

Will the Senate agree to the motion?

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

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

On the question,

Will the Senate agree to the balance of the nominations?

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

YEA-46

Table with 4 columns: Armstrong, Greenleaf, Madigan, Stout; Bell, Hart, Mellow, Thompson; Bodack, Helfrick, Mowery, Tilghman; Boscola, Holl, Murphy, Tomlinson; Brightbill, Hughes, Musto, Wagner; Conti, Jubelirer, O'Pake, Waugh; Corman, Kasunic, Piccola, Wenger; Costa, Kitchen, Punt, White; Dent, Kukovich, Rhoades, Williams; Earll, LaValle, Robbins, Wozniak; Fumo, Lemmond, Salvatore; Gerlach, Loeper, Schwartz

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.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 47 (Pr. No. 3953) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful restraint, for false imprisonment and for obscenity; and providing for sex offender treatment.

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

BILLS OVER IN ORDER

HB 165, SB 295, SB 393, SB 474 and HB 519 -- Without objection, the bills were passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 877 (Pr. No. 4081) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for inspection of court files and records and for juvenile history record information and for the definition of "local agency" for purposes of matters affecting governmental units.

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

HB 1142 (Pr. No. 4032) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, further providing for the location of real property within neighborhood improvement districts; extending provisions relating to neighborhood improvement districts to all municipalities; and making editorial changes.

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

BILL REREFERRED

SB 1401 (Pr. No. 1832) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, imposing additional requirements on the Board of Commissioners of Public Grounds and Buildings relating to the approval of leases of real estate.

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 1414, SB 1431 and SB 1443 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1447 (Pr. No. 1957) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No. 284), entitled The Insurance Company Law of 1921, further defining "insurer" and "person" for purposes of insurance holding companies; and further providing for standards and management of an insurer within a holding company system.

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

SB 1453 (Pr. No. 2156) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1475, SB 1486, SB 1490, SB 1495, SB 1504, and SB 1511 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1547 (Pr. No. 2171) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on a certain tract of land in Mercer County owned by the Pennsylvania Game Commission in exchange for the imposition of Project 70 restrictions on a certain tract of land in Mercer County to be conveyed to the commission.

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

BILL OVER IN ORDER

HB 1728 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 2189 (Pr. No. 3462) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1973 (P.L.397, No.141), referred to as the Teacher Certification Law, providing for a short title; further providing for definitions relating to professional standards and requirements, for the Professional Standards and Practices Commission,

for its membership and qualifications, for its powers and duties, for its organization and meetings and for complaints; providing for the imposition of discipline against professional educators; further providing for confidentiality, for duties of local school board officials, for department action after investigation, for hearings, for decisions by hearing officers, for appeals, for reinstatement and for unauthorized release of information; providing for immunity from liability; further providing for commission proceedings and procedures; and providing for charter school staff members.

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

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider Senate Bill No. 1224, House Bill No. 1443, Senate Resolution No. 219, and certain nominations.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately following this announcement, the Senate stands in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 1224 (Pr. No. 2222) (Rereported) (Concurrence)

An Act amending the act of November 24, 1998 (P.L.882, No.111), entitled Crime Victims Act, further providing for definitions, for victims' rights, for law enforcement functions and for prosecutorial functions; providing for juvenile probation office functions; and further providing for the Victims' Services Advisory Committee, for powers and duties of the committee and for costs.

HB 1443 (Pr. No. 4120) (Amended) (Rereported)

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, codifying and amending provisions on public lands; and making a repeal.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 219 (Pr. No. 2231)

A Resolution designating November 2000 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

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

CONSIDERATION OF CALENDAR RESUMED

**SENATE CONCURRENT RESOLUTION
 No. 47, ADOPTED**

Senator LOEPER, without objection, called up from page 10 of the Calendar, as a Special Order of Business, **Senate Concurrent Resolution No. 47**, entitled:

A Concurrent Resolution requesting Congress submit to the several states an amendment to the Constitution of the United States forbidding judicial taxation.

On the question,
 Will the Senate adopt the resolution?

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

YEA-43

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

NAY-3

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

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**HOUSE CONCURRENT RESOLUTION
 No. 104, ADOPTED**

Senator LOEPER, without objection, called up from page 10 of the Calendar, as a Special Order of Business, **House Concurrent Resolution No. 104**, entitled:

A Concurrent Resolution urging the support of proper timber harvesting as a management tool to ensure better forest health in the Commonwealth of Pennsylvania.

On the question,
 Will the Senate concur in the resolution?

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

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

SENATE RESOLUTION No. 204, ADOPTED

Senator LOEPER, without objection, called up from page 10 of the Calendar, as a Special Order of Business, **Senate Resolution No. 204**, entitled:

A Resolution urging the Congress of the United States to enact reforms to the Federal Medicare program by providing adequate payments to Medicare insurers and Medicare providers to ensure Pennsylvania's Medicare beneficiaries retain health care coverage and health care plan choices in their communities.

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. 215, ADOPTED

Senator LOEPER, without objection, called up from page 10 of the Calendar, **Senate Resolution No. 215**, entitled:

A Resolution urging the Congress of the United States and the Food and Drug Administration (FDA) to take quick action to investigate and resolve the skyrocketing cost of prescription drugs and to end certain deleterious advertising practices harmful and costly to the Pennsylvania consumer.

On the question,

Will the Senate adopt the resolution?

Senator MELLOW offered the following amendment No. A4050:

Amend Title, page 1, lines 1 through 5, by striking out "Congress of the United States and the Food and Drug" in line 1, all of lines 2 through 5 and inserting: Governor of Pennsylvania, Thomas J. Ridge through executive order to take quick action to require all State agency prescription drug plans to investigate the use of bulk purchasing or rebate agreements similar to those used under PACE.

Amend Second Whereas Clause, page 1, line 12, by inserting after "rate": ; and

Amend Resolution, page 1, lines 12 through 18; page 2, lines 1 through 29, by striking out ", due in part to increased" in line 12, all of lines 13 through 18, page 1 and all of lines 1 through 29, page 2

Amend Fifteenth Whereas Clause, page 3, lines 9 through 11, by striking out all of said lines

Amend Sixteenth Whereas Clause, page 3, lines 13 and 14, by striking out "as a result of these practices"

Amend Resolution, page 3, lines 16 through 23, by striking out "and" in line 16, all of lines 17 through 23 and inserting: therefore be it

Amend Resolution, page 3, lines 25 through 30; page 4, lines 1 through 6, by striking out all of said lines on said pages and inserting: implore the Governor of Pennsylvania, Thomas J. Ridge, to take quick action, through his executive order powers, to require all State agency prescription drug plans to investigate the use of bulk purchasing of prescription drugs or the entering into of rebate agreements similar to those used under the PACE program to lower the costs of prescriptions; and be it further

RESOLVED, That upon investigation and determination that bulk purchasing or entering into rebate agreements with prescription drug manufacturers will lower prescription drug costs, the findings of the

investigation to lower prescription drug prices shall be implemented; and be it further

RESOLVED, That copies of this resolution be sent to the Governor of the Commonwealth of Pennsylvania and the Commissioner of the Food and Drug Administration.

On the question,

Will the Senate agree to the amendment?

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

Senator O'PAKE. Mr. President, I rise in support of this amendment. This amendment says that the Governor, through executive order, should take quick action to require all State agency prescription drug plans to investigate the use of bulk purchasing or rebate agreements similar to those used under PACE. The object of the amendment, of course, is to allow the Governor to save probably 20 to 40 percent of the cost of prescription drugs in Pennsylvania by consolidating and having a bulk purchaser negotiate substantial rebates through the volume discount process.

This is exactly the route that has just been legislated by the State of Maine. It is an attempt to bring Pennsylvania into the progressive States that are trying to do something to help people with their prescription drug costs. It is very apparent that it is unfair for an individual to have to pay more for his or her prescription drugs than the individual who is covered by a bulk plan such as PACE or Medicaid or any other bulk purchaser. So all this does is urge the Governor to investigate the use of bulk purchasing or rebate agreements similar to those used under PACE.

Information available to us indicates that Pennsylvanians now are spending almost \$2 billion a year more than they should have to pay for their prescription drugs. This will allow the Governor to consolidate purchasing and to allow all Pennsylvanians to take advantage of the bulk purchasing that is now available under PACE and under Medicaid and other group plans. We think it is an important first step in dealing with the problem of escalating prescription drug costs in this State, and we urge an affirmative vote.

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

Senator PICCOLA. Mr. President, I rise in opposition to the amendment. Senate Resolution No. 215 came out of the Committee on Intergovernmental Affairs very recently, and the amendment that has been offered to this resolution will gut and strike out the body of the resolution as it is presently constituted. The language that will be struck by this amendment calls for Congress and the Federal Food and Drug Administration to move to prohibit the direct-to-consumer marketing and advertising of prescription drugs.

The reason for this request of the Congress and the FDA is because in the last 3 years we have seen a dramatic increase in the spending by pharmaceutical companies on the direct advertising and marketing of prescription drugs to the consuming public. And, just within the last several days, what is really commonsense intuition has been confirmed by a report that was issued by the National Institute for Health Care Management. This report, which was issued in September, confirms that this advertising, which has been going on for the last 3 years, has contributed significantly to the cost of pharmaceuticals.

Some of the highlights of that report are as follows: Pharmaceutical companies spent \$1.8 billion on direct-to-consumer advertising in 1999, which was up 38.5 percent from the \$1.3 billion that was spent in 1998, and 33 times the \$55 million that was spent on mass media advertising in 1991. The report also confirms that this advertising works. Prescription drugs that were advertised directly to consumers are now the largest and fastest selling medicines, and they have contributed significantly to the 19-percent increase in pharmaceutical spending in 1999.

Mass media advertising has concentrated only on about 50 drugs, and the sale of those drugs has contributed the most to the growth in prescription drug use and sales during 1999. About 10 percent of the people who see prescription drug ads ask their doctor for the specific drug. For example, Lipitor sales shot up 56 percent in 1999, after its maker spent \$55 million in advertising this drug.

Now, the report is quite lengthy and I would like to submit it for the record, Mr. President, but it clearly sets forth that since 1997, when the Federal Food and Drug Administration modified its restrictions on mass advertising of prescription drugs, that Hollywood and Manhattan advertisers and producers have spent billions of dollars, which are not being paid by pharmaceutical companies, they are being passed on to the consumer and have therefore contributed significantly to the cost of prescription drugs. Somebody is getting rich, and it is not the consumer. It is somebody's friends in Hollywood and Manhattan.

I would suggest that it is just common sense that Congress and the FDA stop this practice, because when you are sitting at home in your living room watching an advertisement for a drug that you cannot buy, it does not make a whole lot of sense. Clearly, they should be marketing that product to physicians and health care providers, because they are the ones in the position to make the decisions as to whether that drug is appropriate for you or your constituents. But we should not have Hollywood and Manhattan spending billions of dollars and then taking those billions of dollars from those who are in need and purchase the pharmaceutical products in this country. This amendment will strike the language calling upon Congress to do that, and therefore this amendment should be defeated.

Thank you, Mr. President.

(The following research brief was made a part of the record at the request of the gentleman from Dauphin, Senator PICCOLA.)

PRESCRIPTION DRUGS AND MASS MEDIA ADVERTISING

Medicines advertised directly to the public were responsible for the bulk of the increase in spending on prescription drugs between 1998 and 1999 -- and the trend continues in 2000.

The number of mass media ads for prescription drugs has exploded in recent years. They are quite literally everywhere, but most noticeably on television.

Pharmaceutical companies spent \$1.8 billion on mass media (also called direct-to-consumer or DTC) advertising in 1999, up 38.5 percent from the \$1.3 billion spent in 1998 and 33 times the \$55 million spent on mass media ads in 1991. Television ads accounted for the bulk -- \$1.1 billion -- of the expenditure, up 70 percent from 1998.

Spending on mass media advertising for prescription drugs continued to accelerate in the first four months of 2000 -- reaching \$946 million for the period, 58 percent more than the \$597 million spent during

the first four months of 1999. At that pace, DTC spending will break \$2 billion in 2000.

Six new medicines first sold in 1999 are driving the latest burst in DTC spending. They are Vioxx, Celebrex, Xenical, Tamiflu, Paxil, and Flovent. The makers of the six new drugs spent a combined \$210 million promoting them to consumers between January and April 2000.

Mass media advertising is still a minor, if rapidly growing, component of total prescription drug promotional spending. In 1999, DTC advertising accounted for 27 percent of the \$6.6 billion pharmaceutical companies spent directly promoting their products to doctors and consumers. Mass media advertising was 22 percent of all direct promotion expenses in 1998, and 10 percent in 1995. In addition, pharmaceutical companies provided \$7.2 billion worth of free samples to doctors' office in 1999, up from \$6.6 billion in 1998. Such samples are considered a promotional expense.

The Food and Drug Administration (FDA) sparked the recent rapid growth in the mass media marketing of prescription drugs when, in 1997, it clarified rules pertaining to such ads. The action made it easier for companies to launch TV, print, and radio ad campaigns.

The advent of the mass media advertising of prescription drugs has coincided with a sharp rise in the number of prescriptions being written and overall spending on prescription drugs. Prescription drug spending is today the fastest growing health care expense.

Retail pharmacies dispensed about 2.6 billion prescriptions in 1998, up from 2.1 billion in 1994. The number of prescriptions dispensed per person rose from 8 to almost 10 in the same period. Estimated retail spending on prescription drugs stood at \$78.9 billion in 1997. It rose to \$93.4 billion in 1998, an 18.4 percent increase. It jumped again to \$111.1 billion in 1999, a 19 percent increase over 1998. Expenditures per person rose from an average \$330 in 1998 to \$387 in 1999, up 17 percent.

Recent studies project that prescription drug spending will increase on the order of 12 to 18 percent per year through 2004. If that comes to pass, Americans will spend an estimated \$218 to \$254 billion on prescription drugs in 2005 and drug spending will represent as much as 14 percent of all health care spending, up from around 10 percent in 2000.

The primary driver of this trend is the increase in the number of prescriptions being written, and the shift to newer, more expensive drugs.

Numerous observers have raised concerns about whether mass media ads are inappropriately inducing demand for some new prescription medicines. They worry that people are beginning to ask their doctors for newer and costlier medicines when less expensive drugs may work just as well in many cases. There is also mounting concern that (a) mass media ads transform medicines into just another consumer product and (b) put pressure on drug makers to build "brand" name products that may have misplaced consumer allegiance.

Proponents of DTC advertising argue that the ads have added enormously to the information consumers are getting about prevalent health conditions and diseases. They say the ads make people aware of potential treatment options and facilitate dialogue between doctors and patients about diseases and conditions that are widely undertreated in the U.S. (such as early heart disease, diabetes, depression and high blood pressure).

A cause-and-effect relationship between DTC ads and the rise in drug prescriptions and pharmaceutical spending has not been firmly established. But many observers infer it and the circumstantial evidence is strong. Recent surveys, in particular, show that DTC prescription drug ads have indeed caught consumers' attention and sparked many people to ask their doctors about and for the drugs they see advertised.

In a 1999 survey of 1,200 people by Prevention magazine and the American Pharmaceutical Association, 31 percent of respondents said they had talked with their doctor about a prescription drug they had seen advertised. Of those 372 people, 104 (8.7 percent of all respondents) asked their doctor for a drug they saw advertised and 87 said their doctor complied and wrote them a prescription for it.

A survey by the FDA of 1,081 consumers found similar results. Three-quarters had seen an ad for a prescription drug in the three previous months -- most on TV. About 25 percent who had seen an ad said they asked a doctor (for the first time) about a condition or illness; 13 percent asked for a specific drug and half got it; 32 percent got a differ-

ent drug. Some 85 percent of respondents said ads helped them become aware of new drugs.

This research brief presents and analyzes data on DTC prescription drug advertising in 1999 and 2000 as well as data on the nationwide retail sales of selected prescription drugs that were most heavily promoted to consumers in 1998, 1999 and 2000.

FINDINGS

Mass media advertising of prescription medicines continues to be heavily concentrated among a relatively few drugs -- about 50. And sales of these drugs contributed powerfully to the steep increase in prescription drug spending in 1999.

The 25 drugs that contributed most to the increase in retail sales of pharmaceuticals in 1999 accounted for 40.7 percent of the overall \$17.7 billion rise in spending. Most of these drugs were heavily advertised to the public and experienced a sharp growth in sales -- an aggregate 43 percent in a single year. In contrast, the growth in sales for all other prescription drugs from 1998 to 1999 was 13.3 percent. For all drugs combined, spending rose 19 percent.

The strong growth in revenues and spending for heavily promoted drugs was driven largely by the rise in the volume of prescriptions. Pharmacies dispensed 34.2 percent more prescriptions in 1999 than in 1998 for the 25 drugs that contributed most to the rise in spending in 1999. In comparison, pharmacies dispensed just 5.1 percent more prescriptions for all other medicines in 1999.

The average price of a prescription was up 10 percent overall in 1999 -- twice the increase for other medical products. That increase is due partly to the rise in the prices of individual drugs but more substantially to the continued shift to more expensive drugs overall.

A number of new drugs burst on the scene in 1999. Several were heavily promoted to consumers and contributed significantly to the growth in overall spending. Six new drugs (Celebrex, Vioxx, Enbrel, Xenical, Sustiva, and Avandia) were among the top 25 driving the rise in spending. They had combined sales of \$2.24 billion in 1999, almost 13 percent of the overall increase in spending.

The allergy drugs

For the second year in a row, the anti-allergy drug Claritin topped the list of drugs promoted most widely to consumers. Schering-Plough spent \$137 million advertising various forms of Claritin to consumers in 1999. Claritin sales rose 21 percent, to \$2.6 billion. That rise came on top of a leap in Claritin sales from \$900 million in 1996 to \$2.1 billion in 1998. The company spent \$185 million advertising the drug in 1998.

Competition for the "eyeballs" and dollars of allergy sufferers was particularly intense in 1999. Claritin competitors Zyrtec (Pfizer) and Allegra (Aventis) were promoted to consumers at a cost of \$57 million and \$42.8 million, respectively, in 1999. Both drugs joined Claritin in seeing sales surge -- 31.5 percent for Zyrtec and 50 percent for Allegra.

Combined, the one-year increase in sales for all three anti-allergy drugs accounted for 4.4 percent of the overall increase in drug spending in 1999. Sales of the three combined were \$3.7 billion.

The ad campaigns for allergy drugs appear to have significantly boosted visits to doctors for allergy symptoms in recent years. One recent study found that visits to doctors for allergy symptoms were relatively stable from 1990 to 1998 -- at about 13 to 14 million visits per year. In 1999, they shot up to 18 million.

Schering-Plough appears to be scaling back DTC ads for Claritin in 2000. The company spent \$34 million promoting the drug between January and April of this year, 38 percent less than during the same period 1999. Claritin is likely to drop from the top DTC spending spot in 2000. The company may be scaling back its promotion of the blockbuster drug as it prepares to launch a new version of Claritin next year, pending FDA approval. Schering-Plough's patent on its current version of Claritin runs until December 2002.

Other heavily advertised drugs also had significant -- and sometimes dramatic -- increases in sales in 1999.

The cholesterol busters

The cholesterol drug Lipitor saw sales jump almost 56 percent in 1999 -- to \$2.6 billion. The volume of prescriptions was up almost 50 percent. Warner-Lambert/Pfizer spent \$55.4 million advertising Lipitor to consumers in 1999, up from \$7.8 million in 1998. Lipitor entered the market in March 1997.

The increase in sales of Lipitor alone accounted for 5.5 percent of the total increase in prescription drug spending in 1999. The drug now has a 41 percent share of the cholesterol-lowering market. Lipitor sales continued to be strong in the first half of 2000, up a reported 40 percent from 1999. The company continues to advertise the drug intensively this year.

Lipitor's main competitor, Zocor, saw sales increase 15.3 percent in 1999 -- to \$1.8 billion -- after a DTC promotional spending of \$35 million. Sales are reportedly running 20 percent higher in 2000.

Lipitor's other rival, Bristol Myers Squibb's Pravachol, had a modest sales increase in 1999, up 8.7 percent to slightly more than \$1 billion. The company spent less than \$100,000 on DTC ads, a stark contrast to the \$59.6 million it spent advertising Pravachol in 1998 and the \$66.5 million in 1997. The patent on Pravachol doesn't expire until 2005. But Bristol Myers may be frustrated by the drug's also-ran status, and by the effect of the patent expiration in 2001 of Merck's Mevacor, also a cholesterol-lowering drug. The expiration will allow the first generic to enter the lucrative cholesterol market next year. Bristol Myers and Merck also both petitioned the FDA last year to market low dose, over-the-counter versions of the two drugs. An expert panel recommended against the petitions in June.

As with Lipitor, the heavily promoted oral diabetes drug Glucophage experienced a sales jump of almost 49 percent in 1999 -- to \$1.2 billion. Bristol Myers Squibb spent \$43 million advertising the drug to consumers in 1999. Sales of Glucophage continue their surge in 2000, up a reported 39 percent by mid-year. The drug benefited from the removal of rival Rezulin from the market in March 2000 because of toxicity problems. But the patent on Glucophage expires in September, 2000 and Bristol Myers will likely soon shift its ad campaign to Glucovance, approved by the FDA in August.

The little purple pill

The nation's top-selling prescription drug, Prilosec, used to treat ulcers and other digestive system ailments, saw sales increase 24 percent in 1999, to \$3.6 billion. AstraZeneca, spent \$79.4 million advertising the drug in 1999, up from \$49.7 million in 1998. The company spent another \$42 million advertising Prilosec between January and April 2000.

The Prilosec ad campaign has been the subject of much comment. It's among the first to rely so heavily on getting consumers to identify a drug (or any product for that matter) with a color -- purple. The 20-milligram pills are purple. And the ads make use of the color too, as well as promoting "the little purple pill."

Sales of Prilosec had begun to fall off by mid 2000, however, down a reported 1 percent. AstraZeneca continues to promote the drug heavily, but rivals have lowered prices of ulcer drugs in anticipation of a battle next year. Prilosec's patent expires in October 2001 and a generic version is waiting in the wings. AstraZeneca is hoping to roll out a successor to Prilosec, called Nexium.

Several drugs approved in 1998 and marketed for the first time in 1998 or 1999 had tremendous first year sales -- some with an initially modest DTC ad expenditure. Most notable were three new drugs -- Celebrex, Vioxx and Enbrel -- to treat the pain of arthritis and joint or tissue inflammation.

The hottest drug launch ever

Celebrex had explosive first year sales of almost \$1.3 billion, becoming the most successful prescription drug launch in history and the top-selling anti-arthritis drug. Celebrex contributed more than any other single drug (7.4 percent) to the rise in overall drug spending in 1999. G.D. Searle spent \$27.6 million advertising the drug in 1999 and \$31.4 million between January and April 2000.

Vioxx and Enbrel also experienced first year surges, with 1999 sales of \$329.5 million and \$271.3 million, respectively. Merck spent \$17.1 million advertising Vioxx and American Home Products/Immune spent \$10.4 million advertising Enbrel. Both drugs continue to be heavily promoted in 2000. Merck spent \$67 million advertising Vioxx between January and April 2000, the highest DTC spend of any drug in the period. Vioxx sales were \$475 million in the first half of 2000.

Xenical, used to treat obesity, also experienced strong first year sales of \$144.7 million. But Roche Laboratories spent \$76 million promoting the drug -- by far the most lopsided DTC ad dollars-to-sales ratio on the top 25 list. Even so, Roche has continued to heavily promote the product in 2000, spending \$31.2 million on DTC ads between January and April 2000.

At the other end of the spectrum, Glaxo Wellcome saw sales of its HIV anti-viral Combivir jump 46.5 percent, to \$357.6 million. Yet, the company spent just \$2 million promoting the drug directly to consumers. Likewise, the new HIV drug Sustiva saw first year sales of \$119 million with a DTC spend by maker DuPont of \$721,000. Both drugs were widely promoted to physicians.

The anti-depressants

The three best-selling anti-depressant drugs, Prozac, Zoloft and Paxil, experienced modest sales growth in 1999. Their makers took different approaches to marketing the drugs to consumers.

Sales of all anti-depressants were \$8.6 billion in 1999, 7.7 percent of all retail drug sales -- more than any other class of prescription drug. Prozac continued as the top-selling anti-depressant, with \$2.4 billion in sales, up just 4.3 percent over 1998. Eli Lilly spent only \$151,000 promoting the drug to consumers in 1999, after spending \$41 million in 1998. Two factors may explain the drop-off. First, Prozac is a widely known drug -- one of the few to have "household name recognition" status. Second, the drug's patent expires in February 2001. Lilly is planning to then market a new "purified" form of the drug, patented until 2015. (In August, a federal court ruled against Lilly's attempt to extend its Prozac patent until December 2003. Lilly said it will appeal the ruling.)

In contrast, SmithKline Beecham spent \$31.5 million to advertise Paxil to consumers in 1999 and is spending even more in 2000 (\$26.4 million between January and April). Paxil had sales of \$1.4 billion in 1999, up 15.8 percent. Zoloft rang up sales of \$1.6 billion in 1999, up 12.4 percent. Pfizer spent less than \$100,000 advertising the drug in the mass media while it focused on physician advertising.

Three respiratory steroids, to treat asthma, were also heavily promoted to consumers in 1999. Their makers spent a combined \$137.4 million on DTC ads for Flovent, Nasonex, and Flonase. All three saw sales leap from 1998 to 1999. Market leader Flonase had 1999 sales of \$489.5 million, up 38 percent. Flovent had sales of \$388 million, up 61.2 percent. And Nasonex had sales of \$264 million, up 116 percent.

Last but not least -- Viagra. Pfizer spent \$53 million promoting the erectile dysfunction medicine to consumers in 1999. It was the ninth most heavily advertised prescription drug. Viagra also benefited from tremendous unpaid media attention in 1999. Both paid promotion and unpaid media attention propelled sales to \$617 million in 1999, the second best prescription drug launch ever (after Celebrex). Viagra sales were flat in the first half of 2000, however, a trend Pfizer aimed to break with a new ad campaign aimed at younger men.

CONCLUSION

Advertising works. It always has. Pharmaceutical companies have successfully promoted their products to doctors for decades. They are now bringing that marketing savvy to the consumer marketplace. This trend is occurring at a time when pharmaceutical companies in general are shifting focus and resources to marketing from research and development.

The growth of DTC advertising is altering the way prescription drugs are perceived. The ads send a strong signal that prescription drugs are just like any consumer product -- soap, cereal, cars, snack foods, etc. Also, surveys indicate that while consumers bring a healthy skepticism to the claims made in prescription drug ads, they believe the informa-

tion is approved by the government. That likely raises the credibility of prescription drug advertising over ads for other products.

The primary aim of drug ads -- as with all advertising -- is to create name and brand recognition, a context for the use of a product and to boost sales and profits. Only secondarily do prescription drug ads aim to inform consumers about diseases or treatment options. To their credit, the ads have apparently raised awareness of many medical conditions, early evidence suggests.

The question is whether -- over time -- the benefits of raising consumers' awareness of specific (mostly new) prescription drugs and the conditions the medicines treat will outweigh the danger that consumers will begin to demand and use some medicines inappropriately. Studies must tract this.

There is also a danger that DTC ads will add to physician-targeted promotion in a negative way. Studies overwhelmingly show that doctors strive to please their patients, and that they are open to patients' requests to try treatments. A doctor is more likely to prescribe a new medicine if (a) it is being promoted to him and (b) his patients ask for it. Together, doctor and patient could put more faith than is warranted in some new medicines that have only marginal benefits over old ones.

Many observers worry that prescription drug ads could also help nurture the already-deep faith many Americans have in pills. Public health officials believe this reliance often undermines peoples' willingness to make the lifestyle changes necessary to prevent disease and improve health. Mass media prescription drug advertising also could further induce pharmaceutical companies to concentrate on developing blockbuster drugs for prevalent but not life-threatening conditions (such as baldness, sexual dysfunction, or memory loss) that -- aided by DTC promotion -- will net them the most profit in the shortest period. Such a trend could reduce research and development on breakthroughs for life-threatening diseases.

DTC advertising for prescription drugs will almost certainly expand in the near future. It will also enter cyberspace. Health care web sites are already supported in part by prescription drugs advertising -- though drug companies spent less than \$1 million on such ads in 1999. Popular general sites may also prove attractive. But more targeted promotion may also be in the works -- and could be controversial. Some advertising companies are already positioning themselves to monitor visitors (doctors and consumers) to the burgeoning number of health care web sites and sell the information to pharmaceutical companies.

The benefits and potential troubling side effects of mass media prescription drug advertising are just beginning to be probed and understood.

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

Senator WOZNIAK. Mr. President, I do not want to belabor the issue, but I am going to stand and support the amendment. We all know that in about 4 weeks, November 7, there is an election, and here we are using senior citizens once again as pawns. The button by both the Democrats and Republicans is, pharmaceuticals, what can we do for the senior citizens? And I have been in Harrisburg long enough to know that resolutions such as this to Washington and to the Congressmen and the President, that piece of paper and about 89 cents get you a cup of coffee at Sheetz.

We have an opportunity, and if this is truly an opportunity to get an economy of scale, and we all love the free market system out there and we praise those organizations that merge and get economies of scale by eliminating administrative jobs and computers and technology, all for efficiency, why cannot the Commonwealth of Pennsylvania do the very same thing and give the Governor the authority to try to reduce the cost that we incur for the pharmaceutical drugs for our programs? I think this is an approach that I do not know why we did not think of it before 4 weeks before the election, but surely if it is a pragmatic effort,

if we really can attain a 40-percent reduction in those drugs, we should be moving forward in that direction.

Last week I said that there were some gentlemen who were saying let us wait and see until after the election to see what the President and Congress will do. There are a lot of things these individual States stand up for, square their shoulders and accomplish on their own, and if we waited for Washington, I would have a gray beard down to my chin. Let us support this amendment. There is nothing wrong in moving this forward, because this should not be a Democratic or Republican issue. And then of course, again, we could always put another resolution out there to go after the evil Hollywood and Manhattan people out there.

I will tell you what, this is very difficult and it is deeper than anything the Senate can do. If it was truly a free market, if we pulled out of our own pockets to buy drugs, you would see the competition drive those costs down. But because we have the third-party payers, the insurance companies, and it is the nebulous "they" who pay for the drugs, it seems that we do not have any control over the system. So, let us try to take a little economy of scale, buy in bulk, reduce the costs, and try to give ourselves a little breathing room so that when we come to expand the PACE program, to try to put more people on the State assistance for pharmaceuticals, we will have the money to do so.

Thank you very much, Mr. President.

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

Senator COSTA. Mr. President, I, too, rise in support of the amendment to the resolution. As I see it, Mr. President, we should be proceeding down two tracks. Clearly, one of the problems that has been identified with respect to the rising costs of pharmaceutical drugs has been the advertising, more specifically direct advertising. And my colleague from Dauphin County very clearly laid out some of the problems that we need to address and directly pointed to the Federal government as to where that redress needs to come from and we need to work and encourage them to do that.

What is proposed in this particular amendment, Mr. President, as I understand it, is that we are asking the Governor to consider pooling all the programs in Pennsylvania so we can save Pennsylvanians money now. That is the second track that we need to be proceeding along. A few weeks back, Senate Democrats unveiled a prescription plan entitled FAIRx, and under this particular proposal, what is being offered today is basically the foundation of our particular program as it relates to what we want to try to accomplish. We suggested the single benefits pharmacy manager be created in order for that person to then pool all these resources, pool all these programs in order to save Pennsylvanians money and to negotiate a best price rebate. We anticipate, on the conservative side, that approximately \$102 million to \$105 million will be generated through this rebate program, which we, in turn, will turn around and utilize as part of the PACE program to enhance the PACE income limits.

It is also our goal, Mr. President, as part of this legislation that I introduced, to deal with the Medicare population, those 65 years of age and older, and also those who are disabled, and very clearly, those individuals would be benefitted as soon as that legislation would pass. The day after the Governor signs that

measure, those individuals would be able to go into their PACE participating pharmacy and receive their prescription drugs at a reduced rate. That is the Senate Democratic proposal which we hope our colleagues will have an opportunity to support. Our proposal has been introduced over at least the past 3 weeks now, and we have yet to have an opportunity to review that or discuss that in greater detail.

So, in lieu of the discussion along those lines about that particular piece of legislation, we very strongly believe that we should be looking and directing that the Governor take the opportunity to pool all these programs to make certain that we can make prescription drugs cheaper for Pennsylvanians, and that is what is most important. As it relates to the part of the discussion about the advertising and particularly the direct advertising across our country and issues that need to be addressed in Washington, I think we need to pursue that path as well. So, I rise to join my colleagues and ask that this measure be supported.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, in summary, as we have said repeatedly, we are here and will stay here as long as it takes to resolve this problem. It may be complicated, but the answer is not to punt, as the Senate Resolution does. The original resolution is nothing but a diversionary tactic to take the eye off the consumers of Pennsylvania, off the problem of prescription drug prices. It is a smoke screen, and if all we are going to get out of this is a letter to Congress saying investigate the use of deleterious advertising practices harmful to Pennsylvania consumers, that just does not cut it.

The people of Pennsylvania are entitled to action. Our amendment, for which I urge support, gives them the right to that action now if the Governor will merely require all State agency prescription drug plans to investigate the use of bulk purchasing or rebate agreements similar to those already used under PACE. It is action, it will result in a savings now to the consumers of Pennsylvania, and again, that is what the amendment does. We are willing to stay here as long as it takes. We voted against the adjournment resolution earlier in the week. We are serious about this. Again, if we go home and say to the voters of Pennsylvania that all we could produce was a piece of paper urging Congress to look into this, I think we have abdicated our responsibility.

At least the resolution as amended, the amendment that is now before us, the Mellow amendment, will take steps that will result in savings now to the pocketbooks of anybody who uses prescription drugs and is covered by one of the State agency plans. So I again urge an affirmative vote on the Mellow amendment because the resolution is really nothing but a smoke screen.

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

Senator PICCOLA. Mr. President, I am very glad that my colleague from Allegheny County agreed that one of the major issues that has caused the increase in the price of prescription drugs is the advertising, the mass marketing of those drugs, and has agreed that we should address that issue, and that is what this resolution does from the perspective of State government. There is nothing that we can do directly with regard to the FDA and the

Congress other than to ask them to take action, and that is what we are doing.

But what this amendment does is rescind that request. It is saying basically that no, we should not ask Congress, we should not ask the FDA to take this action because it is striking that language from the resolution. And contrary to what the gentleman from Berks said, this amendment will not result in any immediate action by State government. The context of the amendment is merely a request to the Executive Branch to take administrative action, which may or may not take place. It will not result in immediate action.

I suggest, Mr. President, that we defeat this amendment and send a very strong message to the United States Congress and to the Federal Food and Drug Administration that we do not like this advertising and the cost of this advertising being passed on to our consumers of pharmaceuticals in this State. It should not have happened in 1997, and they should put a stop to it immediately, and by defeating this amendment, we will send that very strong message to Congress. We then can get down to the business, if it is necessary, to do what is necessary in legislation to pool our purchasing power here at the State level. But that will not be accomplished in the context of this resolution, and I urge the defeat of the amendment.

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

Senator MELLOW. Mr. President, it is very difficult for me to understand how the previous speaker, Senator Piccola, could urge the defeat of an amendment that would make a request of the Governor of the Commonwealth, which is not binding, to allow the people of Pennsylvania to be able to purchase their prescription drugs at a cheaper rate. There is nothing, Mr. President, that we can do in the passage of Senate Resolution No. 215, as introduced by Senator Mowery, that is going to reduce the cost of prescription drugs in Pennsylvania by one penny in the final passage of Senate Resolution No. 215. There is nothing that we can tell the Congress of the United States to do that they will not do if they do not feel it is in the best interest not only of Congress but of the people they represent.

But there is a lot that we could do, Mr. President, by staying here in Session from now until however long it takes to get the job done with regard to prescription drugs to try to reduce the cost of drugs to not only our senior citizens, but also to those on Medicare and Medicaid who do not qualify for PACE and for disabled people, and more importantly, to make the cost of buying prescription drugs in Pennsylvania cheaper. What our amendment to this resolution does, very simply, is make a request of the Governor, which is not binding, that asks him to extend to all people of Pennsylvania the purchasing of prescription drugs at a cheaper and a less expensive amount of money to those individuals, the same way that we have under the PACE program today.

Mr. President, it was also mentioned by Senator Piccola that the drug Lipitor, because of its extreme advertising, is very costly to the people of Pennsylvania. Well, I would like to share with him a trip that took place just last Wednesday, I believe it was, from the city of Scranton, from the city of Allentown, and I also believe the city of Philadelphia, across the border to our north to Canada where 36 residents of northeastern Pennsylvania

took a bus. They went to Canada for the purpose of purchasing their prescription drugs. Mr. President, those 36 ill and financially-strapped Pennsylvanians saved \$70,000 annualized just on that trip to Canada.

Mr. President, I would like to show, if I may, for Senator Piccola a chart that appeared in the Sunday Times newspaper, and on the bottom it says, "SOURCE: --The Sunday Times, Scranton, based upon-- Individual Patient's Pharmacy Receipts [sic]." Not some phony resolution that is going to be sent to the Congress of the United States that is done simply for a political sound bite and is meaningless as far as reducing what the cost of prescription drugs would be in Pennsylvania, but this chart very clearly shows, Mr. President, that to purchase a 90-day supply of Lipitor in Pennsylvania costs \$315. That same 90-day supply of Lipitor by the same laboratory in Canada costs \$144, significantly less than what it costs right here in Pennsylvania. And if the gentleman in his own right believes that the reason for that is because of the tremendous amount of advertising that is taking place, and the people in California, the actors and actresses, and in Manhattan I assume the financial market, if they are the only ones who are making money on the sale of Lipitor, I think he should look again at what is happening to the people of Pennsylvania, and I think in the best interest of all the people and not political interest to just a few, we should pass this resolution with the amendment so that the Governor would have the opportunity of immediately reducing prices of prescription drugs in Pennsylvania.

Quite honestly, Mr. President, we should be dealing with an amendment to the Lottery--and I realize that is not part of this resolution--that would make prescriptions more affordable by expanding the Lottery program, since we are sitting on such a tremendous surplus and a tremendous reserve. But that is not the issue that is before us today.

Mr. President, the issue is, do we want to send a letter to Congress that will mean nothing, or do we want to send a resolution to the Governor of the Commonwealth of Pennsylvania that can mean something? A positive vote for the amendment means fully that you are in support of reducing the cost of prescription drugs for senior citizens and others in Pennsylvania. A negative vote on this amendment, Mr. President, means, quite simply, that you are not in favor of doing that, that you are in favor of allowing the people of Pennsylvania to be ripped off by the pharmaceutical companies that do business right here at the expense of the working poor in Pennsylvania, at the expense of the senior citizens of Pennsylvania, and at the expense of the disabled.

The answer is very clear. Pass the resolution with the amendment in it, ask the Governor to ask for the same buying power for the individuals in Pennsylvania that we have for the PACE program, and everybody in Pennsylvania who must depend upon prescription drugs will be able to save a substantial amount of money immediately, not to send a letter to Congress that is going to be meaningless, that is going to be filed in a clerk's office in Washington and it will never see the light of day, Mr. President.

So let us get on with it, let us vote for the amendment, let us vote for the resolution on final passage, and let us cast a vote here for the people of Pennsylvania who are being ripped off and robbed by the high cost of prescription drugs in Pennsylvania.

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

Senator LOEPER. Mr. President, I listened with interest to the previous speaker relative to the amendment, and I think that he may have his interpretation of what an "aye" vote or a "nay" vote may be on this particular amendment that is before us, but, Mr. President, I think we have to look at some of the history, and I think we have to take into consideration that this issue is not one that is just affecting Pennsylvanians, this is one that is affecting people all over the 50 States of the United States. And the drug company advertising issue is not one that is just advertising in Pennsylvania, it is all over the country, and it is one that is affecting the prescription drug costs of millions of our citizens throughout the country.

Mr. President, if we were to address just specifically the amendment that is before us, I would just ask that someone would take a look at that amendment, that essentially what it talks about is saving costs, but it has no direction as to where those costs savings should be directed. And it certainly seems to us that the much more responsible course of action is that while we do have many bills that have been introduced in the Senate, as well as in the House, dealing with prescription drug assistance programs for our seniors, what we have to do is responsibly look at these programs in Pennsylvania and what their impact will be.

In Pennsylvania, we have been very fortunate that we have one of the original and one of the most generous, if not the most generous, prescription drug programs for our senior citizens of any of the 50 States. We are constantly trying to upgrade that program, expand eligibility, make more people eligible under that program in order to achieve prescription drugs, but also maintain the fiscal integrity of that program so we can assure our seniors that we are not going to make false promises to them, but that actually that program is going to be there in place for them not only today or next week or next month, but for years into the future.

Mr. President, as I indicated earlier in some of my remarks, I talked about many of the legislative proposals that have already been introduced in this Senate. I think we talked about Senator O'Pake or Senator Costa who had already introduced bills proposing something along the same lines as what is called for as part of this amendment is concerned. I think also if you look on this side, you will see Senator Salvatore and some of our other Members who were pioneers in this area introducing many bills, but instead of just standing here on the floor 4 weeks before an election and trying to position themselves and politicize the issue, these people have actually tried to do some work on the issue. They have tried to be responsible and see what impact this issue may have.

And I think I would just take, for example, Senator Salvatore, who has already contacted the administration and has indicated to them what his concern would be, and also how he could cost save as far as contracting many of the State programs together. If we were to take a look at all the various State programs that could be or do utilize prescriptions, we would see there are numerous ones. However, I think that when we look at what the administration's analysis would be, and I think if anyone on the other side had taken the time to maybe contact the administration and done a little homework as to what exactly could be achieved

by this plan, what some of the problems or obstacles may have been, maybe there would not be a need for this discussion on the floor today.

However, let me suggest that I think that one thing we would have to be concerned about is something like administrative issues, fiscal issues, and the quality of care and access issues in implementing a proposal of this type. Mr. President, it is very possible that the devil, in many cases, is in the details. The program sounds wonderful and the cost savings sound great, and they are certainly the goals to which we all subscribe and support. But I think if we start to look into some of the details and how the possibility could be of what these programs are, how they are funded, what the source of funds for those programs are that come from the Federal government, that we could very well jeopardize some of these programs, such as even the Medical Assistance program for prescription drugs, by some of the proposals that have been put out here.

So, Mr. President, I think the much more responsible course would be to move forward, to send a sense of this Senate to the Federal government as far as prescription costs are concerned, such as the original resolution in Senate Resolution No. 215 does, and maybe take some time through our committee process, in a responsible fashion legislatively, to find what the details are to each one of these proposals and which ones are in the best interests of all Pennsylvanians.

Mr. President, I ask for a negative vote on the amendment.

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

Senator SALVATORE. Mr. President, not to be redundant on this issue, but we all know that Pennsylvania is the most liberal State in the United States. I believe there are 17 States that have programs. Both candidates for the Presidential nomination are espousing prescription drug programs. Prescription drugs, Mr. President, are going to be debated in the Congress of the United States. And I have learned that if they do pass a law in Washington, we will be penalized in Pennsylvania for Federal dollars, because whatever program we have in place will be the program that we have to keep in place, and we will be losing many, many Federal dollars. The States that have no program in place will be the winners. If we have a program, that program would have to be superceded by a Federal program or more money than what we are already giving away in order for us to get any money. So we would be losing many, many Federal dollars if we passed anything at this point in time.

That is why we have gone slowly. We have been asking for information from the drug companies on advertising and the cost of some of the side effects that they do, some of the things that they do with the doctors. Unfortunately, we have not gotten all that information. We have bills in place to do things, but I think the wise thing for us to do is to wait and see what happens at the Federal level.

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

Senator MURPHY. Mr. President, I would also like to speak to the amendment and to the resolution before us. I, too, take exception with the idea that a vote against the amendment is a vote against seniors and the cost of drugs. I believe that all of us here share an equal passion on both sides of the aisle with deal-

ing with the issue of the cost of prescription drugs, and it is the cost, it is not just the lack of insurance. We are dealing with insurance questions because the costs have skyrocketed, and in multiple areas.

Again, the manufacturers of drugs enjoy some of the highest profits of any industry in this country, approaching almost 20 percent. They spend about 20 percent to 30 percent of the cost of a pill on research. We want to keep that research going. But the other part that we have heard about is perhaps 20 percent or so of the cost of the pill is also related to advertising. Now, there has been a 58-percent increase in direct-to-consumer advertising recently, and in addition to the cost of medications from the advertising, there is also the additional cost of increased doctor visits. On the issue of allergies alone, from 1990 to 1998 there was an average number of visits to doctors of about 13 million patient visits per year. It has jumped to 18 million patient visits per year, which I believe is directly related to the number of direct-to-consumer ads imploring people to go to their doctors so they do not have to sneeze or sniffle. That adds to the cost of insurance, and we see insurance companies also continuing to raise their rates very high. People who are sole proprietors of businesses are facing 50-percent increases in their health insurance.

I say all this to point out the idea that this issue of dealing with advertising is not a moot point, and it is one that is very much within the realm of what we should be dealing with. Any time any government is working to spend massive amounts of taxpayer money on programs, and here we have \$300-plus million on the PACE program alone, it is worthy of government oversight to see where that money is going and how it is being spent. I do agree with my colleagues across the aisle that this issue of looking at bulk purchasing is a very valuable one, and I applaud them in sharing this concern. Senator Salvatore's bill, Senate Bill No. 1420, is one that we are pursuing to see just how those costs would work, and we should continue to do that. But this amendment guts the whole issue of dealing with advertising and simply replaces it with the other. I believe we should continue to move forward on both fronts and work toward dealing with these costs.

Another point I want to make, too, that deals with the cost of drugs is that drug companies at our hearings also said, you know, people who do not have the money can get the drugs, they have indigent care programs. Now, I am hoping that people who may be watching this, or people who may be reading about this in the newspapers, look and see what these indigent care programs are. Essentially, if you have a certain level of income or below, you may or may not qualify to have cheaper drugs from a drug company, depending upon that individual drug company's policy, depending upon whether or not your doctor has filled out the forms that month.

It should be obvious just from the brief comments I made that this is a complicated system, and it should not be complicated. If the drug companies are offering that as a solution, let people apply for this indigent care, why cannot they make it simpler so people can use it? What good is it to have the best drugs in the world if people cannot buy them, and all that the drug companies have offered us so far is we have programs. We have asked them basically, can they simplify this into one form? Can they come

up with a unified system so that doctors will not have all these multiple forms in their office for every drug for every patient for every month?

They told us that Federal antitrust laws prevent them from doing that. However, the same companies have been able to spend hundreds of millions of dollars, billions of dollars in advertising for their drugs or advertising through people like Flo or Citizens for Better Medicare, which are really drug company-funded programs, to influence Washington policy in other ways, and I believe that they could use their collective wisdom and intelligence to instead come up with a simple piece of paper for doctors to fill out and work with the Federal government to deal with the Federal antitrust laws, because this would benefit the people.

The point is this: We have many fronts we are battling on. Just as we were dealing with huge health care issues when we dealt with a patient bill of rights here 2 years ago, there were many, many opinions in this Chamber and across the Capitol, there were many opinions throughout the nation. We were able to move forward on that because we worked hard, and after a period of a couple years came up with some solutions. We are now facing multinational companies, not just State-licensed companies, that make billions of dollars in profits, and we have a lot of work to do here. There are opinions on the table of areas we can work on - indigent care, dealing with advertising, bulk purchasing, dealing with my colleague from Allegheny County's issue, too, about other rebates. There is a whole host of these, and I believe all of them are worthy of intense discussion, but none of them should be dealt with in a cursory way or brief way, but give them the intense discussion and research that it needs.

So along those lines, I would like to see this resolution remain as is and for us to pass it, continue to work on other areas, not to rush into something that we may end up regretting later, but let us do this right. I applaud my colleagues again from across the aisle for continuing to keep this issue in the forefront, and all of us should continue to work on this together.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, with all the fancy rhetoric, and with all due respect to everything that has been said on the other side, there is just one single but very important issue that this amendment puts before all of us. Do we want to vote to allow the Governor to take steps now to reduce the cost of prescription drugs by bulk purchasing in Pennsylvania? That is what the amendment proposes. Or are we going to try to fool the voters of Pennsylvania by saying, we are going to vote for a resolution that sends another letter to Congress. This is not the Congress of the United States--

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, I believe that the gentleman has mischaracterized the amendment. What I heard in the debate was that he characterized the amendment as something that would allow the Governor to make bulk purchases. Number

one, this is only a resolution, this is not a change in the law, and I think this is simply a recommendation to the Governor, and I ask that the Chair note that this is incorrect debate because it is a misconstruction of the proposed amendment.

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

Senator O'PAKE. Mr. President, I will read the proposed amendment again. This would say that the "Governor of Pennsylvania, Thomas J. Ridge, through executive order, to take quick action to require all State agency prescription drug plans to investigate the use of bulk purchasing or rebate agreements similar to those used under PACE." It is exactly the concept, Mr. President, that is incorporated in Senator Salvatore's bill, Senate Bill No. 1420--

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, I think that the language the gentleman just read would certainly fairly represent that my objection is well-taken. The language itself calls for the Governor to take executive action, which of course means that we do not need to do any legislative action.

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

Senator O'PAKE. Mr. President, we are giving Senator Salvatore and all the other people on the other side of the aisle the opportunity to vote basically on the concept embodied in the Salvatore legislation, which is Senate Bill No. 1420. It refers to bulk purchasing. We are also asking the Senate of Pennsylvania to agree with Governor Ridge's IMPACCT Commission recommendation, which I think was chaired by the Chair, Your Honorable Mr. President, which recommends bulk purchasing of prescription drugs. If it is good enough for the IMPACCT Commission study on ways to save money for the Commonwealth of Pennsylvania, chaired by the Lieutenant Governor, I think it is good enough for the Senate of Pennsylvania to adopt.

Very clearly, very clearly, what we are trying to do before we run home for the election is to take action which will allow the Governor to initiate some steps that will eventually save money for the people of Pennsylvania.

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

Once again, the gentleman used the language "to take action to allow the Governor." I think that language is inaccurate and does not properly reflect the proposed resolution, nor the state of the law.

Senator O'PAKE. Mr. President.

The PRESIDENT. We have other commentators.

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

Senator O'PAKE. Mr. President, the amendment speaks for itself. I think it is very clear what this is all about. We are here; we are ready, willing, and able to do whatever it takes to stay

here as long as it takes to do something that will give some relief to the people of Pennsylvania who cannot afford prescription drugs. Now, to throw up the smoke screen of writing to Congress and asking Congress to study, there has been enough studying going on. We know what the problem is, and one of the problems in Pennsylvania is that prescription drugs cost too much. You may think that you are fooling the people of Pennsylvania by defeating this amendment and going home with a resolution in hand, that you are sending another letter to Congress. Any voter of Pennsylvania can write a letter to Congress and ask them to study the problem.

Here is an opportunity for the Senate of Pennsylvania to do something instead of just talk about all the problems. We know there are a lot of problems, but we think that a first step in dealing with the problems is our amendment, and, as I say, we are here as long as it takes to do something for the people of Pennsylvania to help them afford prescription drugs. It is a terrible problem, and what is worse is that the Senate is going to run home today for the election and say, well, we did something. We sent a resolution to Congress, and we asked Congress to deal with the problem. That is not enough.

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

Senator MOWERY. Mr. President, this running away and going for the election is something that I really do not understand. I think if the other side believed that they had a good resolution, I wonder why they waited until today to amend another resolution that really has a lot of meaning as far as trying to eliminate the problem of the high cost of prescription drugs not only in Pennsylvania but in this country, because there are 50 States having identically the same problems as we have. If it was such a good idea, I wonder why they did not prepare a resolution as we did and submit it and have it considered on the floor of this Senate as to exactly what they are talking about in stripping out the words of the existing resolution.

You know, I am kind of tired of hearing about Canada and how wonderful Canada is and the comments that were made previously about a drug called Lipitor. I happened to have the occasion to be in Canada this past summer, and there is a differential in the dollar. For example, if you are spending \$1,000 for prescription drugs in Canada, there is approximately a 40-percent differential in the value of the American dollar versus the Canadian dollar. For that reason, we would only pay \$600 for that drug with United States dollars compared to the asking price in Canada of \$1,000. For example, on Lipitor, the illustration that I have seen here that was presented by the other side was the cost would be \$315 for Lipitor. As it relates to buying that with U. S. dollars, it would have taken 40 percent off, or reduced the cost \$126.

I think that we must realize that the problems today, and being chairman of the Committee on Public Health and Welfare, we have had many, many meetings, we have had many, many drug companies come into our office over a period of the last several months. We have tried very hard to determine how we can actually bring Pennsylvania prescription drugs down and reduce the costs. The one area that keeps coming back from a national level is that in 1997 the Federal Drug Administration allowed the prescription drug companies to market directly to

the public. Approximately 30 percent of what they earn is now spent on advertising to the public. Out of that 30 percent, years before that, in the United States and in the rest of the world, prescription drug companies could only market to the provider: the doctors, the hospitals, the nurses.

When the change was made in 1997, for whatever the reasons were, all of a sudden these last couple of years the cost of prescription drugs have skyrocketed not just in Pennsylvania but in the entire country. Doctors are opposed to direct marketing because they feel that many times the side effects of these drugs are not properly disclosed before their patients come in and ask for them. A patented drug today in the United States is approximately 10 times higher, depending on the drug, than what generic drugs cost, and yet we do not hear about generic drugs that are much less expensive, much more affordable to our people, both to our senior citizens and also to people who are uninsured in Pennsylvania today, of which we are looking, as you well know, in our tobacco settlement money to try to provide some help to those people with young children who have no insurance, to have to pay the high cost of current prescription drugs.

I believe that this is a good resolution. I think that much of our problem today is surrounding the advertising of prescription drugs. The only ones who can consider that is Congress, and certainly Congress has had a lot of hearings themselves on this very, very difficult problem. I would just like to say that we are not trying to do something real quick because of a vote that is coming up in 3 or 4 weeks. We are trying to do what is responsible. We have a bill in our committee that came over from the House of Representatives a couple of weeks ago. It is a bill that I and many on our side, and I hope on the other side, find it is not responsible to just pass a piece of legislation in order to go and ask for a vote. And then very quickly after that vote would be taken and be given, we would find that it was something that we should have spent a little more time on to do what is right for the people of Pennsylvania.

And so that is where we are coming from. I ask for the defeat of this amendment. I ask for a positive vote on the resolution that we are currently looking at, the resolution that very simply says, come on, Congress, you have to help us fix the problem, we cannot do it ourselves here in Pennsylvania.

Thank you very much, Mr. President.

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

Senator WAGNER. Mr. President, I rise to speak in regard to this issue, Senate Resolution No. 215, and the amendment. Mr. President, I think what we sense and what we see here today is a sense of frustration within this Chamber. And what I mean when I say a sense of frustration is we all know what a resolution is and we all know what a piece of legislation is. We know that a resolution is a will of this body and not the legislative power of this body like a piece of legislation. And what we are voting on today is a resolution which has a good intent, and I will ultimately vote for this resolution, amended or not amended, and I think every Member of this body will ultimately vote for the final resolution.

But the issue in front of us, Mr. President, is a far greater issue, and the issue is that we are all hearing from constituents who are frustrated with the increased cost of pharmaceuticals

here in Pennsylvania. Now, we think, at least I think this side of the aisle thinks, and I believe the other side of the aisle thinks also, that something can be done within Pennsylvania and at the same time something can be done within the country. Now, the resolution is a will to ask our Federal government to do something. The amendment is a will to ask the executive body or this administration to do something. But we would like to do even more than that, and that is really I think what the frustration is that we are hearing from every Member who has spoken today, and the will to do something that we can sink our teeth into, something that truly helps and helps especially those in the need of pharmaceuticals, senior citizens in the need of pharmaceuticals here in Pennsylvania.

It is hard for us to impact the other 49 States in this country with a resolution, and also Pennsylvania. It is easier for us to have an impact on our own State, and that is what we are hearing today in the difference of the amendment versus the resolution itself. And we all have talked about the PACE program and how good it is. It is not that good anymore, Mr. President, when it had 450,000 people and now has 217,000. That is within our control in Pennsylvania. I think the real issue is whether or not we can and will, we can, but will we deal with something substantive related to Pennsylvania prior to the end of this Session. It is my hope, and I believe the hope of everyone and I hope the will of everyone, that we will do that, not in a simple will of a resolution but something substantive in the form of legislation.

Mr. President, I have a bill, Senate Bill No. 1570, that simply incorporates a COLA, a cost-of-living adjustment, into the PACE program. I think we can achieve that by year's end, and some other excellent pieces of legislation that have been introduced by all Members of this body. If we can do something substantive, I do not think we would be arguing about a will of a resolution.

Thank you.

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

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

YEA-18

Bodack	Hughes	Mellow	Wagner
Boscola	Kasunic	Musto	Williams
Costa	Kitchen	O'Pake	Wozniak
Fumo	Kukovich	Schwartz	
Greenleaf	LaValle	Stout	

NAY-28

Armstrong	Gerlach	Madigan	Salvatore
Bell	Hart	Mowery	Thompson
Brightbill	Helfrick	Murphy	Tilghman
Conti	Holl	Piccola	Tomlinson
Corman	Jubelirer	Punt	Waugh
Dent	Lemmond	Rhoades	Wenger
Earl	Loeper	Robbins	White

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I waited until after the amendment to speak on this resolution, and I want anybody watching this to realize what we are doing here or what we are trying to accomplish. This is a resolution asking Congress to investigate the cost of prescription drugs. I have been in the Senate Chamber for 2 years now, and was in the House of Representatives for 4 years prior, and I have seen numerous resolutions passed on to Congress, but I have not seen a single study or completion of anything we asked Congress to do. Even if Congress would do something, even if they would investigate the cost of prescription drugs like we are asking them to do, it will take years. What we need to do is do something now for our senior citizens who definitely need help with their prescription drugs.

And I have seen this happen over the last 6 years, where we are not tackling the really tough issues. We are skirting off to the side a little bit. We are asking Congress to do this, and we are not doing anything substantive to help our senior citizens. We have just talked about numerous bills that were introduced by Democrats and Republicans to help seniors pay for prescription drug costs. Just last week I talked about how the COLAs, the cost-of-living adjustments, are putting people off the PACE program. Let us get down to work as Democrats and Republicans, let us take some leadership on this issue and get something done now. It is not that complicated. It is just not passing the buck to Congress. We are leaders here in the Senate. We can do this. The House of Representatives passed a pharmaceutical bill a week ago. Where is the Senate plan? We are nowhere on the radar screen, except we are now going to go to Congress and ask them to do something, a study.

It just reminds me of what we did a couple of years ago when senior citizens were saying they could not afford to stay in their homes anymore because of rising property taxes. Did we really tackle that tough issue? Are seniors still being forced out of their homes because they cannot afford rising property taxes?

It is the same scenario here. Our seniors need our help, they need it now, we should not be leaving today, 4 weeks before an election. It is going to be way too late. It is going to be way too late to do anything this year, and I am so proud of some of my Democratic colleagues for staying here through this debate Session. I know a lot of Senators are tired and want to go home, but I am proud that we are engaged in this debate and we are trying to do something and accomplish something. I am very proud of my colleagues on this side of the aisle for being aggressive and keeping this issue alive, and eventually, hopefully, we will do something.

Thank you.

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

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

YEA-45

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

NAY-1

Mellow

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

SENATE CONCURRENT RESOLUTION No. 212 CALLED UP, ADOPTED

Senator LOEPER, without objection, called up from page 11 of the Calendar, as a Special Order of Business, **Senate Concurrent Resolution No. 212**, entitled:

A Concurrent Resolution urging the President and Congress to increase funding for special education programs provided by the states to the level authorized by the Individuals with Disabilities Education Act.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I rise today to remind my colleagues in the Senate of a problem they all know too well: the problem of providing high-quality special education services to our students with special needs, the problem of funding essential but expensive services in the absence of a full commitment from the Federal government.

Mr. President, our obligation to provide services to special education students is one of our most important missions. In Pennsylvania, our State government and our local school districts have worked hard to ensure that all students with special needs receive the free and appropriate education required by Federal law. But we cannot do the job alone. Senate Resolution No. 212 would remind the Federal government of their role in the provision of special education and urge the Federal government to pay their promised share of the costs of educating Pennsylvania's students with special needs.

As we all know, special education services are mandated by the Federal government, and it is the Federal government's Individuals with Disabilities Education Act of 1997. That law, which I have with me today, is 143 pages long. Its enabling regulations, and you can get all this on the Internet, are 550 pages long. As a matter of fact, the index to the regulations from the law is 52 pages long. The Feds have given us more paper than they have given us money.

As a lifelong educator and advocate for children, I know that these Federal requirements have improved the quality of life for millions of children with special needs. They have helped to break down barriers, to open access to our schools, and to provide opportunities for success that did not exist a quarter of a century ago. But these mandates have costs. The successes have not come cheap.

I am not reluctant to spend tax dollars on this most noble of missions. But I can no longer stand here and watch the burden of this spending be placed on the shoulders of our State and local governments while the Federal government refuses to do its part. Mr. President, the Federal law acknowledged the cost of the mandates in these pages. It contemplated a funding formula that would provide States with 40 percent of the average per pupil expenditure for special education. Unfortunately, the Federal government has never fulfilled that commitment.

If you turn to page 17 of the act, "PART B -- ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES. SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS. (a) GRANTS TO STATES- ... (2) MAXIMUM AMOUNTS- The maximum amount of the grant a State may receive under this section for any fiscal year is-- ... (B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States." In order to be a full partner in special education to all 50 States, the Federal government would need to provide \$16.4 billion. In fiscal year 1999-2000, it provided \$4.9 billion. If Pennsylvania were to receive its share of this full funding, it would receive \$605 million. In the fiscal year 1999-2000, we received \$183 million. I repeat, we should be getting \$16.4 billion for all our States, we get \$4.9 billion. Actually, of the funding, we in Pennsylvania should get \$605 million, we only get \$183 million. Who makes up that difference? The State and the local school districts, thus the local taxpayers.

Most dramatic, though, is the discrepancy between the Commonwealth's Federal allocation and our State appropriation. While we received \$183 million to pay for the mandates on these pages, we contributed, and that is us, the Commonwealth, we contributed \$714 million in State funds. This is not the partnership that the Federal law envisioned itself. That must be changed.

Mr. President, I know that this General Assembly will continue to wrestle with the difficult questions relating to special education funding and special education services. We will continue to improve our funding formulas, as we have done for the past 2 years. We will continue to improve the State regulations which implement the Federal law, as we are doing now through the State Board of Education. And we will continue to provide our schools with more State funding for the most costly special needs students, as we did in our fiscal year 2000-01 State budget. But to succeed, Mr. President, we cannot do the job alone.

I am hopeful that the passage of this resolution will send a message to Washington: Keep your promises, fulfill your commitments, do not leave our most needy students without the Federal support that the Federal government has mandated. Give our special education students the funding they deserve.

Thank you, Mr. President.

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

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

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1346 (Pr. No. 2234) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for endangering welfare of children.

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-45

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

NAY-1

Kitchen

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1444 CALLED UP

SB 1444 (Pr. No. 1930) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1444 (Pr. No. 1930) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-46

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

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

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

SB 1531 (Pr. No. 2235) -- The Senate proceeded to consideration of the bill, entitled:

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.

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-41

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

NAY-5

Armstrong	Helfrick	Mowery	Wenger
Bell			

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1523 (Pr. No. 2236) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1992 (P.L.761, No.115), entitled "An act designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police Week" in Pennsylvania; designating the Sunday during Fire Prevention Week as "Firefighters' Memorial Sunday"; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th," providing for emergency services personnel; and further providing for display of flags.

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	Stout
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Mowery	Tilghman
Boscola	Holl	Murphy	Tomlinson
Brightbill	Hughes	Musto	Wagner
Conti	Jubelirer	O'Pake	Waugh

Corman	Kasunic	Piccola	Wenger
Costa	Kitchen	Punt	White
Dent	Kukovich	Rhoades	Williams
Earll	LaValle	Robbins	Wozniak
Fumo	Lemmond	Salvatore	
Gerlach	Loeper	Schwartz	

NAY-0

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

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1224 (Pr. No. 2222) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), entitled Crime Victims Act, further providing for definitions, for victims' rights, for law enforcement functions and for prosecutorial functions; providing for juvenile probation office functions; and further providing for the Victims' Services Advisory Committee, for powers and duties of the committee and for costs.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1224?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1224.

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

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.

SENATE RESOLUTION No. 219, ADOPTED

Senator LOEPER, without objection, called up from page 1 of Supplemental Calendar No. 5, **Senate Resolution No. 219**, entitled:

A Resolution designating November 2000 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate adopt the resolution?

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

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators SCHWARTZ, PICCOLA and JUBELIRER, by unanimous consent, offered **Senate Resolution No. 222**, entitled:

A Resolution extending deep sympathies to the congregation of Temple Ohev Sholom for the fire damages inflicted on their synagogue on Yom Kippur.

On the question,

Will the Senate adopt the resolution?

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

Senator SCHWARTZ. Mr. President, just very briefly, I wanted to see that we put this resolution in, because there was a devastating fire in a synagogue right here in Harrisburg, Ohev Sholom, in Senator Piccola's district. And we rise to just express our sympathy to the congregants of the synagogue, particularly to Debra Rudy, who is the president-elect there, and to Rabbi Daniel Weiner.

It was a very difficult day for them. Obviously, Yom Kippur is the holiest day in the Jewish year. And as we contemplate the year behind us and look forward to the year ahead of us, it was a very difficult moment for that congregation, and I would like to express sympathy on behalf of the Senate and my fellow Senators to the whole congregation, that in spite of this difficult moment, that the congregation will be able to go on to have new challenges for the new year and to have a healing and restorative and blessed new year.

So, I wish L'Shana Tova to all the congregants, and on behalf of the Senate express our sympathies to the entire congregation.

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

Senator PICCOLA. Mr. President, I am very happy to join with Senator Schwartz and Senator Jubelirer in sponsoring this resolution on the sad occasion of the fire at Temple Ohev Sholom here in Harrisburg. Ohev Sholom is one of the oldest Jewish congregations in Harrisburg, founded in the 1850s, and it is in fact one of the oldest Reform congregations in the United States.

There has been a lot of speculation as to the cause and the motivation behind the cause of this horrible fire and this tragedy. We do not know for certain that it is related to any motivation that came from anti-Semitic feelings or acts, but no matter what the motivation might ultimately be found out to be, in any event, it was a hateful and cowardly act that was performed by people as yet unknown. In that regard, I want to commend and encourage the district attorney of Dauphin County, as well as the Harrisburg Police Department, under the leadership of Mayor Reed, who are making extraordinary efforts to find the perpetrators of this act.

It was a tragedy, Mr. President, but as is often the case in tragedies, something very good came out of it. I believe it was the Christ Lutheran Church in Camp Hill which immediately opened its doors to the congregation of Ohev Shalom on Monday morning so that they could have that facility for the congregation to use to celebrate the Yom Kippur services. Out of that tragedy came a benefit for the community where Christians and Jews alike were able to join hands to encourage the positive acts that are so often taken by our respective religious communities, and I think it was a proud moment in that respect for the Harrisburg community to join together across religious lines so that we could not only condemn the hateful and cowardly act that took place, but also join together for a positive result from that act.

So, I am very happy that Senator Schwartz has had this resolution drafted, and I hope the Senate will unanimously adopt the resolution.

Thank you, Mr. President.

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

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

Senators GREENLEAF, HOLL, THOMPSON and MOWERY, by unanimous consent, offered **Senate Resolution No. 223**, entitled:

A Resolution declaring the week of November 5 through 11, 2000, as "Chemistry Week" in Pennsylvania.

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

Senators O'PAKE, MELLOW, BODACK, MUSTO, KASUNIC, STOUT, LOEPER, TILGHMAN, BRIGHTBILL, BELAN, COSTA, HART, KUKOVICH, WAGNER, LAVALLE, MURPHY, SALVATORE, WHITE, TOMLINSON, TARTAGLIONE, THOMPSON, MOWERY, WENGER, DENT, STAPLETON and LEMMOND, by unanimous consent, offered **Senate Resolution No. 224**, entitled:

A Resolution designating the month of November 2000 as "Pennsylvania Epilepsy Awareness Month."

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

Senators MOWERY, COSTA, MURPHY, WHITE, TOMLINSON, TARTAGLIONE, O'PAKE, FUMO, WENGER, DENT, BOSCOLA and LEMMOND, by unanimous consent, offered **Senate Resolution No. 225**, entitled:

A Resolution declaring October 22 through 28, 2000, as "Reflexology Week" in Pennsylvania.

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

DISCHARGE PETITIONS

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

October 11, 2000

A PETITION

To place before the Senate the nomination of Howard E. Pflugfelder, as a member of the Pennsylvania Fish and Boat Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Howard E. Pflugfelder, as a member of the Pennsylvania Fish and Boat Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Raphael J. Musto
- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- J. Barry Stout

October 11, 2000

A PETITION

To place before the Senate the nomination of Leon H. Reed, Jr., as a member of the Pennsylvania Fish and Boat Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Leon H. Reed, Jr., as a member of the Pennsylvania Fish and Boat Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Raphael J. Musto
- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- J. Barry Stout

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

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 Mr. and Mrs. William Tomlinson, Mr. and Mrs. Andrew Gianopoulos, Mr. and Mrs. Quirino A. DiCola, Jr., Mr. and Mrs. Donald Kepner, Mr. and Mrs. John Cowan, Mr. and Mrs. Robert McCauley, Mr. and Mrs. Charles Landis, Mr. and Mrs. Benjamin Groff, Mr. and Mrs. Glenn Miller, Mr. and Mrs. Gene Jennings, Mr. and Mrs.

John Fichtner, Mr. and Mrs. Agillio Ranallo, Mr. and Mrs. Melvin Shaub, Mr. and Mrs. Joseph Esbenshade, Mr. and Mrs. Harry Hoffman, Mr. and Mrs. Arcadio Rosario, Wayne Smith, Bryan Ross, Brian Henry and to Timothy S. Slininger by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. William Costello, William Coles, Nick Laurito, Mary Anne Piper, Betsy J. Desmond, the Reverend Melvin Brown, Sr., Ronald Leon D'Amico, Robert J. Macey and to Treena Webb-Meacham by Senator Belan.

Congratulations of the Senate were extended to Frank J. Pugliano by Senators Belan and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Weigand, Mr. and Mrs. Edward Cieslak, Scott W. Shaw, Arthur H. Rothwell and to Christopher John Amalfitano by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Leyland, Mr. and Mrs. John Price, Mr. and Mrs. Joseph Radocay, Mr. and Mrs. John P. Studeny, Sr., Mr. and Mrs. Amerigo DiMatteo, Gisella Appoloni, Blanche Mock, Elizabeth Duke, Keith M. Kanaan, Mary Jane Szwedko, Karen Payne, Mary Ann Frauenholz, Christ Lutheran Church of Pittsburgh and to the Lincoln Avenue Church of God by Senator Bodack.

Congratulations of the Senate were extended to John Z. Loosbrock, Gerald Huber, Richard Zimmerman, Devon Knoll, Kristen Maloney, Louis Malpedo, Jane Harlacher, Anthony Preletz, Mark Lippincott, Joseph Koch, Sean Louis Crosby, Andrew D. Lock, Mildred E. Beers, Helen G. Brown, Ellis H. Valkenburg, W. John Heard, Traci J. Rumsey, Mike Renaldo, Melissa Hough, Joseph Emrick, Dr. Earl S. Beck, Dr. Joseph DiMarco, Grace Gunnels, Bron F. Holland, William Pensyl, Christopher LaSalla, Dr. Donald B. Keat II, Resale Super Heroes Team of C. F. Martin & Company, Inc., of Nazareth, Creative Education Methods Team of Easton Hospital, First Platoon of the Bethlehem Fire Department, Second Platoon of the Bethlehem Fire Department, Third Platoon of the Bethlehem Fire Department, Length of Stay Reduction Team of the Lehigh Valley Hospital and Health Network, Diagnostic Care Center Project Team of the Lehigh Valley Hospital and Health Network, Cultural Diversity Education Team of Easton Hospital, Efficient and Accurate Patient Tracking Team of Easton Hospital, Immunization Blast Off Team of Easton Hospital, Performance Review Team of Easton Hospital, Engineering District 5 of the Department of Transportation, Ready, Set JCAHO Action! Team of Easton Hospital, Uke-Can-Do Team of C. F. Martin & Company, Inc., of Nazareth, Team TALID of Skills USA-VICA at Bethlehem Area Vocational-Technical School, Software Analysis and SysteLine Implementation Team of C. F. Martin & Company, Inc., of Nazareth, Let's Spruce It Up Team of C. F. Martin & Company, Inc., of Nazareth, No Press Team of Victaulic Company of America, of Easton, Care Planning Team of Phoebe Home of Allentown, The Magnificent Seven Super Stoppers of Mack Trucks, Incorporated, Macungie Assembly Operations, Quality Pearlers Team of C. F. Martin & Company, Incorporated, of Nazareth, Avant Guards of Total Quality Team of Skills USA-VICA at Bethlehem Area Vocational-Technical School, Emergency Department Ultrasound Utilization Team of the Lehigh Valley Hospital and Health Network, Work Flow Analy-

sis Team of the Lehigh Valley Hospital and Health Network, Packaging Corporation of America of Allentown, Rohm & Haas Company, Morton Powder Coatings, of Reading, and to the Union of Needletrades, Industrial and Textile Employees, of Allentown, by Senator Boscola.

Congratulations of the Senate were extended to Lebanon Lodge No. 631, Benevolent and Protective Order of Elks, and to Lawn Fire Company Ambulance by Senator Brightbill.

Congratulations of the Senate were extended to Tom Loudon, John Schroeder, Kenneth J. Buchanan, Gerald Rupp, Randall P. Berger, Andrew T. Regosch, Frederick B. Williamson IV, Arthur R. Godown, Jr., Kathleen Fadule, Harry Brown, Jr., Douglas Cesmegi, Jay William Fetterolf, William Meyer, Glen Golembeski, Michael Malloy, Scott A. McKenna, Dan Cunningham, Olive S. Gorski, William Dobron, Jr., Fred J. Stackpole Elementary School of Southampton and to the citizens of the Borough of Sellersville by Senator Conti.

Congratulations of the Senate were extended to Raymond J. Gump, Dr. Sandra L. Bloom, Dr. Christopher Bursk and to the Bucks County Adult Probation and Parole Domestic Violence Supervision Unit by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Donald V. Delancey, Sr., Mr. and Mrs. Maurice Gentzyel, Mr. and Mrs. Norman Harshbarger, Sr., Mr. and Mrs. Herb Nace, Dr. and Mrs. David Thomas, Jr., Mr. and Mrs. Paul E. Neeley, Ralph J. Papa, Nicholas D. Hettinger, Michael Joseph Fusco, Edward R. Hintz, David Russel Frederick, Kathleen Genis Amsler, Joshua Victor Messing, Nearhoof Machine, Inc., of Osceola Mills, and to the Juniata Valley Employer Advisory Council by Senator Corman.

Congratulations of the Senate were extended to Timothy Allen Nelis, James Michael Hartman, John Paul Wehner, Josephine Stitzer, William A. DeSantis, Sr., Roslyn Stulga, Todd Callaway, Bernard L. Pack, Michael Tobias and to Roy George by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Paul A. Rauch, Mr. and Mrs. William Zeppenfeld, Mr. and Mrs. Roderick C. Diehl, Sr., Ryan Michael Nestor, Gertrude Klingler, Brent L. Peters, Gregory J. Gross, Glen Fulton, David Harding, Mark Sterner, Steven Timothy Unrath, Gwendolyn Williams, Jack Kelly, Ethel Echtermach Bishop, Kostas Kalogeropoulos, Patt, White Company Realtors of Allentown, Lucent Pioneers of the Telephone Pioneers of America of Allentown, Knights of Columbus Calvary Council No. 528 of Allentown and to the PPL Corporation of Allentown by Senator Dent.

Congratulations of the Senate were extended to Dr. Garnell Bailey by Senators Dent and Boscola.

Congratulations of the Senate were extended to Marty Nothstein by Senators Dent, Brightbill, and Gerlach.

Congratulations of the Senate were extended to the Reverend Gracher Selby by Senators Dent and Gerlach.

Congratulations of the Senate were extended to the Honorable Joyce A. Savocchio, Maynard Struchen, Bradley VanHoozer, Christopher Lauer, Dr. Armendia P. Dixon and to Robert DiFrank by Senator Earll.

Congratulations of the Senate were extended to Robert W. Bogle, William J. Avery, Drexel Reid, Albert, Amedeo, An-

thony, Joseph and Francis Petrongolo and to Flotilla 2-76 by Senator Fumo.

Congratulations of the Senate were extended to Thomas Foulke, Richard E. Seagrave, Michael Drabinsky and to James Joseph Ginkus O'Connor by Senator Gerlach.

Congratulations of the Senate were extended to the Pottstown YWCA by Senators Gerlach, O'Pake, and Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph McAfee, James Reid Weissinger, Paul A. Lucas, Christopher Opdyke, Helen Boren, Matthew T. Finley, Robert Weber, John Maven, Gordon Long, Jeremy Ronan, Louise S. Stamper, Jeryl L. DiGideo, Peter C. Hasson, Bruce S. Haslam, Lloyd E. Rickner, Edward M. Hoffman, Joseph Fuchs, Mike Cohen, Philip C. Levine and to William Donohoe by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Nesbitt, Mr. and Mrs. Charles Martin, Mr. and Mrs. Richard E. Butler, Mr. and Mrs. George Tenos, Daren Steven Russ, Joseph Gigliotti, Bernard Taylor, Edward McAfoose, Dennis Lewandowski, American Legion Post 48 of Natrona, Nazareth Housing Services and to the Arnold Dairy Queen New Kensington-Arnold Girls' Little League Softball Team by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Henry J. Zanolini, Mr. and Mrs. Lee D. Shoup, Mr. and Mrs. Jay C. Lindenmuth, Mr. and Mrs. Donald Authur Knorr, Mr. and Mrs. O. Philip Steinhoff, Mr. and Mrs. Russell Lee Straub, Mr. and Mrs. John Laboskie, Mr. and Mrs. Edward Narcavage, Mr. and Mrs. Robert H. Kase, Theodore C. Burkland, Kevin Terry Mathes, Jonathan Edwards Dodge, Madeline Coleman, Andrew Charles Horvath, Adam Harrison Comstock, David Christopher James and to Shoe and Senior Friends of Selinsgrove by Senator Helfrick.

Congratulations of the Senate were extended to Thomas Howells, Ronda Diehl, Robert Kreamer, Chris Matregrano, Thelma Stanek, Randy Gene Barndt, Donald Vincent Fountain, Adam Michael Schieffer, Souderton-Telford Rotary Club, Lansdale Jaycees, Maranatha Assembly of God Church of Lansdale, citizens of Whipain Township and to Amatex Corporation of Norristown by Senator Holl.

Congratulations of the Senate were extended to Bishop Dr. John Jasper Bowden, Jr., Cleo Thompson, Legree S. Daniels, the Reverend Clarence Hester and to the Reverend Geneva D. Tenant by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Attilio J. Martino, Mr. and Mrs. Raymond Rhodes, Mr. and Mrs. Chester R. Parsons, Mr. and Mrs. Richard McNeal, Mr. and Mrs. Carl Allison, Mr. and Mrs. J. Richard James, Mr. and Mrs. Ralph Lego, Mr. and Mrs. Charles Stuter, Mr. and Mrs. Edward Helsel, Nellie Higgins, Florence Berggren, Catherine Turner, Obie Snider, Miranda Miller, Frank Thompson and to JLG Industries, Incorporated, of McConnellsburg, by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John Shank, Mr. and Mrs. James Kriek, Thomas and Cora Ducoeur, Christopher A. Homer, Daniel James Palaisa, Jared Lee Maharowski, Andrew J. Sampay, K. Arden Renze, Jason Schuessler, Colby John Shrum, Slovak Catholic Sokol, Mount Lebanon Baptist Church of Brownsville and to Dynamic Materials Corporation of Mt. Braddock by Senator Kasunic.

Congratulations of the Senate were extended to The Honorable K. Leroy Irvis, Annie D. Hyman, the Reverend Herbert H. Lusk II and to the William J. Donovan Company of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Anna Kost, Robert B. Van Atta, Rodney A. Sturtz, Noah Peter Papas, Jonathan Sandorf, Adam Bonfanti, James DiMichele and to Volunteer Fire Company No. 82 of West Newtown by Senator Kukovich.

Congratulations of the Senate were extended to Carol A. James by Senator LaValle.

Congratulations of the Senate were extended to Robert and Shirley Fortinsky, Mr. and Mrs. John N. Conyngham, Mr. and Mrs. Carl Eckley, Mr. and Mrs. Richard Howey, Mr. and Mrs. Carl Montross, Mr. and Mrs. Donald W. Secor, Mr. and Mrs. George Papadoplos, Mr. and Mrs. Albert Ramiza, Mr. and Mrs. Clarence Rickard, Mr. and Mrs. Sheldon Brace, Mr. and Mrs. Robert Fries, Sr., Mr. and Mrs. Michael Kiernan, Rick Rosengrant, Freda Peifer, Robert Baird, Kathryn Gardner, William McLaughlin, John Mazzga, Thomas McKean, Joe Boehm, Joan McKean, Ricard Kuhn, Earl Klein, Allan Hornbeck, George Meeker, William Whitford, Sr., Hawley Honesdale Branch of the American Association of University Women, Bushkill Emergency Corps, Hawley United Methodist Church and to Beach Lake United Methodist Church by Senator Lemmond.

Congratulations of the Senate were extended to the Sisters of Mercy by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Jack and CeCe McCarthy by Senators Lemmond, Musto, and Mellow.

Congratulations of the Senate were extended to the University of Pennsylvania Law School of Philadelphia by Senators Lemmond and O'Pake.

Congratulations of the Senate were extended to Greg Burkhouse, Dr. Alan MacDiarmid, Claire Nigro, Patrick Edmondson, Adam Yoder, Donald Nolan Schexnayder, Jeffrey Michael Heverley, Margorie Taylor Meyer, Ruth Lucks Abplanalp and to the Kane Treatment Plant of the Pennsylvania-American Water Company by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Van B. Graham, Mr. and Mrs. Fred White, Mr. and Mrs. Gregory N. Nezzo, Mr. and Mrs. J. William Gatz, Sr., Mr. and Mrs. Robert A. Croffut, Sr., Mr. and Mrs. LaRue E. Pepperman, Mr. and Mrs. Glenn L. Wagner, Mr. and Mrs. Robert Matson, Mr. and Mrs. Calvin Phillips, Mr. and Mrs. James Vasalinda, Mr. and Mrs. Ronald E. Fleeger, Sr., Mr. and Mrs. R. Bruce Ricketts, Mr. and Mrs. Joseph J. Piccolo, Mr. and Mrs. Kenneth E. Buttorff, Mr. and Mrs. Robert Paulhamus, Mr. and Mrs. James W. Ewing, Mr. and Mrs. Edward P. Nemeth, Mr. and Mrs. Carl Weigle, Mr. and Mrs. Charles B. Brown, Mr. and Mrs. Jack Hitesman, Mr. and Mrs. Lester Stackhouse, Mr. and Mrs. Jacob R. Bricks, Mark J. Temons, Hazel E. Ginter, William Rathbun II, Colin William McGinnis, Benjamin Paul Davis, Bradford County Chapter of the International Management Council, Tioga Point Chapter of the National Society of Daughters of the American Revolution and to the Leona 4-H Dairy Club by Senator Madigan.

Congratulations of the Senate were extended to David Hawk, Kendra Srebro, Amanda Krawczyk, Daniel E. Arnal, Kenneth T. Morgan, Richard J. Powell, Jr., Gene J. Calibani, Nick Ciccone, Timothy Kovich, I. Leo Moskovitz, the Reverend Monsignor John A. Bergamo, St. Patrick's Parish and to Alliance Capital of Moosic by Senator Mellow.

Congratulations of the Senate were extended to Colonel and Mrs. Richard Wilson, Brigadier and Mrs. Sina Jamali, Colonel and Mrs. James Selbie, Lieutenant Colonel and Mrs. Juan Ramirez, Lieutenant Colonel and Mrs. Vladimir Qiriaz, Lieutenant Colonel and Mrs. Matias Roncero, Colonel and Mrs. Ajlan Al-Kuwari, Lieutenant Colonel and Mrs. Ercan Cakmak, Brigadier General and Mrs. Apikit Srigungvarl, Brigadier General and Mrs. Hassan El-Rewany, Colonel and Mrs. Badea Al Raqum, Colonel and Mrs. Sosorbaram Chimeddorj, Colonel and Mrs. Marc van Uhm, Colonel and Mrs. Virgil Balaceanu, Colonel and Mrs. Marc Bertucchi, Colonel and Mrs. Hans Fischer, Brigadier General and Mrs. Mohammad Al-Bataineh, Colonel and Mrs. Sam Yeol Jang, Colonel and Mrs. Jon Lillard, Lieutenant Colonel and Mrs. Dario Avalos, Colonel and Mrs. Paul Gibson, Colonel and Mrs. Almidien Moreno, Colonel and Mrs. Turki Al-Anazi, Brigadier and Mrs. Vijay Singh, Lieutenant Colonel and Mrs. Mattheos Skouras, Colonel and Mrs. Goro Matsumura, Captain and Mrs. El Houssaine Akabli, Colonel and Mrs. Osvaldo Lamas, Colonel and Mrs. Paolo Serra, Colonel and Mrs. Alon Friedman, Colonel and Mrs. Ali Al Shehi, Lieutenant Colonel and Mrs. Sergii Trotskiy, Lieutenant Colonel and Mrs. Isfandiyar Pataudi, Mr. and Mrs. Dorsey H. Fry, Lieutenant Colonel and Mrs. Milton Guimaraes, Frank Wirt Paul, Theodore A. Rabena, W. Kenneth Achenbach, Colonel Branimir Furlan, Lieutenant Colonel Ibrahim Mbaye, Colonel Ernesto Boac, Colonel Tibor Benko, Lieutenant Colonel Simo Alho, Colonel Ben Oziegbe, Lin Chien-Chuan, Colonel Jacobus Steyn, Jillian Brinser, Kaolyn Fishel, Erica Gersic, Theresa Leavens, Dr. Thomas Herbert Malin, Christie Herold, Jeremy Boehm, Paul F. Fulk, Silver Spring water treatment facility of the Pennsylvania-American Water Company of Hershey, Cumberland County Housing and Redevelopment Authority and to the First United Methodist Church of Mechanicsburg by Senator Mowery.

Congratulations of the Senate were extended to The Honorable Albert H. Masland by Senators Mowery and Punt.

Congratulations of the Senate were extended to John R. Gaydeski, Bruce M. Marchetti, Christopher Francis Gabig, Paul Wayne Hauge, Christopher P. Riley, Darryl Lewis, Upper St. Clair High School, Mt. Lebanon School District of Pittsburgh, citizens of the Borough of Brentwood and the Brentwood Civic Club and to St. Joan of Arc Mission Church of South Park by Senator Murphy.

Congratulations of the Senate were extended to Irene Brader, Jeanette Brader, Matthew P. Derr, Paul S. Venit, Scott E. George, Gregory K. Rarick, Robert Linskey and to Jerry's Cafe of Ashley by Senator Musto.

Congratulations of the Senate were extended to Wayne Charles, Angelica Cruz, John H. Kramer, Nevin W. Adams, Earl Eugene Frantz, Grace Evangelical Congregational Church of Kutztown, Berks County Intermediate Unit Head Start Program, members of the Leonard H. Kinnard Chapter #7 of the Tele-

phone Pioneers of America, St. James Lutheran Church of Reading, Berks Community Action Program, Trinity Evangelical Lutheran Church of Gouglersville, Keshar Zion Synagogue of Reading and to the South of Penn 55+ Seniors Club of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. David B. Walker, Mr. and Mrs. Edward P. Keefer, Blanche R. Porr, Sam Reed, the Reverend Dr. W. Braxton Cooley, Sr., Paul Sheaffer, Joyce K. Potteiger, Tim Shatto and to CONTACT Helpline of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Dean G. Lobaugh and to Vivian Kuntz by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Maurice Kunkel, Mr. and Mrs. John Yasenachak, Dr. and Mrs. Robert P. Boran Sr., Mr. and Mrs. Burnell Satterwhite, Victor Pituch, Nicholas Eddington, William Charles Boyer, Vincent Spisak, Dr. Alberta Finch, Joan Hunter, Donald S. Hannig, Carroll Jun Martz, Uzal H. Martz, Jr., Robert Tarlton, Elk Lighting, Inc., of Summit Hill, Schuylkill Products, Incorporated, of Cressona, Siberline Manufacturing Company, Inc., of Tamaqua, and to Panther Creek Valley Foundation of Lansford by Senator Rhoades.

Congratulations of the Senate were extended to Richard R. Stevenson, Nancy Kamensky, Karl Gilbert, Justin George, Richard A. Jenkins, Paul D. Chadderton, Nikki Kurt, Jonathon P. Mabry, Sara Abate, Andrea Maines, Melissa Marie Getty, Kara Michele Fink, Jason Bryan Lytle, Westford Milling Company, Union City Memorial Hospital, First Presbyterian Church of Greenville and to the Meadville Area Industrial Commission by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Coppola, Mr. and Mrs. Frank Yannone, Harold and Lynne Honickman, Lawrence Udry, William James, Mary Humphries, Jean Sumrall, Joseph Mack, John Morrison, Joseph Kuchn, Andrew Commentucci, Paul Catto, Thomas Sylvester, Charles LePre, Frederick Kozachyn, Cedric Carter, Nigel Evans, Joseph Rovnan, George Wetzel, Gail Woertz, John Halligan, Beatrice R. Lydon and to Helen Borkowicz by Senator Salvatore.

Congratulations of the Senate were extended to Nancy L. Langen Steketee, Robert W. Freedman, Joseph J. Rishel, Algot F. Thorell, Jr., Eleanor Cope Emlen Elementary School of Philadelphia, Wyck Association of Philadelphia, Juvenile Law Center of Philadelphia and to the Johnson House Historic Site's Underground Railroad Station by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Cleason Wyant, Mr. and Mrs. Murray Hoover, Mr. and Mrs. Leonard A. Bufalini, Mr. and Mrs. Matthew Peconi, Mr. and Mrs. John Musser, Mr. and Mrs. Charles Thomas, Mr. and Mrs. William L. McMeans, Mr. and Mrs. John G. Daniska, Mr. and Mrs. James L. Mydock, Mr. and Mrs. Vernon Carnahan, Karl F. Stupic and to the Punxsutawney water treatment facility of the Pennsylvania-American Water Company by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Easterbrook, Mr. and Mrs. George Silvers, Mr. and Mrs. Edward Ozohonish, Mr. and Mrs. Don Hickman, Mr. and Mrs. Walter Dille, Mr. and Mrs. Charles W. VanDruff, Mr. and Mrs.

Thomas Atchison, Mr. and Mrs. Robert Toretti, Mr. and Mrs. Lester Barney, Mr. and Mrs. Paul Ihnat, Mr. and Mrs. Anthony Mosco, Mr. and Mrs. Lester Inghram, Mr. and Mrs. Louis Gayarski, Mr. and Mrs. Edward Schultz, Mr. and Mrs. George Cox, Mr. and Mrs. Joseph D'Orazio, Arthur Tennant and to Julia Persico by Senator Stout.

Congratulations of the Senate were extended to Carlos Matos by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. Albert E. Filano, Margaret W. Vaughan, Barbara A. Mangos, Richard S. Matthews, Westtown-Goshen Rotary Club and to the West Chester Area Senior Center by Senator Thompson.

Congratulations of the Senate were extended to Carol Nelson Shepherd, Edward W. Madeira, Jr., Maddy Crippen, AAA Mid-Atlantic Incorporated of Philadelphia, Stewart Junior High School/Middle School of Norristown, Gladwyne Elementary School and to the Rotary Club of Ardmore by Senator Tilghman.

Congratulations of the Senate were extended to Raymond Everett Forestal, Kelly Lambert, Todd Richard Yatchyshyn, Anna M. Pollard, Assumption of the Blessed Virgin Mary Parish of Feasterville and to the Bensalem United Methodist Church by Senator Tomlinson.

Congratulations of the Senate were extended to Sister Liguori Rossner, John P. Foley and to the United States Marine Corps by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. William Kotchish, Brian Eugene Fair, Matthew Gregory Myers and to Robert Paul Pichler by Senator Waugh.

Congratulations of the Senate were extended to Charles Sheffield, Devin Shirk, Robert Dennis Groff, Jonathan David Mendenhall and to Chad Michael Hogg by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. James C. Wilson, Jr., Mr. and Mrs. C. Stewart Wagner, Mr. and Mrs. Richard Courson, Benjamin Mourer, Brett Hartshorn, Stanley Ostwinch, Jr., The Honorable Patrick J. Stapleton, James M. Seif, Nancy S. Mellon, Clarion's Autumn Leaf Festival, Butler Branch of the American Association of University Women, Bantam Marine Detachment No. 743 commemorating the sixtieth anniversary of the Jeep, Butler County Communications Center and to the Farmington Township Officials by Senator White.

Congratulations of the Senate were extended to Wayne R. Chiodo, Bishop Jimmie A. Ellis III, A. Bruce Crawley, Albert Frattali, Reba Wade Newbille Brown and to the Greater St. Matthew Baptist Church of Philadelphia by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. William E. Alleman, Sr., Mr. and Mrs. John Peterson, Mr. and Mrs. Anthony Pinizzotto, Mr. and Mrs. Andrew A. Filo, Mr. and Mrs. Philip Bell Thompson, Mr. and Mrs. William O. Treat, Mr. and Mrs. Michael Karolchik, Mr. and Mrs. Russell King, Mr. and Mrs. Frank Diehl, Mr. and Mrs. Charles O'Brien, Mr. and Mrs. Anthony A. Ardire, Mr. and Mrs. John Rozich, Mr. and Mrs. Robert R. Havers, Sr., Mr. and Mrs. Frank N. Campagna, Mr. and Mrs. Stanley Crocefoglia, Mr. and Mrs. David Blasch, Mr. and Mrs. Frederick Swisher, Mr. and Mrs. Maurice E. Shawley, Reverend and Mrs. Ray Streets, Ashley Joseph Wilson, James Martin Link, Anthony J. Bafile and to Christopher D. Tingo 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 Philip Corbin Jr., by Senator Hart.

Condolences of the Senate were extended to the family of the late Cleo W. Confair by Senator Madigan.

Condolences of the Senate were extended to the family of the late Ellen Ann Roberts by Senators Thompson and Gerlach.

Condolences of the Senate were extended to the family of the late M. Amelia Barnette by Senator Williams.

POSTHUMOUS CITATIONS

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

Posthumous citations honoring the late Sam Brown, the late Florence Giaquinto, and the late Dr. James Brusie were extended to the family by Senator Boscola.

A posthumous citation honoring the late Terence P. Reiley was extended to the family by Senator Rhoades.

BILL ON FIRST CONSIDERATION

Senator WAGNER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

SB 1549.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

October 11, 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, Marion T. Spellman, 837 North Lincoln Avenue, Scranton 18504, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

October 11, 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, Mark Navarro, 4148 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve for a term of three years and until his successor is appointed and qualified, vice F. Eugene Dixon, Jr., Lafayette Hill, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
MANSFIELD UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

October 11, 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, Craig G. Litchfield, 33 West Avenue, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Marijo Heffner, Montoursville, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

October 11, 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, Catherine L. Maxaner (Public Member), 114 Ryan Lane, Milford 18337, Bradford County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Psychology, to serve for a term of four years and until her 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 WERNERSVILLE STATE HOSPITAL

October 11, 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, Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Warren W. Lamm, Sinking Spring, deceased.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

MEMBER OF THE COUNCIL OF TRUSTEES OF
MANSFIELD UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

October 11, 2000

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 12, 2000 for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Marijo Heffner, Montoursville, resigned.

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

THOMAS J. RIDGE
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

October 11, 2000

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

Please note the nomination dated September 26, 2000 for the reappointment of Janice H. Mannel, 7809 Pine Road, Wyndmoor 19038, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until her successor is appointed and qualified,

but not longer than six months beyond that period, should be corrected to read:

Janice H. Mannal, 6925 Frankford Avenue, Philadelphia 19135, Philadelphia County, Second Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until her successor is appointed and qualified, but not longer than six months beyond that period.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1140** and **2200**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 648** and **706**.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 11, 2000

HB 2216 -- Committee on Agriculture and Rural Affairs.

HB 2764 -- Committee on Finance.

BILLS SIGNED

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

SB 618, SB 648, SB 706, SB 1219, SB 1223, SB 1224, SB 1271, HB 1140, HB 1473, HB 2200, HB 2209 and **HB 2481**.

ADJOURNMENT

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

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, November 13, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:35 p.m., Eastern Daylight Saving Time.