

Legislative Journal

MONDAY, APRIL 7, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 19

SENATE

MONDAY, April 7, 1997

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Pastor JACK STEPP, of South Hills Assembly of God Church, Bethel Park, offered the following prayer:

May we pray together.

Dear Almighty God and Heavenly Father, we give thanks for this new day to serve and love You and love one another. Uphold us we ask in according that the issues of the day are dealt with in vitality and fairness and in submission to You.

We ask that Your Holy Spirit, the spirit of the Lord, would rest upon this place and give us skillful and godly wisdom in every endeavor. We do pray thank You, Lord, for giving us godly counsel in all our ways and in the matters of business of this Session. We believe that Your word declares that blessed is a nation whose God is Lord. We ask for spiritual prosperity above material prosperity.

I pray for the divine power of blessing to come upon and assist in every matter before us, that every person in this Chamber will be able to sense the heart of God, and that, Father, in this Session we together will sense Your presence here as we pray. We enter in, we need You, and we love You. Forgive us our sins against You, Lord, we ask, and we know that You do forgive us in the same way and in the same measure that we forgive the wrongs of others against us.

Give us courage, courage to face the challenges of these times, with resolve to do what is in the best interest of the people, with integrity, with love and fairness, and with the biblical sense of values. Give us wisdom to make decisions that will strengthen the Commonwealth of Pennsylvania in every matter before the Senate today.

Thank You for the way of peace everlasting, through the Prince of Peace. Thank You. Thank You for life, and that more abundantly, thank You for truth that sets us free indeed, and thank You for the grace-giving spirit of liberty, who does abide with us and in us.

We put our trust and our confidence in You, Lord. Touch us with Your mighty power; visit this Commonwealth with renewed industry. Renew our cities, our suburbs, our towns, and may Your written word have profound impact on each of

our institutions. Renew the will of the people to live for You in a greater measure. Give us true wisdom, and teach our children what truly prepares us for employment - service, fruitfulness, and ultimate values in Your sight. Give our hearts and let our hearts rise up together and bless You. May we live our lives inspired by gratitude and mercy. Inspire us now to do what is right for You, for we know that righteousness exalts a nation, but sin is a reproach to any people.

Today, while we give ourselves to the service of the people, we also give ourselves anew to You. We submit ourselves to the reality of Your all-seeing eyes. We give You praise, we give You honor, we give You love, we give You our hearts. In the name of Him who is our wonderful counselor, the Prince of Peace and Lord of all, in the name of Jesus, we pray. Amen and Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Stepp, who is the guest today of Senator Murphy.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 2, 1997.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE ARCHITECTS LICENSURE BOARD

April 2, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis L. Astorino, 1117 Tall Trees Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his succes-

sor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF NURSING**

April 3, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, K. Stephen Anderson, 1442 Beibel Avenue, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Sister Rita Moriarty, Williamsport, resigned.

THOMAS J. RIDGE
Governor

**JUSTICE, SUPREME COURT OF
PENNSYLVANIA**

April 7, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen E. Lally-Green, Esquire, 207 Greenbriar Drive, Cranberry Township 16066, Butler County, Fortieth Senatorial District, for appointment as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 1998, vice The Honorable Robert N. C. Nix, Jr., resigned.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE CORONERS'
EDUCATION BOARD**

April 7, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 5, 1996 for the reappointment of William R. Fatora, 66-3 Azalea Way, Reading 19606, Berks County, Eleventh Senatorial District, as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

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

THOMAS J. RIDGE
Governor

**JUSTICE, SUPREME COURT OF
PENNSYLVANIA**

April 7, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 26, 1997 for the appointment of Stephanie Middleton, Esquire, 115 Vernon Lane, Media 19063, Delaware County, Ninth Senatorial District, as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 1998, vice The Honorable Robert N. C. Nix, Jr., resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

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 committee indicated:

April 2, 1997

HB 848, 849, 850, 851, 852, 853, 854 and 855 -- Committee on Appropriations.

April 7, 1997

HB 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879 and 880 -- Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

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

April 4, 1997

Senators KUKOVICH, RHOADES, MELLOW and BELL presented to the Chair **SB 876**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for organization of political committees; and providing for independent expenditures and for limits on contributions.

Which was committed to the Committee on STATE GOVERNMENT, April 4, 1997.

Senators PUNT, WOZNIAK and RHOADES presented to the Chair **SB 877**, entitled:

An Act prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures.

Which was committed to the Committee on STATE GOVERNMENT, April 4, 1997.

Senators DELP, CORMAN and STOUT presented to the Chair **SB 878**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further authorizing school bus lighting.

Which was committed to the Committee on TRANSPORTATION, April 4, 1997.

Senators DELP and MOWERY presented to the Chair **SB 879**, entitled:

An Act making an appropriation to the Agricultural and Industrial Museum of York County.

Which was committed to the Committee on APPROPRIATIONS, April 4, 1997.

Senators AFFLERBACH, GREENLEAF, COSTA, BODACK, HUGHES, WOZNIAK, O'PAKE, KITCHEN, TARTAGLIONE, SCHWARTZ, MUSTO and BELAN presented to the Chair **SB 880**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for compensation of election officers.

Which was committed to the Committee on STATE GOVERNMENT, April 4, 1997.

April 7, 1997

Senator WILLIAMS presented to the Chair **SB 883**, entitled:

An Act establishing the Department of Work Fair and providing for its powers and duties; requiring Commonwealth departments and agencies and other entities to provide employment to certain persons; providing for availability of services from the department; and establishing the Work Fair Advisory Board.

Which was committed to the Committee on STATE GOVERNMENT, April 7, 1997.

Senators WENGER, GERLACH, THOMPSON, SALVATORE, PUNT, O'PAKE, GREENLEAF, MOWERY, LEMMOND, RHOADES and MUSTO presented to the Chair **SB 884**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, expanding the definition of "restricted professional services"; and changing the taxation of limited liability companies.

Which was committed to the Committee on FINANCE, April 7, 1997.

RESOLUTION INTRODUCED AND REFERRED

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

April 7, 1997

Senators HOLL, CORMAN, BODACK, HELFRICK, ROBBINS, COSTA, SALVATORE, MOWERY, PICCOLA, O'PAKE, AFFLERBACH, HUGHES, GERLACH, WENGER, TOMLINSON, MUSTO, JUBELIRER, KASUNIC, GREENLEAF, SCHWARTZ, MURPHY, THOMPSON, SLOCUM, LEMMOND and HART presented to the Chair **SR 34**, entitled:

A Resolution designating April 20 through 26, 1997, as "Community Banking Week" in Pennsylvania.

Which was committed to the Committee on BANKING AND INSURANCE, April 7, 1997.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Edward W. Helfrick as a member of the Governor's Traffic Safety Council.

Mr. Stephen C. MacNett as a citizen member of the General State Authority.

Mr. Herbert Eric Martin as a member of the Conservation and Natural Resources Advisory Council.

REPORTS FROM COMMITTEES

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

SB 211 (Pr. No. 940) (Amended)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No. 581), entitled The Borough Code, further providing for tax levies.

HB 502 (Pr. No. 1330) (Amended)

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals.

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

SB 200 (Pr. No. 771) (Rereported)

An Act providing for the compensation of election officers; and making repeals.

SB 640 (Pr. No. 672) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements and for payment of damages.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave for today's Session on behalf of Senator Delp, and a legislative leave on behalf of Senator Gerlach.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Delp, and a legislative leave for Senator Gerlach. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Belan, and temporary Capitol leaves for Senator Hughes and Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests a legislative leave for Senator Belan, and temporary Capitol leaves for Senator Hughes and Senator Williams. Without objection, those leaves will be granted.

**SENATE CONCURRENT RESOLUTION
WEEKLY ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, April 7, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 14, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, April 14, 1997, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, I ask that you recognize the presence of Senator Gerlach on the floor, and that his legislative leave be cancelled.

The PRESIDENT pro tempore. The Chair notes the presence of Senator Gerlach, and his legislative leave is cancelled.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR GIBSON E.
ARMSTRONG AND SENATOR NOAH W.
WENGER PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, in the gallery I have a group of fine young students from Lancaster Catholic, and these students won first place in a contest at Susquehanna University for speech and drama throughout Pennsylvania. On behalf of Senator Wenger and myself, I would like the Senate to recognize them.

The PRESIDENT pro tempore. Would the guests of Senator Armstrong and Senator Wenger who are in the gallery please rise so that we may welcome you to the Senate of Pennsylvania. (Applause.)

**GUESTS OF SENATOR DAVID J.
BRIGHTBILL PRESENTED TO THE SENATE**

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

Senator BRIGHTBILL. Mr. President, we are pleased to have in the gallery today the varsity basketball teams for the Lebanon Christian Academy. Mr. President, the girls' team captured the AA title in the Keystone Christian Education Association State competition for the second year in a row, and the boys' team came in with a very close second in the same competition. They are joined by their coaches, Mrs. Valerie Swisher, who is the girls' coach, and Mr. Craig Griffith, who is the boys' coach, and also with the coaches today are the Reverend Robert E. Mayer, Pastor and administrator for the Christian Academy, and his wife, Lois Mayer, and I would appreciate it if we could give them a traditional warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Brightbill please rise so that we may welcome you to the Senate of Pennsylvania. (Applause.)

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

The SECRETARY. Consent has been given for the Committee on State Government to meet during today's Session in the Rules room to consider Senate Bill No. 732.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45.

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

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

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses to meet in their respective caucus rooms, the Senate will stand in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVE CANCELLED

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

Senator BRIGHTBILL. Mr. President, I ask to cancel the temporary Capitol leave of Senator Delp.

The PRESIDENT. The temporary Capitol leave of Senator Delp will be cancelled.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I request a temporary Capitol leave for Senator Loeper.

The PRESIDENT. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Without objection, that leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

SB 126 CALLED UP OUT OF ORDER

SB 126 (Pr. No. 123) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 126 (Pr. No. 123) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Hughes and Senator Williams have returned, and their temporary Capitol leaves will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

HB 149 CALLED UP OUT OF ORDER

HB 149 (Pr. No. 159) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 149 (Pr. No. 159) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the expungement of certain arrest records relating to sexual offenses.

On the question,
Will the Senate agree to the bill on third consideration?
Senator ROBBINS offered the following amendment No. A1061:

Amend Title, page 1, line 2, by inserting after "for": firearms and for

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

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

Senator ROBBINS. Mr. President, since the implementation of Act 17, it has come to light that certain sections, because of their wording, have caused confusion. Certain sections unintentionally run contrary to Federal law, and other sections simply allow for law-abiding citizens to be punished unnecessarily. It was our intent to keep firearms out of the hands of criminals. It was never our intent to make criminals out of law-abiding citizens. This amendment was carefully developed after consultation with the Governor's Office, the State Police, the District Attorneys Association, and myself. These technical amendments go a long way to continue our commitment to punish those who illegally possess and use firearms while protecting those we never intended to criminalize.

Mr. President, I ask for a positive vote on this amendment.

QUESTION DIVIDED

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

Senator SCHWARTZ. Mr. President, I ask to divide the question on this amendment, and I would ask that page 3, lines 58 and 59; page 4, lines 1 through 3; and page 9, lines 45 and 46, be divided and that we vote on that separately.

I would be happy to describe what my purpose is in doing that, if there is any question about it.

The PRESIDENT. Senator Schwartz, would you specify what it is that you would like to be divided?

Senator SCHWARTZ. Yes, Mr. President. The portion of this amendment that I think is particularly problematic is the year-and-a-half delay on criminal background checks for long guns. It is now in effect. This amendment asks to--

Senator BRIGHTBILL. Mr. President.

The PRESIDENT. Will the gentlewoman yield for just a moment.

Senator SCHWARTZ. Mr. President, that is what my attempt is, to vote on that separately.

The PRESIDENT. Senator Schwartz, would you please approach the rostrum so that we can make note of the sections to which you refer.

The Senate will be at ease.

(The Senate was at ease.)

Senator SCHWARTZ. Mr. President, I want to amend my request for the division of the question and ask that we vote first and separately on section 6111, starting on page 3, line 18, through and including page 8, line 43; and page 9, lines 45 and 46.

The PRESIDENT. The Chair, after reviewing page 3, including line 18 and through page 8, ending with and including line 43, as well as page 9, lines 45 and 46, as stated by the gentlewoman from Philadelphia, believes this to be divisible.

The question before the body is on part I of the amendment.

PART I OF AMENDMENT A1061

§ 6111. Sale or transfer of firearms.

(a) Time and manner of delivery.--

(1) Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof,

and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(2) Thirty days after publication in the Pennsylvania Bulletin that the Instantaneous Criminal History Records Check System has been established in accordance with the Brady Handgun Violence Prevention Act (Public Law 103-159, 18 U.S.C. § 921 et seq.), no seller shall deliver a firearm to the purchaser thereof until the provisions of this section have been satisfied, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller.--No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

(1) For purposes of a firearm as defined in section 6102 (relating to definitions), obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be [retained by] provided to the purchaser or transferee. The form of this application/record of sale shall be no more than one page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer. The application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee, the date of the application and the caliber, length of barrel, make, model and manufacturer's number of the firearm to be purchased or transferred.

(1.1) On and after the earlier of the date of publication in the Pennsylvania Bulletin of a notice by the Pennsylvania State Police that the instantaneous records check has been implemented or the date of July 1, 1998, all of the following shall apply:

(i) For purposes of a firearm which exceeds the barrel and related lengths set forth in section 6102, obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be [retained by] provided to the purchaser or transferee.

(ii) The form of the application/record of sale shall be no more than one page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer.

(iii) For purposes of conducting the criminal history, juvenile delinquency and mental health records background check which shall be completed within ten days of receipt of the information from the dealer, the application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee and the date of application.

(iv) No information regarding the type of firearm need be included other than an indication that the firearm exceeds the barrel lengths set forth in section 6102.

(v) Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), no information on the application/record of sale provided pursuant to this subsection shall be retained as precluded by section 6111.4 (relating to registration of firearms) by the Pennsylvania State Police either through retention of the application/record of sale or by entering the information onto a computer, and, further, an application/record of sale received by the Pennsylvania State Police pursuant to this subsection shall be

destroyed within 72 hours of the completion of the criminal history, juvenile delinquency and mental health records background check.

(1.2) Fees collected under paragraph (3) and section 6111.2 (relating to firearm sales surcharge) shall be transmitted to the Pennsylvania State Police within 14 days of collection.

(1.3) In addition to the criminal penalty under section 6119 (relating to violation penalty), any person who knowingly and intentionally maintains or fails to destroy any information submitted to the Pennsylvania State Police for purposes of a background check pursuant to paragraphs (1.1) and (1.4) or violates § 6111.4 (relating to registration of firearms) shall be subject to a civil penalty of [up to] \$250 per violation, entry or failure to destroy.

(1.4) Prior to January 1, 1997, and following implementation of the instantaneous records check by the Pennsylvania State Police on or before October 11, 1999, no application/record of sale shall be completed for the purchase or transfer of a firearm which exceeds the barrel lengths set forth in section 6102. A statement shall be submitted by the dealer to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, containing the number of firearms sold which exceed the barrel and related lengths set forth in section 6102, the amount of surcharge and other fees remitted and a list of the unique approval numbers given pursuant to paragraph (4), together with a statement that the background checks have been performed on the firearms contained in the statement. The form of the statement relating to performance of background checks shall be promulgated by the Pennsylvania State Police.

(2) Inspected photoidentification of the potential purchaser or transferee, including, but not limited to, a driver's license, official Pennsylvania photoidentification card or official government photoidentification card. In the case of a potential buyer or transferee who is a member of a recognized religious sect or community whose tenets forbid or discourage the taking of photographs of members of that sect or community, a seller shall accept a valid-without-photo driver's license or a combination of documents, as prescribed by the Pennsylvania State Police, containing the applicant's name, address, date of birth and the signature of the applicant.

(3) Requested by means of a telephone call that the Pennsylvania State Police conduct a criminal history, juvenile delinquency history and a mental health record check. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed \$2 per buyer or transferee.

(4) Received a unique approval number for that inquiry from the Pennsylvania State Police and recorded the date and the number on the application/record of sale form.

(5) Issued a receipt containing the information from paragraph (4), including the unique approval number of the purchaser. This receipt shall be prima facie evidence of the purchaser's or transferee's compliance with the provisions of this section.

(6) Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to section 6105, no information received via telephone following the implementation of the instantaneous background check system from a purchaser or transferee who has received a unique approval number shall be retained by the Pennsylvania State Police.

(c) Duty of other persons.—Any person who is not a licensed importer, manufacturer or dealer and who desires to sell or transfer a firearm to another unlicensed person shall do so only upon the place of business of a licensed importer, manufacturer, dealer or county sheriff's office, the latter of whom shall follow the procedure set forth in this section as if he were the seller of the firearm. The provisions of this section shall not apply to transfers between spouses or to transfers between a parent and child or to transfers between grandparent and grandchild.

(d) Defense.—Compliance with the provisions of this section shall be a defense to any criminal complaint under the laws of this Com-

monwealth or other claim or cause of action under this chapter arising from the sale or transfer of any firearm.

(e) Nonapplicability of section.—This section shall not apply to the following:

(1) Any firearm manufactured on or before 1898.

(2) Any firearm with a matchlock, flintlock or percussion cap type of ignition system.

(3) Any replica of any firearm described in paragraph (1) if the replica:

(i) is not designed or redesigned to use rimfire or conventional center fire fixed ammunition; or

(ii) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(f) Application of section.—

(1) For the purposes of this section only, except as provided by paragraph (2), "firearm" shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(2) The provisions contained in subsections (a) and (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.

(3) The provisions contained in subsection (a) shall not apply to any law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm or any person who possesses a valid license to carry a firearm under section 6109 (relating to licenses).

(4) (i) The provisions of subsection (a) shall not apply to any person who presents to the seller or transferor a written statement issued by the official described in subparagraph (iii) during the ten-day period ending on the date of the most recent proposal of such transfer or sale by the transferee or purchaser stating that the transferee or purchaser requires access to a firearm because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

(ii) The issuing official shall notify the applicant's local police authority that such a statement has been issued. In counties of the first class the chief of police shall notify the police station or substitution closest to the applicant's residence.

(iii) The statement issued under subparagraph (ii) shall be issued by the district attorney, or his designee, of the county of residence if the transferee or purchaser resides in a municipality where there is no chief of police. Otherwise, the statement shall be issued by the chief of police in the municipality in which the purchaser or transferee resides.

(g) Penalties.—

(1) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm in violation of this section commits a misdemeanor of the second degree.

(2) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser or transferee who is unqualified or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree and shall in addition be subject to revocation of the license to sell firearms for a period of three years.

(3) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally requests a criminal history, juvenile delinquency [or], mental health record check or other confidential information pursuant to section 6109 (relating to licenses) from the Pennsylvania State Police or other law enforcement agency under this chapter for any purpose other than compliance with this chapter or knowingly and intentionally disseminates any criminal history, juvenile delinquency [or], mental health record [information] or other confidential information pursuant to section 6109 to any

person other than the subject of the information commits a felony of the third degree.

(4) Any person, purchaser or transferee who in connection with the purchase, delivery or transfer of a firearm under this chapter knowingly and intentionally makes any materially false oral or written statement or willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer commits a felony of the third degree.

(5) Notwithstanding section 306 (relating to liability for conduct of another, complicity) or any other statute to the contrary, any person, licensed importer, licensed dealer or licensed manufacturer who knowingly and intentionally sells, delivers or transfers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be criminally liable for such crime or attempted crime.

(6) Notwithstanding any act or statute to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who knowingly and intentionally sells or delivers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be liable in the amount of the civil judgment for injuries suffered by any person so injured by such crime or attempted crime.

(h) Subsequent violation penalty.—

(1) A second or subsequent violation of this section shall be a felony of the second degree and shall be punishable by a mandatory minimum sentence of imprisonment of five years. A second or subsequent offense shall also result in permanent revocation of any license to sell, import or manufacture a firearm.

(2) Notice of the applicability of this subsection to the defendant [shall not be required prior to conviction, but] and reasonable notice of the Commonwealth's intention to proceed under this section shall be provided [after conviction and before sentencing.] prior to trial. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.

(3) There shall be no authority for a court to impose on a defendant to which this subsection is applicable a lesser sentence than provided for in paragraph (1), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(4) If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this subsection.

(i) Confidentiality.—[Information furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure.] All information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

(1) The amendment of 18 Pa.C.S. § 6111(b)(1.1) shall take effect immediately.

On the question,

Will the Senate agree to part I of the amendment?

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

Senator SCHWARTZ. Mr. President, I appreciate the opportunity to deal with this particular section of this amendment, because I think it is very significant to remind my colleagues that in 1995 Act 17 became law. The intention here was to move swiftly and surely to do several things. One was to reaffirm the right of those who hunt, those who use guns in recreational ways, to continue to do so, to obtain licenses the way they do. Nothing in this amendment addresses that.

What Act 17 also was intended to do was to begin to separate out those who have a criminal background, those who have mental illnesses, or those who have been adjudicated delinquent and prevent them from purchasing guns. In particular, on January 1 of 1997, this provision, the criminal background check for those who buy long guns, went into effect, which means that law-abiding citizens who purchase guns for recreational purposes are not in any way affected by this. They fill out a form indicating that they have no criminal background, they purchase their gun, they go home and proceed as they would have before.

What this does, Mr. President, though, is after the person goes home with the gun, they do a criminal background check. Unfortunately, we are not yet ready in the Commonwealth to do an instant background check, which would be ideal, and I understand we are moving in that direction. What this does is after the purchase of the long gun, either the shotgun or the rifle, if that person turns out to have a criminal background, the State Police have done that check and are notified that they have a criminal background, they are supposed to investigate and by law may confiscate that weapon.

What is interesting, Mr. President, is we have no idea how many people who are buying guns legally have a criminal background. The discussion on this floor was that many criminals or people with criminal intent actually buy their guns illegally. I still believe that to be true, but it turns out, Mr. President, that about 200 people who have a criminal background or who have a history of mental illness or who have been adjudicated delinquent have bought guns, long guns, rifles, shotguns in the State and the State Police have their names and addresses and they are now supposed to enforce the law. They are supposed to go out and confiscate those guns.

In the hearing of the Committee on Appropriations, I inquired of the State Police whether they were doing that, how many people they identified, whether they are going out, and reminded them, Mr. President, that according to their own statistics, we know of people who have criminal backgrounds and have gone out and committed crimes. So I said to them, do they not feel responsible to go out and enforce the law? And they gave some sort of rather gobbledygook kind of answer about it being sort of difficult. Well, Mr. President, if all we do on the floor of the Senate and if all the Governor does is to pass laws that are unenforceable, that is pretty unacceptable. I thought that was an unacceptable answer from the

State Police, that they were not sure it was very easy to implement this law.

So I say the answer, Mr. President, is not to say to the State Police or to this administration, fine, you do not have to enforce this law. That is outrageous. We now know for a fact that people with criminal backgrounds are buying guns legally. We have a mechanism in place to identify them and to be able to investigate and go out and confiscate those guns. We should do that, Mr. President. I have people ask me all the time why we cannot get guns off our streets. Well, there is no easy answer, but one of our answers is that we should not let criminals buy guns legally in this Commonwealth.

Mr. President, the section I ask to be divided out from this amendment actually says that we will continue to have criminal background checks on the purchase of guns. Again, no law-abiding citizen will be affected by this. This is not something that the sportsmen should be against at all. If you are a sportsman and have never been convicted of a crime, you should be able and will be able to continue to buy guns and use them legally in this Commonwealth. What this does, Mr. President, is say it is unacceptable for us to wait another year and a half to go after those criminals.

I know there has been hesitation on the part of this administration to talk about crime prevention. They tend to say that is for the softies. I am saying this is one of the best crime prevention actions that we can take. We can take guns away from known criminals, and why should we delay that a year and a half? What responsible Governor, what responsible administration would say, I do not want to enforce this law, I want this law changed? It is talking about making sure that criminals continue to buy guns legally in this Commonwealth. I think that is unacceptable. I think the toughest way to be on crime is to make sure it does not happen, that people who should not own guns do not own guns in this Commonwealth, and that we go out and take them away from people who have purchased them illegally.

That is what this amendment would do. This amendment that the gentleman from Mercer, Senator Robbins, put in would say we want to wait another year and a half before we take those guns away from criminals. Anyone who wants this amendment is saying, criminals, by all means, keep buying those guns legally. You do not have to buy them illegally, you can buy them legally in this Commonwealth, and we have just told you you can do that. That is outrageous for us to do. It is unacceptable, and anyone who does it because they think they are supporting hunters or people who like to go to a rifle range, they are wrong. This is about people who have been convicted of crimes in this Commonwealth, and we should not be for that.

So I would say, Mr. President, that we can take this section out of the amendment, that we can make some of the other changes, some of them are not great, but they are not as harmful as this one. I, for one, am not willing to say to those 200 people who are already known criminals who have purchased guns in this Commonwealth that it is fine for you to keep those guns, and I am not willing to say to other criminals, by all means, go into your local gun shop and do not just buy a

little gun, buy one of those rifles, buy as big a gun as you can because you can keep it for the next year and a half. This administration and this Governor want you to keep that gun. I think, Mr. President, that is pretty unacceptable and we should not stand for it. If this administration does not want to be tough on crime or they just want to pass laws that they are unwilling to enforce, I am not going to stand with them. I am going to insist that we stand firm to make sure that criminals in the Commonwealth of Pennsylvania cannot buy rifles and shotguns.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Fumo has returned, and his temporary Capitol leave is cancelled.

And the question recurring,
Will the Senate agree to part I of the amendment?

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

Senator WILLIAMS. Mr. President, I rise to speak on the amendment and ask the gentleman, Senator Robbins, if he would stand for interrogation.

The PRESIDENT. Senator Robbins, will you stand for interrogation? He indicates that he will.

Senator Williams, you may continue.

Senator WILLIAMS. Mr. President, there are a series of amendments to this bill which amend the basic piece of firearms registration that we passed last year, I think it was, and there are a few that I have some concern about, and I would like to direct your attention to that.

Mr. President, under one provision of the amendment, is it not true that even if someone has a valid license and does not carry it with him at the time he is stopped or searched or arrested, is it not true that it is possible that person would have to go through at least one preliminary hearing, if not possibly several, and not be able to defend himself until at trial some months later, even though he may have a valid license, the way this bill is written?

The PRESIDENT. Senator Williams, if I understand your inquiry correctly, I think that may deal more with the original amendment put forth by Senator Robbins and is not germane to Senator Schwartz's attempt at amending the amendment.

Senator WILLIAMS. Mr. President, did we procedurally do something I missed?

The PRESIDENT. Senator Williams, the amendment has been divided, at the request of your colleague.

Senator WILLIAMS. Mr. President, I did not hear that that had been done.

The PRESIDENT. Okay.

Senator WILLIAMS. Mr. President, I thank you for calling my attention to that. I think that the division is well called for.

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

Senator HECKLER. Mr. President, with regard to the comments of the gentlewoman concerning the divided amendment

and specifically the idea of delaying the process of doing after-the-fact background checks until the instant check can be in place for the purchase of long weapons, long weapons only, let me say, Mr. President, as far as I know, I think I was the principal advocate—and I certainly recall a certain amount of resistance as we went through this process—for the idea, number one, of doing background checks for long weapon purchases at all. There are certainly those who have been reluctant, and certainly many of the advocates for gun owners who were reluctant, to ever do a background check for long weapons. In fact, this legislation requires that, and as soon as we can get an instant background check system in place, it is unquestioned that that will apply to the purchase of all weapons, not just handguns but shotguns and rifles as well.

I have also been strongly concerned and we have succeeded in getting and are proposing to keep in this legislation the requirement not only that someone not have a prior criminal record or a prior juvenile record in order to purchase a gun, but also that they have not been committed under the Mental Health Procedures Act and that they have not been found incompetent in the courts of our Commonwealth, so that we have the assurance that those who are mentally ill will not be purchasing firearms. Those are all important provisions.

The question that we have to ask ourselves today with regard to the specific portion of the Robbins amendment which we have before us at the moment is whether the present system as it has evolved makes any sense, and I would suggest to you that it does not. It is a crime under the present law, and under the law as it will be after the Robbins amendment is adopted, for an individual who is a prior felon, who has been convicted of a list of offenses, and they take up about two pages in the statute books, if you have been convicted of any of those offenses anytime in the past, you are committing a crime.

That is a new departure in this State and, frankly, while we legislate here in this hall in Harrisburg, it takes a while for the word of what we do to reach the four corners of this Commonwealth. And what has happened is approximately 23,000 purchases of long weapons have occurred since the retrospective background check has been required to take place, the paper check after the purchase. And it has been determined that in those 23,000 purchases where background checks have been done, there have been about 200 hits, 200 individuals who have an indication of a prior criminal record.

A local police chief wrote to me about one of them, because what is happening now is that the State Police are informing them when they get this hit. So that we all understand what is happening, a fellow has gone in, presumably in good faith, purchased a long weapon, filled out the forms, went home, the forms have been processed, and at some point, 1 week, 2 weeks later, the determination has been made that this individual, man or woman, has a record. Generally, what we are finding is that those records are typically for assault. The one that the police chief from one of my townships wrote to me about had happened when this fellow, who is about my age, was 17 years old. According to the police chief, he was handled as an adult and he had a record, he has gone on to live an unblemished life and did not know that he was precluded,

certainly he was not precluded from buying weapons under the old Uniform Firearms Act, which dealt only with specific violent felonies, so he has been buying and selling guns for years. Now we passed this law, a certain part of it goes into effect, and he is committing a serious crime.

If and when—I should say when—the instant background check system is in place, then that fellow at the store is going to be told he cannot buy that gun. Look into why, go check with the State Police. He will have a process for clearing his record, and very likely this gentleman will have the ability to have the courts remove his disability so that he can go in and legally purchase firearms. He will not be criminalized sort of by ambush. He will not be charged with knowing laws that he obviously is not aware of. However, that is not the case today.

It would be wonderful if we could snap our fingers and say the instant background check system is in place. That cannot be done. The State Police are working diligently. The administration and, of course, we, as the legislature, are committing substantial funds in order to set up a massive computer system to, first of all, gather all the information. Remember, we are still in the process of assembling juvenile records. I can tell you we are in the process of assembling mental health records, which I think are going to be enormously important ultimately, but those banks of information do not exist yet. When they do, that, in my opinion, is the time to say if you want to purchase a gun, you are going to have to go through this check. If you fail it, you are out and you do not get a gun. Go try to straighten out the problem if you think you are legally entitled to have a gun, but you cannot take it with you in the meantime. It would be great to have that happen now. As it is, we are doing 23,000 checks to produce 200 hits, of whom the vast majority, from all appearances, are individuals who will have the ability to purchase a firearm who do not, and we are talking long weapons again, represent a threat to the Commonwealth.

Now, that is my best take on this situation. These are certainly individuals the district attorneys of our Commonwealth are not going to want to prosecute because plainly they are not on notice that they have committed a crime or are committing a crime. We are in an interim transition period. All of these arguments tell us how good the system is going to be when we have the instant background check, but in the meantime we have to make the best of the situation. It will still be a crime for someone who has committed any of these offenses to own any firearm, long weapon or handgun, but in the interim to have people who do not know they are committing a crime, who are not on notice, in a situation where the police will be attempting to confiscate firearms from them, to have them in a situation where their conduct is targeted in this fashion simply is deemed by the law enforcement agencies of this State not to make sense, let alone anyone else, so I would not suggest to you that we are being in any way soft on crime. I would suggest to you that we are doing what makes sense, both in terms of the allocation of the resources to do 23,000 background checks for the sake of getting 200 hits, most of which involve old offenses, very old offenses, but also from the standpoint of freeing up the resources so that we can get

a proper system, one that puts all the citizens on notice in a proper way in place as quickly as possible. So I urge an affirmative vote on this segment of the Robbins amendment.

Thank you.

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

Senator SCHWARTZ. Mr. President, very briefly, I just want to make a couple of comments on some of the comments made by the previous speaker, the gentleman from Bucks, Senator Heckler. It seems to me that the notion that the State Police are doing this investigation and would be able to approach the person who bought the gun and complete that investigation is just the kind of transition period that Senator Heckler was referring to, rather than suggesting that somehow he is assured that since a number of these people that he knows about personally are in fact not truly criminals--they did something sort of bad in their background, but they have been law-abiding citizens since then--is something that can be cleared up in this process that we are already going through that requires the State Police to do an investigation and find that out. I am not sure that all the citizens of the Commonwealth are quite as familiar as Senator Heckler is with all these 200 people, and some of them in fact may have a more significant criminal record.

I think the question is, maybe I would ask to interrogate Senator Heckler as to whether he can actually identify for us that all 200 of these people who have already been identified, all 600 or 700 who would be identified in the course of the year, in fact, Mr. President, are perfectly law-abiding citizens who happen to have a criminal background or some mental illness.

Mr. President, would Senator Heckler stand for interrogation so I could actually ask him that question?

The PRESIDENT. Would the gentleman from Bucks, Senator Heckler, stand for interrogation?

Senator HECKLER. Mr. President, I would be happy to.

Senator SCHWARTZ. Mr. President, I am asking Senator Heckler whether he has personally reviewed all 200 cases and can reassure us and the citizens of the Commonwealth that there is no issue of public safety on this, that all of those people who have a criminal or mental illness background in fact would not cause any harm to any Pennsylvanians. Could he guarantee that to us? Has he done that investigation and review?

Senator HECKLER. Mr. President, of course I will not interpose the objection that the questioner likely knows the answer. I am just being frivolous. I have not done such an examination. I have had communication with the folks at the State Police who are involved in performing these checks and have gotten general characterizations.

Let me make one point clear, and I am sure that I did not make it clear in my comments, and I thank the gentlewoman for the opportunity: We do not have the mental health information yet. The system to gather that very confidential information and put it in a secure data bank so that it can be accessed only for that purpose of determining whether someone is authorized to purchase a gun or should have one, that system is

not together yet. And one of my suggestions that we are not ready to do what we are trying to do and what the gentlewoman argues that we should continue doing is that we just do not have that system together. The State Police does not have it together. It involves dealing with 67 different prothonotaries and various mental health professionals, so that information just is not there. The only hits that have come up, and are likely to come up for the next year or so, will be based strictly on rap sheets, on the clean NCIC criminal record.

Senator SCHWARTZ. Mr. President, so to clarify, the gentleman is making it very clear that these are only people who have had a criminal background. So the 600 or 700 that will come up during the course of the year are all people who have had a criminal history in their backgrounds.

Senator HECKLER. Mr. President, because the mental health records will not be available, that is correct.

Senator SCHWARTZ. Mr. President, so these are not juvenile adjudications, they are not mental illnesses that may have been remedied in some way, these are all people with criminal histories?

Senator HECKLER. Mr. President, at least as to the 200, that is my understanding. As to each of these individuals, the local police department has been advised of the fact that that individual who has purchased a gun has a record and of the nature of that record. What those individual law enforcement agencies are doing with that information, I do not know. However, certainly I have yet to see an account anywhere in this Commonwealth of an individual being arrested because of the information that has been disclosed by these checks, so we have 23,000 checks, 200 hits of some quality or other, and no arrests of which I am aware.

Senator SCHWARTZ. Mr. President, I actually believe that is the case, that in fact what we are dealing with here is the failure of enforcement, that the Senator is correct. My understanding as well is that the State Police also indicated at the hearings of the Committee on Appropriations that they have not actually acted on any of the investigations, implying also that even in situations where the investigation might have suggested that these people were of such criminal nature as for them to want to take the guns away, they were not sure that they were quite ready to do so. They even implied that they were not sure that they were legally able to confiscate those guns.

I suggested to them, Mr. President, and I ask the Senator as well, would it be his understanding that they are very legally able right now to confiscate those weapons? They suggested at the hearings of the Committee on Appropriations that they would knock on the door and maybe ask politely if they could have the guns returned to them. They were not quite sure if they could insist upon that. Would that not be correct, Mr. President, that they could in fact, these people breaking the law, they could go and ask for those guns back?

Senator HECKLER. Mr. President, well, I will attempt to answer from my general knowledge of criminal law, and that answer is, yes, if that individual presents himself in the presence of the police officer with the weapon, and the officer knows that individual is the individual who matches up with

this rap sheet, yes, unquestionably he can confiscate that weapon and presumably charge the individual with a violation of this act.

On the other hand, when we are talking about going to someone's door and demanding entrance, you have several intervening factors which present serious questions and questions which on another day I would expect that either of us might rise to vigorously defend. The police require probable cause and a search warrant in order to enter an individual's house to search for a weapon. What is being done in most cases, practically speaking, is that letters are being sent to these individuals saying you committed a crime, you should not have this gun because of your prior record, and these individuals are coming forward, just as they did under the old Uniform Firearms Act, with handguns and saying, I did not have any idea I was violating the law, let us get this straightened out. You know, here is the gun, no problem. So that is the result that is being produced for the most part.

Senator SCHWARTZ. And, Mr. President, is the speaker suggesting that is not a good idea? I would suggest that in fact is a very good idea if the person says I had no idea, they can clear up a record, they can keep their guns, but in fact if it is somebody who understood what he was doing and--

The PRESIDENT. I would suggest that the Senator be permitted to complete his answer.

Senator SCHWARTZ. Mr. President, that would be fine.

Senator HECKLER. Mr. President, if I understand the gentleman's question, I think that is a fine thing to happen. I think the question that is raised by this amendment is, is it worth the resources to do 23,000 checks this far into this year, so I do not know how many thousands that projects out for the whole calendar year—I know gun sales are not level each month—to produce that result in roughly 200 cases times whatever, is that an appropriate allocation of resources, and I gather at least that the State Police, the administration, made the determination it is not. It certainly is, in my opinion, a much more sensible system once we have the instant background check and system in place.

Senator SCHWARTZ. Mr. President, I think none of us disagree that an instant background check is preferable, and we are sorry that it is not ready today, that it is taking the administration so long to gear up for that.

I thank the gentleman for the interrogation.

Mr. President, if I may just say that what I think is clear from the interrogation is that there is absolutely no guarantee, that Senator Heckler could not, nor could the State Police, give us a guarantee that these people are not a threat to the public safety, that we have made the determination in the General Assembly that this is a law that we want to make sure that criminals cannot legally purchase guns, they should not be able to, that we should begin to implement that law, that in fact just as Senator Heckler suggested, it is a good way to get people accustomed to this law. It is a way for there to be an investigation and to begin this process, and it is a good way for them to make sure that law-abiding citizens will not be harmed by this but that in fact criminals will get guns taken away.

Mr. President, let me just say there is no good reason other than the fact that what was suggested at the very end there, which I guess is really the real reason here, that the administration has decided, as Senator Heckler just said, it is just not worth it to spend resources on enforcing this law, and I, for one, do not want them to get off the hook. I am saying that we allocated a way to develop resources. There are fees attached to gun purchases to create the pot of money to do the background checks. They ought to use that money to do that, and, Mr. President, as you well know, we have a very large surplus in this budget coming up next year and this year we are earning it, and if in fact the administration says we do not have enough money, we need more money, let them come back with a supplemental appropriation and ask us for the few extra dollars it might need to protect the citizens of this Commonwealth.

If that is the real reason, Mr. President, that there just is not enough money to protect the citizens of Pennsylvania, what the Governor and the administration and the State Police are saying is pass the laws, but when you make us enforce them, we are not going to, we are going to come back and ask you to change laws because it is costing us too much money. I think that is very misleading, Mr. President, and that is dishonest in the way this was put forward as somehow protecting legal gun owners. That is not what this is about. This is about the failure of the administration to be willing to spend a few dollars to make sure that the citizens of Pennsylvania are safe from criminals who have bought long guns.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for temporary Capitol leaves for Senator Corman, Senator Hart, Senator Tilghman, and Senator Jubelirer.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Corman, Senator Hart, Senator Tilghman, and Senator Jubelirer. Without objection, they are granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Mellow, Senator O'Pake, and Senator Fumo.

The PRESIDENT. Senator Bodack requests temporary Capitol leaves for Senator Afflerbach, Senator Mellow, Senator O'Pake, and Senator Fumo. Without objection, they are granted.

And the question recurring,

Will the Senate agree to part I of the amendment?

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

Senator BRIGHTBILL. Mr. President, just so we can clarify, the amendment has been divided, there will be two

roll-call votes, one on each part of the division. We would ask for an affirmative vote on each part, and perhaps the Chair could make clear on which part we are voting, for the benefit of the Members.

The PRESIDENT. Yes. Senator Schwartz has asked for the following division to occur, the divisibility of which has already been declared acceptable, and substantively the Senate will be voting on an excerpt that runs from page 3, line 18, through page 8, up to and including line 43, and also page 9, lines 45 and 46.

So with that, the Clerk will begin to call the roll, and after that we will then move to the balance of the Robbins amendment. There will be two votes, first on the Schwartz division.

And the question recurring,
Will the Senate agree to part I of the amendment?

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

YEA-44

Afflerbach	Greenleaf	Madigan	Stlocum
Armstrong	Hart	Mellow	Stapleton
Bell	Heckler	Mowery	Stout
Bodack	Helfrick	Murphy	Thompson
Brightbill	Holl	Musto	Tilghman
Corman	Jubelirer	O'Pake	Tomlinson
Costa	Kasunic	Piccola	Uliana
Delp	Kukovich	Punt	Wagner
Earll	LaValle	Rhoades	Wenger
Fumo	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	Wozniak

NAY-6

Belan	Kitchen	Tartaglione
Hughes	Schwartz	Williams

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

The PRESIDENT. The question now before the body is on part II of the amendment.

PART II OF AMENDMENT A1061

Amend Sec. 1, page 1, lines 6 and 7 by striking out all of said lines and inserting:

Section 1. Sections 6105(f), 6106(a) and (b), 6109(a), 6111, 6111.1(b)(2) and (k), 6112 and 6122 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

(f) Other exemptions and proceedings.—

(1) Upon application to the court of common pleas under this subsection by an applicant subject to the prohibitions under subsection (c)(4), the court may grant such relief as it deems appropriate if the court determines that the applicant may possess a firearm without risk to the applicant or any other person.

(2) If application is made under this subsection for relief from the disability imposed under subsection (c)(6), notice of such application shall be given to the person who had petitioned for the protection from abuse order, and such person shall be a party to the proceedings. Notice of any court order or amendment to a court order restoring firearms possession or control shall be given to the person who had petitioned for the protection from abuse order.

(3) All hearings conducted under this subsection shall be closed unless otherwise requested to be open by the applicant.

(4) The owner of any seized or confiscated firearms shall be provided with a signed and dated written receipt by the appropriate law enforcement agency. This receipt shall include, but not limited to, a detailed identifying description indicating the serial number and condition of the firearm. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated or seized firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement.

§ 6106. Firearms not to be carried without a license.

(a) Offense defined.—[Any]

(1) Except as provided in paragraph (2), any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.

(2) A person, who is otherwise eligible to possess valid license under this chapter, but carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business without a valid and lawfully issued license and has not committed any other criminal violation, commits a misdemeanor of the first degree.

(b) Exceptions.—The provisions of subsection (a) shall not apply to:

(1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

(2) Members of the army, navy or marine corps of the United States or of the National Guard or organized reserves when on duty.

(3) The regularly enrolled members of any organization duly organized to purchase or receive such weapons from the United States or from this Commonwealth.

(4) Any persons engaged in target shooting with rifle, pistol, or revolver, if such persons are at or are going to or from their places of assembly or target practice and if, while going to or from their places of assembly or target practice, the cartridges or shells are carried in a separate container and the rifle, pistol or revolver is unloaded.

(5) Officers or employees of the United States duly authorized to carry a concealed firearm.

(6) Agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties.

(7) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business.

(8) Any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving from one place of abode or business to another or from his home to a vacation or recreational home or dwelling or back, or to recover stolen property under section 6111.1(b)(4) (relating to Pennsylvania State Police) or to a location to which the person has been directed to surrender firearms under 23 Pa.C.S. § 6108 (relating to relief) or back upon return of the surrendered firearm.

(9) Persons licensed to hunt, take furbearers or fish in this Commonwealth, if such persons are actually hunting, taking furbearers or fishing or are going to the places where they desire to hunt, take furbearers or fish or returning from such places.

(10) Persons training dogs, if such persons are actually training dogs during the regular training season.

(11) Any person while carrying a firearm in any vehicle, which person possesses a valid and lawfully issued license for that firearm which has been issued under the laws of the United States or any other state.

(12) A person who has a lawfully issued license to carry a firearm pursuant to section 6109 (relating to licenses) and that said license expired within six months prior to the date of arrest and that the individual is otherwise eligible for renewal of the license.

§ 6109. Licenses.

(a) Purpose of license.—A license to carry a firearm shall be for the purpose of carrying a firearm concealed on or about one's person or in a vehicle [within] throughout this Commonwealth.

§ 6111.1. Pennsylvania State Police.

(b) Duty of Pennsylvania State Police.—

(2) In the event of electronic failure, scheduled computer downtime or similar event beyond the control of the Pennsylvania State Police, the Pennsylvania State Police shall immediately notify the requesting licensee of the reason for and estimated length of the delay. If the failure or event lasts for a period exceeding 48 hours, the dealer shall not be subject to any penalty for [failure to complete an] completing a transaction absent the completion of an instantaneous records check for the remainder of the failure or similar event, but the dealer shall obtain a completed application/record of sale following the provisions of section 6111(b)(1) and (1.1) (relating to sale or transfer of firearms) as if an instantaneous records check has not been established for any sale or transfer of a firearm for the purpose of a subsequent background check.

(k) [Definition.—For the purposes of this section only, the term "firearm" shall have the same meaning as in section 6111.2 (relating to firearm sales surcharge).] Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." The term shall have the same meaning as in section 6111.2 (relating to firearm sales surcharge).

"Physician." Any licensed psychiatrist or clinical psychologist as defined in the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

§ 6112. Retail dealer required to be licensed.

No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm as defined in section 6113(d) (relating to licensing of dealers) without being licensed as provided in this [subchapter] chapter.

§ 6122. Proof of license and exception.

(a) General rule.—When carrying a firearm concealed on or about one's person or in a vehicle, an individual licensed to carry a firearm shall, upon lawful demand of a law enforcement officer, produce the license for inspection. Failure to produce such license, either at the time of arrest or at the preliminary hearing, shall create a rebuttable presumption of nonlicensure.

Section 2. Section 6141 of Title 18 is repealed.

Section 3. Title 18 is amended by adding a section to read:

§ 6141.1. Purchase of rifles and shotguns outside this Commonwealth.

Nothing in this chapter shall be construed to prohibit a person in this Commonwealth who may lawfully purchase, possess, use, control, sell, transfer or manufacture a firearm which exceeds the barrel and related lengths set forth in section 6102 (relating to definitions), from lawfully purchasing or otherwise obtaining such a firearm in a jurisdiction outside this Commonwealth.

Section 4. Section 9122 of Title 18 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 13, by striking out all of said line and inserting:

Section 5. This act shall take effect as follows:

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to part II of the amendment?

Senator WILLIAMS. Mr. President, would the gentleman from Mercer, Senator Robbins, the proponent of the amendment, consent to interrogation?

The PRESIDENT. Senator Robbins, would you stand for interrogation?

Senator ROBBINS. Yes, Mr. President.

The PRESIDENT. Senator Williams, you may proceed.

Senator WILLIAMS. Mr. President, just a point of clarification. There are three areas in the amendment, provisions that are of some concern I think we ought to know. One is a provision dealing with disclosure of confidential information, that provision, does it not, disallows the disclosure of the name of someone who might have registered for a gun permit, would that be correct?

Senator ROBBINS. Mr. President, that would be correct.

Senator WILLIAMS. Mr. President, and number two, there is a provision which says if a person does not have their license or permit with them, they could be arrested and there would be a rebuttable presumption of not having a license, is that correct, or does the gentleman understand what I asked?

Senator ROBBINS. Mr. President, would the gentleman rephrase that, please?

Senator WILLIAMS. Mr. President, in other words, if you do not have the license with you but you have one, you have been issued one, you can get arrested and you could go all the way to trial and have to present your evidence that you really do have one, is that not possible under this provision?

Senator ROBBINS. Mr. President, no. We were trying to address where somebody, for example, would drive an automobile and not know there was a weapon in the automobile that was not licensed to them. We did not want to make them a felon because it was not their intent, and that is the one provision, and all we have done is reduced that penalty down to a misdemeanor 1, which it was prior to this Act 17 going into effect.

Senator WILLIAMS. Mr. President, I am familiar with that provision. I do not have a problem with it. I am talking about the provision which says, "Failure to produce such license, either at the time of arrest or at the preliminary hearing, shall create a rebuttable presumption of nonlicensure." Does the gentleman understand what that is supposed to mean?

Senator ROBBINS. Mr. President, I understand, but could the gentleman possibly tell me the line in the amendment that he is looking at?

Senator WILLIAMS. Mr. President, it is page 9, lines 14, 15, and 16.

Senator ROBBINS. Mr. President, on the amendment that I have that we are using, that is the section that deals with mental health, and any licensed psychiatrist or clinical psychologist would be considered a physician.

Senator WILLIAMS. Mr. President, maybe we have two different bills. Mine is under "Proof of license and exception," section 6122(a), and the last three lines of that provision are what I am referring to.

The PRESIDENT. Senator Williams, can you rephrase this? What is it that we are trying to clarify here?

Senator WILLIAMS. Mr. President, I am trying to clarify if in fact that provision permits someone to go to trial even though he has a valid issued license but did not have it with him at the time he was stopped.

The PRESIDENT. So this has something to do with on their person?

Senator WILLIAMS. Mr. President, well, not on their person or anywhere to show it, it would be left at home. And I am trying to find out whether the intent of this is to have that person go all the way to a trial just to produce the evidence and get acquitted, or if the intent was something else.

The PRESIDENT. The Senate will be at ease at the request of Senator Robbins and Senator Heckler.

(The Senate was at ease.)

Senator ROBBINS. Mr. President, I think we have the section that the gentleman is discussing. This amendment would change the burden of proof from the State to the licensee to prove that he has a valid permit to carry, and this was requested by the District Attorneys Association. But I think that can be done very early in the process.

Senator WILLIAMS. Mr. President, okay. Can the gentleman tell me where in this bill it allows that to be done early in the process? In other words, is there anything in here that permits a judge or anybody else before a trial to decide that?

Senator ROBBINS. Mr. President, it says, "Failure to produce such license, either at the time of arrest or at the preliminary hearing, shall create a rebuttable presumption of non-licensure," so the other side of that is that they could provide that information at the preliminary hearing.

Senator WILLIAMS. Mr. President, is it not true that at a preliminary hearing the defendant is not permitted to offer evidence to be considered, it is just a question of whether or not the Commonwealth has produced enough evidence to take it to trial? In other words, if the Commonwealth says I got this guy and he did not have a license, now there is no way for there to be considered at such a hearing any evidence by the defendant, which then would mean the only time it could be considered is at trial, when the rebuttable presumption would prevail. Is that not true?

Senator ROBBINS. Mr. President, I do not believe so. If he shows up at the preliminary hearing with his license, he would not be able to be bound over.

Senator WILLIAMS. Mr. President, he would not what?

Senator ROBBINS. Mr. President, he would not be able to be held over.

Senator WILLIAMS. Mr. President, is there anywhere in section 6122 which says that? It says, "...shall create a rebuttable presumption of nonlicensure," which means at some point you can rebut it. You can defend it. But is there anything which imposes on the magistrate of that preliminary hearing court the power which he does not have now by law to hear the defense and dispose of it as a summary offense?

Senator ROBBINS. Mr. President, I believe the law would be dealt with by bringing the license to the hearing. That is exactly what would happen.

Senator WILLIAMS. Mr. President, okay. I share the fact that it should be so, but in the criminal law, of course, we find too often that it requires jurisdiction and powers specifically designed to do that.

Mr. President, the third area is an area where if you had a license and it has expired, that within the 6 months you are carrying this weapon and you are otherwise eligible, it says that you are not subject to the provisions or you are exempted from the provisions of this act, would that essentially be correct, on page 3?

Senator ROBBINS. Mr. President, yes, only if in fact you had a license and, for example, had not gotten your renewal notice, if you otherwise would be still eligible to renew the license, that would be the case.

Senator WILLIAMS. Mr. President, and you do not have it on you and if you did have it on you it would be out of date, in this particular instance, if it is within 6 months of having one and you otherwise are eligible, you are exempted from this, is that correct? Would that mean that if a driver had that old license with him or her and the police officer stopped him and said, well, you have a gun and he says, well, gee, I am sorry, but it is within 6 months and here is my valid expired license, he could not and should not be arrested, is that correct?

Senator ROBBINS. Mr. President, that would only be the case if when they went through the process and in fact he would still be eligible and nothing had occurred in that period of time under this act to make him ineligible.

Senator WILLIAMS. Mr. President, so I am saying if he had that license, would the policeman have the authority to arrest him or the authority to release him?

Senator ROBBINS. Mr. President, I would assume the policeman would have the authority to do both.

Senator WILLIAMS. Mr. President, I assume the gentleman is right.

Thank you, Mr. President.

Mr. President, may I speak on the main proposition?

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

Senator WILLIAMS. Mr. President, I think this is one of the most rush-to-judgment things that we have done in a long, long time. Crime, guns are very, very important, weighty, and thoughtful issues, and I just do not know why we cannot discuss that, why we are doing this major piece of legislation adding it on to something else. If we were so smart, we would have had it done in the first place. I just pointed out three areas, number one, it says here clear as day, that on the one hand, you know, if you have a certificate you are going to tie up the courts, already overcrowded, for months and months just so this guy can be found not guilty. That is so silly. There is absolutely nothing in this law that authorizes a judge at a preliminary hearing to do anything. It says you have "a rebuttable presumption." That means at court, on trial when you can produce your evidence, all you have is a presumption that you do not have one so you can prove it. This does not change the law where a magistrate is limited in what he hears. It is just straight out.

Now, crafted another way, maybe it would have changed that law, maybe we would have deliberately rationally done that, but it is not so now, and all we are going to do is give somebody the power to make a law we did not make, either some police officer or some magistrate. We owe the public a clear ability to predict. We are talking about citizens. We are not talking about criminals. We are talking about that citizens should not be subjected to a guess. All we have to do is write what we want. I say we cannot take time to do that?

On the other hand, to show you how contradictory it is, how irresponsible it is, how nonrational and nondeliberate it is, it says a fellow who does not even have a certificate that is valid on the spot, as the gentleman says, the cop could let him go depending on what he thinks. Well, that is just absolutely ridiculous to pass a law about guns; how irresponsible, how irrational, how nondeliberate. They are contradictory, and we give, on the one hand, the power to a policeman to decide the case on the spot. I thought we were over those days years ago. That is what we talked about in China, Communist Russia, Nazi Germany, and all the areas where they allow arbitrariness. Why should there be some with guns? And it says it right here.

Finally, Mr. President, the area of confidentiality. It says you cannot disclose who will apply for guns, even though the public paid for the people to handle those applications. The public, by the power of granting or not, is involved in it already, and yet we cannot disclose who has the guns, whether it is a long gun, short gun, automatic, or whatever it is. Suppose it is your neighbor. Would you not want to know that he has a machine gun? All you have is a Saturday Night Special.

What is wrong? Why close the door? Why is that confidential? Why should the public not know it? I think that third example alone says that some people can function in secret, do things under the table when it comes to weapons, and no one should know about it, even the public who authorizes that. What place in our law makes that private? There are a lot of things that are licensed by the State and the local governments and the Federal governments. I do not know why this area should be secret or protected. There are a lot of areas that are wide open, indeed we know that as legislators being here in this house.

And so, Mr. President, the sum and substance of my comments are that I think the gentlewoman from Philadelphia, Senator Schwartz, is absolutely right. I think these are the provisions, these few provisions, and I am sure there are people a lot smarter than I am who could find other things. All I am saying is why can we not sit down as men and women and rationally discuss this? It is about guns. It is about power. It is also about the public's right to know each and everything that we do on a piece of legislation that is of some great importance to them in their daily lives.

MOTION TO RECONSIDER VOTE

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

Senator BODACK. Mr. President, I move to reconsider the vote by which the first section of the Robbins amendment, A1061, was adopted.

The PRESIDENT. Senator Bodack, the Chair would remind you that there is a question before the body and that needs to be resolved now with a roll call.

MOTION WITHDRAWN

Senator BODACK. Mr. President, I withdraw my motion.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I request a legislative leave for Senator Gerlach, and a temporary Capitol leave for Senator Delp.

The PRESIDENT. Without objection, those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hart has returned, and her temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to part II of the amendment?

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

Senator BRIGHTBILL. Mr. President, as I read lines 25 through 27, which deal with the failure to produce a record, found in this amendment, the way I read that would be that if someone is stopped and does not have a license, then at that point in time there would be a rebuttable presumption of nonlicensure. Secondly, if they come to a preliminary hearing and they do not have a license, there would be a rebuttable presumption of nonlicensure for purposes of binding that person over. However, I do not read that language to create a total rebuttable presumption beyond that point in time, and I think that is a fair interpretation.

And the question recurring,

Will the Senate agree to part II of the amendment?

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

YEA-45

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

NAY-5

Hughes	Schwartz	Williams
Kitchen	Tartaglione	

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

RECONSIDERATION OF PART I OF A1061

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

Senator BODACK. Mr. President, I move to reconsider the vote by which the first section of the Robbins amendment, A1061, was adopted.

The motion was agreed to.

On the question,

Will the Senate agree to part I of the amendment?

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

YEA-45

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

NAY-5

Hughes	Schwartz	Williams
Kitchen	Tartaglione	

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

The PRESIDENT. House Bill No. 149 will go over in its order, as amended.

BILLS OVER IN ORDER

HB 12 and SB 55 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 90 (Pr. No. 88) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for the composition and duties of the Pennsylvania Commission on Crime and Delinquency and the composition of the Juvenile Advisory Committee.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator HOLL. Mr. President, Senate Bill No. 90 is designed to improve and modernize the Pennsylvania juvenile justice system. Pennsylvania's juvenile justice programs are spread over and among several different agencies, including the county juvenile court system, the county Children and Youth Agencies, the Department of Public Welfare, the Pennsylvania Commission on Crime and Delinquency, and the Juvenile Court Judges' Commission. Now, because the program is so fragmented, there is a clear lack of coordination within the system. Senate Bill No. 90 will designate the Pennsylvania Commission on Crime and Delinquency as the lead and primary agency to coordinate the operation of the juvenile justice system.

In 1979, the Citizens' Crime Commission of Philadelphia found that the juvenile justice system lacked coordinated planning, noting that it is difficult to prevent shared responsibilities from developing into diluted responsibilities. In 1991 a juvenile task force convened by DPW concluded that there was no overall coordination or communication with Pennsylvania's juvenile justice system. A recent Legislative Budget and Finance Committee report concluded that State government has not been effective in planning and coordinating the Commonwealth juvenile justice system.

New Jersey recently passed legislation to create the Juvenile Justice Commission in New Jersey, which has the responsibility for planning, policy development, and operations for youth involved and at risk of involvement in New Jersey's juvenile justice system. The commission will formulate a statewide juvenile justice plan. In 1995 Governor Ridge directed the PCCD to convene a corrections policy planning committee with a subcommittee on juvenile justice to address the needs for juveniles. For years we have had study after study indicating the need for a coordinated agency. It is time for the legislature to move forward with this initiative so that we can meet the increased demands on this system, and because of these reasons and others, I urge your support for Senate Bill No. 90.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

Gerlach
Greenleaf

Loeper
Madigan

Slocum
Stapleton

NAY-0

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

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

BILL OVER IN ORDER

SB 131 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 152 (Pr. No. 162) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the provision of certain stimulants to minors; and providing penalties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator KASUNIC offered the following amendment No. A0896:

Amend Title, page 1, line 2, by inserting after "Statutes,": further providing for sentencing and penalties for trafficking drugs to minors;

Amend Bill, page 2, lines 4 and 5, by striking out all of said lines and inserting:

Section 1. Section 6314(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6314. Sentencing and penalties for trafficking drugs to minors.

(b) Additional penalties.—In addition to the mandatory minimum sentence set forth in subsection (a), the person shall be sentenced to an additional minimum sentence of at least two years total confinement, notwithstanding any other provision of this title or other statute to the contrary, if the person did any of the following:

(1) Committed the offense with the intent to promote the habitual use of the controlled substance.

(2) Intended to engage the minor in the trafficking, transportation, delivery, manufacturing, sale or conveyance.

(3) Committed the offense within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university.

(4) Committed the offense on a school bus or within 500 feet of a school bus stop.

Section 2. Title 18 is amended by adding a section to read:

Amend Sec. 2, page 3, line 29, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 236 (Pr. No. 260) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Medford's, Inc., a tract of land situate in the City of Chester, Delaware County, Pennsylvania.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

SB 253 (Pr. No. 254) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1986 (P.L.388, No.84), entitled Sunshine Act, defining "political subdivision."

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Corman has returned, and his temporary Capitol leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 299 (Pr. No. 293) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the City of Farrell certain surplus land situate in the City of Farrell, Mercer County.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 420 and SB 423 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 613 (Pr. No. 644) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natu-

ral Resources, to sell and convey to Wayne S. Oldham certain excess land situate in the Township of Richland, Cambria County.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE ARCHITECTS LICENSURE BOARD

January 29, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank M. Adams, 2623 West Livingstone Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

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

January 28, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul W. Ware, 1103 Wheatland Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 1999 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
CLARKS SUMMIT STATE HOSPITAL**

February 20, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Theodore J. Giglio, 100 Alirosa Lane, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

February 28, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Ann Navarro (Public Member), 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen Gaskey, Daisytown, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF LAURELTON CENTER**

February 20, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jeanne G. Zimmerman, 900 Green Street, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of

Trustees of Laurelton Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER**

February 26, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eleanora M. Miller, 965 East Gilmore Road, Grove City 16127, Venango County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

February 13, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Louis A. Guzzi, R. D. #5, Box 251, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 14, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis E. Murray, D.Ed., 219 Stonehedge Road, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Donald S. Kelly, Slippery Rock, 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:

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

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

Senator BRIGHTBILL. Mr. President, I ask now for a brief recess of the Senate for the purpose of a meeting of the Committee on State Government, which will be held in the Rules room immediately upon the recess, and I would expect we will return in about 5 minutes.

The PRESIDENT. For a meeting of the Committee on State Government, the Senate stands in recess and will likely reconvene in the next 5 to 10 minutes.

AFTER RECESS

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 149 (Pr. No. 1340) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for firearms and for the expungement of certain arrest records relating to sexual offenses.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-45

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

NAY-5

Hughes	Schwartz	Williams
Kitchen	Tartaglione	

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

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

SB 176 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**PREFERRED APPROPRIATION BILLS
OVER IN ORDER**

SB 867, SB 869, SB 870, SB 871 and SB 872 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tilghman has returned, and his temporary Capitol leave is cancelled.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

HB 67 (Pr. No. 1069) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicle registration periods of less than one year, and making appropriations.

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

BILLS OVER IN ORDER

HB 86, SB 114, SB 147 and SB 175 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 212 (Pr. No. 204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing immunity for employers who disclose certain information regarding former employees.

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

SB 251 (Pr. No. 252) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 1, 1977 (P.L.249, No.83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads;....," prohibiting the termination or discipline of volunteers responding to calls in the line of duty during working hours.

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

BILLS OVER IN ORDER

SB 268, HB 280, SB 284, SB 301 and SB 307 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 330 (Pr. No. 339) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for the location of new liquor stores.

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

BILLS OVER IN ORDER

SB 419, SB 585, SB 635, SB 641 and SB 873 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SENATE RESOLUTION No. 21, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 21**, entitled:

A Resolution designating April 13 through 19, 1997, as "Week of the Young Child."

On the question,

Will the Senate adopt the resolution?

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

UNFINISHED BUSINESS REPORT FROM COMMITTEE

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

SB 732 (Pr. No. 790)

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for the Thaddeus Stevens State School of Technology.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jan S. Berninger and to Susan C. Yee by Senator Afflerbach.

Congratulations of the Senate were extended to R. Scott Turner, Jr., and to Bryan Matthew Louie by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Wicker, Mr. and Mrs. Harry Laica, Mr. and Mrs. Carl Walling, Sr., Carolyn Bunny Welsh, Jeff Tyler, M. Theresa Heintz and to Cheyney University of Pennsylvania by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. William R. Chippich and to William D. Casselberry by Senator Bodack.

Congratulations of the Senate were extended to Katherine J. Bishop, Janis Herschkowitz, Wendy DiMatteo and to Lebanon Christian Academy Girls Basketball Team and the Lebanon Christian Academy Boys Basketball Team by Senator Brightbill.

Congratulations of the Senate were extended to Jeanne C. Caliguri by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin E. Rice and to the Pilot Club of York, Inc., by Senator Delp.

Congratulations of the Senate were extended to Eugene DiVincenzo by Senator Fumo.

Congratulations of the Senate were extended to Kenneth A. Swanstrom by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Zarski, Jonathan Edward Simpson and to Kyle Wesley Wolfe by Senator Helfrick.

Congratulations of the Senate were extended to Derrek William Keller, Barry J. Wenhold, Barbara Harper Gordon, Al Brodhag, James Moyer and to James Algeo, Sr., by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Jack G. Lucas, Mr. and Mrs. Clair Dodson, Mr. and Mrs.

Irvin Barr, Mr. and Mrs. Joseph R. Wales, Mr. and Mrs. Earl C. Forsht, Mr. and Mrs. James Hazelette and to Mr. and Mrs. Roy Scott by Senator Jubelirer.

Congratulations of the Senate were extended to the citizens of Redstone Township by Senator Kasunic.

Congratulations of the Senate were extended to the COLT Coalition of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Robert Werner by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Charles R. Barnes, Mr. and Mrs. W. Jay Bloom, Mr. and Mrs. Gordon Geiser, Mr. and Mrs. Allen E. Reed, Mr. and Mrs. Charles K. Greenaway and to Florence Irvin by Senator Madigan.

Congratulations of the Senate were extended to Bill Roehl by Senator Mellow.

Congratulations of the Senate were extended to Christopher W. Early by Senator Mowery.

Congratulations of the Senate were extended to Ronald Pardini and to Charles Vukotich by Senator Murphy.

Congratulations of the Senate were extended to the Saint Joseph University Women's Basketball Team of Philadelphia by Senator O'Pake.

Congratulations of the Senate were extended to William T. Fleming by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Oravec, Mr. and Mrs. Homer F. Luckenbill, Mr. and Mrs. Frederick Young, Mr. and Mrs. Frederick Israel, Mr. and Mrs. Willard Schade, Mr. and Mrs. John Brown, Mr. and Mrs. John A. Wargo, Joshua R. Krebs and to Stephen John Marzen, Jr., by Senator Rhoades.

Congratulations of the Senate were extended to Rabbi Bernard Solis Frank, DD, Joseph T. Rafferty, Andrew D. Buschmeier and to Thomas P. Pettine by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Doyle Berringer and to Chris Boring by Senator Stapleton.

Congratulations of the Senate were extended to Dr. W. Clinton Pettus by Senator Thompson.

Congratulations of the Senate were extended to the School District of Philadelphia by Senator Tilghman.

Congratulations of the Senate were extended to Dorrit J. Bern and to Marina Kats by Senator Tomlinson.

Congratulations of the Senate were extended to Keith Robert Davis by Senator Uliana.

Congratulations of the Senate were extended to Mabel K. Graeff and to Fred Bailor by Senator Wenger.

Congratulations of the Senate were extended to James Erb and to Clementina Neigh by Senator White.

BILLS ON FIRST CONSIDERATION

Senator HOLL. 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 211, SB 732 and HB 502.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I rise today to briefly discuss with the Senate Senate Resolution No. 32, which was reported last week by the Senate Committee on Intergovernmental Affairs. The resolution, which many of you cosponsored, calls on President Clinton and Congress to work with the States to address the very important issue of out-of-State waste, and if necessary, to pass legislation to make it so. In particular, we are asking for authority to allow individual communities to say that they do not have to accept out-of-State waste if they do not want to.

On March 18, Secretary Seif called on Congress to give us the tools to allow us to place limits on out-of-State waste and trash. Testifying before the United States Senate Committee on Environment and Public Works, Secretary Seif said Governor Ridge's number one Federal environmental legislative priority this year is to see Congress pass effective legislation allowing States to control unwanted imports of municipal solid waste. Secretary Seif said Federal legislation is critical to Pennsylvania because we import more municipal waste than any other State. In fact, we have gone from less than 3 million tons in 1987 to over twice that amount in 10 years. Some of the primary reasons for that are because we built a waste disposal infrastructure that meets the highest environmental standards, and because other States are refusing to issue permits for landfills in their own States.

Our concerns about becoming a dumping ground rose last year when New York City announced that it would close the Fresh Kills landfill in Staten Island by the year 2001, a move that will add 4.7 million tons of waste per year to the waste market of the United States. Governor Ridge recently urged the Governor of New York, Governor Pataki, and the mayor of New York City, Mayor Giuliani, to find solutions to their own garbage disposal problems. He told these officials that New York relies too heavily on using disposal facilities in neighboring States and that they need to find solutions within their own borders. And I am sure you will agree, Pennsylvania cannot and will not allow itself to become the waste disposal option of choice for New York City.

Governor Ridge told Governor Pataki that New York's neighbors would be more than willing to work with them on a solution if there was more of a commitment on New York's part to accept the burden of siting more disposal facilities. Governor Ridge advised that New York consider all viable options, including making changes to its permitting process and providing incentives to local government and private industry to locate environmentally sound disposal sites in New York.

Pennsylvania imports of municipal waste from New York rose 400 percent between 1989 and 1995. Passage of interstate

waste legislation remains a top item on the Governor's Federal legislative agenda. It is clear that the only effective way to reduce the amount of unwanted municipal waste flowing into Pennsylvania from New York and other States is for Congress to enact legislation giving States the authority to limit imports. Secretary Seif urged Congress to develop interstate waste legislation that would allow States to impose a freeze on out-of-State waste at 1993 levels.

Another matter of contention brought to a head on March 12 was when Governor Ridge told the Environmental Protection Agency that he cannot support proposed changes to the National Air Quality Standards because they do little to clean up polluted air coming into Pennsylvania. He called on EPA to adopt a truly national approach to cleaning up the air that ensures that all States do their fair share to control air pollution. While the proposals offer some improvements over the existing program, we cannot support those changes until EPA takes steps to assure us that other States will be required to do their fair share to clean up the polluted air coming into our Commonwealth.

Monitoring by the State Department of Environmental Protection shows that Pennsylvania gets air from other States that is already dirtier than the new 80 parts per billion ozone standard proposed by EPA. This practically guarantees that Pennsylvania will not be able to meet the new ozone standards since we receive dirty air from other States. Pennsylvania has adopted a package of ozone pollution controls that goes beyond those adopted by almost all of the States that contribute to our ozone pollution violations. Pennsylvanians expect and deserve clean air, but the EPA proposals fall short in achieving that objective because it fails to include any steps that ensure that this Commonwealth receives clean air from other States, and because the proposal fails to include the procedures EPA will use to actually implement the new standards, leaving those of us in the States in the dark about what our responsibilities will be. If key issues are not fairly addressed, Pennsylvania will have no choice but to seek other ways of making sure that they are met, in particular that other States do their share.

Thank you very much, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 8, 1997

9:30 A.M.	FINANCE (public hearing to consider the nominations of James E. Bach, Sr., Trevor Edwards, Esq., and Martha B. Schoeninger to the State Tax Equalization Board)	Majority Caucus Rm.
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 219 and Senate Resolution No. 31)	Room 461 Main Capitol

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on Senate Bills No. 538, 539, 541 and 542)	Room 8E-A East Wing
11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 23 and 427; Senate Resolution No. 34; and any other business that may come before the Committee)	Room 461 Main Capitol
11:00 A.M.	JUDICIARY (public hearing to consider the nomination of William J. Ober, Esq., for Judge, Court of Common Pleas, Westmoreland County; followed by a meeting to consider Senate Bills No. 514, 529, 555, 770 and House Bill No. 148)	Room 8E-B East Wing
12:00 Noon	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 182 and 283; Senate Resolution No. 22; and any other business that may come before the Committee)	Room 461 Main Capitol
12:30 P.M.	APPROPRIATIONS (to consider House Bill No. 847)	Rules Cmte. Conf. Rm.

WEDNESDAY, APRIL 9, 1997

9:00 A.M.	EDUCATION (public hearing on Vocational Technical Education)	Room 8E-A East Wing
9:30 A.M.	AGING AND YOUTH (to consider Senate Bill No. 438 and House Resolution No. 50)	Majority Caucus Rm.
1:00 P.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (public hearing to review the operations of the Department of Community and Economic Development)	Room 8E-A East Wing

THURSDAY, APRIL 10, 1997

9:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (public hearing to review the operations of the Department of Community and Economic Development)	Room 8E-B East Wing
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TUESDAY, APRIL 22, 1997

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nomination of Nora Mead Brownell to the Public Utility Commission)	Room 8E-B East Wing
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WEDNESDAY, APRIL 23, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Senate Bill No. 619)	Room 8E-B East Wing
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WEDNESDAY, MAY 28, 1997

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, April 8, 1997, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:10 p.m., Eastern Daylight Saving Time.