

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, NOVEMBER 14, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 63

SENATE

TUESDAY, November 14, 1995

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend DON HAMILTON, of Capital Area Christian Church, Enola, offered the following prayer:

Let us pray.

Our dear Heavenly Father, we come to You on this wintery day and are reminded that You are in control of all things. Father, we know that You are the only true God and we confess that Your works are marvelous. You have placed the stars in the sky and call each one by name. You have exhibited Your great power in nature and yet You know each of us by name, even to the very numbers of hairs on our heads.

Father, we stand in awe and are humbled to think that we mere humans could come boldly before the God of the universe, the Maker and Sustainer of life, and presume to ask for anything, and yet, Lord, that is what we now do. We come before You and we ask You for one thing: God, grant these leaders wisdom. We know that kingdoms rise and fall and nations prosper or suffer based upon the wisdom of their leaders, and so, Father, today in this place we invoke Your generous promise to those who believe. Grant us wisdom. Amen.

The PRESIDENT. The Chair thanks Reverend Hamilton, who is the guest today of Senator Mowery.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Armstrong.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Armstrong. Without objection, that leave is granted.

The Chair recognizes the gentleman from Cambria, Senator Stewart.

Senator STEWART. Mr. President, I request legislative leaves for Senator Andrezeski and Senator Belan, and temporary Capitol leaves for Senator Schwartz, Senator Williams, and Senator Afflerbach.

The PRESIDENT. Senator Stewart requests temporary Capitol leaves for Senator Schwartz, Senator Williams, and Senator Afflerbach, and legislative leaves for Senator Andrezeski and Senator Belan. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

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

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 13, 1995.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEAS-46

Table with 4 columns listing names of Senators: Afflerbach, Andrezeski, Armstrong, Belan, Bell, Bodack, Brightbill, Corman, Dawida, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Jones, Jubelirer, Kasunic, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Peterson, Porterfield, Punt, Rhoades, Robbins, Salvatore, Schwartz, Shaffer, Stapleton, Stewart, Stout, Tartaglione, Tomlinson, Uliana, Wagner, Wenger, Williams.

NAYS-0

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

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The temporary Capitol leave for Senator Afflerbach is cancelled.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 347**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly adjournment.

BILL INTRODUCED AND REFERRED

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

November 14, 1995

Senators PETERSON, GREENLEAF, WAGNER, SCHWARTZ, STOUT, HART, HECKLER, TOMLINSON and MUSTO presented to the Chair **SB 1299**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," allowing distributors of malt or brewed beverages to sell on credit.

Which was committed to the Committee on LAW AND JUSTICE, November 14, 1995.

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:

November 14, 1995

DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO STUDY THE IMPLEMENTATION OF THE PENNSYLVANIA FARMLAND AND FOREST LAND ASSESSMENT ACT OF 1974

Senators PUNT, MADIGAN, WENGER, FUMO, RHOADES, PORTERFIELD MUSTO and PETERSON offered the following resolution (**Senate Concurrent Resolution No. 81**), which was read and referred to the Committee on Agriculture and Rural Affairs:

In the Senate, November 14, 1995

A CONCURRENT RESOLUTION

Directing the Joint State Government Commission to study the implementation of the Pennsylvania Farmland and Forest Land Assessment Act of 1974.

WHEREAS, The act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, and commonly referred to as the "Clean and Green Act," was enacted to give preferential assessments to real property devoted to agricultural use, agricultural reserve and forest reserve, and in order to encourage landowners to retain property in those uses; and

WHEREAS, Concerns have been expressed that the implementation of this act may be inconsistent between counties, unfair and contrary to the intent of the act; and

WHEREAS, These concerns have arisen particularly with respect to the issues of unfairly high assessments, designation of property eligible for the program, calculation of roll-back taxes and applicability of roll-back taxes upon conveyance or descent; and

WHEREAS, Careful study of the existence and extent of these problems is necessary in order to determine the desirability and nature of administrative or legislative relief, therefore be it

RESOLVED (the House of Representatives concurring), That the Joint State Government Commission study the uniformity and fairness of the implementation of the Pennsylvania Farmland and Forest Assessment Act; and be it further

RESOLVED, That the Joint State Government Commission report its findings and recommendations, as well as any proposed legislation, to the General Assembly as soon as possible.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Mr. Randall Cooley as a member of the Conservation and Natural Resources Advisory Council.

Mr. David F. Simon as a member of the Conservation and Natural Resources Advisory Council.

BILL SIGNED

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

SB 347.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings during today's Session: Committee on Rules and Executive Nominations to consider Senate Bill No. 879 and certain nominations; also the Committee on Urban Affairs and Housing to consider Senate Bill No. 1181 and House Bill No. 1130.

REPORTS FROM COMMITTEES

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

SB 131 (Pr. No. 132)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for lobbying expenses.

SB 271 (Pr. No. 1560) (Amended)

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," imposing restrictions on and requiring registration of persons who conduct certain games, drawings, sweepstakes or other contests; fur-

ther providing for the powers and duties of the Attorney General; and imposing penalties.

SB 599 (Pr. No. 1561) (Amended)

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

SB 941 (Pr. No. 1013)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to certain organizations.

SB 1163 (Pr. No. 1359)

An Act amending the act of July 25, 1961 (P. L. 857, No. 372), entitled, as amended, "Stuffed Toy Manufacturing Act," exempting community-based agencies from registration requirements.

SB 1165 (Pr. No. 1361)

An Act amending the act of July 20, 1974 (P. L. 564, No. 193), entitled "Peer Review Protection Act," extending the protection given by the act to review committees of associations of veterinarians; and redefining "professional health care providers" to include veterinarians.

HB 416 (Pr. No. 2776) (Amended)

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for the supervision of shops.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, also reports Final Form regulations reported to IRRC as disapproved: PUC No. 57-145; and from the House Final Form regulations reported to IRRC without objections: PUC 57-132, Licensure Board Nos. 16A-370, 16A-511, 16A-661, 16A-552, 16A-631, 16A-483, 16A-472, 16A-574, 16A-652, 16A-681, 16A-544, 16A-411 and 16A-421.

Senator HART, from the Committee on Finance, reported the following bill:

SB 2 (Pr. No. 1562) (Amended)

An Act authorizing counties to impose sales and use, personal income or earned income and net profits taxes; authorizing municipalities to impose personal income, earned income and net profits and municipal service taxes; authorizing certain counties to impose a hotel occupancy tax; empowering municipalities to require county sales and use taxes; authorizing school districts to impose taxes on personal income, earned income and net profits; providing for the levying, assessment and collection of such taxes; providing for the powers and duties of the Department of Community Affairs, the Department of Revenue and the State Treasurer; providing an additional exemption from the tax on intangible personal property; providing for limitations on debt of school districts; exempting counties, municipalities and school districts from compliance with certain laws that require counties, municipalities and school districts to spend funds or that limit the ability of counties, municipalities and school districts to raise revenue; limiting reassessments in counties of the second class; restricting the taxing authority of certain political subdivisions; and making a repeal.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator HECKLER submitted the Report of Committee of Conference on SB 282, which was placed on the Calendar.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate, first for the purpose of an off-the-floor meeting of the Committee on Urban Affairs and Housing to be held in the Rules room at the rear of the Senate Chamber, immediately followed by a Republican caucus, a very important Republican caucus, in the first floor caucus room, to begin immediately upon the conclusion of the meeting of the Committee on Urban Affairs and Housing, with an expectation of returning to the floor at approximately 3:45.

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

Senator STEWART. Mr. President, the Democratic Members are asked to report to our caucus room as soon as we recess.

The PRESIDENT. Senator Loeper and Senator Stewart request a recess of the Senate for the purpose of a meeting of the Committee on Urban Affairs and Housing to be conducted immediately at the rear of the Senate, followed by a Republican Caucus meeting, and the Democratic Members are encouraged to make their way to their caucus room at the rear of the Chamber for the same purpose, with the intention of returning at approximately 3:45 p.m. this afternoon.

For these purposes, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

**BILL WHICH HOUSE HAS NONCONCURRED
IN SENATE AMENDMENTS**

BILL OVER IN ORDER

HB 701 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 564 and **SB 790** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

SB 1122 (Pr. No. 1556) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," further providing for definitions, for statutes of limitation, for professional liability insurance and the Medical Professional Liability Catastrophe Loss Fund, for administration of that fund, for liability of excess carriers, for plan operation and rates, for reports to the Insurance Commissioner, for forms of doing business and for the Joint Study Committee.

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

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

SB 1167 (Pr. No. 1363) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Office of the Attorney General for the payment of certain moral claims against the Commonwealth of Pennsylvania.

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

BILLS ON SECOND CONSIDERATION

SB 222 (Pr. No. 228) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in Union Township, Lawrence County, as the Thomas J. Fee Bridge.

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

HB 269 (Pr. No. 262) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge in Bradford County as the Ebin Dunning Bridge.

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

BILL OVER IN ORDER

SB 315 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 490 (Pr. No. 518) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, exempting certain portions of highways in second class townships from dust control measures.

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

SB 496 (Pr. No. 515) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

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

SB 509 (Pr. No. 1537) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to weights and measures; regulating the use and sale; providing for the inspection of weighing and measuring devices; regulating the sale and packaging of commodities; authorizing the regulation of persons engaged in selling, installing and repairing commercial weighing and measuring devices; providing for certain standards, for testing and for the sale and packaging of certain commodities; providing for the licensing of public weighmasters and defining their powers and duties; regulating the sale and delivery of solid fuel and other commodities sold by weight; regulating the manufacture, sale, offering for sale, giving away and use of weights and measures and of weighing and measuring devices; providing for the approval and disapproval of such weighing and measuring devices; regulating the delivery of light fuel oil to domestic consumers; providing for certain powers and duties of the Department of Agriculture; imposing penalties; and making repeals.

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

BILLS OVER IN ORDER

SB 597 and SB 785 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 811 (Pr. No. 1542) -- The Senate proceeded to consideration of the bill, entitled:

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

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

HB 917 (Pr. No. 1534) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating SR 3015 in Susquehanna County and SR 1009 in Wyoming County as Avery Station Road.

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

BILL OVER IN ORDER

SB 960 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**HOUSE CONCURRENT RESOLUTION
No. 235, ADOPTED**

Senator LOEPER, without objection, called up from page 4 of the Calendar, **House Concurrent Resolution No. 235**, entitled:

A Concurrent Resolution amending House Resolution No. 2 (Concurrent), approved by the Governor March 9, 1995, entitled "A concurrent resolution to create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures," changing the date of the report, and further providing for funding of the commission.

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

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

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 235.

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

LEGISLATIVE LEAVES

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

Senator BODACK. Mr. President, Senator Fumo has been called to his office, and I request a temporary Capitol leave for him, and also a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Bodack requests a temporary Capitol leave for Senator Fumo, and a legislative leave for Senator Tartaglione. Without objection, those leaves will be granted.

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:

YEAS—46

Afflerbach	Gerlach	Madigan	Schwartz
Andrezeski	Greenleaf	Mellow	Shaffer
Armstrong	Hart	Mowery	Stapleton
Belan	Heckler	Musto	Stewart
Bell	Helfrick	O'Pake	Stout
Bodack	Holl	Peterson	Tartaglione
Brightbill	Jones	Porterfield	Tomlinson
Corman	Jubelirer	Punt	Uliana
Dawida	Kasunic	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Fisher	Lemmond	Salvatore	Williams
Fumo	Loeper		

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The temporary Capitol leave of Senator Williams is cancelled.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Loeper has requested a temporary Capitol leave for Senator Mowery, and a legislative leave for Senator Shaffer. Those leaves are granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The temporary Capitol leaves of Senator Schwartz and Senator Andrezeski are cancelled.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY**

June 15, 1995

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, Matthew D. Carrafiello, Esquire, 2535 South 19th Street, Philadelphia 19145, Philadelphia County, Eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Louis G. Hill, mandatory retirement.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 15, 1995

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, Renee Cardwell Hughes, Esquire, 3355 Wiehle Street, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 1996, vice The Honorable Nelson A. Diaz, resigned.

THOMAS J. RIDGE
Governor

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

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

YEAS—46

Afflerbach	Gerlach	Madigan	Schwartz
Andrezeski	Greenleaf	Mellow	Shaffer
Armstrong	Hart	Mowery	Stapleton
Belan	Heckler	Musto	Stewart
Bell	Helfrick	O'Pake	Stout
Bodack	Holl	Peterson	Tartaglione
Brightbill	Jones	Porterfield	Tomlinson
Corman	Jubelirer	Punt	Uliana
Dawida	Kasunic	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Fisher	Lemmond	Salvatore	Williams
Fumo	Loeper		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION

August 31, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John I. Enck, Jr., V.M.D., 120 Garfield Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION

September 28, 1995

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, Jack Post, R. D. 4, Centerville 16404, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas E. McIlwain, Spring Church, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION

August 4, 1995

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, Brenda McLaughlin (Alternate Member), 3496 North Fourth Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Robert S. Zimmerman, Jr., Mechanicsburg, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

September 20, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Frankel, 6641 Reynolds Street, Pittsburgh 15206, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1996 and until his successor is appointed and qualified, vice Robert N. Lettieri, Scranton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

September 20, 1995

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, Ruth Gannister, 916 Rondalay, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania

Council on the Arts, to serve until July 1, 1998 and until her successor is appointed and qualified, vice Lois L. Grass, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

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

October 18, 1995

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, Ted Stuban, 1335 Second Avenue, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg 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 Gerald E. Malinowski, Esquire, Mount Carmel, whose term expired.

THOMAS J. RIDGE
Governor

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

July 20, 1995

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, Annetta D. Ganassi, 1750 William Flynn Highway, Glenshaw 15116, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of California 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 Gail Lese, Bethel Park, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

October 12, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward R. Donley, 326 North 27th Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2001 or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

October 13, 1995

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, Edith Walker Isacke, 516 27th Street, Altoona 16601, Blair County, Thirtieth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2001 or until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF LAURELTON CENTER

October 6, 1995

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, Stephen J. Pancoe, R. D. #1, New Columbia 17856, Union County, Twenty-third Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice William W. Wilkinson, Williamsport, whose term expired.

THOMAS J. RIDGE
Governor

COMMONWEALTH TRUSTEE OF LINCOLN
UNIVERSITY - OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

June 26, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph H. Tucker, Jr., Esquire, 100 North 17th Street, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University - of the Commonwealth System of Higher Education, to serve until August 31, 1998, and until his successor is appointed and qualified, vice Herbert Hutton, Esquire, resigned.

THOMAS J. RIDGE
Governor

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

October 24, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas W. Abell, 10 Cherry Street, Towanda 18848, Bradford 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 1997, and until his successor is appointed and qualified, vice Robert M. Jones, Sr., Blossburg, whose term expired.

THOMAS J. RIDGE
Governor

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

September 28, 1995

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, Howard J. Smith, R. D. 3, Box 261, Troy 16947, Bradford County, Twenty-third Senatorial District, for reappointment 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.

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE
OFFICERS' EDUCATION AND
TRAINING COMMISSION

September 28, 1995

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, Tim Murray, 680 High Street, Conneaut Lake 16316, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1996, and until his successor is appointed and qualified, vice Vincent P. Wiercinski, Dickson City, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE
OFFICERS' EDUCATION AND
TRAINING COMMISSION

August 31, 1995

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, Paul L. Pennypacker, 851 Milford Road, Downingtown 19355, Chester County, Nineteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1998 and until his successor is appointed and qualified, vice Donald K. MacConnell, Allentown, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF NURSING

October 12, 1995

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, Richard R. Kerr, 3952 Constance Road, Philadelphia 19114, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Nursing, to serve until March 31, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Shirley A. Frycklund, Indiana, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF SOCIAL WORK EXAMINERS

September 28, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis P. McManus (Public Member), 1153 Wightman Street, Pittsburgh 15217-1049, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

October 23, 1995

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, Mildred W. Benner, 230 Benner Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

October 18, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward D. Maley, M.D., 50 River Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 2001, and until his successor is appointed and

qualified, vice Keith A. Lauderbach, D.Ed., Manheim, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF THADDEUS STEVENS STATE SCHOOL
OF TECHNOLOGY

October 18, 1995

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 M. Musser, Jr., Esquire, 222 South Market Street, Elizabethtown 17022, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens State School of Technology, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Susan R. Friedman, Lititz, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF
VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

June 15, 1995

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, Neil J. Pufko, 130 Harvest Lane, Phoenixville 19460, Chester County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, 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 Robert G. Pickerill, Blakely, whose term expired.

THOMAS J. RIDGE
Governor

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

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

YEAS—46

Afflerbach	Gerlach	Madigan	Schwartz
Andrezski	Greenleaf	Mellow	Shaffer
Armstrong	Hart	Mowery	Stapleton
Belan	Heckler	Musto	Stewart
Bell	Helfrick	O'Pake	Stout
Bodack	Holl	Peterson	Tartaglione
Brightbill	Jones	Porterfield	Tomlinson
Corman	Jubelirer	Punt	Uliana
Dawida	Kasunic	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Fisher	Lemmond	Salvatore	Williams
Fumo	Loeper		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

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

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

For the information of the Members, we still have a Supplemental Calendar to deal with and there will be additional votes. Thank you.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate stands in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD
OF EDUCATION

October 12, 1995

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 P. Gallagher, Ph.D., 3400 West School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2001 or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

PROTHONOTARY, CHESTER COUNTY

July 31, 1995

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, Allison M. Bell, Esquire, 411 North Walnut Street, West Chester 19380, Chester County, Nineteenth

Senatorial District, for appointment as Prothonotary, in and for the County of Chester, to serve until the first Monday of January 1996, vice R. Curtis Schroder, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BEDFORD COUNTY
BOARD OF ASSISTANCE

October 4, 1995

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, JoAnn Slattery Glah (Republican), 909 South Juliana Street, Bedford 15522, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 1997, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

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

CONFERENCE REPORT ADOPTED

SB 282 (Pr. No. 1563) -- The Senate proceeded to consideration of the bill entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "police officer"; defining "law enforcement officer" and "loaded" for purposes of the Uniform Firearms Act of 1995; further providing for certain prohibited criminal conduct, for administration, for fees and for notification; prohibiting the provision of butane to minors; further providing for buying or exchanging Federal food order coupons, stamps, authorization cards or access devices and for fraudulent traffic in food orders; prohibiting the operation of certain establishments; providing for local option; and making repeals.

On the question,

Will the Senate adopt the Report of the Committee of Conference on Senate Bill No. 282?

Senator LOEPER. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 282.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Heckler.

Senator HECKLER. Mr. President, a few months ago we enacted trail-breaking legislation hailed by responsible gun owner groups and gun control groups alike. The gentleman

from Philadelphia, Senator Fumo, continues to deserve great credit and thanks for forging this difficult compromise and presenting to us and to the Commonwealth for enactment legislation which broke new ground in doing what we all have always said we wanted to do, which is regulate criminals, not regulate the rights of law-abiding citizens to own firearms.

As the law went into effect, some problems came to light when it was given real-world application. Those problems were seized upon by some folks who will always oppose any legislation on this subject and who will imagine all manner of inaccurate threats to their rights as gun owners. The document before the Senate today, in the form of the conference committee report on Senate Bill No. 282, contains a resolution of the practical problems experienced by people who had to work with this law in the real world. Contrary to the fears which have been expressed in some recent editorials across the State, the conference committee report does not gut the law we enacted a few months ago. It does not return us to the situation in which folks with juvenile records, criminal records, serious mental health problems could acquire firearms unchecked. It does not take us back to the situation in which firearms would be readily available, with minor penalties, to juvenile criminals and to others out of the trunks of cars.

What we have done in this conference committee report is delayed the effective date for background checks for the purchase of long weapons - rifles and shotguns - until we can devote adequate resources and put the State Police and gun dealers in the position of being ready to handle the flow of paperwork which will arise as a result of that requirement. And frankly, I am hopeful, and I know that the Ridge administration has shown great interest in putting in place the instant background check system, which is our long-range objective, for all handgun and new rifle and shotgun purchases. We are hoping that will happen much sooner than the final date of October 1999 required in the law we passed.

This legislation does a number of other fine-tuning things. I am not going to take the time of the Senate, unless there are Members who have specific questions, but mindful of the fact that we have now raised to felony status conduct involved in carrying a weapon without a license and conduct involved in certain transfers of weapons with the intent to violate the law, we have taken great pains to clarify a number of the provisions of the law so that there can be no mistake, so that there is no danger that innocent, well-intentioned, law-abiding citizens will be caught up in a trap, while at the same time we have restrained ourselves from weakening in any way the law enforcement provisions of this act, the provisions aimed at taking people off the streets who use guns in crime and who acquire guns for the purpose of committing crimes, and beyond that, taking the people off the streets who sell guns or provide guns to those criminals as well.

I would call to the attention of the Senate that members of the major sportsmen's organizations of this State support the enactment of Senate Bill No. 282 in the form of the conference committee report. I am sure many of you have received communications from the National Rifle Association and the Pennsylvania Federation of Sportsmen's Clubs. I will be happy to

entertain any questions which anyone may have on this conference report. I want to particularly recognize the efforts of the Members of the conference committee, as well as the gentleman from Mercer, Senator Robbins, of our Chamber, on representing the various interests which needed to come together to correct the problems that existed but to do so in a way which was consistent with the spirit of the bill we passed and consistent with its objectives.

I will be happy to entertain any questions. Thank you.

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

Senator SCHWARTZ. Mr. President, I rise to oppose this legislation. I, too, want to remind my colleagues that Act 17, the Uniform Firearms Act, was a product of a truly bipartisan, broad-based effort to do something about the proliferation of dangerous weapons without jeopardizing the rights of legitimate gun owners. It was hailed, as was commented on previously, as significant landmark legislation that we passed. It is certainly rare that we get the National Rifle Association and Handgun Control, Incorporated, to support the same legislation, but they did so. And they did so, Mr. President, because it was a compromise bill. There were some tradeoffs, particularly for Philadelphians. You may remember that there were some restrictions that were lifted in Philadelphia. That was done because this bill, as originally drafted, was an important bill in moving us forward in making sure that criminals would have less access to guns in this State.

Unfortunately, Mr. President, what we have seen as a response just one month, actually less than one month, after this legislation went into effect is that a very extreme group of pro-gun folks really wanted to take an opportunity to, as they originally did, oppose the limits on guns and roll back our efforts to make a very reasonable law that would protect the citizens of Pennsylvania. We have just spent 11 months, Mr. President, in a Special Session on crime where we wanted to be tougher on criminals. We had a lot of conversation on this floor about how we had to be concerned about—and I agree with this—public safety, that we had to be tough on criminals and we had to do everything we could to better protect the citizens of the Commonwealth. Well, we overwhelmingly passed Act 17. We did so because we unanimously believed then that it would protect the citizens of the Commonwealth by making sure that fewer criminals would be able to get to the system and get firearms.

There are some changes in this bill that I think I would agree with the conference committee are fairly technical and maybe respond to some practical concerns. Some of them I think are very minor concerns and are really not likely to cause very much difficulty.

But, Mr. President, I would say that we ought to stick to our guns and not pass this legislation. We did something important. Let us not begin to rethink this this soon. I could go over some of the minor points in this legislation. The gentleman from Bucks, Senator Heckler, did some of that. The most significant change, and we should not in any way think that this is a minor change, the most significant change is that we have postponed until January of 1997 any kind of background

check on rifles and shotguns, so long guns would be available now to criminals. So if you are a criminal in Pennsylvania and you do not think that you could fill out a form and pass a background check to get a weapon that you could conceal, you could now continue to go in and freely buy a semiautomatic rifle. Now, that may not be the weapon of choice for most criminals, but it certainly is for some criminals. And if they now know that they cannot buy a handgun without filling out a form, are we encouraging them instead to get a semiautomatic rifle? That does not make me feel safer. It should not make anyone else feel safer as well.

We are concerned about things like drive-by shootings. What kinds of weapons do you think get used in drive-by shootings? So what we are saying is it is okay with us for the citizens of Pennsylvania to live until January of 1997 with criminals not having to wait for a background check. If citizens want to buy rifles, they will not have any problem, if they are not criminals, in filling out a form and being able to make sure that they have that background check. There are a variety of things that we do in our society sometimes, unfortunately, when we go through certain hassles, even minor hassles, to make sure that we are safer. We now all go through airport situations where it is not real comfortable and it is more time-consuming to go through security checks. Do we want to do that? Would I prefer not to have to worry about somebody standing next to me planting a bomb or having a gun? But the fact is that we do go through some inconveniences as law-abiding citizens to protect ourselves and to protect others. What we have done with this change is not small. If you are concerned about criminals having access to guns, why are we not also concerned about them having access to semiautomatic rifles and shotguns?

I ask you, Mr. President, to be sure that everyone understands that these are not minor technical changes. I wish they were. We should stay with our initial concern, keeping guns out of the hands of criminals, providing the easiest way possible for law-abiding citizens, and make sure that we are absolutely clear with every citizen of the Commonwealth about where we stand on guns. If you are using guns in a law-abiding way, we accept that in this society. Certainly, if you are using guns for recreation, we certainly accept that in this society. We should not accept or encourage or make it possible for criminals to easily get very serious kinds of weapons, and this law allows that to happen.

I remind everyone again, Mr. President, that this law has been in effect since October 11. If anyone thinks it has made it much harder for people to get guns, they should certainly see the Inquirer article of just a few days ago where in just one month since the law went into effect, the number of applications for guns in Philadelphia alone was 2,500 in one month, more than double the number in all of last year. We have encouraged more people to carry guns, made it easier for more people to carry guns. That was what many people wanted to do. Mr. President, while we accept that, let us be absolutely clear that we have not put very serious weapons in the hands of criminals. If we leave the law alone, we are doing the right thing. If we make these changes, we have allowed criminals

who under our current law would not be able to get long guns to be able to do so.

Mr. President, I ask my colleagues to be concerned about the safety of the public and less concerned about criminals' access to very serious kinds of weapons.

Thank you, Mr. President.

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

Senator RHOADES. Mr. President, would the gentleman from Bucks, Senator Heckler, submit to brief interrogation?

The PRESIDENT. Will the gentleman from Bucks, Senator Heckler, submit to brief interrogation?

Senator HECKLER. I will, Mr. President.

Senator RHOADES. Mr. President, there has been a great amount of complaint relative to the application process initiated under Act 17. Will Senate Bill No. 282, the conference committee report, clarify that confusion?

Senator HECKLER. Mr. President, with regard to the purchase of long weapons, rifles and shotguns, it will suspend that process. It will take us back to where we were before the effective date of Act 17 so that you will only have to fill out, I believe it is, the Federal form which remains in the gun shop, which is completed just as you did for years prior to the effective date of Act 17. In January of 1997, if we do not have the instant background check up and running by then, there will be the requirement that a simple form, no more than one page, be completed, which will contain no identifying information about the long weapon. It will contain sufficient identifying information about the person purchasing it so that the State Police would be able to take that form, determine whether that person has a criminal record, a mental health problem, or other disabling thing in their past, and we require specifically in this conference report that once that piece of paper has been processed by the State Police that it be destroyed within fairly tight timeframes so that there is no way this document can become a form of registration, a record that the State Police now have on record that you own a shotgun of a certain description or a rifle of a certain description. Of course, that ends once the instant background check system goes into place.

As to pistols, this conference report does not change anything. The sale of handguns will continue to be regulated by the Brady Law as we have implemented it through Act 17.

Senator RHOADES. Mr. President, as a citizen or a hunter, if I go to a sporting goods store right now to buy either a rifle for deer hunting or target shooting or a shotgun for shooting pigeons, or whatever the case may be, that will be legal for me to do? That will not require forms to be filled out? It will be as I had always done prior to Act 17?

Senator HECKLER. Mr. President, that is correct. As soon as this goes into effect.

Senator RHOADES. Mr. President, the other question which I believe was addressed was from the standpoint of a statewide computerized registry of all firearms or the people who are purchasing these. Will there be in any way, shape, or form registration with people's names on or rifles on or anything else kept anywhere?

Senator HECKLER. Mr. President, there will not. Even once the instant background check goes into place, that was always designed specifically to preclude, to prevent, such a registry from occurring. The only thing that will be kept, which is presently being kept, is a record of the initial purchase of a handgun. That the State Police have had for years. We do not change that.

I might add, Mr. President, that because of some of the concerns that were expressed about this, this legislation creates, for the first time, an oversight committee comprised of Members of the legislature and the executive branch of government whose charge is to report to the General Assembly on the compliance with this legislation and the compliance with the overall objectives of Act 17.

Senator RHOADES. Mr. President, all right, and I guess you did mention it, but the National Rifle Association and the Pennsylvania State affiliate of the Pennsylvania Rifle and Pistol Association, along with the Pennsylvania Federation of Sportsmen, have all endorsed the conference committee report on Senate Bill No. 282?

Senator HECKLER. Mr. President, that is my understanding from the correspondence I received.

Senator RHOADES. Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Porterfield, Senator Jones, Senator O'Pake, and Senator Afflerbach.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Porterfield, Senator Jones, Senator O'Pake, and Senator Afflerbach. Without objection, those leaves are granted.

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

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, I rise today with mixed emotions. Some time ago here, not too long ago, we passed this act and I voted for it, as everybody here did. If I had the chance to do it over again, I would not have voted for Act 17 for the following reasons: There are many who felt that the law as we passed it did not prohibit, it certainly did not intend for there to be registering of rifles and shotguns, but it did not make it clear enough and precise enough and put in the opposition strongly enough so that some agency might have done it down the road, because there really were no penalties if they did. On the good side, we are fixing that today.

We also caused problems in my district for our gun raffles in sportsmen's clubs and firemen's groups. One of their major fundraising events is gun raffles, where they give away hundreds of guns. It caused a very serious problem for those to function as they had in the past, and there was very serious concern about that, and I believe we fixed that here today in

this legislation. We also caused a problem for 16-year-olds to be able to hunt by themselves, which has been common practice. I did it the moment I was 16 as an avid hunter from one of the most rural parts of Pennsylvania.

The area where I really think we erred the greatest was bringing long guns into this issue prior to the instant background check. Now, we are fixing that for a year and 2 months. We are saying that if you buy a rifle or a shotgun in Pennsylvania, you will not have a problem until 1997. Now, if the instant check system is in place, then I guess you would not have a problem at all, but we have no guarantee of that. I would be shocked, as most of us would be, if we have the instant check in place by 1997, and I guess I wonder why today we are not saying that that part is out until we have an instant background check, but we have chosen not to do that.

Are the hunters of Pennsylvania the problem? No, they are not the problem. I personally have five rifles, three shotguns, and a pistol. It is not uncommon for my friends to have that many guns or more as they inherited guns from their grandfathers or their fathers and purchased some guns of their own. Or they may be a collector. I am not a collector. Those are just guns I have purchased or inherited from my grandfather and father. But I think placing shotguns and rifles into a place where records are kept is inappropriate. Long guns and rifles are not the crime problem in this Commonwealth. They never have been and never will be.

I have been asked by the six gun owner groups in my district not to support this amendment, even though it makes an improvement over Act 17 and solves many of the problems. Today I will be voting "no" for a much different reason than the gentlewoman from Philadelphia, Senator Schwartz, because she and I would probably never agree on this issue, although we agree on many issues. She comes from a whole different perspective. Guns are as much a sport in my district as football and baseball. In fact, for many, hunting is the number one sport, and I think it is unfortunate that those who hunt and buy rifles and shotguns and target practice and shoot trap have been brought into this law until the instant check system is in place, and until that can be fixed I will be a "no" vote on this conference committee report, even though I realize it makes a lot of improvements in Act 17.

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

Senator FISHER. Mr. President, I rise in support of the conference report on Senate Bill No. 282. I think this was a responsible effort to try to clear up many of the ambiguities that exist currently in Act 17. It was an effort that was undertaken shortly after the law went into effect, although some of the problems that existed in Act 17 were known almost immediately upon passage of that act, and there has been an effort since that time, since June, to try to get some language and await an appropriate vehicle, which Senate Bill No. 282 is, to try to clear up many of those ambiguities.

Mr. President, this is not an effort on the part of any extreme pro-gun groups, to which the gentlewoman from Philadelphia, Senator Schwartz, referred. In fact, I do not even know who those groups are. There are some groups across

Pennsylvania who represent sportsmen and gun owners who may not be satisfied yet with the provisions of Senate Bill No. 282 and may have a different viewpoint on Act 17 as it hopefully will be amended by Senate Bill No. 282. But rather, as I said, this is a responsible effort to try to clarify the existing law, the law which everybody in Pennsylvania who enjoys hunting, who enjoys target shooting, who is a gun owner, and a lot of people in the business of selling these guns, whether it be small gun dealers in the district of the gentleman from Venango, Senator Peterson, in Philadelphia, or whether they be large merchandisers like K-Mart and Wal-Mart and the rest of them across the State, have been faced with incredible confusion since the passage of this act and since the interpretations that were sent out by the Pennsylvania State Police.

Mr. President, we have heard discussion here today about how the gentlewoman from Philadelphia, Senator Schwartz, says how horrible it is that we are now going to do something that is going to mean that criminals are going to be in the streets with long guns, with rifles or shotguns. Mr. President, I think in trying to say that this law, Act 17 as amended by Senate Bill No. 282, is really going to solve that problem is taking a naive and very short-sighted look at the problem of crime in Pennsylvania. In fact, many of those criminals that she refers to, they do not pay attention, unfortunately, to Act 17 or anything else. They get their guns in another market.

But, Mr. President, there are a lot of law-abiding citizens across Pennsylvania. There are a lot of law-abiding citizens that had some legitimate concerns with what Act 17 did, and those law-abiding citizens, and I have talked to many of them over the last 3 to 4 months, they were not as concerned about a background check because they are law-abiding citizens. But they were concerned, and some of them have legitimate concerns, that this check in this system that was going to create these records was going to somehow create a registry which was going to mean that somebody who was big brother in their eyes was going to have this registry and was going to know who had weapons across Pennsylvania.

Now, I admit that I was not one of the sponsors of Act 17 although I voted for it. I recognize that the language and the possibility of that kind of registry was at best ambiguous. So what we have done clearly in this bill is we have said there will be no registries in Pennsylvania. And what we have further said is we have recognized, we have asked questions, perhaps some of the questions that should have been asked by the committee that maybe were not asked. We asked questions, we said, how many weapons are sold in the course of a year, handguns and long guns, in Pennsylvania? We were told that approximately 200,000 handguns are sold in Pennsylvania. They are going to continue to go through the instant background check. They are going to continue to have the 48-hour waiting period until the instant background check is up and running, but I found out, as did the other Members of the conference committee, that probably as many as 650,000 long guns are sold in this State.

The problem that we are addressing by postponing the instant background check until 1997 for long guns is not the fact that people who are legitimate who are buying those guns do

not want to fill out a form. The problem is that we currently have no mechanism to make a check of 650,000 purchases. Now, if anybody would like to go over to the Pennsylvania State Police record data center like I did a month or so ago and ask the question about their records and status, they are going to find out that there are records of people all across Pennsylvania that are incomplete. They are incomplete because the data that literally creeps in from the 67 counties is incomplete. They do not have the manpower to put in the completed data that they have, never mind the completed data that they do not have, on the record, so what you are going to have is incomplete data, incomplete records, a lack of manpower, but 650,000 potential applications coming across somebody's desk that they are going to have to check.

In addition to saying no registry, what we have tried to address in this bill is we have taken a time period of January 1, 1997. We, first of all, said to the State Police, can you have something up and running if you do not have the instant background check so that you at least would be able to get the answers that you would be required to get on long gun purchasers by that date? The answer was, we think so. The answer was, yes. But, Mr. President, and one reason I think January 1, 1997, is an appropriate date is what I would like to see is rather than us wasting the money to get a manual system in place, I would like to see us concentrate the resources that we have, concentrate the resources that are available to State Police, resources that would be available for this purpose to get the instant background check system up and running in Pennsylvania. We picked initially an arbitrary date of 1999, but with the resources and with the willpower, I believe we could have that instant background check up and running perhaps as early as sometime in early 1997.

Now, if that is done, then we have really done something for the people of Pennsylvania. What we have done is we will then have a system so that every gun owner will be able to pick up the phone and say, I have John Doe here of Spruce Street in Philadelphia, and we would like to know, because he is purchasing a weapon, we would like to know whether there is any criminal record, whether there is any juvenile record, or whether there is any mental health record. And within an instant period of time, that gun owner is going to get the answer. Now, that is the kind of system I think we all ought to be working for. I do not think it does us any good to say that the amendments to this bill are going to mean that people are going to be running around Philadelphia or some other part of the State with weapons that they were able to get easier under Senate Bill No. 282 than they would be able to get under Act 17.

So, Mr. President, as I said initially, I believe it was a responsible effort on our part. I commend the gentleman from Bucks, Senator Heckler, the chairman of the conference committee, who was also involved in Act 17, because I think what we have done today is we have taken steps forward to clarify the act. I will be the first one to say that there are other issues that need to be examined under Act 17 and the Uniform Firearms Act, and I am certain that those issues will come back before this General Assembly in some subsequent bill, but for

now Senate Bill No. 282 is a responsible step, and I would urge all the Members on both sides of the aisle to give their affirmative vote to Senate Bill No. 282.

Thank you.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Madigan has been called from the floor, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Madigan. Without objection, that leave is granted.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in support of the report of the conference committee. As have many other Members, I have heard from many sportsmen in my district regarding some problems with the original Act 17, and I am pleased that the Members of the committee really addressed the issue so quickly and have covered a lot of the concerns that these people have had.

However, Mr. President, I am very disappointed in some things that have been included in the conference committee report. One which I feel I need to bring to light, because I am supporting the conference committee report, is a clause on page 3 which changes the definition of police officer, and it changes that definition for counties of the second class to include deputy sheriffs of the counties of the second class who have completed a training course for municipal police. Mr. President, I have a real concern with this clause, and the reason is because I do not believe that simply completing a training course is enough of a qualification to classify one as a police officer. I think it is very important in these times when we see a lot of behavior by police officers that has been questionable, those who are routinely in training and are professionals, we should be very careful of whom we add to that definition of police officer. Certainly not those who operate daily in practice as police officers.

So, Mr. President, I would like to voice my opposition to that clause. I hope that we will reconsider that in the future, but I do support the remainder of the conference report.

Thank you.

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

Senator SCHWARTZ. Mr. President, I will be very brief, but I do want to just make it very clear that the concern, and I understand it is more of an emotional concern, I think, than a real one, is that there would be a registry of people who are primarily hunters or collectors and want to buy long guns, that there would be a concern that their name would be on a list and that somehow someone in government might be able to

identify them in the future. If that is the case, then why not just prohibit the registry from taking place, which is what this bill does? It says that the State cannot keep a registry. That is fine. I do not disagree with that. I do not disagree in any way with an instant background check. I think that instant background check is a great idea, and I would encourage resources to be put in to have the instant background check happen much more quickly than 1999. It may be even quicker than 1997. I am supportive of an instant background check. I think that is very important.

But if there is any pretense at what we are doing here, I think that is unfair to the people of Pennsylvania. For a previous speaker to have indicated that we are just being reasonable yet again, why not be honest about this? We were reasonable in the original Act 17. There was an effort to address some of the technical and bureaucratic and administrative concerns. I theoretically would not have even had a problem with those, but we should not pretend, and even the accusation that I may not be as familiar with guns -- Mr. President, I hope I do not encounter a semiautomatic rifle on the streets of Philadelphia, because it certainly would not be used for hunting. And if that is naive, then I think the gentleman from Allegheny, Senator Fisher, ought to spend a little more time in Philadelphia confronted with the kinds of weapons that are on our streets and the concerns about public safety that many of us have not just in the cities. And I have, on the floor of the Senate, given numerous examples of situations where guns have gotten in the hands of the wrong people. That was what Act 17 was all about, keeping guns out of the hands of criminals and potential criminals, and certainly keeping them out of the hands of the juveniles. And if that is naive, Mr. President, then so be it. The fact is that most citizens of this Commonwealth and this country are concerned about their safety, and if Senator Fisher does not understand that, that is much more of a serious concern, given his ambitions, than any of us might even be concerned about today.

I want to say, Mr. President, that anyone who votes for this bill has to understand that, yes, there are some very reasonable changes being made. I do not oppose those changes. I point out, very simply and very clearly, that we have lifted from Act 17 an important provision of the act, and that was to include long guns, rifles and shotguns, in a paper form that would allow for a background check so that criminals, if they did use this system of buying a gun legally, would not be able to do so. That is the fact, Mr. President, and whatever names I get called on the floor of this Senate, it is still fact, and it is what is included in this bill, and however much you appreciate some of the other technical changes, that is the one significant provision of this bill that makes it impossible for me to vote for it.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Heckler.

Senator HECKLER. Mr. President, just briefly, first off, I neglected to mention the fact when I addressed this matter before, but I believe all the Members are by now familiar with the fact that there are several other issues besides guns ad-

dressed in this legislation, and all of them but one have been dealt with by us before.

Of course, the bill originally included the upgrading of the food stamp fraud legislation, which was recommended to us by the District Attorney's Office of Philadelphia. That has been refined and continues to be in the bill. In addition, there is the ban on the sale of butane to minors that was previously passed by us and sent to the House. Finally, there is--and of course, the gentlewoman from Allegheny, Senator Hart, has called this to our attention--the addition of a definition of police officer to the Crimes Code.

Finally, there is a measure which provides for local option by referendum of a municipality to ban bottle clubs, and I would like to thank the gentleman from Allegheny, Senator Wagner, for his interest and participation in shaping this provision, which Representative Lloyd initially inserted into the bill in the House. I think we have refined this provision to the point where it does not interfere with legitimate restaurants and other proper facilities, but certainly will give local communities the option of purging themselves of dens of iniquity which may be springing up.

As to the gun legislation, which is the heart of this conference committee report, I would reiterate the suggestion that nothing in this bill guts or materially weakens the legislation we proudly passed a few months ago. Until Act 17, we have never had any restrictions on the sale of long weapons. That has rarely resulted in what we traditionally think of as crime - armed robbery, other kinds of crime committed for profit or evil motivation. Frankly, my concern, and I was one of those who fought a number of other folks to keep this provision in the bill, my interest was driven much more by the fact that there are those who are mentally ill who will go to a gun dealer and acquire a gun and then go out and hurt or kill somebody else or themselves with that weapon. Criminals are always going to find ways to get guns, whether they are long or short. What we try to do in this legislation, and what we have not tampered with in any way in this conference report, is the determination to make them pay when we catch them and when we catch those who provide them with the guns to begin with.

The big concern with regard to long weapons is the mentally ill. We have put in place in Act 17, and we perpetuate, in fact, refine, in this legislation the mechanism by which we will have considerable hope in the future that we will keep all firearms out of the hands of those who should not have them, and we will do so in a way which will not place unacceptable burdens upon the law-abiding hunter, sportsman, and citizen of our Commonwealth. I would urge that we adopt the conference report.

Thank you.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Salvatore has been called from the floor to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Salvatore, and that leave is granted.

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:

YEAS—36

Afflerbach	Fisher	Lemmond	Robbins
Andrezeski	Gerlach	Loeper	Shaffer
Armstrong	Hart	Madigan	Stapleton
Belan	Heckler	Mowery	Stewart
Bell	Helfrick	Musto	Stout
Bodack	Holl	O'Pake	Tomlinson
Brightbill	Jubelirer	Porterfield	Uliana
Corman	Kasunic	Punt	Wagner
Delp	LaValle	Rhoades	Wenger

NAYS—9

Fumo	Mellow	Salvatore	Tartaglione
Greenleaf	Peterson	Schwartz	Williams
Jones			

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.

**UNFINISHED BUSINESS
REPORTS FROM COMMITTEES**

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

SB 879 (Pr. No. 1576) (Amended) (Rereported) (Concurrence)

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for members of the Pennsylvania Historical and Museum Commission; providing for archaeological field investigations; and further providing for cooperation by public officials with the Pennsylvania Historical and Museum Commission.

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

SB 160 (Pr. No. 1564) (Amended)

An Act authorizing superintendents, wardens and other officials in charge of correctional institutions to establish inmate work force programs.

SB 1088 (Pr. No. 1568) (Amended)

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further providing for the construction of instruments, including statutes and certain other public documents; and making repeals of certain laws enacted through December 31, 1800.

SB 1128 (Pr. No. 1569) (Amended)

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; providing for the taxation of limited liability companies; and making repeals.

SB 1179 (Pr. No. 1570) (Amended)

An Act amending the act of September 30, 1983 (P. L. 160, No. 39), entitled "Public Official Compensation Law," further providing for compensation of senior judges.

HB 908 (Pr. No. 2804) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions relating to attachment of personal earnings.

Senator ULIANA, from the Committee on Urban Affairs and Housing, reported the following bills:

SB 1181 (Pr. No. 1378)

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), entitled "The Landlord and Tenant Act of 1951," regulating mobile home space recovery.

HB 1130 (Pr. No. 2805) (Amended)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for emergency powers of the mayor or chief executive, for sales of personal property, for regulations concerning contracts and for limited vested pension benefits.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Rena Baumgartner and to the Salvation Army of Allentown by Senator Afflerbach.

Congratulations of the Senate were extended to Joseph P. Neary by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Jankowski by Senator Bodack.

Congratulations of the Senate were extended to Eric J. Dacheux by Senator Delp.

Congratulations of the Senate were extended to the Upper St. Clair High School Girls' Tennis Team by Senator Fisher.

Congratulations of the Senate were extended to Floyd McElwain by Senator LaValle.

Congratulations of the Senate were extended to Kai Alexander Gross by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph J. Wheal by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. William Maloney, Vincent Lazzari, Leonard Harenza and to James J. Redington by Senator Musto.

Congratulations of the Senate were extended to the Reading High School Red Knights Marching Band by Senator O'Pake.

Congratulations of the Senate were extended to Margaret M. Kelly by Senator Salvatore.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Bruce E. Henry by Senator Madigan.

BILLS ON FIRST CONSIDERATION

Senator LAVALLE. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 2, SB 131, SB 160, SB 271, SB 599, SB 941, SB 1088, SB 1128, SB 1163, SB 1165, SB 1179, SB 1181, HB 416, HB 908 and HB 1130.

And said bills having been considered for the first time,

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

HOUSE MESSAGE

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:

November 14, 1995

HB 583 -- Committee on Finance.

HB 1524 -- Committee on Community and Economic Development.

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:

November 14, 1995

Senators GERLACH, HART, ULIANA, PUNT, STEWART and ROBBINS presented to the Chair **SB 1300**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of an initiative process to amend the Constitution as a power reserved to the people.

Which was committed to the Committee on STATE GOVERNMENT, November 14, 1995.

Senators KASUNIC, WAGNER, BELAN, HART and AFLERBACH presented to the Chair **SB 1301**, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," providing for civil liability arising out of attacks by dangerous dogs; and further providing for registration and penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, November 14, 1995.

Senators RHOADES and SCHWARTZ presented to the Chair **SB 1302**, entitled:

An Act amending the act of January 28, 1988 (P. L. 24, No. 11), entitled "Private Academic Schools Act," defining the phrase "educational institution of purely public charity"; and providing for a real property tax exemption for any private academic school which qualifies as an educational institution of purely public charity.

Which was committed to the Committee on FINANCE, November 14, 1995.

Senators HART, LOEPER, DELP, MOWERY, HELFRICK, JUBELIRER, BRIGHTBILL, HOLL, GREENLEAF, TOMLINSON, SALVATORE, GERLACH, HECKLER, WENGER, PETERSON, FISHER, LEMMOND, CORMAN, MADIGAN, BELL, ROBBINS and ULIANA presented to the Chair **SB 1303**, entitled:

An Act making an appropriation to the Organ Donation Awareness Trust Fund.

Which was committed to the Committee on APPROPRIATIONS, November 14, 1995.

RESOLUTIONS INTRODUCED AND REFERRED

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

November 14, 1995

PROVIDING FOR REIMBURSEMENT OF MEMBERS FOR MEALS, LODGING AND INCIDENTAL ITEMS

Senators HART, DELP and MOWERY offered the following resolution (**Senate Resolution No. 82**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 14, 1995

A RESOLUTION

Providing for reimbursement of members for meals, lodging and incidental items.

RESOLVED, That notwithstanding any provisions of the Financial Operating Rules of the Senate to the contrary, members may be reimbursed for ordinary and necessary expenses for meals, lodging and incidental items only through submission of a voucher setting forth such actual expenses. The total expenses submitted for any day shall not exceed the amount of a full per diem allowance as established by the Senate Committee on Management Operations. Payment of any per diem or any other allowance not based on payment of actual expenses is prohibited; and be it further

RESOLVED, That this resolution shall take effect January 1, 1996.

AMENDING SECTIONS 3(a) AND 4(a)(3) OF SENATE FINANCIAL OPERATION RULE II

Senator HART offered the following resolution (**Senate Resolution No. 83**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, November 14, 1995

A RESOLUTION

Amending sections 3(a) and 4(a)(3) of Senate Financial Operating Rule II.

RESOLVED, That this resolution shall take effect January 1, 1996; and be it further

RESOLVED, That sections 3(a) and 4(a)(3) of Senate Financial Operating Rule II be amended to read:

II. TRAVEL ALLOWANCES AND REIMBURSEMENTS

3. Rental of Vehicle or Conveyance.

(a) Long-Term Rental.

A Member who leases a vehicle or conveyance on a long-term basis may be reimbursed for [95%] 90% of the cost of such lease payments, a net amount not to exceed [such amount as may be authorized by the Senate Committee on Management Operations] \$450 per month. Expenses attributable to insurance and operation of the vehicle or conveyance are not included in determining the cost of the lease. No lease reimbursements will be made for any period after a Member has left office. For rules regarding reimbursement of expenses of operation, see Rule II.4.(a)(3). No reimbursement is permitted for lease purchase agreements.

4. Allowable Transportation Expenses.

(a) General.

(3) Leased Vehicle. A Member who uses a vehicle leased on a long-term basis may elect to be reimbursed either on a mileage basis (Rule II.4.(a)(2)) or an actual cost basis. However, having elected to receive reimbursement on a mileage basis after having been reimbursed on an actual cost basis, the member shall offset against future expense claims an amount equal to the paid but unused portion of automobile insurance for that vehicle. Such Member may be reimbursed only for up to [95%] 90% of the actual vehicle operating expenses. Actual vehicle operating expenses shall include gasoline, oil, lubrication, repairs, tires, supplies, insurance, maintenance and other reasonable incidental items necessary to the operation of the vehicle. A Member may not be reimbursed for the use of a personal vehicle during any period of time that the Member is being reimbursed for a leased vehicle, except when the leased vehicle is unavailable for reasons beyond the control of the Member.

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, after having listened to and having read the commentary about the Commonwealth Court action yesterday, I felt it very important, as the Democratic Leader of the Senate, that I have some words to say on the floor of this Senate today.

I actually rise this evening, Mr. President, not out of anger or out of spite or out of vindictiveness. Instead, I rise to speak out of embarrassment, embarrassment that each and every Member of the Senate Democratic Caucus feels today after the Commonwealth Court was forced to take action yesterday regarding the illegal manner in which a significant portion of the 1995-1996 budget was enacted last June.

A few months ago when it became apparent that Governor Ridge was going to renege on his campaign promise to completely eliminate the so-called WAM program from the State

budget, we warned our fellow Senators, especially our fellow Democratic Senators, that the new invention known as "Ridgies" represented a new low in secret budget negotiations and, indeed, perhaps if nothing else, a continuation of a program which the Governor campaigned on doing away with.

Mr. President, we also warned that the newly-disguised WAMs were improper because they were being used by the Governor at that point in time to sway individual votes and individual Members in both the Senate and the House of Representatives not only to support his budget, but it was also suggested over and over that that program was being used to ask various Members to support the Governor's choice in education, which it has been suggested that perhaps we may deal with next week.

In fact, Mr. President, I expressed my fear that the inclusion of the "Ridgies" in the budget bill was not only improper, based on Governor Ridge's campaign commitments, but also it was unconstitutional. And now as a result of yesterday's Commonwealth Court ruling, it appears that our concerns and the discussions we had were valid discussions and valid concerns.

Mr. President, make no mistake about who should shoulder the blame in this matter. Certainly not the Senate Democratic Caucus, who you will recall after the discussion that took place on this floor was completely and effectively shut out of the budget negotiations during this past summer.

We are also being blamed, as is everyone else, because we are Members of a larger group. The Members of our Caucus are also Members of the Pennsylvania General Assembly. And as we know all too well, the general public casts an exceedingly wide net, if you will. They paint everyone in the General Assembly with the same brush when it comes to finding fault with why and how the government operates. This is why, Mr. President, we are embarrassed because of what happened yesterday. Not because we were knowing accomplices in the budgetary debacle, but simply because we, too, are Members of the General Assembly.

Without exception, Mr. President, each Member of this body stood up at one time or another in this Chamber and raised his or her right hand and took an oath of office, took a solemn oath of office, and that oath was to uphold all aspects of the Pennsylvania Constitution. That oath of office does not carry with it one single exemption. Nowhere in that oath does it say that the Constitution can be ignored for a few weeks in the months of May and June while legislators are working out a, quote, "new budget." Nowhere does it say that the Constitution can be ignored when Members of the same political party control both legislative branches, both the House and the Senate, and the executive branch. Certainly, Mr. President, it does not say that the Constitution can be ignored to creatively and secretly fund pet projects for Members of the General Assembly, especially when it has been suggested that the funding of these projects is contrary to what the Governor suggested in his campaign, that he was going to oppose these particular types of projects, and nowhere can it be creatively suggested that these particular projects were anything more than to try to bring about support for other things in which the Governor was interested. No, Mr. President, our oath of office is very clear,

and so is the fact that when the Republican Majority passed their flawed budget, the State Constitution was entirely disregarded. In fact, it was not only disregarded, it was trampled in a mad rush to replace the old WAMs with a new, less accountable, and more insidious program, a system which we know as "Ridgies."

Mr. President, every Member of the Majority Party owes an apology to their constituents for not remembering the words of that very same oath that they so gleefully recited following last year's election, and that was to uphold and defend the Constitution. Mr. President, I believe that they owe the Members of the Democratic Caucus an apology, because their misguided and unconstitutional actions have cast a dark and unsightly shadow on all Members of this great institution. I realize that we in the Senate are the Minority party, and I realize that we, the Democrats, are the Minority party in Pennsylvania, and we have said over and over that the Minority may have its say, but the Majority will have its way. And as we understand our role, Mr. President, as a legislative process in the Minority, it has its limitations. But one of our roles, especially when entirely excluded by the Majority from being a participant in the day-to-day business of this body, which we were during the budgetary process, is to represent our constituency in the only way possible, and that is to speak out against something when it is blatantly wrong. In this case, Mr. President, when our constituents were afforded absolutely no say in crafting this year's State budget, our role was to scrutinize the budgetary action of the Republican Majority and to cry foul when a foul was committed.

Today, Mr. President, it is disturbingly obvious that, indeed, a foul was committed last June, and the courts have done their part to set things right. President Judge Colins, who expressed a sincere reluctance to substitute the court's judgment over that of the General Assembly, perhaps said it best in his opinion concerning this matter. He said, and I quote, "When, as here, the constitutional bounds are exceeded, the judiciary must grant appropriate relief," end of quote. Certainly, Mr. President, the constitutional bounds have been exceeded by the embarrassing action of the Majority, which is controlled in this General Assembly by the Republican Party. And, yes, the court has granted what I believe is an appropriate relief by stopping the \$13.2 million in line items, which were known on this floor as "Ridgies." This is why, Mr. President, we are embarrassed. This is why, Mr. President, we asked the Republican Party in the State not for an apology to us but an apology to the 12 million people who each and every one of us have been elected to lead, not to deceive.

Mr. President, I ask for a renewed effort on the part of the Republican Majority in the Senate as we now begin our new budgetary round, if we can only try to follow the very simple rules that have been established right here in the General Assembly. And only then, Mr. President, in dealing with budget negotiations can we restore the shine to the tarnished image of their actions on this institution because of what took place in June of 1995 and the course of action then taken by the Commonwealth Court on November 13, 1995. Only then can we move on with the people's business in an open and honest and

effective manner.

Mr. President, it is important this evening that I make these remarks known not only to the Members of the Senate but to the people of Pennsylvania, because we cannot once again tolerate in the 1996-97 budget what took place in the 1995-96 budget.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, under Petitions and Remonstrances, I think that the remarks of the Minority Leader, Senator Mellow, certainly deserve some response, because I think that the process that took place and the decision that was rendered by the Commonwealth Court just yesterday, in many cases, is very suspect if we just take a look at the history of the way the legislation has been passed in this Senate.

I heard the gentleman indicate, Mr. President, that the reason that this occurred this year was because the Republicans held the Majority both in the Senate and the House and the Governor's Office, and that this process somehow was different than what the process has been in dealing with the passage of a budget in past years.

Mr. President, there was a difference in this year's budget and this year's budget process. The process that was utilized by the General Assembly this year, particularly as far as many of the projects that Senator Mellow alluded to, was very different than that of past years. There was no secrecy as far as projects or legislative initiatives that were put forth as part of the budget. In fact, Mr. President, if anything, the budget this year, the budget document, reflected an accountability and openness and public scrutiny of every project, something that had been lacking in previous years, even items such as Lackawanna Community College for \$750,000 and many of those very worthwhile projects in many districts, and, Mr. President, they were line-itemed, they were out in the open, they were public and they were accountable.

I would just simply remind the gentleman, Mr. President, if we were to look at the passage of the General Fund budget last year, we would see that the General Fund budget, which, by the way, was an amendment to a Workers' Compensation Bureau bill, which amended the budget into it in the Senate and then was sent to the House for a concurrence vote for adoption of last year's General Fund budget, we saw that the vote in the Senate was a very bipartisan vote of 42 to 8, something that was supported by both Republicans and Democrats in the Senate of Pennsylvania, supported by the Democratic Majority in the House of Representatives, and signed into law by a Democratic Governor, Bob Casey. However, the gentleman alludes that that process last year was okay and that somehow this year the process is flawed.

Mr. President, I read this Commonwealth Court decision and I find that, at least in my layman's view of that decision, there seem to be some inconsistencies as far as the findings of the court, and I think once again that this year's process was open, accountable, and certainly was one out front before the public. I think it is also interesting to note, Mr. President, that if we were to review again the passage of some of the legisla-

tion dealing with appropriations here in the General Assembly, and maybe even to look back a little bit on a bill that increased judicial salaries in 1992 when the Democrats were in the Majority control of this Senate, that the process was done in exactly the same fashion, and it is hard to understand why the process was okay then and for some reason it is unconstitutional at this point.

I think that the process that was before us was one that was very accountable and was one that was appropriate. I think upon further review of the Commonwealth Court decision it will be determined whether further action of appeal will be taken. But I think, Mr. President, it must go without saying that the gentleman's remarks certainly could be disputed in the fashion in which he presented them.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, just in a little bit of rebuttal, first of all, it is not Lackawanna Community College, it is Lackawanna Junior College. Appropriately, we should make that announcement so that we know what school we are dealing with. It is a private junior college in the city of Scranton.

Senator LOEPER. I was sure the gentleman would be familiar with it, Mr. President.

Senator MELLOW. Mr. President, I am very familiar with it, and we have tried, thanks to the support of Governor Casey, we have been able to do a lot of things with our institutions of higher learning in the private sector, a number of those which, incidentally, are in the senatorial district of the gentleman from Delaware, Senator Loeper.

Secondly, Mr. President, I think it is important that we discuss how the budget was formulated last year. We did not have input into the budget, and the gentleman from Delaware, Senator Loeper, knows that. His Caucus moved the previous question so that the people of Pennsylvania could not have any debate on the 1995-96 budget. There is just about one page worth of debate in the Journal before the Republican Party in the Senate moved the previous question to shut off debate. So those people who are interested would know, once the Republican Party moved the previous question on the floor of this Senate, it meant that you could not discuss the spending plan as submitted by Governor Ridge here in the Senate of Pennsylvania. It successfully cut off any debate. I really do not know why they would do that and then say that it was open and that it was accountable and that it was out front publicly. Well, shutting off debate to me does not mean that it was open, shutting off debate to me does not mean it was accountable, and certainly shutting off debate does not mean that it was out front publicly. It means that there was a system used to try to ramrod something through the Senate, for whatever purpose I do not know, Mr. President.

I can only assume that it was because the budget that was given to us was a budget and a bill that was originally submitted to the General Assembly for the purpose of funding the Public Utility Commission and not a General Fund budget here in Pennsylvania. Furthermore, it had millions and millions and

millions of dollars' worth of projects that were considered to be frivolous at best, projects that were marginal, and I could list them. It does not serve us any meaningful purpose to repeat the things that happened back then, but I could list them. They basically were projects that should stand on their own as nonpreferred appropriations, as was the project with Lackawanna Junior College, as would have been the situation that I would have totally supported as being a nonpreferred appropriation.

But the Republicans in the Senate and in the House of Representatives wanted to put their thumb up to the Constitution, did not want to handle a General Appropriations budget with regard to the guidelines as established in the Constitution that would realize that if you want to submit for the purpose of funding special projects, which I in most cases support, then there is an appropriate fashion and an appropriate way in which it must be done, and one of those ways is not to violate the Pennsylvania Constitution, the oath of office which each and every one of us stood up and protected and defended on the floor of this Senate. And furthermore, Mr. President, you do not do it by moving the previous question for the purpose of cutting off debate so that we could not on the floor of this Senate, at least in Session, express and explain exactly what was the problem.

I think the Commonwealth Court did its job in pointing out that this particular process is flawed. And they went on further, and I am very happy that they did not throw out the entire budget, that they only threw out these programs which were determined to be special programs that developed the acronym of "Ridgies," Mr. President. I am only happy that they did not take the position, which they probably could have, and said that the entire budget was done in an unconstitutional manner and then would have wreaked havoc in Pennsylvania the same way the Congress in Washington is wreaking havoc on the Federal government and the people of this great country of ours today.

And furthermore, Mr. President, I think it is important that the gentleman from Delaware, Senator Loeper, realize that the Democratic Party took control of this Senate in November of 1992, long after the Republican budget had been passed, and we did pass some meaningful legislation in the 3 days we had control of this Senate. The most meaningful piece of legislation was the Children's Health Insurance Program, which the Republican Caucus had stopped for 19 months and which the Republican Governor in Pennsylvania today is not funding properly. Therefore, there are untold thousands of children in Pennsylvania who benefitted from the Democratic takeover of the Senate in 1992 by the passage of the CHIP program who today cannot get the kind of health care that they need, cannot visit a doctor because Governor Ridge sat on a \$500 million surplus and thought it was more important to cut taxes to the wealthiest corporations in Pennsylvania and would not make \$20 million available to fully fund the CHIP program to give the greatest natural resource we have in this State, the children, those up to the age of 6, the opportunity to go to a doctor when those children are not feeling well. Today you must take the lottery, and if your name comes up on the lottery you can

go to the doctor. And if your name does not come up on the lottery and your family does not have the ability financially to send you to a doctor, you cannot go to the doctor.

So yes, Mr. President, there were things that we did in 1992 that we are very happy about, and perhaps the Governor could take this \$13.2 million that the Commonwealth Court said was passed against the dictates and the rights of the Constitution and make this money available to fully and properly fund, at least to a greater extent, the CHIP program so that children in Pennsylvania who are in dire need of medical attention could get medical attention. So if that in its own right happens, I will say that the passage of the budget on its own, back in June of 1995, would have been an appropriate first step to finally fund properly the Children's Health Insurance Program to protect the children of Pennsylvania.

Thank you.

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

Senator WAGNER. Mr. President, I know the hour is late, it is 6:06, but I rise to talk about another issue, and I appreciate a few minutes to do so, an issue that I think is very important to this body and to all of us who are elected officials in Pennsylvania.

Mr. President, now that the General Assembly has brought the Special Session on crime to a close, I believe that now is the time for the Members of this body to turn their attention to other urgent needs in Pennsylvania, that of our senior citizens. Specifically, Mr. President, I would like to encourage the leadership of this body, the Governor, the Lieutenant Governor, and the House of Representatives, to press for passage of legislation to increase the eligibility requirements of the Pharmaceutical Assistance Contract for the Elderly, what we all refer to very commonly as the PACE program. Mr. President, it has been more than 4 years since the General Assembly set these annual income limits at \$16,200 for married couples, and at \$13,000 for a single person. And in those 4 years, enrollment in the PACE program has dropped by approximately 80,000 senior citizens. I repeat, 80,000 senior citizens less today than in 1991. That is 80,000 fewer needy senior citizens who have been forced, as a direct result of the General Assembly's inaction, to find other means of paying for their costly and necessary prescription drugs, in many instances, drugs that are necessary to keep them alive. In fact, statistics provided by the Pennsylvania Department of Aging show that there are approximately now 304,000 PACE cardholders today in Pennsylvania versus 380,000 4 years ago. That figure, Mr. President, is the lowest since the PACE program was first enacted in 1984.

The reasons for the declining enrollment really are quite simple. It is not because there are fewer senior citizens living in the Commonwealth of Pennsylvania. In fact, Pennsylvania, as everyone knows, has the second highest elderly population in the United States except for Florida, and it is not because senior citizens no longer have a need for help in paying for their prescription medications. In fact, we all know it is just the opposite today. For the most part, these thousands of needy senior citizens have been dropped from the PACE program simply because they have received very modest, and I repeat,

very modest cost-of-living increases in their Social Security benefits. Seniors who have recently received a modest income boost are now finding themselves in a Catch-22 situation because that modest increase has thrown them off the PACE eligibility program. When they are no longer eligible for the PACE program, the extra cost for prescription drugs often ends up costing them more than they received in the Social Security increase, turning their Social Security increase into a net loss. They are actually losing money due to our inaction on this very, very important issue.

In my opinion, now is the time for the General Assembly to boost the income eligibility requirements for the PACE program. At the same time, Mr. President, it would be wise for us to prevent future Social Security cost-of-living adjustments from removing even more seniors from the PACE program. I have introduced legislation that would ensure that senior citizens who receive modest, and I repeat again, modest, cost-of-living increases could continue to receive State benefits from programs funded by the Pennsylvania Lottery. My bill, Senate Bill No. 1240, would exclude from the PACE program's definition of income any increases seniors would receive in Social Security cost-of-living adjustments. Yes, I would like to see my bill, Senate Bill No. 1240, pass, but I am not too proud to support similar legislation that has been introduced by other Senators in this Chamber and other Members in the House of Representatives.

Mr. President, I hope that the Senate leaders will find a way to address this situation in the very near future. As the General Assembly concerns itself with other matters, the cost of living continues to go up. We all know that. As Social Security payments are increased to keep up with inflation, it becomes our duty to make sure that the PACE program can continue to meet the needs of older Pennsylvanians, especially those who live on modest incomes. We can afford it. We all know that the PACE program is funded by the Pennsylvania Lottery. Today the lottery is on very solid ground. And I remind everyone to play the lottery, because it does help our senior citizens. And it is not too late. You still have 45 minutes to play the lottery this evening.

Mr. President, the question is, do we have the desire to do the right thing for tens of thousands of senior citizens who depend on the PACE program? I believe we have that desire. I believe everyone in this room has that desire, and I believe we need to make the commitment - the Governor needs to, the Senate does, the House does - to address this issue prior to year's end so that we send a very, very positive message to our seniors in the Commonwealth of Pennsylvania going into a new year, 1996.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I would just like to take a moment briefly to commend the gentleman from Allegheny, Senator Wagner, for his remarks relative to the enrollment in our PACE program in Pennsylvania. Mr. President, I am pleased to indicate that as recently as this morning we have been in discussions with the Secretary of the Department of

Aging who has indicated exactly what the gentleman has put forth here on the Senate floor this evening, and that is that the enrollment in the PACE program has been steadily dropping, yet the number of average prescriptions per recipient has increased from where it had been previously up to now almost 30 prescriptions on an average per year per recipient.

Mr. President, the Secretary of the Department of Aging is fully aware of the issue and indicates that the administration is very interested in taking action to positively affect the PACE program in order to increase eligibility for more of our senior citizens who have been bumped out of the program because the minor adjustments for inflation take them past the income limits that are currently in existence. They are very concerned about trying to address that situation.

Mr. President, it is my view that I look forward to working with all Members of the Senate and General Assembly in order that we can accomplish this mission in the near future, and we look forward and commend the administration also for looking forward to dealing with the issue.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 15, 1995

10:00 A.M. **MILITARY AND VETERANS AFFAIRS** Majority
 (to consider Senate Bills No. 1096, 1143 Caucus Rm.
 and 1251; and House Bills No. 270 and
 1582)

WEDNESDAY, NOVEMBER 29, 1995

CANCELLED

10:00 A.M. **CONSUMER PROTECTION AND** Room 8E-B
PROFESSIONAL LICENSURE East Wing
 (public hearing to consider Senate
 Bills No. 1244 and 1248 - PECO-
 PP&L Merger Proposal: Part II)

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, November 15, 1995, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:15 p.m., Eastern Standard Time.