

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 15, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.s.t.

THE SPEAKER PRO TEMPORE (GREGORY C. FAJT) PRESIDING

PRAYER

The SPEAKER pro tempore. Today's prayer will be offered by Rev. Charles Dorsey, Director of Special Ministries for the Pennsylvania Council of Churches.

REV. CHARLES E. DORSEY offered the following prayer:

Let us pray:

Eternal God, from whose gracious hand we have received the wondrous and solemn trust of life, we pause to become aware of Your care and seek guidance for this House in its business and work today.

We thank You for the privilege of serving the people of Pennsylvania and ask You to make us faithful and wise servants as we use the power of our office. Give us the ability to see the big picture of the common good in the faces of all the individual men and women and boys and girls across this wonderful Commonwealth as we cast our votes and use our voice and power, and in the end, give us peace that is promised to those who serve faithfully and in love. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

The SPEAKER pro tempore. The Chair would like to extend a special thank-you to Reverend Dorsey and welcome him to the hall of the House today.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, December 14, 1993, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes Representative Steighner for leaves of absence on the Democratic side.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Philadelphia, Mr. RIEGER; the gentleman from Westmoreland, Mr. PETRARCA; and the gentleman from Allegheny, Mr. OLASZ.

The SPEAKER pro tempore. The Chair thanks the gentleman, and without objection, those leaves of absence will be granted.

The Chair also notes that there are no leaves of absence being requested from the Republican side.

SENATE MESSAGE

HOUSE BILLS

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 437**, **PN 1881**; **HB 1432**, **PN 2282**; **HB 1512**, **PN 2262**; and **HB 2091**, **PN 2893**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 248**, **PN 1526**; and **SB 315**, **PN 1777**.

SENATE MESSAGE

HOUSE AMENDMENTS

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 659**, **PN 2958**.

SENATE MESSAGE

AMENDED HOUSE RESOLUTION

RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 147**, **PN 2888**, with information

that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and asks that the chairman, Representative ACOSTA, be added to the leaves.

The Chair hears no objection to that, and Mr. Acosta will be added to the leaves of absence for the day.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter
Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Petit	Trich
Colafralla	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Cornigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Wagh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rublely	Zug
Evans	Leh	Rudy	

Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

LEAVES ADDED—2

Cohen, L. I.	O'Donnell
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CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1472, PN 2921**, entitled:

An Act amending the act of September 1, 1965 (P.L.436, No.221), known as the Pennsylvania Commercial Feed Law of 1966, further providing for definitions, licensing, fees, adulteration, inspection, and penalties; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—197

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Harley	Nickol	Surra
Carone	Hasay	Nyce	Tangretti
Cawley	Hennessey	O'Brien	Taylor, E. Z.
Cessar	Herman	O'Donnell	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello

Cohen, L. I.	Jadlowiec	Pettit	Trich
Cohen, M.	James	Phillips	True
Colaifella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Conti	Kaiser	Pitts	Vance
Cornell	Kasunic	Platts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kenney	Raymond	Vitali
Coy	King	Reber	Washington
Curry	Kirkland	Reinard	Waugh
Daley	Krebs	Richardson	Williams
DeLuca	Kukovich	Ritter	Wogan
Dempsey	LaGrotta	Roberts	Wozniak
Dent	Laub	Robinson	Wright, D. R.
Dermody	Laughlin	Roebuck	Wright, M. N.
Donatucci	Lawless	Rohrer	Yandrisevits
Druce	Lederer	Rooney	Yewcic
Durham	Lee	Rublely	Zug
Egolf	Leh	Rudy	
Evans	Lescovitz	Ryan	DeWeese,
Fairchild	Levdansky	Santoni	Speaker
Fajt	Lloyd	Sather	

NAYS—0

NOT VOTING—1

Hughes

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **SB 1237, PN 1496**, entitled:

An Act amending the act of March 10, 1992 (P. L. , No. 1A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992," further defining a project.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—198

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz

Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayermik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Stritmatter
Bunt	Gordner	Micozzie	Steil
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Stritmatter
Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colaifella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rublely	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The two-thirds majority required by Act 32 of 1985 having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 704, PN 1129**, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), entitled "Group Life Insurance Policy Law," further providing for life insurance.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—198

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucy	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
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Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 1085, PN 1216**, entitled:

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, further providing for compensation for disability from beryllium poisoning.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—198

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucy	Saurman
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Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
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Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 672, PN 2919**, entitled:

An Act amending the act of April 6, 1921 (P.L.95, No.58), referred to as the Bee Law, increasing criminal penalties; further providing for civil penalties and injunctive relief; and providing for the registration of apiaries.

On the question,

Will the House agree to the bill on third consideration?

Mr. NICKOL offered the following amendments No. A5011:

Amend Title, page 1, line 13, by striking out "and" where it appears the first time

Amend Title, page 1, lines 13 and 14, by removing the period after "apiaries" and inserting ; and providing for apiary yards.

Amend Bill, page 1, lines 17 through 19, by striking out all of said lines and inserting

Section 1. Section 1 of the act of April 6, 1921 (P.L.95, No.58), referred to as the Bee Law, is amended by adding a clause to read:

Section 1. Be it enacted, &c., That, for the purpose of construing this act, the following definitions shall be applied:

* * *

(5.1) "Apiary yard" shall be construed to mean a fixed location within this Commonwealth where an apiary is maintained on a continuing basis from which hives may be moved to temporary locations for crop pollination and returned.

* * *

Section 2. The act is amended by adding a section to read: Amend Sec. 1 (Sec. 3.1), page 2, line 12, by inserting after "applicant,"

No fee shall be charged for temporary relocation of a hive or hives for crop pollination from an apiary yard properly registered as an apiary under the provisions of this act.

Amend Sec. 1 (Sec. 3.1), page 2, line 20, by removing the period after "Commonwealth" and inserting

: Provided, however, That the owner of an apiary yard which is properly registered as an apiary under the provisions of this act shall not be required to report the temporary relocation of a hive or hives for crop pollination as long as proper records of hive locations are maintained by the owner at a location available to the Secretary of Agriculture for inspection.

Amend Sec. 2, page 2, line 21, by striking out "2" and inserting

3

Amend Sec. 3, page 3, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 5, line 4, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

This bill addresses the vital question of whether there is to be or not to be a Bee Law.

Our present Bee Law might as well not be a law because it cannot be enforced. There is no honey, er I mean money. That is why we need HB 672.

My bees do not object to paying \$10 per apiary, kind of a property tax on each grouping of one or more hives at a site.

A bee sees enforcement and inspections as a way to stay disease free, however unfortunate the taxes may be.

But each spring their hives are moved from orchard to orchard as the various fruit trees come into bloom.

My amendment would guarantee the bees only pay once for their home apiary or yard; stung once for the \$10 fee, not twice or more each time they temporarily move.

My amendment would also protect the bees from mailing in a change-of-address card to the Secretary of Agriculture every time they move. After all, this is their bizzzy season. The cards would not even arrive in Harrisburg till the bees have already moved.

Now, I realize this bill may represent a tragic although necessary step in bee society. After all, the \$10 fee is just a tax by another name.

Today there is a bee saying: "I'm glad to live life as free as a bee."

After passage of HB 672, it will not be long until we may hear them bemoan, "There's nothing so certain in life as death, taxes, hard work, and honey."

Despite the tragedy of this step, the bees need the fees to stay disease free.

I could drone on, but I will not. We must face the question, is there to be or not to be a Bee Law?

I know it is a tough tax vote my amendment barely makes better, but I ask for your support for my amendment and HB 672 on final passage.

If you cannot support it for Dan Surra or me, do it for the bees, please. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for his rhetorical wisdom and recognizes, on the amendment, Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I just want to note for the record that the House Agriculture Committee is pleased to be able to provide a little levity on the floor today.

I also urge members to support the amendment. The amendment clarifies the situation with regard to mobile hives, and the department has indicated that the amendment is consistent with its intention on the bill and has no opposition to the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter
Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colafrilla	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Home
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams

Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the amendments were agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—193

Adolph	Fargo	Lynch	Saurman
Allen	Farmer	Maitland	Saylor
Argall	Fee	Manderino	Scheetz
Armstrong	Fichter	Markosek	Schuler
Baker	Fleagle	Marsico	Scrimenti
Barley	Flick	Masland	Semmel
Battisto	Freeman	Mayernik	Smith, B.
Bebko-Jones	Gamble	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Belfanti	Geist	McNally	Staback
Bishop	George	Melio	Stairs
Blaum	Gerlach	Merry	Steelman
Boyes	Gigliotti	Michlovic	Steighner
Brown	Gladeck	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Harley	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Oliver	Thomas
Civera	Hughes	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello
Cohen, L. I.	Jadlowiec	Pettit	Trich
Cohen, M.	James	Phillips	True
Colafrilla	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Conti	Kaiser	Pitts	Vance

Cornell	Kasunic	Platts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kenney	Raymond	Vitali
Coy	Kirkland	Reber	Washington
Curry	Krebs	Reinard	Waugh
Daley	Kukovich	Richardson	Williams
DeLuca	LaGrotta	Ritter	Wogan
Dempsey	Laub	Roberts	Wozniak
Dent	Laughlin	Robinson	Wright, D. R.
Dermody	Lawless	Roebuck	Wright, M. N.
Donatucci	Lederer	Rohrer	Yandrisevits
Druce	Lee	Rooney	Yewcic
Durham	Leh	Rublely	Zug
Egolf	Lescovitz	Rudy	
Evans	Levdansky	Ryan	DeWeese,
Fairchild	Lloyd	Santoni	Speaker
Fajt	Lucyk	Sather	

NAYS—5

Birmelin	Hasay	King	Serafini
Godshall			

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

HB 1472 RECONSIDERED

The SPEAKER pro tempore. The Chair has before it a reconsideration motion by Representative Hasay, who moves that the vote by which HB 1472, PN 2921, was passed on the 15th day of December be reconsidered.

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

The following roll call was recorded:

YEAS—197

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gigliotti	Melio	Stairs
Blaum	Gladeck	Merry	Stelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter

Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trelo
Cohen, M.	Jadlowiec	Pettit	Trich
Colaella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rublely	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker
Fargo	Lloyd	Sather	

NAYS—0

NOT VOTING—1

Caltagirone

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the motion was agreed to.

**THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING**

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—190

Adolph	Fairchild	Lescovitz	Rublely
Allen	Fajt	Levdansky	Rudy
Argall	Fargo	Lloyd	Ryan
Armstrong	Farmer	Lucyk	Santoni
Baker	Fee	Lynch	Saurman
Barley	Fichter	Maitland	Scheetz
Battisto	Fleagle	Manderino	Schuler
Bebko-Jones	Flick	Markosek	Scrimenti
Belardi	Freeman	Marsico	Semmel
Belfanti	Gamble	Masland	Smith, B.
Birmelin	Gannon	Mayernik	Smith, S. H.
Bishop	Geist	McCall	Staback
Blaum	George	McGeehan	Stairs

Boyes	Gerlach	McNally	Steelman
Brown	Gigliotti	Melio	Steighner
Bunt	Gladeck	Merry	Steil
Butkowitz	Gordner	Michlovic	Stetler
Buxton	Gruitza	Micozzie	Stish
Caltagirone	Gruppo	Mihalich	Strittmatter
Cappabianca	Haluska	Miller	Sturla
Carn	Hanna	Mundy	Surra
Carone	Harley	Murphy	Tangretti
Cawley	Hennessey	Nailor	Taylor, E. Z.
Cessar	Herman	Nickol	Taylor, J.
Chadwick	Hershey	Nyce	Thomas
Civera	Hess	O'Brien	Tigue
Clark	Hughes	O'Donnell	Tomlinson
Clymer	Hutchinson	Oliver	Trello
Cohen, L. I.	Itkin	Perzel	Trich
Cohen, M.	Jadlowiec	Pesci	True
Colafella	James	Petrone	Tulli
Colaizzo	Jarolin	Petit	Uliana
Conti	Josephs	Phillips	Vance
Cornell	Kaiser	Piccola	Van Horne
Corrigan	Kasunic	Pistella	Veon
Cowell	Keller	Pitts	Vitali
Coy	Kenney	Platts	Washington
Curry	King	Preston	Wagh
Daley	Kirkland	Raymond	Wogan
DeLuca	Krebs	Reber	Wozniak
Dempsey	Kukovich	Reinard	Wright, D. R.
Dent	LaGrotta	Richardson	Wright, M. N.
Dermody	Laub	Ritter	Yandrisevits
Donatucci	Laughlin	Roberts	Yewcic
Druce	Lawless	Robinson	Zug
Durham	Lederer	Roebuck	
Egolf	Lee	Rohrer	DeWeese,
Evans	Leh	Rooney	Speaker

NAYS—7

Godshall	Sather	Serafini	Stern
Hasay	Saylor	Snyder, D. W.	

NOT VOTING—1

Williams

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

The SPEAKER. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, when we adjourned last night, it was with the distinct understanding that we would return this morning to HB 185. I was just assured by the majority leader a few moments ago that that would be the next bill. Two bills have happened since, and I am wondering if you would please move to that.

The SPEAKER. The gentleman, Mr. Ryan, should know that I was trying to be polite to Mr. Hasay. HB 185 is up next, sir.

Mr. RYAN. Thank you. It is a treat.

FILMING PERMISSION

The SPEAKER. The members will be alerted to the fact that Mike Ross of WHIM-TV, channel 27, as well as John Sanks of WPVI-TV, channel 6, are on the floor and will be filming for the debate of HB 185 and general coverage during the proceedings.

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 185, PN 2217**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons and for limitation on municipal regulation of firearms and ammunition; and providing for summary offenses in connection with amusement rides.

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. On page 9 of today's calendar, HB 185, PN 2217. The House will return to debate on the Michlovic amendment.

On the question recurring,
Will the House concur in Senate amendments as amended?

The clerk read the following amendments No. A4958, offered by Mr. MICHLOVIC on December 14, 1993:

Amend Sec. 1 (Sec. 6111), page 2, lines 8 through 59; page 3, lines 1 through 24 (A4786), by striking out "Within 20 business days after the", page 2, line 8 and all of lines 9 through 59, page 2 and all of lines 1 through 24, page 3

Amend Bill, page 3, by inserting between lines 31 and 32 (A4786)

Section 3. Chapter 61 of Title 18 is amended by adding a subchapter to read:

CHAPTER 61
FIREARMS AND OTHER DANGEROUS ARTICLES

SUBCHAPTER D
ASSAULT WEAPONS

- Sec. 6181. Definitions.
- 6182. Determination by court.
- 6183. Registration.
- 6184. Relinquishment of weapons.
- 6185. Licensed gun dealers.
- 6186. Penalties.
- 6187. Application of subchapter.

§ 6181. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Assault weapon."

(1) The following weapons known by the trade names specified:

RIFLES

- Algimec AGM 1 type
- Armalite AR-180 carbine
- Australian SAR
- Avtomat Kalashnikov (AK) series
- Beretta AR-70 (SC-70)
- Beretta BM59
- Bushmaster Assault Rifle (armgun)

Calico M-900 type
 CETME G3
 Chartered Industries SR-88 type
 Colt AR-15 series #
 CAR-15 series
 Daewoo AR-100 type
 Daewoo K-1
 Daewoo K-2
 Daewoo Max 1
 Daewoo Max 2
 Demro TAC-1 carbine type
 Encom MP-9 carbine type
 Encom MP-45 carbine type
 Fabrique Nationale FN/FAL
 Fabrique Nationale FN/LAR
 Fabrique Nationale FNC
 FAMAS MAS223
 G3SA type
 Galil type
 Heckler & Koch HK-91
 Heckler & Koch HK-93
 Heckler & Koch HK-94
 Heckler & Koch MP-5
 Heckler & Koch PSG-1
 Mandall the TAC-1 Carbine
 M145
 M-16 type
 M-900 Assault Carbine
 MAC 11-99 Carbine Type
 Plainfield Machine Company Carbine
 Ruger K-Mini-14/5F
 Ruger K-Mini-14/5RF
 SKS with detachable magazine
 SIG AMT
 SIG 500 series
 SIG PE-57
 Springfield Armory BM59
 Springfield Armory SAR-48
 Sterling MK-6
 Sterling SAR
 Steyr AUG
 Valmet M62 semiautomatic
 Valmet M71S semiautomatic
 Valmet M76 semiautomatic
 Valmet M78 semiautomatic
 Uzi carbine type
 Weaver Arms Nighthawk
 Mac 10
 Mac 11
 Intratec TEC-9
 Intratec TEC-22
 Mitchell Arms Spectre Auto
 Sterling MK-7
 Calico M-900
 SHOTGUNS
 Encom CM-55
 Franchi SPAS 12
 Franchi LAW 12
 Gilbert Equipment Company Striker 12
 Gilbert Equipment Company Street Sweeper
 Steyr-AUG semiautomatic type
 USAS 12 semiautomatic type
 Pistols
 UZI Pistol

(2) Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12."

(3) A semiautomatic weapon with a magazine capacity exceeding ten rounds.

(4) Any firearm declared by the court pursuant to section 6182 (relating to determination by court) to be an assault weapon.

"Automatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge

and load another cartridge into the firing chamber; and which automatically shoots more than one shot by a single function of the trigger.

"Commissioner." The Commissioner of the Pennsylvania State Police.

"Licensed gun dealer." A person who has a Federal firearms license and any business license required by a State or local governmental entity.

"Semiautomatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which requires a separate function of the trigger to fire each cartridge.

§ 6182. Determination by court.

(a) General rule.—Upon request by the commissioner filed in a verified petition in the Commonwealth Court, the court shall issue a declaration of temporary suspension of the manufacture, sale, distribution, transportation or importation into this Commonwealth, or the giving or lending of a firearm alleged to be an assault weapon because the firearm is either of the following:

(1) Another model by the same manufacturer or a copy by another manufacturer of an assault weapon listed in section 6181 (relating to definitions), which is identical to one of the assault weapons listed in that section except for slight modifications or enhancements, including, but not limited to: a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic or metal stock; larger magazine size; different caliber provided that the caliber exceeds .22 rimfire; or bayonet mount. The court shall strictly construe this paragraph so that a firearm which is merely similar in appearance but not a prototype or copy can not be found to be within the meaning of this paragraph.

(2) A firearm first manufactured or sold to the general public in this Commonwealth 90 days after the effective date of this subchapter, which has been redesigned, renamed or renumbered from one of the firearms listed in section 6181, or which is manufactured or sold by another company under a licensing agreement to manufacture or sell one of the firearms listed therein regardless of the company of production or distribution, or the country of origin.

(b) Declaration of temporary suspension.—Upon the issuance of a declaration of temporary suspension by the court and after the commissioner has completed the notice requirements of subsection (c)(1), the provisions of subsection (a) shall apply with respect to those weapons.

(c) Notice.—

(1) Upon declaration of temporary suspension, the commissioner shall immediately notify all police, sheriffs, district attorneys and those requesting notice under paragraph (2), shall notify industry and association publications for those who manufacture, sell or use firearms, and shall publish notice in not less than ten newspapers of general circulation in geographically diverse sections of this Commonwealth of the fact that the declaration has been issued.

(2) The commissioner shall maintain a list of any persons who request to receive notice of any declaration of temporary suspension and shall furnish notice under paragraph (1) to all these persons immediately upon a court declaration. Notice shall also be furnished by the commissioner by certified mail, return receipt requested (or substantial equivalent if the person to receive same resides outside the United States), to any known manufacturer and Commonwealth distributor of the weapon subject to the temporary suspension order or their statutory agent for service. The notice shall be deemed effective upon mailing.

(d) Hearing.—After issuing a declaration of temporary suspension under this section, the court shall set a date for hearing on a permanent declaration that the weapon is an assault weapon. The hearing shall be set no later than 30 days from the date of issuance of the declaration of temporary suspension. The hearing

may be continued for good cause thereafter. Any manufacturer or Commonwealth distributor of the weapon which is the subject of the temporary suspension order has the right, within 20 days of notification of the issuance of the order, to intervene in the action. Any manufacturer or Commonwealth distributor who fails to timely exercise its right of intervention or any other person who manufactures, sells or owns the assault weapon may, in the court's discretion, thereafter join the action as amicus curiae.

(e) Burden of proof.—At the hearing, the burden of proof is upon the commissioner to show by a preponderance of evidence that the weapon which is the subject of the declaration of temporary suspension is an assault weapon. If the court finds the weapon to be an assault weapon, it shall issue a declaration thereof. Any party to the matter may appeal the court's decision. A declaration that the weapon is an assault weapon shall remain in effect during the pendency of the appeal unless ordered otherwise by the appellate court.

§ 6183. Registration.

(a) General rule.—Any person who lawfully possesses an assault weapon, prior to 90 days after the effective date of this subchapter, shall register the firearm within one year of that effective date, with the commissioner under those procedures which the Pennsylvania State Police may establish. The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department may charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department.

(b) Certain sales, transfers, etc.—No assault weapon possessed under this section may be sold or transferred on or after 90 days following the effective date of this subchapter, to anyone within this Commonwealth other than to a licensed gun dealer, as defined herein. Any person who obtains title to an assault weapon registered under this section by bequest or intestate succession, moves into this Commonwealth in lawful possession of an assault weapon or lawfully possessed a firearm subsequently declared to be an assault weapon under this subchapter shall, within 90 days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this Commonwealth. A person who lawfully possessed a firearm which was subsequently declared to be an assault weapon under section 6182 (relating to determination by court) may alternatively register the firearm within 90 days of that declaration.

(c) Conditions of possession.—A person who has registered an assault weapon under this section may possess it only under the following conditions unless a permit allowing additional uses is first obtained:

(1) At that person's residence, place of business or other property owned by that person or on property owned by another with the owner's express permission.

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range.

(4) While on the premises of a shooting club.

(5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or State recognized entity that fosters proficiency in, or promotes education about, firearms.

(6) While transporting the assault weapon between any of the places mentioned in this subsection.

No person who is under 18 years of age and no person who is prohibited from possessing a firearm by this chapter may register or possess an assault weapon. The registration procedures shall provide the option of joint registration for assault weapons owned by family members residing in the same household.

§ 6184. Relinquishment of weapons.

Any individual may arrange in advance to relinquish an assault weapon to a police or sheriff's department.

§ 6185. Licensed gun dealers.

Any licensed gun dealer who lawfully possesses an assault weapon under this subchapter, in addition to the uses allowed hereunder, may transport the weapon between dealers or out of this Commonwealth, display it at any gun show licensed by a State or local governmental entity, sell it to a resident outside this Commonwealth or sell it to a person who has been issued a permit pursuant to this subchapter. Any transporting allowed by this section must be done as required by this subchapter.

§ 6186. Penalties.

(a) Unlawful manufacture, importation, etc.—Any person who within this Commonwealth manufactures or causes to be manufactured, distributes, transports or imports into this Commonwealth, keeps for sale or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this subchapter, commits a felony of the third degree.

(b) Unlawful possession.—Any person possessing an assault weapon in violation of this subchapter commits a misdemeanor of the first degree for a first offense and a felony of the third degree for each subsequent offense.

§ 6187. Application of subchapter.

This subchapter shall not apply to the use or possession of assault weapons by State or local law enforcement agencies, the military forces of this Commonwealth or the armed forces of the United States.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Mark Cohen of Philadelphia, is recognized on the Michlovic amendment.

The Chair only has four people scheduled to speak on the Michlovic amendment; only four people scheduled to speak.

Mr. Cohen, are you available or should we proceed to another member?

The gentleman, Mr. Cohen, is recognized for debate on the Michlovic amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, my good friend, Bob Belfanti, discussed the situation yesterday in Northumberland County, where only 1 of 27 murders in Northumberland County, either last year or this year, was with a gun. In Philadelphia the situation is different.

Every year for the past 5 years the percentage of murders with a gun has increased. I believe we are now at the point in Philadelphia where 73 percent of all murders are with a gun; 5 years ago only a little over half the murders in Philadelphia were with a gun.

The head of the trauma unit at the University of Pennsylvania has said that more and more people who go to the trauma unit are now dying of murder because the weapons being used are much deadlier, much more effective—

POINT OF ORDER

Mr. GANNON. Mr. Speaker, point of order.

The SPEAKER. The gentleman, Mr. Cohen, will momentarily desist.

The gentleman from Delaware, Mr. Gannon, is recognized for a point of order. The gentleman will state his point.

Mr. GANNON. Mr. Speaker, we are addressing the Michlovic amendment, which I believe has a list of weapons that will be banned. The gentleman is talking about weapons other than are included in the Michlovic amendment.

I would ask that if he is going to address the issue of crimes committed with weapons, that he address crimes committed with the weapons on this list. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Gannon, is in order. Bows and arrows and switchblades and other weapons not on the list are inappropriate for debate.

The gentleman may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the people who run the trauma unit at the University of Pennsylvania cannot ascertain with certainty exactly what weapons are used and whether weapons are on this list or any other list. They know, however, that the weapons that are used are the types of weapons that are on this list, and they know that because they are the types of weapons that are on this list, more and more people are dying despite great improvements in medical technology and great improvement in medical skill.

I submit to you that the experience in Philadelphia, in which there are more and more shootings and a higher and higher number of the shootings are fatal shootings despite great improvements in medical skill, is more relevant to the future of Pennsylvania than the experience in some rural counties where there are virtually no shootings.

I know I have read, as a part-time resident of Harrisburg, that the number of murders in Harrisburg has hit an all-time high this year, and I would suggest that the future of Harrisburg lies in the same direction as the current reality in Philadelphia. We have read about murders in suburban counties, and I would expect that the future of suburban Philadelphia counties — Bucks, Delaware, Chester, Montgomery — lies in the same direction as the future of Philadelphia, that there are going to be more and more shootings and the shootings are going to be more and more likely to kill people because there are better weapons.

We have heard a lot of talk about the Second Amendment, and the Second Amendment was passed not by the Constitutional Convention in Philadelphia but by the 13 States right after the Revolutionary War. In the whole Revolutionary War, there were a total of about 4,400 deaths of American soldiers. In the whole Revolutionary War—to repeat myself—there were only 4,400 deaths of American soldiers, and most of these deaths were not caused by rifle shots. They were caused by bayonets; they were caused by poor health conditions of the troops. Now the weapons have gotten more and more effective, so that in an 8-year period—the Revolutionary War lasted 8 years—in an 8-year period there are far more Pennsylvanians who die of murder than who died in the Revolutionary War.

I would strongly urge support of the Michlovic amendment, because the Michlovic amendment deals with the future of Pennsylvania. The Michlovic amendment sets some limits to

how bad things can get. The Michlovic amendment will save lives. Even if you are from a rural area where there are no murders or no significant numbers of murders with guns or assault weapons, you will have constituents who come to Philadelphia. Every day in Philadelphia, every day in Pittsburgh, every day in Harrisburg there are many, many people from outside the cities. In Philadelphia it is estimated that there are well over 300,000 Pennsylvanians who are not Philadelphia residents in Philadelphia every day. Over half of them have jobs there. Others visit Philadelphia for business purposes. Others go to college in Philadelphia. Others visit friends in Philadelphia, and there are large numbers in Harrisburg, Pittsburgh, other cities.

The Michlovic amendment deals with crime. It is a strong anticrime measure. It sets a cap on how bad things can be in the future. I would urge your support of it. Thank you.

The SPEAKER. The gentleman, Mr. Ryan, from Delaware.

Mr. RYAN. Mr. Speaker, I tried to listen to the gentleman, Mr. Cohen's remarks, and frankly, I had some difficulty. I guess maybe, Mr. Speaker, it is I read lips and all these cameras are between me and Mr. Cohen, and I could not see what he was saying. I understand what I just said then.

But you know, this whole subject, Mr. Speaker, has been one that appeared to me to be one of contradictions, the contradictions ranging from gun control, which is terrible because the Constitution guarantees us the right to bear arms; followed by the contradiction that the government prohibits the owning of machine guns, by way of example, and no one really challenges the right of the Federal Government to prohibit that; our sportsmen wanting to own weapons, and my personal approval, for instance, of allowing them to do as they see fit; the sport connected with the use of firearms, the legitimate use of firearms, yet the dangers associated with firearms.

I have seen amendments that are to be offered to this bill after the Michlovic amendment is taken care of. I have heard the spokesman for the Black Caucus yesterday make an impassioned plea that the city of Philadelphia and, I suppose, followed by a further impassioned plea that the city of Pittsburgh be allowed to continue their bill. It seems to me, Mr. Speaker, with 20 or 30 amendments going, that none of us really know what is happening to this bill and what it will look like, what it will look like with a myriad of amendments offered to it, some accepted, some rejected.

Late yesterday afternoon or early evening you saw a large group around my desk. We watched large groups meet around the desk of the majority leader. At my request, at the request of others, the Federation of Sportsmen was contacted; the NRA was contacted; other interested groups of sportsmen; the Gun Collectors were contacted; Rifle and Pistol Association; State Shooting Sports Clubs were contacted, and there seemed to be general agreement from them—and it is on your desk, I believe; it is on mine—that Representative Merle Phillips was going to make a motion today. Well, I am going to make that motion.

MOTION TO RECOMMIT

Mr. RYAN. At this time I move that HB 185 be recommitted to the Committee on Game and Fisheries—that is in accordance with this sheet—and the amendments that are attached to the bill and the amendments that are to be offered. I would think they should go over to that committee to be considered by it. This is in accordance with the wishes of all these various sportsmen's clubs, the National Rifle Association.

This does two things. It allows Philadelphia to continue with its ordinances; it allows Pittsburgh to continue with its ordinances. It allows the sportsmen of Pennsylvania to look more closely at what is pending here.

I think a definite message has been sent to gun enthusiasts that we are going to do something. The question is, what are we going to do? Let us get together and do something proper rather than piecemeal. Thank you, Mr. Speaker.

The SPEAKER. The gentleman has moved to recommit.

On the question,

Will the House agree to the motion?

The SPEAKER. The gentleman, Mr. Itkin, is recognized on the motion to recommit.

Mr. ITKIN. Mr. Speaker, I was shocked today to find out that after all of the machinations of the other side of the aisle and the strong concern about dealing with this bill, that this morning we are now faced with a recommittal motion back to committee.

I do not understand what has happened in the short period of 24 hours, but it is apparent to us on this side of the aisle that this is an issue that has to be addressed in Pennsylvania. I am personally offended because the motion to recommit did not go to the Rules Committee, from which this bill came and which I chair, but to the Game and Fish Committee, in which, in a discussion with the chairman of that committee, he does not wish to see that bill or receive that bill.

I think, Mr. Speaker, that the time is now that we confront this issue and we confront this issue head-on. The people of Pennsylvania deserve to know how its Representatives in this hall of the House stand on this very important issue of permitting assault weapons to be carried about this Commonwealth.

Mr. Speaker, I could speak to this issue in no more stronger terms than to say, the people of Pennsylvania deserve a response from this House, and I, as your leader on this side of the aisle, will try to make sure that that answer is provided today. Thank you, Mr. Speaker.

The SPEAKER. On the motion to recommit, the gentleman from Delaware County, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, I am a little amazed that the majority leader neglected to say the real reason why the bill came from Rules. It came from Rules because under the rules of the House, the bill came back on concurrence from the Senate, and under rule 30 it went into the Rules Committee. The Rules Committee does not handle matters of substance, nor should it. Its members, I sometimes question their ability

to handle matters of any real substance, and I am a member of it.

The SPEAKER. The gentleman, Mr. Mihalich, from Westmoreland is recognized on the motion to recommit.

Does the gentleman, Mr. Itkin, desire to respond?

Then Mr. Mihalich will be recognized.

Mr. ITKIN. I would just like to rebut the remarks of my distinguished colleague on the other side of the aisle. All bills on concurrence in Senate amendments repose in the Rules Committee. It has been traditional in this House that when bills get reported to the Rules Committee—and according to our rules, they are amended in our committee—if there is any reason to amend a bill that has come from the Senate, a House bill that has come from the Senate, it ought to go in the Rules Committee and not to some other House committee.

The SPEAKER. The gentleman, Mr. Mihalich, on the motion to recommit.

Mr. MIHALICH. Mr. Speaker, I think the motion to recommit and also the rationale behind it that was spelled out by the minority leader and is spelled out on here indicates one reason why I do not think it should be recommitted.

I heard somebody say, walking in here this morning, how difficult this job of ours is, weighing these weighty questions. There are many more difficult jobs than ours. Let me tell you one of them, and that is being a policeman in Pennsylvania. You never know whom you are going to confront, and now we have a difficult time finding out what kind of armaments these crack dealers and other criminals might have. As I see this, they have not been consulted. I have only heard, in all of these hours of debate, two references to policemen, and one of them was on the other side of the question. But I think we owe it, we owe it to ourselves to explore this question today, make a decision today, and let us not forget about the people whom we charge with our safety, who are supposed to protect our homes.

The policemen will be more jeopardized by the proliferation of the semiautomatic or blow-away guns or whatever you want to call them than any of us, and I think we owe it to them to keep this bill on the floor today and adopt the Michlovic amendment. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Preston, seek recognition? The gentleman is recognized on the motion to recommit.

Mr. PRESTON. Thank you, Mr. Speaker.

I rise to be opposed to the motion to recommit.

I am literally amazed that the minority leader would get up there and say this, because for the last 3 weeks we have known that this issue was coming to the forefront, and there were a lot of people on my side of the aisle who did not want to see it, but it is here. Also yesterday a lot of us were tired, but a lot of us were still willing to go and stay here to work with this, but yet in a sense the minority leader had something else he had to do. I am still here today still willing to work, because earlier last week I thought that we were not going to be in session. I had promised my daughter that right now, 12 o'clock, later on today, we would be out buying a Christmas

tree, and I am still here. I do not care what the reason is. And if he is trying to cover for you, then fine, but we should be here to be about the people's business.

We are here to vote this bill up or down, whether someone wins or loses. Mr. Godshall started this issue. He has brought it to the forefront. Now the minority leader seems to be trying to protect somebody, but let us just stand up and be counted. This is the people's business. This is the House of Representatives. We have slowed the process down already when we passed different rules and regulations - 24-hour notice. We have had these amendments since last week. How many more times can we read them? How many more times can you caucus on them? How many more times can you sit down and discuss them?

The time is now. Not tomorrow, not next week, not next month; the time is now. Let us do this right now.

The SPEAKER. The gentleman, Mr. Armstrong, yield momentarily.

FILMING PERMISSION

The SPEAKER. As a courtesy, the Chair will announce in the midst of our debate that Mike Davies of the House Republican Video will also be filming today on HB 185.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. Mr. Armstrong, you may proceed on the motion to recommit.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I would like to be able to vote this issue, too, but when I looked back over the past 7 days and I saw back 7 days ago we had 4 or 5 amendments, now all of a sudden we are faced with 30-some amendments, I believe it is a travesty again; that the individuals who are most able to look at this whole issue in the Game and Fisheries need that respect and need that time to take up these issues and address them.

I am fully prepared to vote every single one of these amendments and the bill today, but I do believe it is wisdom to recommit this bill at this point. And I would also like to say to my fellow members that I believe we have already, we have already gone far beyond what our Federal Congressmen have already done, and I hope that we will take seriously any further motions on restricting gun control in Pennsylvania.

Thank you, and I ask for your support to recommit the bill.

The SPEAKER. For what purpose does the gentleman from Carbon rise?

Mr. McCALL. On the motion, Mr. Speaker.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the motion to recommit.

Mr. Speaker, we have worked diligently to get HB 185 moved. As a matter of fact, this issue came to the forefront of this chamber with the threat of a discharge resolution being placed on the calendar to have HB 185 moved.

We have debated this bill ad infinitum. I think it is high time that this chamber take a stand on the issue of HB 185 and gun control and that we oppose the motion to recommit and vote on the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Carbon and recognizes the gentleman from Clearfield, Representative George, on the motion to recommit.

Mr. GEORGE. Mr. Speaker, over the past several weeks there have been matters as equally important as the major legislation that we now are debating, but yet for some reason this particular legislation has pushed back all of the other significant legislation that we should be dealing with.

Good men and women on both sides of this aisle who share individual philosophies have been put in a terrible position. No matter who the man or woman is or where he comes from or she comes from, in most cases we attempt to do what those who sent us up here want us to do in every case. But now we are talking about and we seem to be going about this as antagonists. Those of us that come from the rural area know that legislators that are representing the people in the cities have a legitimate concern and are up here to express that concern of those they serve. And I say to those in the city of Philadelphia, who represent their city well, that those of us that come from a rural area, indeed we attempt to represent those who sent us equally as well.

Now, this just is not a matter now of gun legislation; this is a matter, sadly, that has become extremely political, and whatever happens and how it happens will in effect bring about problems for those that seemingly vote the wrong way.

For those of you in the city, please understand that I share your concern, but I represent people who from the time that we were young, our fathers took us into the woods and taught us the fundamentals and the safety and the enjoyment of hunting. They did not teach us to go out and kill people, and the people in my area, the very vast majority, echo my sentiments. We understand your concerns, but we really do not believe that it is the good people from Philadelphia or the good people from Clearfield that are going out with a gun and attempting to maim or kill someone.

I do not have the background in philosophy to be able to tell you what goes through a man or a woman's mind when they go out there to terrorize and kill. And I think we are forgetting, we in the rural area, whether it is listening to the garbage that comes from the cities and we scream because we do not want it or whether somebody wants to impose gun controls, the truth of the matter is that we cannot continue to deal with this matter and we cannot have it hanging over our heads. And we in Clearfield or Centre or wherever, we feel our good people will not do what some of those have done across this Commonwealth. It is not the majority; it is, fortunately, only the very smallest, minute minority that would hurt another human being. So just to ban a weapon or characterize all weapons as assault weapons or characterize all people who have a hunting license or a gun as bad people is not right. So even though those of us in our area understand, we simply ask you to understand where we are coming from.

I think we ought to deal with this and we ought not to allow it to be recommitted to a committee. Thank you very much.

The SPEAKER. The gentleman from Philadelphia, Mr. Richardson, on the motion to recommit.

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the motion to recommit, and I do so for several reasons.

One, it is ironic that we are here today dealing with an issue that many individuals on the floor of this House have tried to avoid overwhelmingly, but because of the insistence of Mr. Godshall and other members that said that this issue had to come up right now, it seemed to me that everybody felt that this was an issue that was not going to cause as much conflict and confusion as it has caused at this present moment.

And I believe that everyone needs to understand that you cannot have it both ways. You cannot have it both ways and then assume and feel that now when it becomes crunchtime, that you want to back up and get out of this situation. We are saying confront it. Let us everyone vote. Let us everyone put their votes up on the table. Let us not be scared and afraid now that you forced this issue on many of the members who have asked and begged you not to bring this issue up.

And because of asking and begging not to bring this issue up, you tried to ram it down our throats. Now is the time to understand that the ramming is being dealt the other way, and at this particular moment, all of us feel very strongly about the fact that we need to put our votes up so that people will know where we stand on this whole question of assault weapons.

I oppose this motion to recommit, and I think it is about time that we understand the reality of life, and that is that many individuals in this Commonwealth are sick and tired of the gun issue being confronted in the manner that is causing the deaths. There is a right to bear arms, but at the same time as there is a right to bear arms in the city of Philadelphia and all across the Commonwealth and across this country and by the Constitution saying that we have a right to bear arms, we should not be in a position to watch innocent people get shot and killed, police officers and the like get killed, innocent people being killed, all because we are saying that people have a right to bear arms in all of our streets in the Commonwealth of Pennsylvania.

It is about time that we deal with this issue. It is the time when everyone realizes the importance. Let us go forward, let us vote these amendments, and let us take care of the people's business. You wanted this issue; you got it. Now let us not be afraid and let us vote for HB 185 up or down.

The SPEAKER. The Chair thanks the gentleman.

Mr. Serafini from Luzerne is recognized.

The Chair would politely discourage more than two members from gathering and would assert unequivocally to the Sergeants at Arms that staff will be seated. Staff will be seated.

Mr. Serafini, you may proceed.

Mr. SERAFINI. Mr. Speaker, I believe that this discussion which we have had on the floor of the House yesterday and somewhat this morning expresses a confusion among the

members as to exactly what an assault weapon is, what it represents, and where we should go as a legislature in supplying the safety to the people who have the potential of being incarcerated as a result of having a weapon of this type.

This legislation is extremely complicated and, in my opinion, after hearing what was discussed in this House, is in need of much more discussion in a committee that understands the issue. Many of us on this floor are not as aware of weapons as those who would be on the Fish and Game Committee where this legislation should be, and I support recommitment. Thank you.

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, is recognized on the motion to recommit.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, as one who has the responsibility of representing the 21 Democrats from Philadelphia County along with Mr. Rieger, I find it ironic that today we are standing here— Mr. Speaker?

The SPEAKER. The Chair would request that the members limit their dialogue to conversations of two.

The gentleman may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

As one who represents the 21 Democrats from Philadelphia, I have always found it a bit ironic that we had to debate this issue at all. Understand that we from Philadelphia have respected the rights and the rules of other counties across the State of Pennsylvania. HB 185 was created with one intent, one intent, and that was to override what Philadelphia County and Pittsburgh felt to be in their own self-interests.

This is not that complicated to understand. Of the 32 or 33 or if it is 44 amendments that appear today, there is one issue before us, and that is, will Philadelphia County and Pittsburgh, along with increasing numbers across this State, have the right to decide what they shall do with regard to firearms in their communities? If people have a problem with that as a legislative body, then we should be allowed to vote on this statewide ban. That will correct this discussion across the board — across the board. If people are concerned about the issue of 66 counties prescribing what they should do, then they simply should support the statewide ban.

The six police officers who died in Philadelphia County not more than 2 to 3 weeks ago are crying out from their graves. They are crying out from their graves for us not to hide from this issue any longer.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I made a fairly simple, forthright motion that I am really surprised is generating all the excitement it is generating. I mean, we either want to recommit it or we do not want to recommit it.

I understand we can argue about a lot of things, but I do not think this is the appropriate time to argue about the merits of the bill. You know, I do not care how anybody votes on—I do care, but, I mean, let us just vote whether we are going to keep going or we are going to recommit it. I think that is what

is before the House.

The SPEAKER. The gentleman would politely request that all members on both sides of the issue do their best to indicate reasons why the bill should or should not be recommitted; should or should not be recommitted.

The gentleman, Mr. Ryan's point is in order and is well taken. The gentleman, Mr. Williams, may continue.

Mr. WILLIAMS. Thank you.

As I was saying, those police officers from Philadelphia County, that mother that was 7 months' pregnant that was wounded and countless others, children who are maimed every day, do not desire for us to avoid this issue any longer. They are simply asking for us to vote on amendments which are before us, and therefore, I have to stand in opposition to the current motion for recommitment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Williams and recognizes Representative Teresa Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

The SPEAKER. Mrs. Brown's voice is not as robust as some of the rest of us. I personally would like to hear what she has to say. Members will please take their seats. Members will please take their seats unless it is imperative that you amble about.

Mrs. Brown, you are recognized.

Mrs. BROWN. Thank you, Mr. Speaker.

I have been patiently sitting in my seat listening to everyone speak on this issue. I have a lot to say about HB 185 and the amendments.

I think the point has come in this debate on the issue of recommitment, and I would also like to support that idea for the simple reason that it will go into Game and Fisheries, and I feel that the members on that committee are very capable of handling that issue.

I would like to ask my colleagues on both sides of the aisle for a recommitment vote. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes Vincent Hughes of Philadelphia on the motion to recommit; on the motion to recommit.

Mr. HUGHES. Mr. Speaker, specifically on the motion to recommit, I stand, probably without much question, in opposition to that.

It is clear to me that the people of the State of Pennsylvania want to have an opportunity for their legislators to make decisions about what is happening with crime and violence in our communities, and they want to have an opportunity for us to make positive decisions about what is happening with assault weapons.

I want to have the constituents in my district know that I took effective, positive action to deal with some of the weapons that are on this list, Mr. Speaker. Folks want to know about these kinds of weapons. Folks want to know that we took action on these kinds of weapons, that the 223 which is banned, the FNC, the LAW-12 shotgun, all of these, the TEC-9, the people in our State want us to take effective action on these matters. They do not want us to wait. They do not want us to wait until after the holidays; they do not want it to go in

the committee; they do not want it to wait until sometime far in a distant future where they remain threatened within their communities, where they remain threatened within their homes about what is happening. They want us to take action, Mr. Speaker.

I will remind folks that this week's Time magazine has a front-page cover story on the issue of handguns and guns and weapons in our communities. That is an indication enough that we must take action now.

I am urging everyone in this legislature to vote "no" on recommitment, and let us move forward aggressively to do what we need to do about assault weapons in this Commonwealth.

The SPEAKER. The Chair thanks the gentleman for keeping his remarks to the motion to recommit and asks the gentleman, Mr. Geist, to move forward with his debate on the motion to recommit.

Mr. GEIST. Thank you very much, Mr. Speaker.

I will not be reading Time magazine to you; I will simply be telling you that in conferring with our friends, the sportsmen and sportswomen of Pennsylvania, on this vote, this is a very positive vote. A vote to recommit will give us a chance to go over these amendments with people on those committees who understand this issue, can cut through the emotionalism of it, and come back to the floor of this General Assembly with a workable piece of legislation.

Like Bud George, those folks in Blair County who have been born and raised with this issue and understand this issue probably find it very difficult to understand how emotional it is coming out of the cities. At the same time, we wonder if those people in the cities understand what this issue means to us.

A chance to work these bills in committee will be a chance to bring better legislation to the floor of the House. If this recommitment motion fails, we are fully prepared to vote these amendments. But, Mr. Speaker, I would urge that, first, we would allow sane and rational people on this committee to work this legislation, to come back to the floor of the House with a meaningful bill. I urge a "yes" vote on recommitment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Elk County on the motion to recommit, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, on the motion to recommit, not 20 minutes ago in the back of the chamber I spoke with the representatives from the NRA and the Federation of Sportsmen, and they indicated to me that they wanted to run the bill now. So Mr. Phillips' letter saying that they wanted to recommit, I got conflicting information.

Regardless of what their position is, Mr. Speaker, we have to stop practicing avoidance representation. This is a critical issue to the people of Pennsylvania. Be you rural or be you like my good friend, Vince Hughes, from the city, we get paid to do this job. Let us not avoid our responsibility. Let us bring it up and vote on it today.

We have dealt with this 3 different days on this floor; this

is the third day. Let us not avoid the issue. I do not want to go home for Christmas vacation and leave this issue hanging. Let us vote it.

I urge a "no" vote on recommitment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia on the motion to recommit, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, as a member from Philadelphia, I just want to express that we currently have a valid ban on assault weapons in Philadelphia; we have a valid ban on assault weapons in Pittsburgh, and this motion to recommit would establish that those bans stay in place for some time.

Secondly, Mr. Speaker, it would give everybody an opportunity to come up with a statewide plan that makes sense, and we now have in front of us a bill with some 36 amendments, many of which have nothing at all, nothing at all to do with weapons. The only vote in the last few days that makes much sense, Mr. Speaker, is this vote, a positive vote, on the motion to recommit.

The SPEAKER. The Chair thanks Mr. Taylor and recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, on the motion to recommit, it is true that there are some 30 to 40 amendments, and my contention is that even if we recommitted this to Game and Fisheries, because of the sponsors of those amendments, it would come out of Game and Fisheries and we would have 30 to 40 amendments on the floor again after it came out of Game and Fisheries. For that reason I would suggest that we vote "no" on the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, on the motion to recommit.

Mr. EVANS. Mr. Speaker, in this process on this floor, sometimes there will be winners and losers, and sometimes we have to make decisions and decisions we do not like. I have been, since the years I have been here, I have been on both sides. I have won some and I have lost some. But in California they banned assault weapons; in New Jersey they banned assault weapons; in Connecticut they banned assault weapons. We in Pennsylvania have to face up to this issue. Some of us are going to lose and some of us are going to win, but the bottom line is the people of the Commonwealth of Pennsylvania.

So I would ask, Mr. Speaker, that we oppose the motion to recommit, that we send a message that we are prepared to deal with this issue. It is unfortunate that there has to be winners and losers, but the reality of it, Mr. Speaker, is that we need to deal with this particular issue.

A gentleman I heard on the other side, one of the gentlemen, said, we need more time to deal with this question; we need to get it away from the emotionalism. Well, Mr. Speaker, about a week or 2 weeks ago I raised that very same concern in the Rules Committee. I said the exact same thing, that we needed to leave the ban intact in Philadelphia and Pittsburgh. I was told when I offered that particular amendment we needed to deal with the question of local

preemption. I am now saying today, Mr. Speaker, that unfortunately, some of us will win and some of us will lose, but the bottom line is, we need to represent the people we do, and I would oppose the motion for recommitment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Philadelphia.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I would like to ask a parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. LLOYD. Mr. Speaker, I thought that the motion was to recommit to Game and Fisheries, but I know from talking to a number of other members that there is some confusion as to which committee would receive this bill if this motion were to pass, and I wonder if you could restate the motion.

The SPEAKER. The gentleman from Delaware, Mr. Ryan, when he made the motion, indicated that the Game and Fish Committee would be the recipient of the amendment and the bill.

Mr. LLOYD. Thank you, Mr. Speaker.

On the motion.

The SPEAKER. The gentleman from Somerset is recognized.

Mr. LLOYD. Mr. Speaker, I have had several conversations in the last 5 minutes with people who are here in the Capitol representing sportsmen's organizations, the NRA and others, and I would have to say that there is some confusion at this point about what the best course of action on this motion is.

I am going to vote not to recommit this bill, because I believe that we ought to defeat the Michlovic amendment. We ought to keep the bill as it has been amended so far and send that back to the Senate.

I believe that when we started this process, we started with the assumption that if the bill did not move, the cities would get what they wanted, and I am concerned that if we put this bill back into committee, even though the Game and Fisheries Committee will, I am sure, be favorably disposed toward my point of view on the substantive issue, then we are going to have an argument that the bill ought to go to the Appropriations Committee for a fiscal note on whatever amendments are put in, and we are going to lose control of this bill. The members here on the floor will lose control to those people who have a different point of view than we do, and I think that the only way to keep this issue alive and to assure that we get an opportunity to try to do what the sportsmen of this State want is to keep the bill on the floor, and the only way to do that is to defeat the motion to recommit. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—79

Adolph	Fargo	Lee	Scheetz
Allen	Fichter	Lynch	Schuler
Argall	Fleagle	Maitland	Semmel
Armstrong	Flick	Marsico	Serafini
Barley	Gannon	Masland	Smith, B.
Birmelin	Geist	Merry	Snyder, D. W.
Boyes	Gerlach	Micozzie	Stairs
Brown	Gladeck	Miller	Steil
Bunt	Godshall	Nailor	Stern
Carone	Gordner	Nickol	Taylor, E. Z.
Cawley	Gruppo	Nyce	Taylor, J.
Cessar	Hennessey	O'Brien	Tigue
Chadwick	Herman	Piccola	Tomlinson
Civera	Hershey	Pitts	True
Clark	Hutchinson	Platts	Uliana
Clymer	Jadlowiec	Raymond	Vance
Conti	Kenney	Reber	Waugh
Druce	King	Rohrer	Wogan
Durham	Krebs	Rubley	Wright, M. N.
Egolf	Lawless	Sather	

NAYS—105

Baker	Fairchild	Lloyd	Rudy
Battisto	Fajt	Lucyk	Santoni
Bebko-Jones	Farmer	Manderino	Saurman
Belardi	Fee	Markosek	Scrimanti
Belfanti	Freeman	Mayernik	Staback
Bishop	George	McCall	Steelman
Blaum	Gigliotti	McGeehan	Steighner
Butkovitz	Hanna	McNally	Stetler
Buxton	Harley	Mefio	Stish
Caltagirone	Hasay	Michlovic	Sturla
Cappabianca	Hess	Mihalich	Surra
Carn	Hughes	Mundy	Tangretti
Cohen, L. I.	Itkin	Murphy	Thomas
Cohen, M.	James	O'Donnell	Trello
Colaifella	Jarolin	Oliver	Trich
Colaizzo	Josephs	Pesci	Van Horne
Cornell	Kaiser	Petrone	Veon
Cowell	Kasunic	Phillips	Vitali
Coy	Keller	Pistella	Washington
Curry	Kirkland	Preston	Wozniak
Daley	Kukovich	Reinard	Wright, D. R.
DeLuca	LaGrotta	Richardson	Yandrisevits
Dempsey	Laub	Ritter	Yewcic
Dent	Lederer	Roberts	
Dermody	Leh	Robinson	DeWeese,
Donatucci	Lescovitz	Roebuck	Speaker
Evans	Levdansky	Rooney	

NOT VOTING—14

Corrigan	Laughlin	Saylor	Tulli
Gamble	Perzel	Smith, S. H.	Williams
Gruitza	Pettit	Strittmatter	Zug
Haluska	Ryan		

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Will the House agree to the amendments?

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Saylor, is recognized.
On what point does the gentleman rise?

Mr. SAYLOR. My buttons did not work on the last vote. I would like to be recorded "yes."

The SPEAKER. The gentleman's remarks will be spread across the record. The Chair thanks the gentleman.

Mr. GAMBLE. Mr. Speaker?

The SPEAKER. Mr. Gamble. For what purpose does the gentleman rise?

Mr. GAMBLE. Mr. Speaker, I was not recorded, and I want to be recorded in the negative.

I would like to make a request that we go back to the old system.

The SPEAKER. The Chair thanks the gentleman, and his request will be honored.

The Chair recognizes the gentleman from Sharon, Pennsylvania, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I was not recorded either. I would request to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record for the motion to recommit.

The gentleman from Bucks, Mr. Corrigan, is recognized.

Mr. CORRIGAN. Thank you, Mr. Speaker.

My switch malfunctioned. I would like to be recorded in the negative on the motion to recommit. Thank you.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread across the record.

Mrs. Laughlin is recognized.

For what purpose does the gentleman rise? Mr. Ryan.

Mr. RYAN. Mr. Speaker, I was deeply engrossed in conversation at the time that vote was taken. I neglected to vote on my own motion, which of course would have been in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

Mrs. Laughlin is recognized.

Mrs. LAUGHLIN. Thank you, Mr. Speaker.

My switch did not function. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the lady.

Relative to all of these requests, it should be restated that the gentleman, Mr. Zubeck, and our internal staff organization is working to make sure that the mechanism functions in a way that it has traditionally functioned.

Mr. Perzel is recognized.

Mr. PERZEL. Mr. Speaker, I was speaking with Mr. Ryan, and I neglected to vote. I would like my vote in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. Mr. Taylor is recognized.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, in response to one of the more eloquent comments on the floor yesterday that many of us in this body just do not get it, I would like to respond to that, Mr. Speaker, by saying, yes, we do get it, or at least I get what this is all about.

What we are doing here today and what we did yesterday is clearly a vote on the interest of the rural community versus the interest of the city and the suburbs, and what are those interests, Mr. Speaker? For the city, Mr. Speaker, we are trying to prevent further death, further carnage, further destruction on our city streets day in and day out. I was convinced about the way I am going to vote on the Michlovic amendment by understanding the rural interest, and the rural interest in this vote is whether or not those citizens of those counties are allowed to pursue certain games, certain manners of recreation, certain sport. We in this body have a duty to vote on each other's interests many times, and we are weighing death by gunfire versus sport. I would suggest to my rural colleagues that it is time to put the interests of Pennsylvania in general, and especially those of Philadelphia and Pittsburgh, and have those interests outweigh games.

Mr. Speaker, one of the comments yesterday also talked about the Michlovic amendment as being a technical amendment. Well, if you come from Philadelphia like I do, Mr. Speaker, and go to funerals and talk to mothers of slain children and talk to wives of slain policemen, this is not technical at all.

Mr. Speaker, we have an opportunity to dismiss the preemption issue by a positive vote on the Michlovic amendment. Thank you.

The SPEAKER. The gentleman, Mr. Kirkland, is recognized on the Michlovic amendment.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, it was once said that a picture is worth a thousand words, or in this case, 203 votes in favor of the Michlovic amendment.

Mr. Speaker, while listening to the debate here on the House floor yesterday and today, I began to look through this packet containing photos of various assault weapons, and it is my belief, Mr. Speaker, that these weapons are not made for sports or for show, but instead, they were manufactured for war purposes. Mr. Speaker, as we all know, especially those who have served in the Armed Forces during war times, war was and still is today hell.

Mr. Speaker, hell has invaded our communities, our schools, and yes, even our homes by way of these assault weapons, and some of us here in the legislature believe it to be sportsmanlike and fitting to allow it to be present.

Mr. Speaker, it is not sportsmanlike when we make it so easy for young people, Mr. Speaker, to be able to obtain and even purchase assault weapons and later kill one another or another individual because they are unable to settle disputes intelligently. Mr. Speaker, it is not sportsmanlike when we

make it so easy for adults who are disgruntled and sometimes deranged to easily obtain assault weapons and later take their anger out on innocent bystanders. Mr. Speaker, it is not sportsmanlike. I believe, Mr. Speaker, that it is downright insane.

Mr. Speaker, it makes me wonder how far backwards we have gone as a society when we stand on the House floor in favor of murder, when we stand on the House floor in favor of violence, and when we stand on the House floor in favor of weapons of war.

Mr. Speaker, what we need to say here today is that we the House of Representatives will not support the war games that are being played on our streets, on our playgrounds, our classrooms, and yes, even in our corporations. Why? Because when we play these games, there is no tomorrow for the victims, because these games ultimately end in death.

Mr. Speaker, war is hell, and it is time that we as legislators remove the hell from our communities and our Commonwealth. We can take a bold step today towards doing just that by voting in favor of the Michlovic amendment. Thank you, Mr. Speaker.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Tony Williams, indicates that his switch was malfunctioning, and he would like to be recorded in the negative on the motion to recommit. The gentleman's remarks will be spread across the record.

The gentleman, Dr. Haluska, is recognized.

Mr. HALUSKA. Mr. Speaker, my switch was not recorded. I mean, I would like to be voted in the negative on recommitment.

The SPEAKER. Your remarks will be spread across the record.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. Mr. Itkin is recognized on the Michlovic amendment.

Mr. ITKIN. Mr. Speaker, listen to this list:

"...bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose."

Would you want to be the target of someone carrying one of these weapons? Would you want to stand near a stranger who is hiding a grenade in his jacket? Is it in your best interest to anger someone with a blackjack in his hand?

If the answer to those questions is no, then you had better vote for the Michlovic amendment, because that list I just recited is from Purdon's Pennsylvania Consolidated Statutes Annotated, Title 18, "Crimes and Offenses." All of those items

are considered "offensive weapons" in this State, and their possession, sale, or manufacture is illegal.

Why are AK-47's and Uzis not on that list? They can do a lot more damage to a lot more people in a lot less time than a pair of metal knuckles. They can be just as destructive as a grenade. They can kill quicker than a razor and, horrifyingly, can be just as easily concealed.

Assault weapons kill people. That is all they are meant to do. They were not designed for hunting animals. They were not designed for good, clean sport.

They were designed to kill people. They were designed to squash rioters in South Africa. They were designed for police SWAT (special weapons and tactics) teams. They were designed as semiautomatic imitations of fully automatic military weapons.

Assault weapons kill people. They kill police officers in uniform, and they kill children in schoolyards. Even the canniest veteran of the toughest police department in the world has no defense against someone with an AK-47 in hand.

Just 2 days ago, this House honored two Harrisburg police officers who were wounded in the line of duty. Would it not be ironic if 1 day after honoring them for putting their lives on the line, we put them in even greater danger by condoning the unfettered sale of assault weapons?

If you plan to vote against this amendment, stop a moment. Take a good look at what you are doing. Supporters of HB 185 say, "Don't take my gun away from me. Instead, throw the criminal in jail. Don't coddle him. Send him up the river and take away his TV and his exercise equipment and his law books. Don't give him any luxuries."

But what is the ultimate luxury to someone who wants to get rid of an enemy, or even an unfortunate stranger who is perceived as an enemy? What is the one thing that person wants more than anything else in the world?

Why, a gun, of course. The more powerful, the better. And the worst part is, they can get them. Guns are easy to find. Guns are everywhere. Guns are as easy to acquire as kitchen knives.

This country is not gun-loving anymore; it is gun-gluttonous. Our longtime love for guns has turned into a fatal attraction.

Well, it is time to stop disclaiming responsibility for the deaths caused by an insatiable appetite for guns. In past years, the easy argument against gun control was, "Guns don't kill people; people kill people."

Well, that argument just does not wash these days. There are people out there who do not care who they kill or why. They are not afraid of punishment, and they have no guilt over the anguish they cause. They are getting younger and younger, and we are letting weapons fall into their hands.

We are a society that cherishes guns, encourages their use, manufactures them with abandon, and defends their ownership to an irrational degree. The question today is, are we willing to become responsible members of this society? Are we willing to take action to keep deadly weapons out of the wrong hands?

Let us not preempt local governments; let us preempt criminals instead.

Last week a madman killed five people on a New York subway, shooting them with a 9-millimeter handgun. Everyone is talking about it, but allow me to mention another recent incident that was not nearly as deadly but which I think is just as scary.

Also last week, a teacher at Bishop McDevitt High School, a Catholic school right here in Harrisburg, was shot in the back of the head while he graded papers in his classroom; shot in the back of the head.

I will say it again, so you can really think about the implications: A teacher was shot in the back of the head when he graded papers in his classroom.

The shooting was not committed with an assault weapon, and thankfully, the teacher was not seriously wounded.

But tell me this: What kind of society are we building when people have no compunction about ambushing a teacher in his classroom? How long before those ambushes are planned for police officers on the streets? How long before bright, young, dedicated people decide that a career in law enforcement or teaching simply is not worth the risk? Who will protect our streets and educate our children then?

We are letting the deadliest weapons get into the hands of people who use them at the slightest provocation. Why? Why are there law-abiding gun owners out there who will not accept some small responsibility for their weapons? Why will they not join us, instead of fighting us, in the effort to make sure that guns are used only for lawful purposes? It just does not make sense.

A vote against this amendment is a vote that supports the status quo. It is a vote that has given up all hope of ever making our streets safe. It is a vote that lumps law-abiding gun owners and criminal gun owners into one uncontrollable, indefensible mob.

It is not a vote in support of personal responsibility. It is not a vote that says, "Guns don't kill people; people kill people."

Instead, it is a vote against personal responsibility. It is a vote that abrogates every Pennsylvanian's responsibility for a system that casually hands guns to criminals and then hollers "Off with their heads" when they actually commit crimes with them.

Do not be afraid of this vote. Do not let the bad guys toting TEC-9's win this fight by virtue of sheer terror. Americans want to get criminals off the streets, but they want to get deadly weapons off the streets, too. Let us help them. Let us ban assault weapons in Pennsylvania. Thank you.

The SPEAKER. The gentleman, Mr. Gannon, on the Michlovic amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader just gave a very eloquent speech about the problems of guns in America that had absolutely nothing to do with assault weapons.

Washington, DC, has an outright ban on handguns, guns of any kind, Mr. Speaker, yet they had 1,398 murders committed

with guns since 1990-92, and of those, only 6 were ever convicted, and every one of those crimes was committed by a criminal with an illegally obtained weapon.

Now, Mr. Speaker, I have looked the Michlovic amendment over very carefully, and it does contain a list of some of the weapons here which I do not think anyone has a legitimate reason to possess. However, also contained on this list are legitimate weapons that are used by sportsmen throughout this Commonwealth and probably throughout this country. The problem I have with that element where we have these legitimate sportsman weapons and they are now being banned, what we are doing is taking law-abiding, honest citizens who happen to own sportsman weapons and we are turning them into criminals. We are turning law-abiding people into criminals simply because they own a weapon that they use honestly, they uphold the law, never intending or never even thinking in their life of harming anyone.

For that reason, Mr. Speaker, I am looking at the United States Constitution, which provides that the right to keep and bear arms shall not be infringed, and also looking at the Pennsylvania Constitution, which provides that the right to keep and bear arms shall not be questioned.

Now, the lawyers here know that the courts have said that there can be reasonable regulation without infringement of a constitutional right, and that is to keep the public order and for public good. I have no problem with that, Mr. Speaker, and I have told any number of members on the floor that I was willing to support some type of a compromise, if it was possible, to target in on those weapons that you just cannot justify ownership of — for example, a Street Sweeper.

CONSTITUTIONAL POINT OF ORDER

Mr. GANNON. For that reason, Mr. Speaker, I am going to raise the constitutionality of the Michlovic amendment.

I am particularly concerned about the severe penalties that would be placed upon individuals who presently own legitimate sportsman-type weapons that are on this list.

Mr. Speaker, I would like to raise the question of constitutionality under the Federal and State Constitutions, dealing with the rights of citizens to keep and bear arms, and the Pennsylvania Constitution, dealing with the right to bear arms not being questioned, to own arms not being questioned.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Gannon, raises the point of constitutionality on the Michlovic amendment.

Under rule 4, the Speaker is required to submit the question concerning constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, on constitutionality.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, even assuming that the Second Amendment deals with this issue, which is something that I doubt and many people doubt, the fact that there is a constitutional provision does not stop regulation. All this is, is regulation. Other States — Connecticut, New Jersey, elsewhere — have regulated the sale of assault weapons in the same manner the Michlovic amendment does. Those laws have been upheld. In the whole dispute about the Brady bill, there was no mention at all of constitutionality. It is universally agreed that the Brady bill is constitutional. The State of Pennsylvania, under our police powers, has the power to define what offenses are and to set forth reasonable penalties for violation of the offenses.

The Michlovic amendment is consistent with all other criminal law. It is constitutional. I urge you to reject this frivolous argument and uphold the constitutionality of the Michlovic amendment.

The SPEAKER. The gentleman, Mr. Preston, on the issue of constitutionality.

Mr. PRESTON. Thank you, Mr. Speaker.

I have always appreciated the gentleman's short form of intellect, but this really surprises me.

The Constitution, if he just reads the chapter, says you have a right to bear arms. It does not say what type. It does not limit you to what type. That is very basic, simple constitutional language, and anybody who has basic common sense should be able to read that it does not limit you to what types it can be. We can bar every different form of handgun or whatever it is as long as we leave something there that is a form of an arm for you to have a right to bear. All the gentleman is doing is wasting the taxpayers' time and money, and this is definitely a constitutional amendment.

The SPEAKER. The gentleman, Mr. Gannon, is recognized for the second time on constitutionality.

Mr. GANNON. Mr. Speaker, I would like to urge the members for the reasons that I stated to vote that this is unconstitutional.

Mr. Speaker, one of the reasons that we wanted to refer this bill back to the committee was to hopefully come up with an amendment that was not tainted and that would pass constitutional muster, and at that time I think many of us felt that was the only way to do that. Now I think the House has to address that issue, looking at the drastic punishment that this amendment holds for honest, law-abiding citizens that hold legitimate sports weapons.

Mr. Speaker, I urge a vote that this is unconstitutional.

The SPEAKER. Those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—100

Adolph	Druce	Lescovitz	Rubley
Battisto	Evans	Levdansky	Rudy

Bebko-Jones	Fajt	Lucyk	Santoni
Belardi	Farmer	Manderino	Saurman
Bishop	Freeman	McGeehan	Serafini
Blaum	Gigliotti	McNally	Snyder, D. W.
Butkovitz	Haluska	Melio	Staback
Buxton	Harley	Michlovic	Steelman
Caltagirone	Hasay	Micozzie	Steil
Cappabianca	Hennessey	Mihalich	Stetler
Carn	Hughes	Mundy	Sturla
Carone	Itkin	Murphy	Surra
Cawley	James	O'Brien	Tangretti
Cessar	Kaiser	O'Donnell	Taylor, J.
Cohen, L. I.	Kasunic	Oliver	Thomas
Cohen, M.	Keller	Pesci	Tigue
Colafella	Kenney	Petrone	Trich
Cornell	Kirkland	Pistella	Utiana
Corrigan	Krebs	Preston	Van Horne
Cowell	Kukovich	Reinard	Veon
Curry	LaGrotta	Richardson	Vitali
Daley	Laub	Ritter	Washington
DeLuca	Laughlin	Roberts	Williams
Dent	Lederer	Robinson	Wogan
Donatucci	Lee	Rooney	Yandrisevits

NAYS—94

Allen	Fichter	Lynch	Schuler
Argall	Fleagle	Maitland	Scrimenti
Armstrong	Flick	Markosek	Semmel
Baker	Gamble	Marsico	Smith, B.
Barley	Gannon	Masland	Smith, S. H.
Belfanti	Geist	Mayernik	Stairs
Birmelin	George	McCall	Steighner
Boyes	Gerlach	Miller	Stern
Brown	Gladeck	Nailor	Stish
Bunt	Godshall	Nickol	Strittmatter
Chadwick	Gordner	Nyce	Taylor, E. Z.
Civera	Gruitza	Perzel	Tomlinson
Clark	Gruppo	Pettit	Trello
Clymer	Hanna	Phillips	True
Colaizzo	Herman	Piccola	Vance
Conti	Hershey	Pitts	Waugh
Coy	Hess	Platts	Wozniak
Dempsey	Hutchinson	Raymond	Wright, D. R.
Dermody	Jadlowiec	Reber	Wright, M. N.
Durham	Jarolin	Rohrer	Yewcic
Egolf	King	Ryan	Zug
Fairchild	Lawless	Sather	
Fargo	Leh	Saylor	DeWeese,
Fee	Lloyd	Scheetz	Speaker

NOT VOTING—4

Josephs	Merry	Roebuck	Tulli
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EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,
Will the House agree to the amendments?

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentlelady rise? Ms. JOSEPHS. To correct the record.

I pushed the affirmative button. It was up there. It disappeared when you closed the screen. It just was not on.

The SPEAKER. The Chair apologizes to the lady.

Mr. Ryan and myself just had dialogue with the technicians, and this will be the last day that we will be voting with the switches operating in the manner that they are operating. The Chair apologizes.

The gentleman, Mr. Roebuck, is recognized.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I, too, attempted to vote on the last motion. I want to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

Mr. Smith is recognized.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

To correct the record.

On the motion to recommit of Representative Ryan's, my button malfunctioned, and I intended to vote for the motion to recommit.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Pettit.

Mr. PETTTT. Mr. Speaker, I would like to correct the record.

On the motion to recommit, my switch did not work. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. Mr. Ryan.

Mr. RYAN. I would like to make an announcement for the benefit of certain people, and I am going to read the names off, if I may, Mr. Speaker. You are familiar with this.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. I just went to the rostrum to point out to the Speaker that on the motion to recommit, it would not change the result, but there are about 12 or 13 of us who were not recorded. I am going to read the names out of those who were not recorded and you should do something about it, and also, I am suggesting you keep your eye on the list: Corrigan, Gamble, Gruitza, Haluska, Laughlin, Williams, Zug, Tulli, Strittmatter, Sam Smith, Saylor, Ryan, Pettit, and Perzel.

For the benefit of everyone, the Speaker has made arrangements, thankfully, that the system will go back to the old system, where the machines were more predictable. Thank you, and I thank the Speaker for that.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. Does the gentleman, Mr. Richardson, desire to continue debate on the Michlovic amendment?

The gentleman is recognized.

Mr. RICHARDSON. Thank you very much, Mr. Speaker. I appreciate the opportunity.

Let me just say that there are a few things that I want to say about the Michlovic amendment as I stand in support of it.

I come from Philadelphia, and some of you may not have remembered back in the days of the gang days, when people considered young fellows in the streets and young ladies in the streets who were ganged on and losing their lives. There was a time when the peak of that season was very high in terms of deaths within the community, and at that time it was considered to be that those individuals that were being shot down or stabbed and killed in the streets of the city of Philadelphia, it was very awesome. The Philadelphia Bulletin at that time, when it was in existence, and the Inquirer used to post every day the number of deaths in a little box in a corner every single day of the number of deaths created by gang warfare in the streets of the city of Philadelphia. That number continued to grow as gangs saw that and saw that as a promotion to try to show that their corner could outkill somebody else's corner.

Then we got out of that and then drugs became very prevalent in the late seventies and early eighties and began to become a way which people used, as turf lines, to determine their area.

The Michlovic amendment speaks to all of these issues because it is far-reaching than just the issue of assault weapons and what we are dealing with today, because now it has transcended not only out of Philadelphia and Pittsburgh and urban centers but also suburban centers. In fact, many of the connecting counties that are connected to Philadelphia have had violence. Crime and deaths and assault weapons travel across the county lines into their particular counties where innocent people in their homes have been robbed and shot and killed. On their way to stores, store owners and others have been killed, and while you may not feel that they have not been caused by assault weapons, I can only indicate to you that in fact there have been a number of deaths by assault weapons. In fact, recent statistics from the Centers for Disease Control will show that we have lost some 65,000 people due to death by violent crime through guns, more than most wars that we have had in this country, Mr. Speaker, and no one wants to take that into account.

We are dealing with a very dangerous situation here in the House of Representatives today by not realizing the importance of what we are talking about in terms of assault weapons. Nobody is denying anybody the right to bear arms. I have been one of those who came out of the Panther movement, who came out of the right to stand for struggle and say that people should have the right to bear arms, but we never in any way, shape, or form were talking about assault weapons and talking about taking people's lives out of here to the point that when you talk about an assault weapon, you are talking about a gun clip that can shoot anywhere from 20 to 30 particular rounds at a time. No one wants to consider that. In fact, people just think that this is some kind of sportsmanship game. This is not a game with me. It is very serious, and many of the innocent

citizens in the Commonwealth of Pennsylvania are crying out. In fact, this issue has reached the number one top priority in terms of the way people see violence and the issue of violence within the community.

We just recently, in our district, had a big meeting the other night where Representative Evans and myself and other elected officials had to come to a room where 1,000 people gathered because of the fact that there had been a shootout at the school where they had to close the school down. It was by the insistence of the school board president and others who gathered to say that we need to get more community involvement and parental involvement to come to the schools to protect the children's right to be able to go to school because there have been assault weapons, and even with metal detectors and what have you, it still has not halted crime.

For some reason we have this position in our minds: On one hand we want to talk about stop the violence, end the violence; stop the silence, end the violence, but at the same time we do not want to stop assault weapons. It is a contradiction of fact. You cannot have it both ways. There has got to be a way that people understand that guns kill. It is no question in my mind that those who have ammunition and the guns and the wherewithal to be able to go purchase them and buy them on the streets of the Commonwealth of Pennsylvania at any given time, at any given time, whether they were brought from out of the country or brought from out of another State to our city, that they get in the hands of wrong people, and as a result, people go out and they wind up shooting people. We have had a number of police officers already killed just this year, and no matter whether you try to assume that they are not assault weapons or not, it is very clear to me, in my mind, that we cannot separate and understand the separation of those who carry guns and those who feel that they carry a gun to kill. People do not carry guns unless they know when you pull a gun, it is your aim to take somebody out of here.

Being in a position to have assault weapons in the hands of a lot of people who do not know what to do with these assault weapons, the other day we had a press conference where State Police officers— And I want to say to my good friend on the other side of the aisle, whose son is a State Police officer, it is wrong to feel that people who want to talk about sportsmanship can conclude this as being something that should be intertwined with those who are sportsmen versus those who are using the guns to try to take somebody's life out of here. We have got a gang-warfare mentality in this country. People are being stuck up with assault weapons by driving their car. People are being snatched out of their car and having their car hijacked from them right on the streets of the Commonwealth of Pennsylvania, and it is not only conducive to Philadelphia and Pittsburgh but in other counties. It is happening where store owners, who have been store owners for 35 or 40 years, are being shot down and killed in the streets of the Commonwealth of Pennsylvania, many of those with assault weapons.

Contrary to what you heard about many assault weapons are not used, maybe you have not seen all of the assault weapons. The packet that is on your desk indicates what these assault weapons look like, and I do not believe that we should be in a position in 1993 to be telling our constituents that we are not opposed to assault weapons in an era and time when violence is running so rampant and people are being destroyed and killed every day.

Finally, Mr. Speaker, I want to be very clear on this point. It seems to me that we should understand violence and where violence comes from. When you talk about the root cause of crime, certainly we did not create it, but certainly television and movies and other kinds of visual aid have now illuminated the minds of many young people and older people who believe that the best way to handle a situation is through the power of a gun, and as a result, we do not have people who use common sense, reason, and logic to try to resolve most of the problems that deal with issues of conflict within our community.

We have sent a wrong message, and as a legislature, we have an opportunity to send another message out there to all the gangland bandits and all the dope pushers and all those individuals who have used this as an opportunity to try to take down other groups of people because they see that as a way of life for them. "New Jack City" is no joke. All these movies that you see on TV are no joke. The time has come for us to realize the importance of those who want to deal with this issue from a more pragmatic point of view.

Mr. Speaker, I cannot stress the importance and the urgency of this Michlovic amendment and the fact that we must pass it to send a signal throughout the Commonwealth of Pennsylvania and join with other States who have made it very clear that we cannot have assault weapons on the streets of our Commonwealth so they can destroy people. Guns destroy people, and we must do everything that we possibly can to make sure we take off one part of the segment that is dealing with that.

The NRA has now probably made many individuals in this room feel that there is a need for support for the NRA. I just want to let you know that intimidation and threats that have come down by those individuals who are representing the interest of the NRA do not intimidate us one bit at all. In fact, we welcome any opportunity to challenge any of those individuals on the right to bear arms, but on assault weapons, they are totally wrong on this issue, and they need to get on board with what is happening in the Commonwealth of Pennsylvania with the number of deaths that we have. In Philadelphia alone, last year there were over some 530 deaths. We can ill afford to have anyone else killed, die, stomped out life in the streets of the city of Philadelphia or the Commonwealth of Pennsylvania. Mr. Speaker, we already alone were up to around 411 as of last month.

Even though there has been a reduction in the kind of violent crime, assault weapons and other weapons have indicated that there is still a major problem that must be resolved, and we in the legislature have an opportunity to

prove to Pennsylvania that we are not afraid of this issue and that we will vote for the Michlovic amendment.

The SPEAKER. The last speaker we have is Mr. Hughes, the last speaker we have on the Michlovic amendment.

The gentleman from Philadelphia is recognized.

Mr. HUGHES. Thank you, Mr. Speaker.

I want to rise again in support of the Michlovic amendment.

We have dealt with a number of issues and a number of topics as this discussion has gone on, and clearly, the real need in Pennsylvania is to have a real comprehensive discussion on the issues of gun reform and how we deal with firearms within this Commonwealth.

But I want to say, Mr. Speaker, as I was looking through the list of weapons that we are proposing to ban across this State, that I noticed some things that are alarming and really shocking. I noticed the Australian Automatic Arms SAR, and there is a comment behind it called "importation banned"; the Armalite AR-180, "importation banned"; the Beretta AR-70, "importation banned"—and I guess maybe I am giving some gunmaker some free publicity as I announce the names of some of these weapons, but that is okay—and on and on and on, and there are some very frightening-looking weapons, the Heckler & Koch HK-91, "importation banned"; the Galil ARM, "importation banned." This stuff is rough-looking stuff, Mr. Speaker.

What concerns me is that there is an attitude that seems to exist that it is okay to ban the importation of these weapons, that that is acceptable, that it is necessary, that it is good public policy, but it is also at the same time okay to sell them domestically, to say that it is okay for our gun dealers in this State and in this Nation to have those weapons sold by our own people. It concerns me to the point of, what are we really interested in? Are we interested in holding down the access to these weapons or are we really interested in trying to promote the local sales and the local businesses in selling these very destructive weapons, these very destructive firearms, these assault weapons?

A comment was made yesterday that in some areas, in some locales, assault weapons are not used — assault weapons are not used in killing people, assault weapons are not used in the process of crime and violence — and that is good. But we need to become instructive from that, because if we do not move to ban assault weapons, if we do not move to take some aggressive action on assault weapons, then assault weapons will be the next firearm that will be used; they will be used; these weapons that I just pointed to in this document will be the things that are used. In fact, Deputy Police Commissioner Seamon said, when he was here in Harrisburg on Monday with a whole host of law enforcement people, that the TEC-9, which is on the list here, is the weapon of choice now within the city, and in fact, more and more people are using that particular assault weapon to do the damage that they feel encouraged to do.

Now, there was also a comment, Mr. Speaker, about weapons do not kill; people do. I think it is that control or

regulation of weapons and assault weapons does not really have an impact.

I would suggest to you, Mr. Speaker, and I want to submit this for the record, an article, a column, which appeared in the Philadelphia Daily News on Wednesday, December 8, 1993. In that column, by Ms. Jill Porter, she refers to the situation, a comparison, a study that was done between Seattle, Washington, and Vancouver, British Columbia, which are 140 miles apart, Mr. Speaker, and that they are very similar cities with respect to population and with respect to median income, with respect to unemployment, geography, climate, history, and culture. The major difference between those two cities, Mr. Speaker, is that Seattle has liberal gun laws and Vancouver, British Columbia, has very restrictive gun laws, very restrictive gun laws. Now, the murder rates between the two cities with knives and all the other weapons was essentially the same, essentially the same. However, the rate of murders with guns was five times greater in Seattle. Two cities, very similar, except for their regulation of guns and firearms. Seattle, liberal gun laws; Vancouver, British Columbia, restrictive gun laws. *Regulation works; regulation works.*

I submit, Mr. Speaker, that we have been marginalizing this whole discussion on firearms. I submit, Mr. Speaker, that we have been tough on crime, and I can get as emotional as anyone else in this room. I can rant and rave as anyone else in this room, but I listened to the F.O.P. (Fraternal Order of Police); I listened to the Chiefs of Police Association; I listened to the Guardian Civic League; I listened to the State Police; I listened to those folks, and they say that it is appropriate to regulate assault weapons within this State, but I can get emotional as anyone else in this room, Mr. Speaker, and we can talk about the death and the destruction that comes from firearms.

We have been tough on crime. We are in the process of completing our seventh new prison in the State of Pennsylvania totaling \$600 million of construction costs. We have got mandatory sentences coming out of our ears in this Commonwealth. In 1980 the State appropriation for Corrections was \$90 million. In 1990 the State appropriation for Corrections is \$600 million. We are locking up everyone. The Federal 1993 crime bill calls for 100,000 new police officers; it calls for the construction of new Federal prisons. We are being tough on crime.

The challenge right now, Mr. Speaker, beyond the whole issue of HB 185, beyond the issue of the Michlovic amendment, is what are we, as a legislature, going to do about the root causes of crime? When are we going to get to the real issues that deal with crime and violence in our society — that when we talk about trying to prevent crime and violence, that we get on the front side of life and that we give people real education, that every school is a good school, that we give people jobs and job training and break down the discriminatory aspects that exist in the work force. When are we going to get to those issues? That is the real challenge.

Now, I submit, as I have submitted to those individuals from the National Rifle Association, who are sitting up in our

balcony and have called me on the telephone and have come by my office, that what you need to do is urge your legislators to get behind the real root causes of crime and deal with those kinds of problems, because if we dealt with those kinds of problems, then there would be no need to talk about assault weapons and Uzis and AK-47's; we would not have to have these discussions right now because we would be living in a society where everyone would feel that they had equal access, where there would be no mental difficulties for people to drive them to use violent weapons in a destructive fashion, that everything would be dealt with and gun discussions would become irrelevant. That is what the real issue is. That is what we need to be moving towards in this Commonwealth — an enlightened discussion about what we are going to do about the root causes of crime, not locking everybody up and not just limiting this discussion on the issue of assault weapons.

I am urging everyone, Mr. Speaker, to get in touch with all of their constituents, not just a limited few, and to get caught up with the direction that this society is going and vote "yes" on the Michlovic amendment. Thank you very much.

ARTICLE SUBMITTED FOR THE RECORD

Mr. HUGHES submitted an article for the Legislative Journal.

(For article, see Appendix.)

On the question recurring,
Will the House agree to the amendments?

CONSTITUTIONALITY OF AMENDMENT A4958 RECONSIDERED

The SPEAKER. The gentleman, Mr. Serafini.

Due to the fact that the debate took so long, the gentleman, Mr. Serafini, has asked that we reconsider the constitutionality of the Michlovic amendment. The motion that the gentleman offers is in order.

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

The SPEAKER. On the motion of constitutionality, does the gentleman, Mr. Serafini, wish to be recognized? The gentleman indicates he does not.

POINT OF ORDER

The SPEAKER. Mr. Coy is recognized. For what purpose does the gentleman rise?

Mr. COY. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. COY. The question before the House?

The SPEAKER. The question before the House is the matter of reconsideration of the constitutionality vote on the Michlovic amendment.

Mr. COY. Thank you.

The SPEAKER. The motion is to reconsider the constitutionality.

On the question recurring,
Will the House agree to the motion?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. RYAN. Mr. Speaker?

The SPEAKER. The clerk will strike the vote.

The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. This is our usual, everyday courtesy-call reconsideration vote, and then the vote on the merits will be the second vote. Is that not so?

The SPEAKER. The Speaker had already voted in the affirmative, and the gentleman is correct. This is a reconsideration vote.

Mr. RYAN. Thank you.

Then I would ask for a "yes" vote.

The SPEAKER. This is a reconsideration motion.

All those who would vote to reconsider the vote on constitutionality will vote "aye"; those opposed, "no."

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—171

Adolph	Farmer	Lloyd	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saurman
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Markosek	Scheetz
Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Scrimenti
Bebko-Jones	Gannon	Mayernik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Snyder, D. W.
Boyes	Gladeck	Merry	Staback
Brown	Godshall	Michlovic	Stairs
Bunt	Gordner	Micozzie	Steelman
Caltagirone	Gruitza	Mihalich	Steighner
Cappabianca	Gruppo	Miller	Steil
Carn	Haluska	Mundy	Stern
Carone	Hanna	Murphy	Stish
Cawley	Harley	Nailor	Strittmatter
Cessar	Hasay	Nickol	Surra
Chadwick	Hennessey	Nyce	Tangretti
Civera	Herman	O'Brien	Thomas
Clark	Hershey	O'Donnell	Tomlinson
Clymer	Hess	Oliver	Trello
Cohen, L. I.	Hughes	Perzel	Trich
Colafella	Hutchinson	Pesci	True
Colaizzo	Itkin	Petrone	Tulli
Conti	Jadlowiec	Pettit	Uliana
Cornell	Josephs	Piccola	Vance
Cowell	Kaiser	Pistella	Van Home
Coy	Kasunic	Pitts	Vitali
Daley	Keller	Platts	Waugh
DeLuca	Kenney	Preston	Williams
Dempsey	King	Raymond	Wogan

Dent	Krebs	Reber	Wozniak
Dermody	LaGrotta	Reinard	Wright, M. N.
Donatucci	Laub	Richardson	Yandrisevits
Druce	Lawless	Roebuck	Yewcic
Durham	Lederer	Rohrer	Zug
Egolf	Lee	Rubley	
Fairchild	Leh	Rudy	DeWeese,
Fajt	Lescovitz	Ryan	Speaker
Fargo			

NAYS—18

Blaum	James	Levdansky	Rooney
Buxton	Jarolin	Ritter	Stetler
Cohen, M.	Kirkland	Roberts	Sturla
Curry	Kukovich	Robinson	Veon
Evans	Laughlin		

NOT VOTING—9

Butkovitz	Phillips	Taylor, J.	Washington
Corrigan	Taylor, E. Z.	Tigue	Wright, D. R.
Lucyk			

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House sustain the constitutionality of the amendments?

The SPEAKER. The question before the House at this time is the constitutionality of the Michlovic amendment.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman from Delaware is recognized.

Mr. RYAN. Mr. Speaker, again I would remind the House of the problems we are having with the voting machines. I noticed, for instance, the gentleman, Mr. Phillips, is in his seat and was not voted on that last vote, which really was not a necessary vote, but—and he pushed the button—but these machines are acting peculiar. I would ask the Speaker to be aware of that problem, and of course, only those in their seats should and will vote on this. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is correct. The members are advised that a quick push on the button will activate, and that is all that is necessary. To hold it will cause a problem.

On constitutionality, all those who vote "aye" will vote that the Michlovic language is constitutional; those who vote "no" will indicate by their vote that they believe the Michlovic amendment is not constitutional.

On the question recurring,
Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—92

Adolph	Dent	Lescovitz	Rooney
Battisto	Donatucci	Levdansky	Rudy
Bebko-Jones	Druce	Lucyk	Santoni
Belardi	Evans	Manderino	Saurman
Belfanti	Fajt	McGeehan	Staback
Bishop	Farmer	McNally	Steelman
Blaum	Freeman	Melio	Steil
Butkovitz	Gambe	Michlovic	Stetler
Buxton	Haluska	Malcozzie	Sturla
Caltagirone	Harley	Mihalich	Surra
Cappabianca	Hughes	Mundy	Tangretti
Carn	Itkin	Murphy	Taylor, J.
Cawley	James	O'Brien	Thomas
Cessar	Josephs	O'Donnell	Tigue
Cohen, L. I.	Kaiser	Oliver	Trello
Cohen, M.	Keller	Petrone	Trich
Colafrilla	Kenney	Pistella	Van Home
Colaizzo	Kirkland	Preston	Veon
Cornell	Kukovich	Reinard	Vitali
Corrigan	Laub	Richardson	Washington
Cowell	Laughlin	Ritter	Williams
Curry	Lederer	Robinson	Wogan
DeLuca	Lee	Roebuck	Yandrisevits

NAYS—105

Allen	Gannon	Markosek	Scrimenti
Argall	Geist	Marsico	Semmel
Armstrong	George	Masland	Serafini
Baker	Gerlach	Mayernik	Smith, B.
Barley	Gladeck	McCall	Smith, S. H.
Birmelin	Godsball	Merry	Snyder, D. W.
Boyes	Gordner	Müller	Stairs
Brown	Gruitza	Nailor	Steighner
Bunt	Gruppo	Nickol	Stern
Carone	Hanna	Nyce	Stish
Chadwick	Hasay	Perzel	Strittmatter
Civersa	Hennessey	Pesci	Taylor, E. Z.
Clark	Herman	Pettit	Tomlinson
Clymer	Hershey	Phillips	True
Conti	Hess	Piccola	Tulli
Coy	Hutchinson	Pitts	Uliana
Daley	Jadlowiec	Platts	Vance
Dempsey	Jarolin	Raymond	Waugh
Dermody	Kasunic	Reber	Wozniak
Durham	King	Roberts	Wright, D. R.
Egolf	Krebs	Rohrer	Wright, M. N.
Fairchild	LaGrotta	Rubley	Yewcic
Fargo	Lawless	Ryan	Zug
Fee	Leh	Sather	
Fichter	Lloyd	Saylor	DeWeese,
Fleagle	Lynch	Scheetz	Speaker
Flick	Maitland	Schuler	

NOT VOTING—1

Gigliotti

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

PARLIAMENTARY INQUIRY

Mr. BELFANTI. Mr. Speaker? Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. BELFANTI. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. BELFANTI. Mr. Speaker, I believe there was some confusion when that vote was taken as to what a "yes" and "no" vote meant given the discussion immediately prior by the minority leader on, you know, the everyday occurrence.

I would like to ask that that vote be taken again.

The SPEAKER. The gentleman is in order only if he submits another reconsideration motion to the dais.

FILMING PERMISSION

The SPEAKER. The gentleman, Representative King. For what purpose does the gentleman rise?

Mr. KING. Mr. Speaker, I am here to reconfirm whose presence of the cameras that are on the House floor are permitted at this time.

The SPEAKER. The gentleman is in order.

The Chair had indicated to a variety of news entities, and the gentleman makes a very valid point. Robert Lang, WCMB, and Robert Mackintosh, KYW-TV, had not been announced but had been granted permission along with several other entities.

The Chair thanks the gentleman for bringing that to our attention, but no one is on the floor without permission.

Mr. KING. How long will that be, Mr. Speaker?

The SPEAKER. Both news entities that I just announced had asked to be here for the filming of HB 185. If my recollection serves me, the House Republican video team had asked to film proceedings throughout the day.

Mr. KING. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is welcome.

CONSIDERATION OF HB 185 CONTINUED

On the question recurring,
Will the House agree to the amendments?

**CONSTITUTIONALITY OF
AMENDMENT A4958 RECONSIDERED**

The SPEAKER. The Chair is in receipt of yet one more motion to reconsider the constitutionality vote of HB 185's Michlovic amendment, amendment A4958.

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

The following roll call was recorded:

YEAS—197

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz

Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkowitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Oliver	Thomas
Civera	Hughes	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello
Cohen, L. I.	Jadlowiec	Pettit	Trich
Cohen, M.	James	Phillips	True
Colafella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Conti	Kaiser	Pitts	Vance
Cornell	Kasunic	Platts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kenney	Raymond	Vitali
Coy	King	Reber	Washington
Curry	Kirkland	Reinard	Waugh
Daley	Krebs	Richardson	Williams
DeLuca	Kukovich	Ritter	Wogan
Dempsey	LaGrotta	Roberts	Wozniak
Dent	Laub	Robinson	Wright, D. R.
Dermody	Laughlin	Roebuck	Wright, M. N.
Donatucci	Lawless	Rohrer	Yandrisevits
Druce	Lederer	Rooney	Yewcic
Durham	Lee	Rubley	Zug
Egolf	Leh	Rudy	
Evans	Lescovitz	Ryan	DeWeese,
Fairchild	Levdansky	Santoni	Speaker
Fajt	Lloyd	Sather	

NAYS—0

NOT VOTING—1

Gigliotti

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On constitutionality, the gentleman, Mr. Belfanti, is recognized; on constitutionality.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, as I said, there was a bit of confusion on the vote. In fact, earlier today I voted "no" on constitutionality. This last time I voted "yes" on constitutionality. Earlier today we also voted on a procedural move to recommit the bill.

I believe that the majority of the members on the floor today want to vote this issue, and if voting this issue requires a "yes" on constitutionality, then I would urge people that have serious concerns about both sides of this issue to vote "yes" on constitutionality and let us get on with voting the issue. Thank you very much.

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Mr. Speaker, just briefly, and really in reply to the remarks of the gentleman, the Senate has gone home. The idea that our rushing through something is going to mean anything is foolish, because that chamber is necessary for anything to become law.

The question of constitutionality is a legitimate question for us to touch on. I frankly think we need breathing time to put all of these things together.

I myself have two amendments that have come down from Reference Bureau. They were incorrectly prepared, because I incorrectly ordered them, and they are being changed right now. I would appreciate more time on them, although I think they are going to be here any minute.

So let us get on with this vote, and I am urging everyone to vote "no." Thank you.

The SPEAKER. Mr. Preston is recognized on constitutionality.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the motion stand for interrogation? (Additional remarks expunged.)

The SPEAKER. The gentleman, Mr. Gannon, indicates he will stand for interrogation on the question of constitutionality. The gentleman from Pittsburgh may proceed.

Mr. PRESTON. Thank you, Mr. Speaker.

I sincerely take, on making a decision—

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I resent the comment of the gentleman, Mr. Preston, that was just made, and I think it should be expunged from the record.

Mr. GANNON. I did not hear it. What did he say?

Mr. RYAN. I do not know; if you did, you would be across the aisle.

Mr. GANNON. What did he say? I want to know what he said. I did not hear it.

The SPEAKER. The gentleman, Mr. Gannon, is not recognized. The gentleman, Mr. Gannon, is not recognized. The gentleman, Mr. Ryan's remark is in order, and the Chair—

Mr. GANNON. I want him to repeat it so I can hear it.

The SPEAKER. Mr. Gannon, you are not recognized.

The gentleman, Mr. Ryan, is in order, and his remarks are appropriate. The clerk will expunge the phrase that was uttered from the record.

Mr. PRESTON. Which phrase, Mr. Speaker? That I was serious about the Constitution?

The SPEAKER. The gentleman, Mr. Preston, indicated to the Assembly—and by making me do this, Mr. Preston, you are further exacerbating the mild unpleasantness of the moment.

Mr. PRESTON. I will—

The SPEAKER. Mr. Preston, please desist.

Mr. PRESTON. I will agree, sir.

The SPEAKER. Please desist momentarily. The gentleman, Mr. Ryan, objected, and I am confirming my agreement with Mr. Ryan and his objection.

Mr. PRESTON. Thank you very much. I agree.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. PRESTON. Thank you.

As I was saying, I take the Constitutions of the United States and Pennsylvania very serious, and you have raised the question about constitutionality concerning the right to bear arms in the Michlovic amendment.

In relationship to the Michlovic amendment on how it prevents you from the right to bear arms, could you in a connotative way explain this in relationship to the constitutionality question?

Mr. GANNON. Mr. Speaker, the Pennsylvania Constitution says the right to bear arms shall not be questioned. The United States Constitution says the right to keep and bear arms shall not be infringed. They are very, very strong terms. And I stood on this floor a few minutes ago and I said, yes, I believe—and the courts have already stated; I agree with the courts—I believe that we can have reasonable regulation of a constitutional right to keep order, as part of the powers as a police state. However, I said this amendment goes too far. It turns law-abiding citizens into criminals. We have got enough criminals out there already that should be in jail. We do not need any more.

Mr. PRESTON. Constitutionality, sir.

Now, I have another question then further along on my interrogation.

Personally, I have several guns of my own. I also was a former member of the NRA. Will this amendment, if it would pass, will it prevent me from owning or carrying my 9-millimeter Smith & Wesson? Would it prevent me from doing that, sir?

Mr. GANNON. Mr. Speaker, the way the amendment is drafted, it is an unreasonable infringement on the right to keep and bear arms. That is the position that I stated. It is an unreasonable infringement on weapons that are used by sportsmen throughout this Commonwealth. And I said not every weapon. I agree, some of the weapons on this list belong on this list, some of these weapons do not, and most of these weapons that do not belong on the list are owned by a great number of law-abiding citizens, and I think they would be upset if they knew that we were here today turning them into common criminals for something that they are doing lawfully.

The SPEAKER. The Chair would politely—

Mr. PRESTON. Could I ask my question again, because I did not get an answer yet.

The SPEAKER. The Chair would politely advise both distinguished members to please, please, please, focus on constitutionality. The gentleman, Mr. Preston, may proceed.

Mr. PRESTON. In relationship to the constitutionality, I will repeat my question again, maybe a little bit more slowly so that you can clearly hear what I am trying to ask.

If I own a 9-millimeter weapon, which I do and I have a license to carry, will this under the Michlovic amendment prohibit me from being able to carry this weapon?

Mr. GANNON. Mr. Speaker, could he repeat the question? I did not hear it.

Mr. PRESTON. I will go a little bit slower this time, sir. I own a 9-millimeter Smith & Wesson that I also constitutionally have a license to carry in the State of Pennsylvania. Under the Michlovic amendment, in relationship to your question concerning constitutionality, if this amendment passes, will it prohibit me from being able to own that particular weapon?

Mr. GANNON. I do not know. You are ahead of me. I do not own a gun. So what kind of weapon is that?

Mr. PRESTON. It is a 9-millimeter Smith & Wesson, sir. It is a semiautomatic hand weapon.

Mr. GANNON. Is that a handgun?

Mr. PRESTON. Yes, it is.

Mr. GANNON. This amendment has nothing to do with handguns.

Mr. PRESTON. Is that a weapon or a right to bear an arm?

Mr. GANNON. This has nothing to do with handguns, and, you know, if you want to talk about handguns, we can do that later. We are talking about the weapons on this list.

Mr. PRESTON. Constitutionality — do I have a right to bear that arm?

Mr. GANNON. Mr. Speaker, I am not going to answer that question. If he wants to ask an intelligent question that deals with the amendment, I will be glad to answer it.

Mr. PRESTON. Mr. Speaker, may I speak on the amendment?

The SPEAKER. The gentleman is recognized only on constitutionality, not the amendment; not the amendment, only on constitutionality.

Mr. PRESTON. Thanks.

Concerning constitutionality, being that I have already said that I do not have the cognitive ability to be able to relate to the gentleman, the U.S. Constitution in the Second Amendment is “A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.” The Federal courts have uniformly rejected the interpretation that the Federal Second Amendment bestows an unlimited right to bear all arms. Unlike other rights, like freedom of speech and of religion, Federal courts have interpreted the Second Amendment as a protection for State militia against possible Federal encroachment. The courts have never treated weapon bearing as an absolute individual right.

And I say this very sincerely, as I stated before, I take the constitutionality to be very serious, and I do not want the body that we all belong to to be embarrassed on a national basis from trying to play what I feel are frivolous little forms of personal politics. We are going to make a decision for the House of Representatives and this legislative body on whether or not the Federal court's decision has been wrong, and that reflects back on us individually and the constituents that we represent.

So therefore, I raise that this is constitutional. The gentleman never answered my question. I think I could not have made it even more clearer, and I plan on placing a copy of this on every editorial page across the country.

I am really shocked that we would do this, but I do think that it is constitutional, and I ask for a "yes" vote on the motion.

The SPEAKER. The Chair thanks the gentleman.

On constitutionality, constitutionality, the gentleman, Mr. Snyder, is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, earlier today I had voted "yes" for the constitutionality, and then on the second vote I voted that it is unconstitutional after it was brought to my attention the provisions of section 6182 of Representative Michlovic's amendment, which I believe unconstitutionally delegates to the court legislative authority to add to this list.

I recognize that the amendment was attempted to be carefully drafted to be a petition for the process of adding to this list with guidelines to the court, but essentially, Mr. Speaker, the amendment as we have it before us today is not a ban on a general definition of what an assault weapon is; it is a ban on specific weapons. Therefore, the legislative intent today is to provide that list. If it is the legislative intent to provide a list of specific weapons, we cannot then provide to the courts the ability to add to legislation which is enacted only by this body.

Mr. Speaker, I just feel that we are unconstitutionally delegating to the courts and to the executive branch legislative authority, and for that reason I am voting that it is unconstitutional.

The SPEAKER. The gentleman, Mr. McCall, on constitutionality.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I ask for a "yes" vote on constitutionality. I think this is an issue that is not going to go away. I think it is time that this House take a stand one way or the other. Every amendment that is involved with HB 185 we can hide behind the vote of constitutional or not constitutional. I think it is high time that this chamber take a stand on the issue and vote that this amendment be constitutional and have the Michlovic amendment come before this House for a vote.

The SPEAKER. Chairman George is recognized on constitutionality.

Mr. GEORGE. Mr. Speaker, I will speak on the constitutionality, if I may, by simply stating that I am not a legal scholar like some of those that are our colleagues and

maybe in a moment's notice can make that determination. Yet, from time to time we are asked to make that judgment.

Let me simply say that nothing has gone in this bill thus far other than the Brady bill that was put in in Rules, which I am a member of, and it was voted out 13 to 3, and now it is before us, and I do not know what has changed to make it now unconstitutional, unless the Senate continues to send us bills over here that are unconstitutional.

So I would suggest that we say that this bill is constitutional.

The SPEAKER. The Chair thanks the gentleman.

On constitutionality, all those who vote "aye" will vote that it is constitutional; those who vote "no" will say that it is not.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—103

Battisto	Fee	Lucyk	Staback
Bebko-Jones	Freeman	Manderino	Steelman
Belardi	Gamble	Markosek	Steighner
Bishop	George	McCall	Steil
Blaum	Gigliotti	McGeehan	Stetler
Butkowitz	Haluska	McNally	Stish
Buxton	Hanna	Melio	Sturla
Caltagirone	Harley	Michlovic	Surra
Cappabianca	Hughes	Mihalich	Tangretti
Cam	Itkin	Mundy	Taylor, J.
Cawley	James	Murphy	Thomas
Cohen, L. I.	Jarolin	O'Brien	Tigue
Cohen, M.	Josephs	Oliver	Trello
Colafella	Kaiser	Pesci	Trich
Colaizzo	Kasunic	Petrone	Van Horne
Cornell	Keller	Pistella	Veon
Corrigan	Kenney	Preston	Vitali
Cowell	Kirkland	Reinard	Washington
Coy	Kukovich	Richardson	Williams
Curry	LaGrotta	Ritter	Wogan
Daley	Laub	Robinson	Wozniak
DeLuca	Laughlin	Roebuck	Wright, D. R.
Dent	Lederer	Rooney	Yandrisevits
Donatucci	Lee	Rudy	
Druce	Lescovitz	Santoni	DeWeese,
Evans	Levdansky	Saurman	Speaker
Fajt			

NAYS—90

Adolph	Fichter	Lynch	Ryan
Allen	Fieagle	Maitland	Sather
Argall	Flick	Marsico	Saylor
Armstrong	Gannon	Masland	Scheetz
Baker	Geist	Mayernik	Schuler
Barley	Gerlach	Merry	Scrimenti
Birmelin	Gladeck	Micozzie	Semmel
Boyes	Godshall	Miller	Serafini
Brown	Gordner	Nailor	Smith, B.
Bunt	Gruitza	Nickol	Smith, S. H.
Carone	Gruppo	Nyce	Snyder, D. W.
Cessar	Hasay	Perzel	Stairs
Chadwick	Hennessey	Pettit	Stern
Civera	Herman	Phillips	Strittmatter
Clark	Hershey	Piccola	Tomlinson
Clymer	Hess	Pitts	True

Conti	Hutchinson	Platts	Uliana
Dempsey	Jadlowiec	Raymond	Vance
Durham	King	Reber	Waugh
Egolf	Krebs	Roberts	Wright, M. N.
Fairchild	Lawless	Rohrer	Yewcic
Fargo	Leh	Rublely	Zug
Farmer	Lloyd		

NOT VOTING—5

Belfanti	O'Donnell	Taylor, E. Z.	Tulli
Dermody			

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,
Will the House agree to the amendments?

(Members proceeded to vote.)

The SPEAKER. The Chair will leave time so that people may cast their votes. This is a very important vote statewide. Since our machinery is not working all that well today, the Chair will leave time, or allow time, I should say, for members to record their votes.

Again, a slight depression on the button should activate the switch.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—83

Adolph	Durham	Lederer	Richardson
Battisto	Evans	Lee	Ritter
Bebko-Jones	Fajt	Levdansky	Robinson
Bishop	Farmer	Manderino	Roebuck
Blaum	Flick	McGeehan	Rooney
Butkovitz	Freeman	McNally	Rublely
Buxton	Gannon	Melio	Rudy
Caltagirone	Haluska	Michlovic	Santoni
Cappabianca	Harley	Micozzie	Stetler
Carn	Hennessey	Mihalich	Sturla
Cawley	Hughes	Mundy	Taylor, J.
Cessar	Itkin	Murphy	Thomas
Civera	James	O'Brien	Tigue
Cohen, L. I.	Josephs	O'Donnell	Trich
Cohen, M.	Kaiser	Oliver	Van Home
Cornell	Keller	Perzel	Veon
Corrigan	Kenney	Petit	Vitali
Cowell	Kirkland	Pistella	Washington
Curry	Kukovich	Platts	Williams
Dent	Laub	Preston	Wogan
Donatucci	Laughlin	Raymond	

NAYS—115

Allen	Gamble	Markosek	Smith, S. H.
Argall	Geist	Marsico	Snyder, D. W.
Armstrong	George	Masland	Staback

Baker	Gerlach	Mayernik	Stairs
Barley	Gigliotti	McCall	Steelman
Belardi	Gladeck	Merry	Steighner
Belfanti	Godshall	Miller	Steil
Birmelin	Gordner	Nailor	Stern
Boyes	Gruitza	Nickol	Stish
Brown	Gruppo	Nyce	Strittmatter
Bunt	Hanna	Pesci	Surra
Carone	Hasay	Petrone	Tangretti
Chadwick	Herman	Phillips	Taylor, E. Z.
Clark	Hershey	Piccola	Tomlinson
Clymer	Hess	Pitts	Trello
Colaella	Hutchinson	Reber	True
Colaizzo	Jadlowiec	Reinard	Tulli
Conti	Jarolin	Roberts	Uliana
Coy	Kastunic	Rohrer	Vance
Daley	King	Ryan	Waugh
DeLuca	Krebs	Sather	Wozniak
Dempsey	LaGrotta	Saurman	Wright, D. R.
Dermody	Lawless	Saylor	Wright, M. N.
Druce	Leh	Scheetz	Yandrisevits
Egolf	Lescovitz	Schuler	Yewcic
Fairchild	Lloyd	Scrimenti	Zug
Fargo	Lucyk	Semmel	
Fee	Lynch	Serafini	DeWeese,
Fichter	Maitland	Smith, B.	Speaker
Fleagle			

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended?

Mr. PRESTON offered the following amendments No. A4658:

Amend Sec. 1 (Sec. 908), page 14, by inserting between lines 20 and 21

(e) Exempt cities.—Cities of the first and second class are exempt from the provisions of this section.

Amend Sec. 1 (Sec. 6120), page 15, by inserting between lines 3 and 4

(c) Exempt cities.—Cities of the first and second class are exempt from the provisions of this section.

On the question,
Will the House agree to the amendments?

**THE SPEAKER PRO TEMPORE
(FRED A. TRELLO) PRESIDING**

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Preston, is recognized.

Mr. PRESTON. Thank you.

Mr. Speaker, I would like to be able to subdivide the amendment.

The SPEAKER pro tempore. Where does the gentleman wish to divide the amendment?

Mr. PRESTON. I would like to be able to subdivide the amendment and take the second part. I would like to be able to subdivide it after the word "section" and starting with the words "Amend Sec. 1 (Sec. 6120)," and I would like to be able to take the second section.

The SPEAKER pro tempore. The amendment is so divisible.

On the question,

Will the House agree to part 2 of the amendments?

Mr. PRESTON. Mr. Speaker, that section of this amendment will exempt the city of Pittsburgh and the city of Philadelphia from what we have reaffirmed as far as the current law is concerned. What we are asking you is the same thing that we have been asking for in the past, and as we have heard many statements before, why do not Pittsburgh and Philadelphia try to take care of their own business?

What we are trying to do is ask our respective legislative bodies, i.e., the city council and the mayor, to be able to have their own jurisdiction to be able to legislate within their own legislative bodies on the municipal level, and I would ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair would like to clarify what the gentleman is doing. We are not voting on the first part of the amendment, section 908, page 14; we are voting on the second part of the amendment, section 6120, page 15.

Mr. PRESTON. Yes, sir.

The SPEAKER pro tempore. Okay.

The Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. The important point that we are addressing here at this point is preemption. Preemption belongs with the State of Pennsylvania, or does it belong with the State of Pennsylvania? This and other amendments that are coming forward are going to deal with that problem.

Now, Pennsylvania has had preemption rights for 21 years. These preemption rights must remain with the State of Pennsylvania. I would ask for a negative vote on this and successive motions. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gladeck.

Mr. GLADECK. Mr. Speaker, I would like to interrogate the maker of the amendment for a split second, if I may.

The SPEAKER pro tempore. The gentleman indicates that he will agree.

Mr. GLADECK. Mr. Speaker, I want to be clear about your amendment. Are there any provisions included in your amendment that would provide for individuals that could legally purchase these weapons, transporting them legally through the municipalities in question? Or what would happen if in fact you buy a weapon that is on the—

Mr. Speaker, could you tell me, what would happen if I purchase a weapon elsewhere in Pennsylvania, outside either

Philadelphia or Allegheny County, and transport that weapon through those two municipalities, or to the airport, for instance, for transport out of the State in those two municipalities? What provisions are there in your amendment that would provide for that legal movement of that weapon?

Mr. PRESTON. Okay. It is my understanding as far as transport is concerned, and especially on the Federal interstate highways, that there is not any effect. And also, unless you are transporting it appropriately within an airport, that will also fall under a different law, depending on how you are transporting it.

Mr. GLADECK. Mr. Speaker, I am sorry. I really could not hear you either, so would you say that again?

Mr. PRESTON. Okay. And please understand, I am only going with limited knowledge. I have not really seen the Philadelphia language.

Under the language that we have in the city of Pittsburgh, most people, in all honesty, do not pass through the city of Pittsburgh going to the airport anyway, because the airport is not in the city of Pittsburgh. So that is a different issue. But as far as the interstate, that falls under a slightly different situation.

But within the current understanding of the rule that we have in the city of Pittsburgh, that point is not addressed and is not particularly covered. It deals with possessing and purchasing particular types of weapons within the city of Pittsburgh and to be able to own them within the city of Pittsburgh.

Mr. GLADECK. I understand that. So essentially what you are saying to me is you have made no provisions for the legal transport of these weapons that are legally obtained elsewhere in the State of Pennsylvania, to transport these weapons in a legal fashion through the borders of the city of Pittsburgh or Philadelphia. Is that not a correct statement?

Mr. PRESTON. That is directly the case, because it cannot be addressed. If that were the case, then we would be able to say that satellites or airplanes also possibly would be illegal as far as airspace is concerned. You cannot really address that issue. It is only dealing with ownership within the city of Pittsburgh, not dealing about transporting weapons.

Mr. GLADECK. Well, I do not know about the satellites and airplanes, but it just seems to me that it is my hope that there are other amendments that will be offered today that would cover the problem, because I think that if this body is going to allow individual citizens in Pennsylvania to purchase these weapons in question that are banned by the ordinances of Philadelphia and Pittsburgh, I can understand possibly allowing the two cities of the first and second class in this State to have their own ordinances, but I think that to be fair to the person that purchases these weapons legally, they should be permitted to transport them through those municipalities. Thank you for your comments, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to oppose the amendment. The purpose of HB 185 is to have statewide preemption, and I feel that it is very important that we have that in our State. I do not believe that we should exclude any municipality, whatever that municipality may be. I therefore ask for a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in opposition to the Preston amendment. That is certainly the reason why we are here today, because of the ordinances passed in Philadelphia and Pittsburgh. It is the reason why we passed the Godshall amendment last week. That is what the crux of the issue is.

The crux of the issue before us is preemption. Our concern is that we do not want lawful gun owners worried about a myriad of local ordinances governing the ownership of a rifle or a gun. I would ask for a "no" vote on the Preston amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

AMENDMENTS WITHDRAWN

Mr. PRESTON. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Preston.

Mr. PRESTON. Mr. Speaker, because of certain forms of questions as far as clarity is concerned, I would like to withdraw my three amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The amendment is withdrawn.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The bill will be passed over temporarily.

The Chair recognizes the gentleman, Mr. Coy.

Mr. COY. Mr. Speaker, the majority leader has asked me to announce his intention to recess the House now, to break until 1:30. There is no need for a caucus on our side; I am not sure about the Republicans, but if we could recess the House now for lunch until 1:30 p.m.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

There will be no need for the Republicans to caucus. Our only concern is the snowstorm which is now pelting McKees Rocks. So we are a little bit concerned about those who have to travel west.

The SPEAKER pro tempore. The Chair thanks the gentleman for that weather report.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Mr. Speaker, I just would like to put some remarks on the record for the Michlovic amendment.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Mr. MELIO submitted the following remarks for the Legislative Journal:

Mr. Speaker, while it is my belief that all Americans have the right to bear arms as provided for in the U.S. Constitution, the Michlovic amendment asks for a State ban on assault weapons.

I repeat, assault weapons — not all guns, but assault weapons.

The word "assault," as provided for by the American Heritage Dictionary, is a violent physical attack and an unlawful attempt or threat to injure another physically.

Unlawful and injure.

These weapons are not meant for game. They are meant to hurt others, and I believe that during our current hunting season, any member on either side of the aisle would be hard pressed to find a hunter using these assault weapons to hunt animals.

The only animals these are used against are humans, and we must act today to stop the carnage that is going on in our streets.

I encourage all members on both sides of the aisle to vote in favor of the Michlovic amendment. Thank you.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

After discussing with Woody the necessity of moving the floor debate ahead, it will be necessary for the Republicans to caucus briefly on bills that have come over from the Senate for concurrence. We have not caucused on those bills. We will do so at 1:15.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Republicans will meet to caucus at 1:15.

RECESS

The SPEAKER pro tempore. This House stands in recess until 1:30.

AFTER RECESS

The time of recess having expired, the House was called to order.

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

ANNOUNCEMENT BY MR. FREEMAN

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Freeman, rise?

Mr. FREEMAN. Regarding the announcement of a meeting, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FREEMAN. Thank you.

Madam Speaker, the ad hoc group on land use planning had scheduled a meeting for 1 o'clock today in the South Office Building. That meeting has been canceled. We are, however, meeting tomorrow at 10 a.m. in room 421, South Office Building.

So for all those legislators who belong to the ad hoc group on land use, which is dealing with the drafting of legislation regarding land use planning, I want to remind them that we will be meeting tomorrow, Thursday, December 16, at 10 a.m. in room 421, South Office Building.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. FREEMAN. Thank you, Madam Speaker.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Madam Speaker, I move that we suspend the rules to allow a vote on an amendment which Mr. Curry will offer to HB 1836.

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

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Lloyd	Saurman
Allen	Farmer	Lucyk	Saylor
Argall	Fee	Lynch	Scheetz
Armstrong	Fichter	Maitland	Schuler
Baker	Fleagle	Manderino	Scrimenti
Barley	Flick	Markosek	Semmel
Battisto	Freeman	Marsico	Serafini
Bebko-Jones	Gamble	Mayeraik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkovitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Cam	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Oliver	Thomas
Civera	Hughes	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello
Cohen, L. I.	Jadlowiec	Pettit	Trich
Cohen, M.	James	Phillips	True
Colafella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Conti	Kaiser	Pitts	Vance
Cornell	Kasunic	Preston	Van Home
Corrigan	Keller	Raymond	Veon
Cowell	Kenney	Reber	Vitali

Coy	King	Reinard	Washington
Curry	Kirkland	Richardson	Waugh
Daley	Krebs	Ritter	Williams
DeLuca	Kukovich	Roberts	Wogan
Dempsey	LaGrotta	Robinson	Wozniak
Dent	Laub	Roebuck	Wright, D. R.
Dermody	Laughlin	Rohrer	Wright, M. N.
Donatucci	Lawless	Rooney	Yandrisevits
Druce	Lederer	Rubley	Yewcic
Durham	Lee	Rudy	Zug
Egolf	Leh	Ryan	
Evans	Lescovitz	Santoni	DeWeese,
Fairchild	Levdansky	Sather	Speaker
Fajt			

NAYS—3

Hanna	Masland	Platts
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NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1836, PN 2197**, entitled:

An Act providing for the creation, conveyance, acceptance, duration and validity of conservation and preservation easements; and providing for judicial actions.

On the question,
Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The gentleman, Mr. Curry, offers the following amendment, which the clerk will read.
Will Mr. Curry come to the podium, please.

(Conference held at Speaker's podium.)

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise members that she has given permission to Victor Livingston and Caprice Luckas, photographers for WTXF, channel 29, to film with audio on the floor of the House during the proceedings on HB 185.

CONSIDERATION OF HB 1836 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. CURRY offered the following amendments No. A5067:

Amend Sec. 3, page 2, line 5, by inserting after "protecting" for the public benefit the

Amend Sec. 4, page 3, line 12, by inserting a period after "easements"

Amend Sec. 4, page 3, lines 12 through 14, by striking out "as long as the conservation and" in line 12 and all of lines 13 and 14

Amend Sec. 4, page 3, line 19, by removing the period after "enforcement" and inserting

and a recordation of the acceptance.

Amend Sec. 4, page 3, lines 21 and 22, by striking out "is perpetual in duration" in line 21, all of line 22 and inserting created after the effective date of this act may be perpetual in duration, but in no event shall be for a duration of less than 25 years.

Amend Sec. 4, page 3, line 24, by inserting after "easement" , including prior unrecorded easements intended to provide services of a public utility nature,

Amend Sec. 4, page 3, line 26, by inserting after "or" expressly

Amend Sec. 5, page 4, lines 16 through 18, by striking out all of lines 16 and 17, "subject to a conservation easement" in line 18 and inserting

construed to limit in any way the lawful exercise of eminent domain by any person or entity having legal authority to do so or be construed as to restrict any such right to compensation a holder of a conservation or preservation easement may have under applicable law

Amend Sec. 5, page 4, line 23, by striking out "or a purchase agreement in lieu of condemnation"

Amend Sec. 5, page 4, line 26, by inserting a period after "adjudication"

Amend Sec. 5, page 4, line 26, by striking out "or by the purchase in lieu of condemnation." and inserting

Nothing in this act shall be construed to prevent a purchase agreement in lieu of condemnation as a means of providing fair market value to the holder of the easement.

Amend Sec. 5, page 4, line 29, by inserting after "incorporation."

The court in adjudicating damages to a conservation or preservation easement shall be guided by principles generally applicable to condemnation proceedings.

Amend Sec. 6, page 5, line 1, by striking out "A" and inserting

(a) Conditions.—A

Amend Sec. 6, page 5, by inserting between lines 12 and 13

(b) Recording easement.—A conservation or preservation easement shall be recorded within 60 days of its effective date to be considered an easement subject to and enforceable under the provisions of this act. Upon proper recording the provisions of this act shall apply retroactively to the effective date of the easement.

Amend Sec. 8, page 6, line 10, by inserting after "laws." Except as expressly otherwise provided herein, nothing in this act is intended to be construed to alter applicable established common law, and accordingly in a manner consistent with common law, the prior granting of a conservation or preservation easement shall not in any way restrict the right of the fee owner to further grant to any person or entity for any purpose such other interests in the real property which do not materially impair the prior conservation or preservation easement, or other easements or rights of record, provided, however, that the holder of a conservation or preservation easement shall be given 45 days written notice prior to execution of the subsequent easement.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Curry.

Mr. CURRY. This amendment to HB 1836 is an agreed-to amendment, and I ask the House to support it.

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Armstrong, rise?

Mr. ARMSTRONG. To interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. ARMSTRONG. Could you tell the House what your amendment does? Can you tell the House what your amendment does, please?

Mr. CURRY. Okay. We are ready.

Mr. ARMSTRONG. Okay. I said, can you tell the House what your amendment does?

Mr. CURRY. Yes. This amendment is in recognition of clarifying the rights of prior easements, whether or not recorded, and whether they would be impaired by this legislation. The provision is needed by the public utilities in Pennsylvania, and this has been cleared with them and clarified with them to clarify the bill.

Mr. ARMSTRONG. Okay. So you are saying that the present easements are basically going to be, according to your amendment, grandfathered into this legislation.

Mr. CURRY. Right.

Mr. ARMSTRONG. Okay. Thank you very much.

I support the amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Madam Speaker.

The amendment is partially intended to address some concerns which were raised by the electric utilities. I have been in conversation with the Pennsylvania Electric Association, and it is my understanding that if the House adopts this amendment, that association will change its position from one of opposition to the bill to one of neutrality.

For that reason, Madam Speaker, I would urge that we adopt the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Reber, rise?

Mr. REBER. To debate the bill, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed on the amendment.

Mr. REBER. Thank you.

On the amendment, Madam Speaker pro tem, I would submit for the edification of the members of our caucus that I have reviewed this with additional individuals within the utility community and would confirm that which was previously stated by Representative Lloyd and therefore would support this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkowitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Harley	Nickol	Surra
Carone	Hasay	Nyce	Tangretti
Cawley	Hennessey	O'Brien	Taylor, E. Z.
Cessar	Herman	O'Donnell	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Perzel	Tigue
Clark	Hughes	Pesci	Tomlinson
Clymer	Hutchinson	Petrone	Trello
Cohen, L. I.	Itkin	Pettit	Trich
Cohen, M.	Jadlowiec	Phillips	True
Colafella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pistella	Uliana
Conti	Kaiser	Pitts	Vance
Cornell	Kasunic	Platts	Van Horne
Corrigan	Keller	Preston	Veon
Cowell	Kenney	Raymond	Vitali
Coy	King	Reber	Washington
Curry	Kirkland	Reinard	Waugh
Daley	Krebs	Richardson	Williams
DeLuca	Kukovich	Ritter	Wogan
Dempsey	LaGrotta	Roberts	Wozniak
Dent	Laub	Robinson	Wright, D. R.
Dermody	Laughlin	Rohrer	Wright, M. N.
Donatucci	Lawless	Rooney	Yandrisevits
Druce	Lederer	Rubley	Yewcic
Durham	Lee	Rudy	Zug
Egolf	Leh	Ryan	
Evans	Lescovitz	Santoni	DeWeese,
Fairchild	Levdansky	Sather	Speaker
Fajt	Lloyd		

NAYS—0

NOT VOTING—2

James Roebuck

EXCUSED—5

Acosta Olasz Petarca Rieger
Bush

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—196

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steighner
Brown	Godshall	Micozzie	Steil
Bunt	Gordner	Mihalich	Stern
Butkowitz	Gruitza	Miller	Stetler
Buxton	Gruppo	Mundy	Stish
Caltagirone	Haluska	Murphy	Strittmatter
Cappabianca	Hanna	Nailor	Sturla
Carn	Harley	Nickol	Surra
Carone	Hasay	Nyce	Tangretti
Cawley	Hennessey	O'Brien	Taylor, E. Z.
Cessar	Herman	O'Donnell	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Perzel	Tigue
Clark	Hughes	Pesci	Tomlinson
Clymer	Hutchinson	Petrone	Trello
Cohen, L. I.	Itkin	Pettit	Trich
Cohen, M.	Jadlowiec	Phillips	True
Colafella	Jarolin	Piccola	Tulli
Colaizzo	Josephs	Pitts	Uliana
Conti	Kaiser	Platts	Vance
Cornell	Kasunic	Preston	Van Horne
Corrigan	Keller	Raymond	Veon
Cowell	Kenney	Reber	Vitali
Coy	King	Reinard	Washington
Curry	Kirkland	Richardson	Waugh
Daley	Krebs	Ritter	Williams
DeLuca	Kukovich	Roberts	Wogan
Dempsey	LaGrotta	Robinson	Wozniak
Dent	Laub	Roebuck	Wright, D. R.
Dermody	Laughlin	Rohrer	Wright, M. N.
Donatucci	Lawless	Rooney	Yandrisevits
Druce	Lederer	Rubley	Yewcic
Durham	Lee	Rudy	Zug
Egolf	Leh	Ryan	
Evans	Lescovitz	Santoni	DeWeese,
Fairchild	Levdansky	Sather	Speaker
Fajt	Lloyd		

NAYS—0

The question was determined in the affirmative, and the amendments were agreed to.

NOT VOTING—2

James Pistella

EXCUSED—5

Acosta Olasz Petrarca Rieger
Bush

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1992, PN 2710**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

On the question,

Will the House agree to the bill on third consideration?

Mr. LESCOVITZ offered the following amendments No. A5038:

Amend Sec. 2, page 1, line 13, by striking out "\$962,000" and inserting

\$555,000

Amend Sec. 3, page 2, lines 9 through 11, by striking out all of said lines

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Madam Speaker.

This amendment just takes out the section dealing with Washington County in the bill.

The SPEAKER pro tempore. The Chair recognizes Mr. Surra.

Mr. SURRA. Thank you, Madam Speaker.

This is an agreed-to amendment.

The SPEAKER pro tempore. The Chair recognizes Mr. Phillips.

Mr. PHILLIPS. Thank you, Madam Speaker.

I would agree with this amendment. I think it is more than right that the Game Commission certainly should check with the legislator of that particular district whether they take land and put it into State game land or not.

So I would agree with this amendment, and I would ask my colleagues to vote for it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Adolph	Fargo	Lloyd	Santoni
Allen	Farmer	Lucyk	Sather
Argall	Fee	Lynch	Saurman
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Manderino	Scheetz
Barley	Flick	Markosek	Schuler
Battisto	Freeman	Marsico	Scrimenti
Bebko-Jones	Gamble	Masland	Semmel
Belardi	Gannon	Mayernik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.
Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Merry	Stairs
Brown	Godshall	Michlovic	Steelman
Bunt	Gordner	Micozzie	Steighner
Butkovitz	Gruitza	Mihalich	Steil
Buxton	Gruppo	Miller	Stern
Caltagirone	Haluska	Mundy	Stetler
Cappabianca	Hanna	Murphy	Stish
Carn	Harley	Nailor	Strittmatter
Carone	Hasay	Nickol	Sturla
Cawley	Hennessey	Nyce	Surra
Cessar	Herman	O'Brien	Tangretti
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colaella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Uliana
Conti	Josephs	Pistella	Vance
Cornell	Kaiser	Pitts	Van Horne
Corrigan	Kasunic	Platts	Veon
Cowell	Keller	Preston	Vitali
Coy	Kenney	Raymond	Washington
Curry	King	Reber	Waugh
Daley	Kirkland	Reinard	Williams
DeLuca	Krebs	Richardson	Wogan
Dempsey	Kukovich	Ritter	Wozniak
Dent	LaGrotta	Roberts	Wright, D. R.
Dermody	Laub	Robinson	Wright, M. N.
Donatucci	Laughlin	Roebuck	Yandrisevits
Druce	Lawless	Rohrer	Yewcic
Durham	Lederer	Rooney	Zug
Egolf	Lee	Rubley	
Evans	Leh	Rudy	DeWeese,
Fairchild	Lescovitz	Ryan	Speaker
Fajt	Levdansky		

NAYS—0

NOT VOTING—2

Taylor, E. Z. Tulli

EXCUSED—5

Acosta Olasz Petrarca Rieger
Bush

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—196

Adolph	Fargo	Lynch	Saurman
Allen	Farmer	Maitland	Saylor
Argall	Fee	Manderino	Scheetz
Armstrong	Fichter	Markosek	Schuler
Baker	Fleagle	Marsico	Scrimenti
Barley	Flick	Masland	Semmel
Battisto	Freeman	Mayernik	Serafini
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McNally	Snyder, D. W.
Birmelin	George	Melio	Staback
Bishop	Gerlach	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boyes	Gladeck	Micozzie	Steighner
Brown	Godshall	Mihalich	Steil
Bunt	Gordner	Miller	Stern
Butkowitz	Gruitza	Mundy	Stetler
Buxton	Gruppo	Murphy	Stish
Caltagirone	Haluska	Nailor	Strittmatter
Cappabianca	Hanna	Nickol	Sturla
Carn	Harley	Nyce	Surra
Carone	Hasay	O'Brien	Tangretti
Cawley	Hennessey	O'Donnell	Taylor, E. Z.
Cessar	Herman	Oliver	Taylor, J.
Chadwick	Hershey	Perzel	Thomas
Civera	Hess	Pesci	Tigue
Clark	Hughes	Petrone	Tomlinson
Clymer	Hutchinson	Pettit	Trello
Cohen, L. I.	Itkin	Phillips	Trich
Cohen, M.	Jadlowiec	Piccola	True
Colafella	Jarolin	Pistella	Tulli
Colaizzo	Josephs	Pitts	Uliana
Conti	Kaiser	Platts	Vance
Cornell	Kasunic	Preston	Van Horne
Corrigan	Keller	Raymond	Veon
Cowell	Kenney	Reber	Vitali
Coy	King	Reinard	Washington
Curry	Krebs	Richardson	Waugh
Daley	Kukovich	Ritter	Williams
DeLuca	LaGrotta	Roberts	Wogan
Dempsey	Laub	Robinson	Wozniak
Dent	Laughlin	Roebuck	Wright, D. R.
Dermody	Lawless	Rohrer	Wright, M. N.
Donatucci	Lederer	Rooney	Yandrisevits
Druce	Lee	Rublely	Yewcic
Durham	Leh	Rudy	Zug
Egolf	Lescovitz	Ryan	
Evans	Levdansky	Santoni	DeWeese,
Fairchild	Lloyd	Sather	Speaker
Fajt	Lucyk		

NAYS—0

NOT VOTING—2

James Kirkland

EXCUSED—5

Acosta Olasz Petrarca Rieger
Bush

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

ANNOUNCEMENT BY MR. FREEMAN

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Freeman, rise?

Mr. FREEMAN. Madam Speaker, I rise merely to bring to the attention of the members of the House that one of the packets of amendments that have been distributed to us erroneously lists the bill as SB 1956 and it in fact should be HB 1956, and contained within this packet is also an amendment that will be offered by the gentleman, Mr. Surra, to HB 2198, so there was an amendment that does not pertain to HB 1956 which was also inserted in this packet.

I realize there is a flurry of amendments. It is understandable that there is going to be some confusion right now, but I just wanted to make sure the membership was aware of the fact that this pink packet does not pertain to a Senate bill but actually a House bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 398, PN 916**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for adoption of school district budgets.

On the question,

Will the House agree to the bill on third consideration?

Mr. MAYERNIK offered the following amendments No. A4703:

Amend Title, page 1, line 6, by removing the period after "budgets" and inserting
for liability for tuition and enforcement of payment and for cost of tuition.

Amend Sec. 2, page 4, line 11, by striking out all of said line and inserting

Section 2. Sections 1308 and 1309 of the act, amended June 7, 1993 (P.L.49, No.16), are amended to read:

Section 1308. Liability for Tuition and Enforcement of Payment.—(a) In all cases not covered by the preceding section if a charge is made by any school district for tuition for the inmates of any such institution, the officers of the institution shall submit to the board of school directors a sworn statement, setting forth the names, ages, and school districts liable for tuition of all children who are inmates thereof, and desire to attend public school in the district. The district in which the institution is located shall obtain a blank acknowledging or disclaiming residence, signed by the secretary of the school district in which the institution declares the legal residence of the child to be. If said district shall fail to file said blank within fifteen (15) days from the date it is sent to the district by registered mail, the

district in which the institution is located shall again notify the district of its failure to comply with the provisions of this act. If the district shall fail to comply within fifteen (15) days following the second notice, said failures to return the blank shall be construed as an acknowledgement of said child's residence. The tuition of such inmates as are included in the sworn statement to the board of school directors shall be paid by the district of residence of the inmates upon receipt of a bill from the district in which the institution is located setting forth the names, ages and tuition charges of the inmates. The district so charged with tuition may file an appeal with the Secretary of Education, in which it shall be the complainant and the district in which the institution is located the respondent. The decision of the Secretary of Education, as to which of said parties is responsible for tuition, shall be final.

(b) If a bill submitted under subsection (a) remains unpaid for more than sixty (60) days, the district submitting the bill may request that the secretary transfer the amount billed. Upon receipt of such request, the secretary shall withhold, from any moneys due, the amounts owed by the district charged under subsection (a), and shall pay that amount to the requesting district. Such action of the secretary shall be final.

(c) If any inmates have been received from outside of Pennsylvania, or if the institution cannot certify as to their residence, their tuition shall be paid by the institution having the care or custody of said children, except in the case of medically indigent children hospitalized in exclusively charitable children's hospitals exempt under section 501(c)(3) of the Internal Revenue Code which make no charges to any of its patients nor accepts any third-party payments for services provided to any of its patients. In such cases their tuition shall be paid by the Commonwealth out of moneys appropriated by the General Assembly for the purposes of this act. Enrollment of any out-of-state student in a school district or intermediate unit program shall be conditioned upon a guarantee, or actual advance receipt, of tuition and transportation payment from the institution, from the student's home state or out-of-state school district, or from the out-of-state party or agency which placed the student in the institution, except in the case of medically indigent children hospitalized in exclusively charitable children's hospitals exempt under section 501(c)(3) of the Internal Revenue Code which make no charges to any of its patients nor accepts any third-party payments for services provided to any of its patients where the Commonwealth is paying the tuition as otherwise provided for in this paragraph. If the Secretary of Education decides that the legal residence of any of said inmates is in Pennsylvania, but cannot be fixed in a particular district, the Commonwealth shall pay the tuition of such inmate out of moneys appropriated to the Department of Education by the General Assembly for the maintenance and support of the public schools of the Commonwealth.

Section 1309. Cost of Tuition; How Fixed.—(a) The cost of tuition in such cases shall be fixed as is now provided by law for tuition costs in other cases, except in the following circumstances:

(1) Where, for the accommodation of such children, it shall be necessary to provide a separate school or to erect additional school buildings, the charge for tuition for such children may include a proportionate cost of the operating expenses, rental, and interest on any investment required to be made in erecting such new school buildings.

(2) When a child who is an inmate of an institution is an exceptional child, the district in which the institution is located may charge the district of residence, and the district of residence shall pay a special education charge in addition to the applicable tuition charge. [Such special education charge shall not exceed an additional fifty percent (50%) of the applicable tuition charge.] This special education charge, when added to the generally applicable tuition charge, shall equal the actual cost of educating such children.

(b) The tuition herein provided for shall be paid annually by the Secretary of Education, the district of residence or the institution as the case may be.

Section 3. The amendments of sections 1308 and 1309 of the act shall be retroactive to July 1, 1993.

Section 4. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The remainder of this act shall take effect in 15 days.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Madam Speaker.

This amendment sets up a schedule for payment of tuition by the districts of residents of a child placed in an institution in another district. If the tuition bill remains unpaid for more than 60 days after receipt of the bill, the Secretary of Education is authorized to forward the funds to the district in which the institution is located and to withhold the amount from the district of residence's Commonwealth's payments. It also provides for eliminating or removing the 150-percent cap and providing for cost of actual payment.

What I would like to do is tell you what has brought me to place this amendment into this legislation. My home school district has individuals that are children with most severe disabilities, both physically and mentally handicapped, that have been placed there by other school districts or by the courts, and the cost of educating that child is \$28,000, approximately, and they have been placed there by the home school district. The host school district now has to pay the excess over the \$7,500. Their normal cost is \$5,000. With a cap at 150 percent, it brings them up to \$7,500, but the actual cost of educating a child is \$28,000. My school district is suffering economically at a loss of \$300,000 alone just for the education of these children that have been placed there either by the courts or by their parents.

So even though my school district is not the home school district but yet the host school district, they are suffering economically, and the school district I am referring to, Avonworth School District, is not the only one in Allegheny County that is facing this problem. There are at least 11 other school districts in Allegheny County that I have identified, which leads us to about one-fourth of the school districts in the county. Using that as a barometer, I would say that every Representative in this chamber today would have at least one school district, or close to it, that has the same problem.

So we are looking to rectify this. We have the approval of the Department of Education, and they have agreed with this language.

I would ask for an affirmative vote on the amendment, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Madam Speaker.

Madam Speaker, this is an agreed-upon amendment, as far as I am concerned.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Chairman Cowell.

Mr. COWELL. Thank you, Madam Speaker.

I would also urge that we agree to the Mayernik amendment.

The Mayernik amendment is intended to clarify responsibility for the payment of certain costs related to special education students and is intended to make more enforceable the provisions that are intended to be in the law. I think it is going to be helpful to our school districts. My understanding is, it is supported by the Pennsylvania School Boards Association.

I would urge the agreement with the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Adolph	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs
Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Butkowitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter
Carn	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colafella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uljana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenny	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roeback	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubleby	Zug
Evans	Leh	Rudy	

Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker
Fargo	Lloyd	Sather	

NAYS—0

NOT VOTING—1

Allen

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. FAIRCHILD offered the following amendments No. A4859:

Amend Title, page 1, line 6, by removing the period after "budgets" and inserting

, for liability for tuition, for enforcement of payment and for cost of tuition; and making editorial changes.

Amend Sec. 2, page 4, line 11, by striking out all of said line and inserting

Section 2. Section 1305 of the act, amended February 17, 1956 (1955 P.L.1065, No.342) and January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1305. Non-resident Child Placed in Home of Resident.—(a) When a non-resident child is placed in the home of a resident of any school district by order of court or by arrangement with an association, agency, or institution having the care of neglected and dependent children, such resident being compensated for keeping the child, any child of school age so placed shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district.

(b) Any resident of any school district, before accepting custody of a non-resident child of school age for compensation by order of court or by arrangement with an association, agency, or institution having the care of dependent or neglected children, must secure, from the superintendent of schools or school board in that district, a statement in writing that the child can be accommodated in the schools of the district or that the child can not be accommodated and the reasons therefor. If such statements are not furnished within two weeks after a request in writing has been made to the board's secretary, the superintendent of schools, the board's assent shall be assumed, and the child shall be admitted to the schools of the district as a pupil. If such statement sets forth conditions such as to exempt the district under this section from accepting the child as a pupil, and if such exemption is not disapproved on appeal by the [Superintendent of Public Instruction] Secretary of Education, and if other arrangement for the child's schooling satisfactory to the district superintendent is not made, the child may not be placed in the district.

(c) Appeal from the claim of any school district for exemption, as provided in this section, may be taken to the Superintendent of Public Instruction, and his decision thereon after investigation shall be final.

(d) If a bill submitted under sections 2561 and 2562 for students attending a district under subsections (a) and (b) remains unpaid for more than sixty (60) days, the district submitting the bill may request that the Secretary of Education transfer the

amount billed. Upon receipt of such request, the Secretary of Education shall withhold, from any moneys due, the amounts owed by the district charged under this section and sections 2561 (relating to tuition charges for pupils of other districts) and 2562 (relating to payments by districts for pupils attending in other districts) and shall pay that amount to the requesting district. Such action of the Secretary of Education shall be final.

(e) The provisions of other sections notwithstanding, if a child attending a school district under subsections (a) and (b) is an exceptional child, the district in which the institution is located may charge the district of residence, and the district of residence shall pay a special education charge in addition to the applicable tuition charge. This special education charge, when added to the generally applicable tuition charge, shall equal the actual cost of educating such children.

Section 3. The amendment of section 1305 of the act shall be retroactive to July 1, 1993.

Section 4. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The remainder of this act shall take effect in 15 days.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Madam Speaker.

For the reasons given by Representative Mayernik, many of the same reasons apply to my language which very closely resembles his, and basically what we are saying is that if you have a foster-care child from a home district that goes to another district, the funding will follow them for their special education needs.

It is my understanding that this is an agreed-to amendment, and I would appreciate the support of all the members here, and certainly your school district will also be affected by this. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Madam Speaker.

The gentleman is right, Madam Speaker. This is an agreed-upon amendment, and I urge its adoption.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gigliotti	Melio	Stairs

Boyes	Gladeck	Merry	Steelman
Brown	Godshall	Michlovic	Steighner
Bunt	Gordner	Micozzie	Steil
Butkovitz	Gruitza	Mihalich	Stern
Buxton	Gruppo	Miller	Stetler
Caltagirone	Haluska	Mundy	Stish
Cappabianca	Hanna	Murphy	Strittmatter
Cam	Harley	Nailor	Sturla
Carone	Hasay	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Oliver	Thomas
Clark	Hughes	Perzel	Tigue
Clymer	Hutchinson	Pesci	Tomlinson
Cohen, L. I.	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colaella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the amendments were agreed to.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise members that she has given permission to Frank Paul Nagy, Pittsburgh filmmaker, to take still photographs on the House floor during the proceedings regarding Representative Tom Murphy.

CONSIDERATION OF HB 398 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COWELL offered the following amendments No. A4883:

Amend Title, page 1, line 6, by removing the period after "budgets" and inserting
and for work to be done under contract let on bids.

Amend Bill, page 4, by inserting between lines 10 and 11

Section 2. Section 751 of the act is amended by adding a subsection to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—* * *

(g) Notwithstanding any other provision of law, selection by a school district for professional services of a construction management firm shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and that such services shall be exempt from the provisions of subsection (a). Any firm proposing to provide construction program management services pursuant to this act shall provide evidence that the firm and its personnel carrying out responsibilities have expertise and experience in construction program review and evaluation, value engineering, cost-benefit analysis, budgeting and estimating, bid evaluation, project scheduling, construction mobilization and supervision, claims review and negotiation and general management and administration of a construction program.

Amend Sec. 2, page 4, line 11, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Madam Speaker.

This amendment is intended to deal with the issue of construction management services for school districts, and it is intended to clarify the law so that it is clear that construction management services will not be one of those items under the School Code for which services must be bid, but instead, a contract for construction management services may be made on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services.

It is becoming more and more clear to many of our school districts that increasingly are getting into the construction business that the services of a construction manager or construction management firm are very, very important and cost effective. Traditionally, this is really the kind of function that has been performed by school district superintendents, who increasingly recognize that they are ill equipped timewise, experiencewise, educationwise to perform that kind of service. So it is our hope that with the adoption of this amendment, we will encourage school districts to use construction management services as they are appropriately to be used, and secondly, that we will make it easier for them to use those services by not requiring these services to be the subject of a bid but instead to be treated as some of the other professional services can be in a school district.

So I would urge agreement with the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Madam Speaker.

Madam Speaker, I urge the adoption of the amendment. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes Mr. Schuler.

Mr. SCHULER. Thank you, Madam Speaker.

I rise in support of the Cowell amendment.

Recently in Lancaster County we had a problem that developed over this situation. I think the Cowell amendment will resolve that problem and clarify the existing law. In our situation it created some real delay and some added costs. So I would ask the members to support the Cowell amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Nyce.

Mr. NYCE. Thank you, Madam Speaker.

I wonder if the maker of the amendment would stand for a brief interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman may proceed.

Mr. NYCE. Thank you.

Madam Speaker, could you please tell me whether or not there are any financial limitations on the amount that would be paid to the construction manager before they would be allowed to hire without a bidding process?

Mr. COWELL. Madam Speaker, that question is not addressed in the amendment before us.

The SPEAKER pro tempore. Has the gentleman concluded his interrogation?

Mr. NYCE. No, ma'am; sorry.

Madam Speaker, then are you telling me that if this contract manager were hired on a percentage basis — for example, a \$10-million contract at 5 percent, let us say — that there would not be any requirement to go out and bid that contract, even though it is a substantial sum of money? Is that correct?

Mr. COWELL. Let me clarify. There would not be a requirement that the contract for the construction management services be bid. Naturally, all other activities related to the actual construction would be subject to the other provisions of the law which typically would require a bidding process, but the services for the construction management itself would not be subject to the bid if this amendment were adopted.

Mr. NYCE. Madam Speaker, can you tell me if there are any limitations on bidding for other portions of the contract that currently exist in the law, what the dollar limitations are?

Mr. COWELL. I am sorry, Madam Speaker. I could not hear the latter part of your question.

Mr. NYCE. Madam Speaker, I was asking whether or not you are aware of any limitations on other aspects of bidding regarding services under the current School Code.

Mr. COWELL. What we are doing with this particular piece of amendment—you will note that it is a paragraph (g)—it is added to that section of the code that provides for a series of exceptions to bid requirements.

Mr. NYCE. Thank you, Madam Speaker.

Madam Speaker, I would like to comment on the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. NYCE. Madam Speaker, as a former school director and having participated in a significant amount of bidding, I am somewhat concerned, although I understand the gentleman's intention with this amendment, to provide some freedom for the local school boards. I am also concerned about the aspect of the amount of the contract that could be allowed under these conditions without an appropriate bid process. So I would be seriously concerned that we would not be restricting this in any way and would admonish the rest of the members to at least be aware of that before they vote on allowing this aspect of this bill to be passed without any restrictions. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Gruitza.

Mr. GRUITZA. Thank you, Madam Speaker.

I am rising to ask if the sponsor of the amendment will consent to an interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will. Mr. Gruitza, you may proceed.

Mr. GRUITZA. Madam Speaker, what is the current practice right now? I understand that we had a project up in my district where a construction manager, I believe, was retained by the district to oversee the construction of this school, and could you just maybe enlighten the House on what the procedure would have been that our district would have used?

Mr. COWELL. Madam Speaker, my understanding is that there has been some confusion around the State with respect to the need for the services of a construction manager to actually be bid. Traditionally, there was no such activity, first of all. Let me say, there was no such profession, if you will. It was an activity or a function that was normally performed by school superintendents, who would oversee the construction going on in a particular school district and report back to the school board.

Increasingly, school districts and superintendents in particular have found it useful to have another adviser, if you will, a construction manager with expertise in that area, to oversee the project. The concern that has arisen around the State, as I understand it, is whether or not those particular services must be the subject of a bid, and I am told that increasingly, the advice that is being given to superintendents and school boards is that the services of a construction manager would be subject to the bid requirements in the School Code.

Mr. GRUITZA. If I could follow up.

Mr. COWELL. In the view of a lot of school directors and superintendents, that is the kind of service that should not be awarded, if you will, or the type of contract that should not be awarded on the basis of who happens to come in with the lowest bid, but instead, they would prefer to make that kind of award using their judgment and using criteria that has to do with professional competence and a demonstrated track record.

So for that reason a lot of folks in the field are asking that we exempt those particular services from the bid requirements of the School Code.

Mr. GRUITZA. Okay.

Just as a followup to that. This construction manager, how does this compare—I have heard the expression used in the past but maybe not so much most recently with school construction contracts—where a title is given as the clerk of the works? My understanding was historically, traditionally, a person hired as the clerk of the works pretty much took on that function, as opposed to the school superintendent, that it was the clerk of the works that kind of oversaw the construction of a school building or renovation, making sure that what was being done was being done in accordance with the architect's plans, et cetera. Is that the same thing?

Mr. COWELL. I do not know. Madam Speaker, the answer is I do not know. I am not familiar with that term. It may well be one and the same or a similar function, but I am not familiar with that label.

Mr. GRUITZA. One last question, and it may not be directly related to this, but it is certainly directly related to school costs. Do you know what the practice is across the State where construction managers are hired as far as the architect's fees? What is the standard practice there with school construction? Are they then given an additional 6 percent of the contract awarded to the construction manager? Is that considered as part of the overall cost of construction, thereby allowing the architect to charge an additional fee because of that additional cost?

Mr. COWELL. Are you asking, is it practice around the State for the architect to receive a commission on the basis of a set of construction costs that would include expenses for the construction manager?

Mr. GRUITZA. That is correct.

Mr. COWELL. Now, I do not know what the practice is. I have had no conversation about that particular issue. I do not know what the practice is.

Mr. GRUITZA. Thank you.

Mr. COWELL. In any event, Madam Speaker, the practice would be applied whether those services are the subject of a bid requirement or not. Now, whether or not it is appropriate for that practice to be applied is another question, but I do not think it is directly related to the issue at hand; that is, whether these services are going to be awarded on the basis of bid only or something other than bid.

Mr. GRUITZA. Just maybe one final question.

Would the services of a construction manager—so I have an understanding of this—in effect be a complementary service to the design professionals or the engineers involved in the project? Would that—

Mr. COWELL. I do not know that I would call it complementary.

The construction manager is, in my view, more the enforcer, if you will, or the quality person. The construction manager is on site as the eyes and the ears of the school district to make sure that all of the other terms of the contract

and the contracts are actually being fulfilled. I have had it explained to me by a superintendent in layperson's language. The superintendent says, I am trained to be an educator and administrator, not a construction manager. It is too easy for folks out there who are putting up a building, you know, whether it is the person who is doing masonry work or electrical work or whatever it might be, to do things, and through my ignorance, I do not know that they may not be fulfilling the terms of the contract. This superintendent said, I need somebody who is trained in his business, who is a professional in this business, and who will work for me, the superintendent, or me, the school district, to make sure that the terms of the contract are being fulfilled as we require.

Mr. GRUITZA. You see, I am trying to get, in some respects, a handle on what the role of the architect is. I know normally in their contracts they provide the plans and designs plus they also oversee construction, and I am trying to get a handle on, you know, who is actually responsible for what here and who is being paid what, and if a construction—

Mr. COWELL. Well, Madam Speaker, I am not in that business either, so I perhaps speak from some degree of ignorance, but I believe there is a difference between the responsibilities of the architect and the function of the architect and those of the construction manager. The architect is more a front-end person, in my view. A construction manager, again, is there to make sure that the terms of the contracts are actually being fulfilled. The architect comes forward with ideas and plans and proposals. Somebody bids to do that work, gets a contract to perform that work, and then the construction manager has a responsibility or a role to play on behalf of the school district to make sure that the contracts are being implemented as required.

Mr. GRUITZA. Madam Speaker, may I speak to the issue?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GRUITZA. Thank you.

I do not really have any opposition per se to this amendment, but I think that we are talking about an area, given the challenges that we face with our budgets here in Harrisburg and at the local level, where school construction in general is something that we should all start paying very close attention to, and that is why I rose to ask these questions, because some of these issues have surfaced with regard to some projects back in my district.

We should know, when we vote on this amendment, that these could be nonbid contracts that amount to substantial amounts of money, and we are leaving an awful lot of discretion with regard to the selection of these professionals who do this work.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you.

I would like to point out to the membership, with these questions dealing with a construction manager, that the only reason that the school districts have to go this route is for the fact that we have failed to bring the Commonwealth and allow

our school boards up into the 20th century as we approach the 21st century.

Back in the beginning of this century, there was a law passed, the Separations Act, which has created overspending when it comes to school building construction. We have proved that with the prison programs that we have gone through in this Commonwealth. We have proven that lease acquisition for building prisons works. It comes in ahead of time, at below cost; it is much cheaper than the traditional way and was done in the past by following the Separations Act. Even our Department of General Services' Secretary has advocated that we should be doing all of our building the way that we have built the prisons.

Unfortunately, the last 3 years we have been trying to give the school boards this ability. When we do not do that, now they must resort to these building managers, business managers. They would not have to resort to these over-\$1-million nonbid contracts if we would give them the right to at least acquire their school buildings the same as we build the prisons. Right now it costs maybe \$117, \$120 a square foot to build a school building when, if we repealed the Separations Act, we would end up spending maybe \$69 or \$70 a square foot. So the difference between the \$69 and \$70 a square foot up to \$115, \$120 a square foot, that is how the school district can still save money and pay someone \$1 million to show them how to save it.

I would ask Representative Cowell, you know, to please move out our bill to allow the school districts to build school buildings the same way that we build prisons, and they would be able to save all the money and not have to go this route. In the meantime we should allow the school districts at least to save the money that they can. So I would say that we should support this amendment today or at the same time be pushing our leaders to bring up our bills to allow lease acquisition for school construction costs. That is something the school boards have asked for as well as this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Schuler for the second time.

Mr. SCHULER. Thank you, Madam Speaker.

I think the members should realize that it is possible with this to have a no-bidding situation, but the other side of this coin is as follows: The management team takes the architect's plans, and his fee, the architect's fee, is based on the total cost of the program or the building, but the management fees are a flat rate, and the management's job is to find out where costs can be cut. That is the best side of this whole amendment, the fact that the management team is a cost saver for each school district.

I ask our members to keep that in mind when they vote on this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Representative Nyce.

Mr. NYCE. Thank you, Madam Speaker.

One more brief question for the maker of the amendment.

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. You may proceed, Mr. Nyce.

Mr. NYCE. Madam Speaker, could you tell us whether or not there is anything in this amendment that would require school districts to hire a construction manager? I do not believe there is, but I wanted to make sure.

Mr. COWELL. Madam Speaker, the answer is there is nothing in this amendment that would require a school district to hire a construction manager. This amendment speaks only to the manner in which a contract may be entered into with a construction manager if a school district wishes to do that.

Mr. NYCE. Madam Speaker, I believe you said earlier that you are not aware of any established set fee of a percentage that is charged by construction managers, so that it would remain negotiable between the school board and the construction manager, whomever they may hire. Is that true?

Mr. COWELL. That is my understanding, Madam Speaker. As far as I know, there is nothing in the law that speaks to percentages. There may be a practice in the field that I am not aware of, but I am speaking about what is in the law.

Mr. NYCE. Thank you, Madam Speaker.

Again, Madam Speaker, may I make a comment on the amendment?

The SPEAKER pro tempore. You may proceed.

Mr. NYCE. Madam Speaker, although I rose earlier to alert the members to the potential cost, it has been brought to my attention that the purpose of the amendment is to not require school districts or to create a new position of construction manager but rather to allow the school districts to have a better management tool to control cost.

As a result, I withdraw my earlier objection and would still hope that the school districts would meet the intent of the amendment, and that is, to save money and to make sure that the construction contracts meet the architect's original design plans and the budget that was originally appropriated for school construction. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Snyder.

Mr. SNYDER. Thank you, Madam Speaker.

I would also like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman indicates that he will stand for interrogation. You may proceed.

Mr. SNYDER. Again, Madam Speaker, I apologize if this issue has been raised, and if it has, maybe just quickly answer it for me.

One of the issues that always comes up with the bidding process for a school project is differentiating the cost that a general contractor includes in their bid for basically management of a project versus the cost of a project that is proposed by a professional construction manager who bids, you know, the project separately under the management contract. Let me give you an example.

A project of, say, a \$10-million improvement to a school building. I am a general contractor bidding for that project, and of course, in my bid proposal I am going to include the cost of

reviewing the bids for the subcontractors and managing the entire project. So in my \$10-million proposal as a general contractor, I will include many of the same items that would be done if a professional construction manager did it. Now, if a construction manager proposes a project, they may be able to bid that same project for \$9 million because the cost of the construction manager's services are no longer biddable. How do you reconcile that difference? In other words, does this amendment then put an advantage to every project that is proposed by a construction manager because their cost no longer is subject to competitive bidding, and therefore, would they then not be included in the total cost comparisons when trying to find the least cost for that project?

Mr. COWELL. Madam Speaker, as I understand the process and the practice in the field, these kinds of services normally would not be subject to inclusion in that general bid of which the gentleman speaks.

In any event, the language in this amendment does not affect that one way or the other, but I think the language does reflect, again, what I understand to be a practice, and that is, this is a separate service treated separately. The only thing that this amendment addresses is the process by which a school district can award a contract for these services or for this function, and right now there is increasingly a view, in the eyes of solicitors, that these services must be bid. This would provide language in the law that would provide an exception to those bid requirements and instead of requiring school districts to use the bid process, would allow them to make an award on the basis of the criteria spelled out in the amendment.

Mr. SNYDER. Madam Speaker, I guess my question comes in because maybe there is a difference in perception of what a professional construction manager does. It is my perception that when a school district hires a professional construction manager, then that construction manager in essence goes out and seeks bids from various contractors for different elements of it and that those different elements then are given out by bid at the lowest price. You know, in other words, if I go to an electrical contractor as a professional construction manager, I still have to basically put up for bid and the lowest electrical contract bid gets approved by the construction manager. However, if I am a school district comparing two alternatives presented to us, one by a professional construction manager and one by ABC General Construction, who will do the entire project, that it is very difficult to compare apples and oranges here, because the first decision they make is, do we go with a professional manager or with a general contractor? If we go with a professional manager, you have already excluded a general contractor from the process even though that general contractor may have been able to present a package that is more competitive than what a professional contractor, service manager, can do by doing it in pieces. That is my question: How does this impact by taking them out of the formula for comparison? Do we now tilt in favor of professional construction managers in almost every situation because of the way it is done?

Mr. COWELL. Madam Speaker, it was hard to hear the entire question, but I think I can be responsive to the gentleman's point and also perhaps give a more full answer to a question raised by Representative Gruitza earlier when he asked about the clerk of the works. This is a summary that I did not have handy when I was trying to respond to the question raised by Representative Gruitza. I think it may also be responsive to Representative Snyder's question.

It is an attempt to summarize what a construction manager is all about. Construction managers replaced the clerk of the works, who previously managed construction projects. Unfortunately, many of the clerks of the works had no knowledge of the construction industry. In fact, many times these clerks of the works were school district employees, the school principal, or a school superintendent whose time was better utilized in teaching and not in overseeing a huge construction project. The point is that this construction manager is not replacing a role or not filling a role played by the general contractor but, instead, replacing or filling a role that previously was played by or fulfilled by a school employee. I typically cited the school superintendent; sometimes it has been a principal or some other employee of the school district.

But I think the answer to your question, if I have heard it accurately, is that this function is not a function that was normally filled by the general contractor but instead was a function that was filled by an employee or a representative of the school district, typically the superintendent, sometimes the building principal.

Mr. SNYDER. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

Adolph	Fajt	Lucy	Ryan
Allen	Fargo	Lynch	Santoni
Argall	Farmer	Maitland	Sather
Armstrong	Fee	Manderino	Saurman
Baker	Fichter	Markosek	Saylor
Barley	Fleagle	Marsico	Scheetz
Battisto	Flick	Masland	Schuler
Bebko-Jones	Freeman	Mayernik	Scrimenti
Belardi	Gamble	McCall	Semmel
Belfanti	Gannon	McGeehan	Smith, B.
Birmelin	Geist	McNally	Smith, S. H.
Bishop	George	Melio	Snyder, D. W.
Blaum	Gigliotti	Merry	Staback
Boyes	Gladeck	Michlovic	Stairs
Brown	Godshall	Micozzie	Steelman
Bunt	Gordner	Mihalich	Steighner
Butkovitz	Gruitza	Miller	Steil
Buxton	Gruppo	Mundy	Stern
Caltagirone	Haluska	Murphy	Stetler
Cappabianca	Hanna	Nailor	Stish
Carn	Harley	Nickol	Strittmatter
Cessar	Herman	Nyce	Sturla
Chadwick	Hershey	O'Brien	Taylor, E. Z.

Civera	Hess	O'Donnell	Taylor, J.
Clark	Hughes	Oliver	Thomas
Clymer	Hutchinson	Perzel	Tomlinson
Cohen, M.	Itkin	Pesci	Trello
Colafrilla	Jadlowiec	Petrone	Trich
Colaizzo	James	Pettit	True
Conti	Jarolin	Phillips	Tulli
Cornell	Josephs	Piccola	Uliana
Corrigan	Kaiser	Pistella	Vance
Cowell	Kasunic	Pitts	Van Horne
Coy	Keller	Platts	Veon
Curry	Kenney	Preston	Washington
Daley	Kirkland	Raymond	Waugh
DeLuca	Krebs	Reber	Williams
Dempsey	Kukovich	Reinard	Wogan
Dent	LaGrotta	Richardson	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Zug
Egolf	Leh	Rohrer	
Evans	Lescovitz	Rooney	DeWeese, Speaker
Fairchild	Levdansky	Rudy	

NAYS—15

Carone	Hasay	Lloyd	Tangretti
Cawley	Hennessey	Rubley	Tigue
Cohen, L. I.	King	Serafini	Yewcic
Gerlach	Lawless	Surra	

NOT VOTING—1

Vitali

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

RULES SUSPENDED

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Battisto, rise?

Mr. BATTISTO. Madam Speaker, I request a suspension of the rules to offer just two amendments, two specific amendments - amendment A5066 and amendment A5065 - and I will call on Representative Sam Smith to explain amendment A5065.

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

The following roll call was recorded:

YEAS—184

Adolph	Fajt	Lloyd	Saylor
Allen	Fargo	Lucy	Scheetz
Argall	Farmer	Manderino	Schuler
Armstrong	Fee	Markosek	Scrimenti
Baker	Fichter	Marsico	Semmel

Barley	Fleagle	McCall	Serafini
Battisto	Flick	McGeehan	Smith, B.
Bebko-Jones	Freeman	McNally	Smith, S. H.
Belardi	Gamble	Melio	Snyder, D. W.
Belfanti	Gannon	Merry	Staback
Birmelin	Geist	Michlovic	Stairs
Bishop	George	Micozzie	Steelman
Blaum	Gerlach	Mihalich	Steighner
Boyes	Gigliotti	Miller	Stern
Brown	Gladeck	Mundy	Stetler
Bunt	Godshall	Murphy	Stish
Butkovitz	Gordner	Nailor	Strittmatter
Buxton	Gruitza	Nickol	Sturla
Caltagirone	Gruppo	Nyce	Surra
Cappabianca	Haluska	O'Brien	Tangretti
Carn	Harley	O'Donnell	Taylor, E. Z.
Cawley	Hasay	Oliver	Taylor, J.
Cessar	Hennessey	Perzel	Thomas
Chadwick	Herman	Pesci	Tigue
Civera	Hershey	Petrone	Tomlinson
Clark	Hess	Pettit	Trello
Clymer	Hughes	Phillips	Trich
Cohen, M.	Itkin	Piccola	True
Colafiglia	Jadlowiec	Pistella	Tulli
Colaizzo	James	Pitts	Uliana
Conti	Jarolin	Preston	Van Horne
Cornell	Josephs	Raymond	Veon
Corrigan	Kaiser	Reber	Vitali
Cowell	Kasunic	Reinard	Washington
Coy	Keller	Richardson	Waugh
Curry	Kenney	Ritter	Williams
Daley	King	Roberts	Wogan
DeLuca	Kirkland	Robinson	Wozniak
Dempsey	Krebs	Rohrer	Wright, D. R.
Dent	Kukovich	Rooney	Wright, M. N.
Dermody	LaGrotta	Rubley	Yandrisevits
Donatucci	Laub	Rudy	Yewcic
Druce	Laughlin	Ryan	Zug
Durbam	Lawless	Santoni	
Egolf	Lederer	Sather	DeWeese,
Evans	Leh	Saurman	Speaker
Fairchild	Lescovitz		

NAYS—12

Carone	Lee	Maitland	Platts
Hanna	Levdansky	Masland	Steil
Hutchinson	Lynch	Mayernik	Vance

NOT VOTING—2

Cohen, L. I.	Roebuck
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EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. S. H. SMITH offered the following amendments No. A5065:

Amend Title, page 1, line 6, by removing the period after "budgets" and inserting

and for transferred programs and classes. Amend Bill, page 4, line 11, by striking out all of said line and inserting

Section 2. Section 1113(a) of the act, amended August 5, 1991 (P.L.219, No.25), is amended to read:

Section 1113. Transferred Programs and Classes.—(a) When a program or class is transferred as a unit from one or more school entities to another school entity or entities, professional employes who were assigned to the class or program immediately prior to the transfer and are classified as teachers as defined in section 1141(1) and are suspended as a result of the transfer and who are properly certificated shall be offered employment in the program or class by the receiving entity or entities when services of a professional employe are needed to sustain the program or class transferred, as long as there is no suspended professional employe in the receiving entity who is properly certificated to fill the position in the transferred class or program. The receiving entity, however, shall not be required to hire a professional employe pursuant to this subsection whose personnel file, including sealed portions thereof, is not made available to the receiving entity for inspection as a condition of hiring. Receiving entities may refuse to employ an individual who received at least two (2) unsatisfactory professional ratings during the thirty-six (36) months prior to the date of transfer.

Section 3. This act shall take effect as follows:

(1) The amendment of section 687(a) of the act shall take effect in 15 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Mr. Smith.

Mr. S. H. SMITH. Thank you, Madam Speaker.

Madam Speaker, this amendment has to do with the transfer-of-entities issue, and essentially, I have brought this amendment before the House because of a situation that occurred where a receiving entity, a local school district, was being required, under the existing transfer-of-entities law, to take a teacher back into the local school district from the IU (intermediate unit).

Now, that is what the existing transfer-of-entities section basically deals with. However, in this one situation that I became aware of, the school district was faced with a teacher that had a sealed portion in their record; they had the record and all from the teacher's history of employment, but there was a sealed portion, and the teacher—

Mr. GORDNER. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Gordner, rise?

Mr. GORDNER. A point of information.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. GORDNER. I am confused, Madam Speaker, as to what amendment we are dealing with. I am looking at the board and seeing 4952 or 9852. I think we are dealing with amendment 5065, and if in fact we are dealing with that amendment, I do not believe that amendment has been circulated.

Mr. S. H. SMITH. That is correct.

The SPEAKER pro tempore. The gentleman is correct. We are dealing with amendment 5065.

Mr. GORDNER. Okay. Madam Speaker, we are getting that amendment as I speak. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Smith.

Mr. S. H. SMITH. Thank you, Madam Speaker.

That is correct. I appreciate that correction. It is amendment A5065.

Back to the problem at hand. Essentially, the school district, upon being faced with taking in a teacher, receiving a teacher from the IU, they encountered a teacher who had a sealed record as part of their permanent history, and that teacher refused to let that sealed record be made available to the school board. To me that creates a significant problem, when you have a school board being required by law to take a teacher that has something that is of enough interest that it was previously sealed. So this amendment has been drafted to allow the school district, the receiving entity, to see that entire file, to see the personal file including the sealed portions.

In addition, the teacher had two previous unsatisfactory professional ratings. In the normal course of events, a district can proceed to dismiss a teacher if they have two consecutive unprofessional ratings. Therefore, the amendment continues to allow the receiving entity to refuse to hire that person, that teacher, if in fact they had two previous unsatisfactory professional ratings.

I would appreciate the support of the membership on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Cowell.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, the transfer-of-entity language in the School Code deals with those circumstances where a school district may take back from an intermediate unit certain special education programs, and the transfer-of-entity language speaks to the obligations on the part of such a school district to employ or give first consideration for employment to those previous IU employees who are displaced when the program is taken back by the school district.

Representative Smith offers a useful amendment to that language currently in the law. His language clarifies those circumstances under which a school district will be obligated to take back such an employee. I think that his amendment acts in the interest of the school district, and most importantly, it protects the interests of the school children who are in special education programs. So I urge that we approve his amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gigliotti	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Oliver	Thomas
Civera	Hughes	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colafella	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker
Fargo	Lloyd	Sather	

NAYS—0

NOT VOTING—1

Cohen, L. I.

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. JAROLIN offered the following amendments No. A5066:

Amend Title, page 1, line 6, by removing the period after "budgets" and inserting

and for transferred programs and classes.

Amend Bill, page 4, line 11, by striking out all of said line and inserting

Section 2. Section 1113(b.1) of the act, amended August 5, 1991 (P.L.219, No.25), is amended to read:

Section 1113. Transferred Programs and Classes.—* * *

(b.1) Professional employes who are classified as teachers and who are not transferred with the classes to which they are assigned or who have received a formal notice of suspension shall form a pool of employes within the school entity. No new professional employe who is classified as a teacher shall be employed by a school entity assuming program responsibility for transferred students while there is:

(1) a properly certificated professional employe who is classified as a teacher suspended in the receiving entity; or

(2) if no person is qualified under clause (1), a properly certificated member of the school entity pool who is willing to accept employment with the school entity assuming program responsibility for transferred students. Members of the pool shall have the right to refuse employment offers from such school entity and remain in the pool[.]; Provided, however, That the pool member shall not remain in the pool after three refusals of such employment offers and provided further that any pool member who changes residency from this Commonwealth to another residency shall be removed from the pool. Refusal to accept work under this subsection shall not be grounds for denial of unemployment compensation under sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law."

* * *
Section 3. This act shall take effect as follows:

(1) The amendment of section 687(a) of the act shall take effect in 15 days.

(2) The remainder of this act shall take effect immediately.

On the question,
Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Mr. Jarolin.

Mr. JAROLIN. Thank you, Madam Speaker.

Madam Speaker, this is a similar situation that had occurred with the intermediate units. What this is, is a teacher that happens to refuse employment at one particular time that has been in the pool, if they refuse three consecutive times, automatically they will not be allowed to be in that pool anymore. So that would give the prerogative for somebody else to get a good position.

What has been happening is, some of the people that were in a pool would be waiting for one of the higher priority jobs and they refuse one, two, maybe three, maybe as much as four jobs before they take the one that met their demands and met their satisfaction. So this particular amendment deals with that particular situation.

It also deals with members who leave Pennsylvania and pick up a residency in another State. After a certain period of time, they are not allowed to come back and bid on the jobs in the Pennsylvania school system.

I urge a positive vote on this. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Cowell.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, as Representative Jarolin indicated, his amendment also deals with the transfer-of-entity language in the current law. That language was put into the law a couple of years ago to try to protect school employees who were working for school districts and who were, through no fault of their own, displaced when school districts took back special education programs. I think this General Assembly very appropriately provided some protection to those employees and guaranteed them some first rights to jobs that would be created in school districts when school districts would take back these programs.

But I also believe over the last couple of years we have learned that there are some abuses occurring, and there continues to be the potential for some abuse in this system. There is no reason why a school district should be made to be obligated to a person who, yes, was displaced but then subsequently moved to the other end of the country. I do not think somebody sitting out in California ought to be able to call back to Pennsylvania and say, I still have a right to a job in that school district.

Secondly, I do not think that the employee whom we were trying to protect should be allowed, in some gross way, to shop around and to decline job offer after job offer after job offer. So Representative Jarolin's amendment very appropriately says you cannot turn down more than three of these offers without losing the right that you had to one of those positions.

I think that there are some other issues that we will need to address in the transfer-of-entity law as well. I hope that there will continue to be some discussions about these issues, but in the meantime, I think that the amendment before us is helpful, I think it is very positive, and I would urge that we approve it.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Madam Speaker.

Madam Speaker, I urge the adoption of the amendment. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.

Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gigliotti	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	O'Donnell	Taylor, J.
Chadwick	Hess	Oliver	Thomas
Civera	Hughes	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colafrilla	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rublely	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker
Fargo	Lloyd	Sather	

NAYS—0

NOT VOTING—1

Cohen, L. I.

EXCUSED—5

Acosta	Olasz	Petrarca	Rieger
Bush			

The question was determined in the affirmative, and the amendments were agreed to.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes Representative Perzel, who asks that Mrs. Lita COHEN be placed on leave for the remainder of the day.

CONSIDERATION OF HB 398 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—195

Adolph	Fee	Lynch	Saurman
Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Manderino	Scheetz
Armstrong	Flick	Markosek	Schuler
Baker	Freeman	Marsico	Scrimenti
Barley	Gamble	Masland	Semmel
Battisto	Gannon	Mayernik	Serafini
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	George	McGeehan	Smith, S. H.
Birmelin	Gerlach	McNally	Snyder, D. W.
Bishop	Gigliotti	Melio	Staback
Blaum	Gladeck	Merry	Stairs
Boyes	Godshall	Michlovic	Steelman
Brown	Gordner	Micozzie	Steighner
Bunt	Gruitza	Mihalich	Steil
Butkovitz	Gruppo	Miller	Stern
Buxton	Haluska	Mundy	Stetler
Caltagirone	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	O'Donnell	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trello
Colafrilla	James	Phillips	Trich
Colaizzo	Jarolin	Piccola	True
Conti	Josephs	Pistella	Tulli
Cornell	Kaiser	Pitts	Uliana
Corrigan	Kasunic	Platts	Vance
Cowell	Keller	Preston	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Washington
DeLuca	Krebs	Richardson	Waugh
Dempsey	Kukovich	Ritter	Williams
Dent	LaGrotta	Roberts	Wogan
Dermody	Laub	Robinson	Wozniak
Donatucci	Laughlin	Roebuck	Wright, D. R.
Druce	Lawless	Rohrer	Wright, M. N.
Durham	Lederer	Rooney	Yandrisevits
Egolf	Leh	Rublely	Yewcic
Evans	Lescovitz	Rudy	Zug
Fairchild	Levdansky	Ryan	
Fajt	Lloyd	Santoni	DeWeese,
Fargo	Lucyk	Sather	Speaker
Farmer			

NAYS—1

Lee

NOT VOTING—1

Belfanti

EXCUSED—6

Acosta	Cohen, L. I.	Petrarca	Rieger
Bush	Olasz		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

CONSIDERATION OF HB 185 CONTINUED

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. WILLIAMS offered the following amendments No. A4827:

Amend Sec. 1 (Sec. 6120), page 14, line 23, by inserting brackets before and after "NO" and inserting immediately thereafter

Except as provided in subsection (a.1), no

Amend Sec. 1 (Sec. 6120), page 14, by inserting between lines 28 and 29

(a.1) Exception.—

(1) Except as provided in paragraph (2), this section shall not apply to cities of the first and second class.

(2) Regulations of cities of the first and second class shall not prohibit a nonresident of the city from carrying a disassembled firearm.

On the question,

Will the House agree to the amendments?

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

AMENDMENTS WITHDRAWN TEMPORARILY

The SPEAKER. The gentleman, Mr. Williams, is recognized. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, I would ask for a moment.

The SPEAKER. The gentleman yields momentarily.

Mr. WILLIAMS. Mr. Speaker, I withdraw that amendment temporarily.

The SPEAKER. Does the gentleman, Mr. Williams, yield to the gentleman, Mr. Itkin? The gentleman indicates that he does.

MOTION TO PLACE BILL ON POSTPONED CALENDAR

The SPEAKER. The gentleman, Mr. Itkin, is recognized.

Mr. ITKIN. Mr. Speaker, the afternoon is moving along and soon it will be evening. I am trying to find a way of dealing with this issue that can be constructive, a way that involves proponents of HB 185, or people who are concerned about the rights of hunters, and at the same time deals with the concerns of the people in urban areas who find these weapons to be weapons of destruction in the hands of criminals.

I have talked in the interim with a number of members on both sides of the aisle, and I have committed myself to work with representatives who support and oppose the legislation, including, including, representatives of the National Rifle Association, to see if we can come up with a bill that will serve Pennsylvania well.

Now, obviously, that cannot be accomplished in a timeframe of a few minutes or a few hours. Consequently, what I am going to suggest or request that we do now is to place HB 185 on the postponed calendar so that we can meet in the interim, when we are in recess, and try to come up with amendments to HB 185 that most of us can support.

That being my intention, I now move that HB 185 be placed on the postponed calendar, Mr. Speaker.

The SPEAKER. The gentleman is moving to place it on the postponed calendar?

Mr. ITKIN. Yes.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman, Mr. Ryan, rise and seek recognition?

Mr. RYAN. Yes, I do.

The SPEAKER. The gentleman is recognized.

Mr. RYAN. Mr. Speaker, I spoke to the majority leader and the majority leader's staff assistant off and on over the past hour with respect to just what is taking place now, and at one time earlier today — I am going to say it was, give or take an hour, sometime around noon or 11 o'clock this morning — we suggested doing this very thing. In fact, as I recall, I maybe even made the motion with some suggestions that we form a special committee. Had we known that we were going to have cooperation on it, between that time and this, we could have put together the type resolution that I think we would close this session with, which would be positive, have representatives of perhaps our Fish and Game Committees, our Judiciary Committees, and maybe some other appropriate committees form an ad hoc committee, either formally or informally, for the purpose set forth by the gentleman.

But no, that was not the case. Members of the Black Caucus were particularly vocal on the idea that we should move forward, resisting, Mr. Speaker, if you will, some of our suggestions. One of mine would have kept the Philadelphia ordinances intact, and yet, they wanted to do away with that is what it seemed to me, although I am sure that was not their underlying intent; I have my own ideas on that. But I then here an hour or so ago said that there are certain amendments that are important to me; there are certain amendments that are important to members of this caucus, and that I was prepared to stay here today to offer these amendments.

I just asked a staff person if my amendments were prepared. I do not know if they are— I see an affirmative nod of the head that these amendments are on their way down now from Reference Bureau. The representative of Reference Bureau, I think, has just advised us that they are available. I want them voted, and I am going to resist, I am going to resist adjournment now until we have voted those amendments, and let me tell you what they do, because I think you are entitled to know what they do. They essentially are amendments that are duplicative in part of the Michlovic amendments in that they ban certain of the weapons that are found to be frightful to some of the citizens of Pennsylvania, but by the same token,

they are weapons that are used for legitimate purposes by the sports lovers of Pennsylvania, the sports people of Pennsylvania — the target shooters, the marksmen. There is no onerous burden placed on them.

We maintain and continue something that is not in the law today through these amendments. We have a 5-day waiting period. We have a criminal check, something that is not in Pennsylvania law today, before the purchase of any of these guns that remain on the banned list. Anybody that has a need for a weapon or presently owns a weapon that would be on the banned list would have to register it.

I think the members of this House deserve the opportunity to vote on an amendment such as that before they take off for the Christmas holidays.

That having been said, I am going to do one of two things: I am going to suggest to the Speaker of the House that if I am right and the members think that an amendment such as this be made available and offered to the membership, that they vote "no" on the majority leader's motion, and secondly, that this amendment be given a special order of business.

The SPEAKER. Does the gentleman, Mr. Itkin, seek recognition for a second time? The gentleman is in order and may proceed.

Mr. ITKIN. Mr. Speaker, it would seem to me foolhardy and a waste of time to go ahead and to try to insert an amendment that was just created spontaneously, without much thought, and then say, well, let us consider this amendment, and then after we consider this amendment, then we will postpone action on the bill and think about what we want to do. That seems like a useless approach. I mean, right now the bill is clean. Right now the bill only has the Godshall amendment, which was his attempt to try to take HB 185 and make it palatable to this House.

So right now we basically have a clean HB 185 without bias, and now the minority leader says, I want to bias this particular bill by putting something in it, by placing something in it that will turn the bill one way or the other. In my judgment, if we are going to be honest and sincere and say we are all going to come to the table without bias, in an equitable way, fair, and say, okay, we got a problem — we got a problem in Philadelphia; we got a problem in Pittsburgh; we got a problem in our urban communities — and I am surprised, Mr. Speaker, that you would say that this bill should particularly go into Game and Fisheries. This is an urban problem; you did not mention Urban Affairs. This is a preemptive problem; you did not mention Local Government. So there are a lot of other committees that feel that they should have responsibility or involvement in this particular issue.

I think it would be prudent for us at this time not to try to get a modicum of advantage but to approach this issue forthright and set the stage for some good conversation where we do not walk into the meetings saying that we have now a decided advantage or a decided disadvantage, because there is nothing here. I mean, HB 185 is what it is. Nothing has changed very substantially except for the Godshall amendment.

So I would implore the members of the House who want to actually resolve this issue.

Now, there are certain people who perhaps do not want to resolve this issue. Well, they can vote however they want to vote. But for those of us who are sincere about resolving this issue, I would suggest, not only suggest, I would urge you at this time to vote to postpone so that we can carry out the process during the recess. Thank you very much, Mr. Speaker.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. You know, this is really ridiculous. The majority leader is talking about us seeking some modicum of advantage. What he is really saying without wording it is, Michlovic lost his amendment, we look like fools, and we are not going to give you the opportunity to improve the law of Pennsylvania with respect to weaponry.

I maybe missed saying Urban Affairs Committee. I am sorry. Please forgive me. Let us make it Game and Fisheries, Judiciary, and Urban Affairs. I apologize for that. I did not think of it. We can put any committees that want to be represented on it. I think rather we could also add Local Government, because let me tell you, local governments throughout this Commonwealth are concerned with law and order as well as people from the urban areas of Pennsylvania, everyone in this State. This is not a city problem; this is a State problem, and the problem is not just guns and the misuse of guns; it is also the proper use of guns and the abuse of our authority in the regulation of firearms.

I think that if we are going to leave a good impression in the hearts and souls of the people of this Commonwealth, we should give them something besides what we have done so far, and I am suggesting to you that my amendment is a good start. It is something that goes not as far, perhaps in your mind, as the Michlovic amendment; in other ways it goes further and it is more encompassing and protective than Michlovic, and in other ways it is giving the sportsperson and the legitimate gun user a lot more protection than did Michlovic. It gives them something that they did not have under Michlovic, and I think it is worthwhile.

Once again, we are prepared to stay, and if you want to keep going, I believe we are prepared to stay to do that, too. Thank you.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

Mr. ITKIN. Mr. Speaker, would you cancel the vote, please?

There was somebody that wanted to be recognized before the vote and he did not get an opportunity to get the attention of the Chair.

Mr. RYAN. Mr. Speaker, there is nothing in order but the taking of the vote.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. Camera crews should be instructed that it is absolutely improper to film the board. If one is seen filming the board, one will not be invited back, period.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—66

Battisto	Donatucci	Laughlin	Ritter
Bebko-Jones	Evans	Lederer	Robinson
Belardi	Fajt	Levdansky	Roebuck
Bishop	Fee	Lucyk	Rooney
Blaum	Freeman	Manderino	Santoni
Butkovitz	Gordner	Mayernik	Saurman
Buxton	Gruitz	McGeehan	Steighner
Caltagirone	Haluska	Melio	Surra
Cappabianca	Hughes	Michlovic	Thomas
Carn	Itkin	Mihalich	Tigue
Carone	James	Mundy	Van Horne
Cawley	Josephs	Murphy	Veon
Cohen, M.	Kaiser	O'Donnell	Washington
Colafrèlla	Keller	Oliver	Williams
Cowell	Kirkland	Pistella	
Curry	Kukovich	Preston	DeWeese,
Dermody	LaGrotta	Richardson	Speaker

NAYS—130

Adolph	Flick	Masland	Serafini
Allen	Gamble	McCall	Smith, B.
Argall	Gannon	McNally	Smith, S. H.
Armstrong	Geist	Merry	Snyder, D. W.
Baker	George	Micozzie	Staback
Barley	Gerlach	Miller	Stairs
Belfanti	Gladeck	Nailor	Steelman
Birmelin	Godshall	Nickol	Steil
Boyes	Gruppo	Nyce	Stern
Brown	Hanna	O'Brien	Stetler
Bunt	Harley	Perzel	Stish
Cessar	Hasay	Pesci	Strittmatter
Chadwick	Hennessey	Petrone	Sturla
Civera	Herman	Pettit	Tangretti
Clark	Hershey	Phillips	Taylor, E. Z.
Clymer	Hess	Piccola	Taylor, J.
Colaizzo	Hutchinson	Pitts	Tomlinson
Conti	Jadlowiec	Platts	Trello
Cornell	Jarolin	Raymond	Trich
Corrigan	Kasunic	Reber	True
Coy	Kenney	Reinard	Tulli
Daley	King	Roberts	Uliana
DeLuca	Krebs	Rohrer	Vance
Dempsey	Laub	Rubley	Vitali
Dent	Lawless	Rudy	Waugh
Druce	Lee	Ryan	Wogan
Durham	Leh	Sather	Wozniak
Egolf	Lescovitz	Saylor	Wright, D. R.
Fairchild	Lloyd	Schoetz	Wright, M. N.
Fargo	Lynch	Schuler	Yandrisevits
Farmer	Maitland	Scrimenti	Yewcic
Fichter	Markosek	Semmel	Zug
Fleagle	Marsico		

NOT VOTING—1

Gigliotti

EXCUSED—6

Acosta	Cohen, L. I.	Petrarca	Rieger
Bush	Olasz		

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. Does the gentleman, Mr. Itkin, seek recognition on an additional motion or amendment?

We are going to do some housekeeping as the leaders confer.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 437, PN 1881

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the entry, extension and discharge of tax claims; and making repeals.

HB 659, PN 2958

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for the jurisdiction of the coroner; providing authorization to certain counties and cities for creation of the Allegheny Regional Asset District as a special purpose areawide unit of local government; creating a governing board for the district; authorizing the district to finance and support civic, recreational, library, sports and other regional assets; empowering the district to issue bonds and notes; authorizing the district to enter into intergovernmental cooperation agreements regarding regional assets; authorizing the imposition of an additional tax on the sale and use of tangible personal property and services; creating a fund; providing for use of the revenues generated by the additional tax; providing for reduction of local taxes; and making a repeal.

HB 1432, PN 2282

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for application for license and for restrictions on the issuance of a marriage license.

HB 1512, PN 2262

An Act reenacting the act of July 9, 1984 (P.L.676, No.145), entitled "An act establishing within the Pennsylvania Higher Education Assistance Agency Regional Computer Resource Centers and Regional Computer Resource Center boards."

HB 2091, PN 2893

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), known as the Pennsylvania Crime Commission Act, abolishing the act; further providing for the powers and duties of the Pennsylvania Crime Commission; providing for transition; and making an appropriation.

SB 248, PN 1526

An Act amending the act of December 20, 1982 (P. L. 1442, No. 327), entitled "State Capitol Preservation Act," enlarging the scope of the act; and further providing for the Capitol Restoration Trust Fund and operating expenses of the Capitol Preservation Committee.

SB 315, PN 1777

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for utilization of public transportation assistance funding and for community transportation programs and other programs; and further providing for persons authorized to direct traffic.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2381 By Representatives COLAFELLA, MICOZZIE, REINARD and COLAIZZO

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for fair competition.

Referred to Committee on INSURANCE, December 15, 1993.

No. 2382 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for noncancellation of insurance.

Referred to Committee on INSURANCE, December 15, 1993.

No. 2383 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," further providing for grounds for cancellation or nonrenewal of certain insurance.

Referred to Committee on INSURANCE, December 15, 1993.

No. 2384 By Representatives REINARD, MICOZZIE, COLAFELLA and COLAIZZO

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair or deceptive acts or practices.

Referred to Committee on INSURANCE, December 15, 1993.

No. 2385 By Representatives PHILLIPS, BELFANTI, GEIST, LYNCH, BAKER, CESSAR, LAUB, ARMSTRONG, TRELLO, MAITLAND, COLAIZZO, HANNA, JAROLIN, MERRY, FARGO, CLARK,

B. SMITH, NAILOR, ALLEN, MARSICO, STERN, HENNESSEY and BUNT

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license revocation.

Referred to Committee on GAME AND FISHERIES, December 15, 1993.

No. 2386 By Representatives PHILLIPS, BELFANTI, GEIST, ARMSTRONG, PETTIT, KREBS, ARGALL, FARMER, SAURMAN, MAITLAND, SAYLOR and EGOLF

An Act repealing the act of June 17, 1913 (P.L.507, No.335), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes."

Referred to Committee on FINANCE, December 15, 1993.

No. 2387 By Representatives DENT, HASAY, DEMPSEY, CHADWICK, CLARK, SCHULER, FAJT, HANNA, ARGALL, TIGUE, MASLAND, EGOLF, DRUCE and CONTI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, regulating campaign financing.

Referred to Committee on STATE GOVERNMENT, December 15, 1993.

No. 2388 By Representatives ARMSTRONG, SCHULER, HALUSKA, HERSHEY, STABACK, SEMMEL, TRELLO, CARONE, CAWLEY, STERN, KIRKLAND and MILLER

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," providing for notice to potential purchasers of adjoining landowner's right to engage in agricultural activities.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 15, 1993.

No. 2389 By Representatives ROONEY, FARGO, TRELLO, VEON, SEMMEL, ROBERTS, COLAIZZO, DeLUCA, HARLEY, MASLAND and STEELMAN

An Act providing for reform of health care malpractice arbitration; further providing for the Office of Administrator for Health Care Arbitration Panels, for operation of health care arbitration panels and for judicial review; and making repeals.

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2390 By Representatives ROONEY, SAYLOR, MIHALICH, TRELLO, JOSEPHS, SCRIMENTI, VEON, SEMMEL, COY, GEIST, COLAIZZO, DeLUCA, OLASZ and STURLA

An Act providing for viatical settlements and for powers and duties of the Insurance Department.

Referred to Committee on INSURANCE, December 15, 1993.

No. 2391 By Representatives STRITTMATTER, STURLA, SCHULER, TRUE, BARLEY, SCHEETZ, ARMSTRONG, HERSHEY, ARGALL, FAIRCHILD, DEMPSEY, DeLUCA, COY, PITTS, WAUGH, KENNEY, SEMMEL, FARMER, CESSAR, BUXTON, CARONE, MARKOSEK, MANDERINO, M. N. WRIGHT, CLYMER, NYCE, TOMLINSON, SURRA, BELFANTI, KING, PHILLIPS, VANCE, PETTIT, HERMAN, HENNESSEY, BUNT, GEIST, FREEMAN, VEON, BATTISTO, WOGAN, SAYLOR, KREBS, CLARK, PLATTS, SAURMAN, DRUCE, DALEY, NICKOL, MERRY, GORDNER, HUTCHINSON, ROONEY, FAJT, HARLEY, GERLACH, RAYMOND, MICOZZIE and E. Z. TAYLOR

An Act establishing a motivational boot camp program for juvenile offenders; imposing powers and duties on the Department of Public Welfare and the Department of Health; and making an appropriation.

Referred to Committee on AGING AND YOUTH, December 15, 1993.

No. 2392 By Representatives STRITTMATTER, STURLA, SCHULER, TRUE, BARLEY, SCHEETZ, ARMSTRONG, HERSHEY, ARGALL, FAIRCHILD, DEMPSEY, DeLUCA, COY, PITTS, WAUGH, KENNEY, SEMMEL, FARMER, CESSAR, BUXTON, CARONE, MARKOSEK, MANDERINO, M. N. WRIGHT, CLYMER, NYCE, TOMLINSON, SURRA, BELFANTI, KING, PHILLIPS, VANCE, PETTIT, HERMAN, HENNESSEY, BUNT, GEIST, FREEMAN, VEON, BATTISTO, WOGAN, SAYLOR, KREBS, CLARK, PLATTS, SAURMAN, DRUCE, DALEY, NICKOL, MERRY, GORDNER, HUTCHINSON, ROONEY, FAJT, HARLEY, GERLACH, RAYMOND, MICOZZIE and E. Z. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing disposition of delinquent child to motivational boot camps and aftercare programs.

Referred to Committee on AGING AND YOUTH, December 15, 1993.

No. 2393 By Representatives STRITTMATTER, STURLA, SCHULER, ARMSTRONG, TRUE, BARLEY, HERSHEY, SCHEETZ, PITTS, FAIRCHILD, DEMPSEY, DeLUCA, COY, KENNEY, SEMMEL, FARMER, CESSAR, BUXTON, CARONE, PHILLIPS, VANCE,

HENNESSEY, BUNT, GEIST, TOMLINSON, SURRA, FREEMAN, BELFANTI, KING, VEON, BATTISTO, SAYLOR, CLARK, PLATTS, SAURMAN, DRUCE, DALEY, NICKOL, MERRY, GORDNER, HUTCHINSON, ROONEY, FAJT, HARLEY, GERLACH, RAYMOND, MICOZZIE and E. Z. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the disposition of delinquent children.

Referred to Committee on AGING AND YOUTH, December 15, 1993.

No. 2394 By Representatives STRITTMATTER, STURLA, BARLEY, HERSHEY, SCHULER, SCHEETZ, TRUE, ARMSTRONG, KENNEY, FAIRCHILD, DEMPSEY, DeLUCA, COY, SEMMEL, FARMER, CESSAR, BUXTON, CARONE, MANDERINO, PHILLIPS, VANCE, HENNESSEY, BUNT, GEIST, TOMLINSON, VEON, BATTISTO, BELFANTI, KING, SAYLOR, CLARK, PLATTS, SAURMAN, DRUCE, DALEY, NICKOL, MERRY, GORDNER, HUTCHINSON, ROONEY, FAJT, HARLEY, GERLACH, RAYMOND, MICOZZIE and E. Z. TAYLOR

An Act making an appropriation to the Juvenile Court Judges' Commission.

Referred to Committee on APPROPRIATIONS, December 15, 1993.

No. 2395 By Representatives DALEY, PISTELLA, CESSAR, KASUNIC, FAIRCHILD, HUTCHINSON, RAYMOND, COLAFELLA, LAWLESS, THOMAS, ULIANA, STISH, ITKIN and BOYES

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Referred to Committee on EDUCATION, December 15, 1993.

No. 2396 By Representatives EVANS, PITTS, DeWEESE, ITKIN, VEON, M. COHEN, COY, STEIGHNER, BELARDI, TRICH, PISTELLA, VAN HORNE, KUKOVICH, COLAIZZO, LAUB, GORDNER, McNALLY, McCALL, TANGRETTI, LaGROTTA, JOSEPHS, WOZNIAK, BATTISTO, MUNDY, PESCI, STISH, CALTAGIRONE, FARMER, FAJT, JAROLIN, PRESTON, HANNA, ARGALL, STURLA, FARGO, RIEGER, TIGUE, CORRIGAN, GERLACH, FREEMAN, ROONEY, CARN, BELFANTI, MELIO, FLICK, KENNEY, YEWIC, MANDERINO, STABACK, CURRY, SURRA, DERMODY, WILLIAMS, JAMES and COLAFELLA

An Act requiring executive agencies to prepare and submit strategic plans, performance plans and performance reports; and

imposing additional powers and duties on the Office of the Budget.

Referred to Committee on APPROPRIATIONS, December 15, 1993.

No. 2397 By Representatives EVANS, MIHALICH, LaGROTTA, PESCI, ROBINSON, CALTAGIRONE, M. COHEN, MANDERINO, RAYMOND, KUKOVICH, ARGALL, STURLA, JOSEPHS, MELIO, JAROLIN, FAJT, PRESTON, CORRIGAN, BATTISTO, CESSAR, MASLAND, GAMBLE, McCALL, BELFANTI, HANNA, MUNDY, PISTELLA, COY, STABACK, DERMODY, STEELMAN, DALEY and WILLIAMS

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, further providing for powers and duties of the Pennsylvania Commission on Crime and Delinquency.

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2398 By Representatives EVANS, MIHALICH, LaGROTTA, PESCI, LAUB, ROBINSON, CALTAGIRONE, M. COHEN, MANDERINO, RAYMOND, FARMER, STURLA, JOSEPHS, MELIO, JAROLIN, FAJT, HANNA, PRESTON, CORRIGAN, BATTISTO, CESSAR, MASLAND, GAMBLE, McCALL, BELFANTI, MUNDY, PISTELLA, COY, STABACK, SURRA, DERMODY, STEELMAN and DALEY

An Act amending the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act, further defining "eligible inmate."

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2399 By Representatives BATTISTO, FAJT, NICKOL, VEON, COY, HUTCHINSON, GORDNER, TIGUE, COLAIZZO, VAN HORNE, LAUB, MELIO, YANDRISEVITS, HENNESSEY, PRESTON, BELFANTI, NYCE, STURLA, MERRY and COLAFELLA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for State determination and redetermination of real estate transfer tax to extend to municipalities and school districts.

Referred to Committee on FINANCE, December 15, 1993.

No. 2400 By Representatives MICOZZIE, HERSHEY, SCHULER, CIVERA, RAYMOND, COLAIZZO, TULLI, HARLEY, BELFANTI, E. Z. TAYLOR, VAN HORNE, PETRONE, TRELLO, FREEMAN, GERLACH, BUNT, HASAY, DeLUCA, ADOLPH, DURHAM, OLASZ, JAROLIN, CARN, J. TAYLOR, STETLER, MERRY, CORRIGAN, KENNEY, COLAFELLA, HENNESSEY, GIGLIOTTI, O'BRIEN, GRUPPO, MELIO, PETRARCA, CESSAR and LAWLESS

An Act providing for legislative initiative grants; and imposing penalties.

Referred to Committee on APPROPRIATIONS, December 15, 1993.

No. 2401 By Representatives SCHULER, CESSAR, LAUB, ARMSTRONG, KREBS, TRELLO, FICHTER, SAYLOR, NICKOL, JAROLIN, SATHER, MERRY, FARGO, HASAY, PITTS, CONTI, GEIST, BARLEY, TRUE, LEH, HESS, BELFANTI, FARMER, HENNESSEY, STERN, TOMLINSON, L. I. COHEN, FLICK and CIVERA

An Act amending the act of June 17, 1913 (P.L.507, No.335), referred to as the Intangible Personal Property Tax Law, excluding from the tax loans between parents and children; and further providing for the due date of the tax.

Referred to Committee on FINANCE, December 15, 1993.

No. 2402 By Representatives DERMODY, TRICH and VEON

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for taxation of business trusts.

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, December 15, 1993.

No. 2403 By Representative DeWEESE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for the imposition of pollution abatement surcharges on licenses and permits.

Referred to Committee on GAME AND FISHERIES, December 15, 1993.

No. 2404 By Representative DeWEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for the imposition of pollution abatement surcharges on licenses and permits.

Referred to Committee on GAME AND FISHERIES, December 15, 1993.

No. 2405 By Representatives MELIO, GEORGE, COLAIZZO, COY, HENNESSEY, DeLUCA, TANGRETTI, YANDRISEVITS, LAUGHLIN, GIGLIOTTI, BEBKO-JONES, TOMLINSON, M. N. WRIGHT, STELL, CONTI, MICOZZIE and DALEY

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for host municipality benefit fee.

Referred to Committee on CONSERVATION, December 15, 1993.

No. 2406 By Representatives SERAFINI, GEORGE and HASAY

An Act providing for regulation of water wells and for restriction of water usage.

Referred to Committee on CONSERVATION, December 15, 1993.

No. 2407 By Representatives STEELMAN, PESCI, FREEMAN, HANNA and CURRY

An Act designating the section of S.R.4005 and S.R.0422, Indiana County, Pennsylvania, as Jimmy Stewart Boulevard.

Referred to Committee on TRANSPORTATION, December 15, 1993.

No. 2408 By Representatives REINARD, STEIL, TOMLINSON, M. N. WRIGHT, CONTI, DRUCE, CLYMER, MELIO and CORRIGAN

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Emergency Grant Program; and making an appropriation.

Referred to Committee on LOCAL GOVERNMENT, December 15, 1993.

No. 2409 By Representatives CESSAR, STEIGHNER, ROONEY, WOZNIAK, TRELLO, BELFANTI, GIGLIOTTI, LAUGHLIN, PETRARCA, VAN HORNE, ROBINSON and GODSHALL

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for prize limits for raffles.

Referred to Committee on FINANCE, December 15, 1993.

No. 2410 By Representatives LEE, LAUB, HENNESSEY and STERN

An Act amending the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act, further providing for certain additional fees.

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2411 By Representatives LEE, CESSAR, MARSICO, CAWLEY, GEIST, CLARK, TRELLO, HENNESSEY, SURRA and LAUGHLIN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for permits for individuals with disabilities.

Referred to Committee on GAME AND FISHERIES, December 15, 1993.

No. 2412 By Representatives TANGRETTI, GIGLIOTTI, MIHALICH, KUKOVICH, SCRIMENTI, GORDNER, PESCI, STISH, LAUB, VAN HORNE,

ULIANA, FARMER, ROBERTS, SATHER, MELIO, COLAIZZO, M. COHEN, FAJT, LEDERER, FLICK, JAROLIN, DeLUCA, HENNESSEY, HERMAN, CARONE, ROONEY, McCALL, BELFANTI, KING, DURHAM, YEWCIK, STURLA, STEIGHNER, CURRY, PISTELLA, E. Z. TAYLOR, O'BRIEN, LAUGHLIN, WILLIAMS and COLAFELLA

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further defining "income" to exclude increases in benefits received under the Social Security Act.

Referred to Committee on AGING AND YOUTH, December 15, 1993.

No. 2413 By Representatives TANGRETTI, FICHTER, PESCI, LAUB, FAIRCHILD, M. N. WRIGHT, SATHER, MELIO, VEON, COLAIZZO, M. COHEN, CARONE, CURRY and STABACK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emergency lights on certain private vehicles and for equipment standards.

Referred to Committee on TRANSPORTATION, December 15, 1993.

No. 2414 By Representatives TANGRETTI, KING, NAILOR, BUNT, VEON, COY, HENNESSEY, BATTISTO, COLAFELLA, GIGLIOTTI, MERRY, MANDERINO, TRICH, SURRA, STABACK, STEELMAN and DRUCE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for amount of tax on private sale of motor vehicles, trailers and semi-trailers.

Referred to Committee on FINANCE, December 15, 1993.

No. 2415 By Representatives BLAUM, RITTER, BAKER, VEON, GORDNER, LAUB, SURRA, DENT, STISH, TIGUE, BEBKO-JONES, SATHER, MELIO, WOGAN, GODSHALL, WILLIAMS, FREEMAN, PRESTON, SAURMAN, MANDERINO, YEWCIK, HENNESSEY, PISTELLA, MUNDY, CURRY, COY, RUDY, STABACK, DALEY, BELARDI, THOMAS and GEIST

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for responsibilities of victims of crime under basic bill of rights.

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2416 By Representatives CHADWICK, LYNCH, WAUGH, MASLAND, M. N. WRIGHT, LAUB, DENT, NAILOR, KREBS, ROBERTS, BLAUM, GERLACH, PITTS, HUTCHINSON, ARGALL, ROHRER, HENNESSEY, PICCOLA, PLATTS, ARMSTRONG and MERRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, decreasing the number of senatorial districts.

Referred to Committee on STATE GOVERNMENT, December 15, 1993.

No. 2417 By Representatives CHADWICK, LYNCH, WAUGH, MASLAND, LAUB, NAILOR, KREBS, M. COHEN, ROBERTS, FREEMAN, PITTS, HUTCHINSON, ROHRER, HENNESSEY and MERRY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, increasing the number of senatorial districts.

Referred to Committee on STATE GOVERNMENT, December 15, 1993.

No. 2418 By Representatives GLADECK, BUNT, LEH, CORNELL, LAUB, LAWLESS, TOMLINSON, PLATTS, WAUGH, PICCOLA and MARSICO

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for prohibition of the delegation of certain powers.

Referred to Committee on LABOR RELATIONS, December 15, 1993.

No. 2419 By Representatives MAYERNIK and FAIRCHILD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for nonresident child placed in home of resident, for liability for tuition and enforcement of payment, for cost of tuition and for payments on account of tuition; and making editorial changes.

Referred to Committee on EDUCATION, December 15, 1993.

No. 2420 By Representatives THOMAS, HUGHES, WILLIAMS, KIRKLAND, WASHINGTON and EVANS

An Act providing for the registration of certain guns, for restrictions on the sale of guns, for duties of manufacturers, wholesalers and retailers of guns, for additional duties of the Pennsylvania State Police, for the maintenance of certain records, for civil liability and for background checks; and providing penalties.

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2421 By Representatives MURPHY, MIHALICH, GIGLIOTTI, McNALLY and MELIO

An Act authorizing collective bargaining between emergency medical technicians and paramedics and cities of the second class; providing for arbitration in order to settle disputes and requiring compliance with collective bargaining agreements and findings of arbitrators.

Referred to Committee on LABOR RELATIONS, December 15, 1993.

No. 2422 By Representatives MURPHY, MIHALICH, GIGLIOTTI and JAROLIN

An Act providing for the payment of the salary, medical and hospital expenses of emergency medical technicians and paramedics employed by cities of the second class.

Referred to Committee on LABOR RELATIONS, December 15, 1993.

No. 2423 By Representatives KASUNIC, MIHALICH, TRELLO, DALEY, FAIRCHILD, FARGO, SAYLOR, BARLEY, STAIRS, GORDNER, WAUGH, ROBERTS, HERSHEY, SCHEETZ, COLAIZZO, ARMSTRONG, LAUGHLIN, SURRA, DeWEESE, GODSHALL, DeLUCA and MERRY

An Act providing for enforcement of the cruelty to animals law on farms; and conferring powers and imposing duties on the Department of Agriculture.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 15, 1993.

No. 2424 By Representatives PICCOLA, L. I. COHEN, DALEY, HENNESSEY, D. W. SNYDER, WOGAN, NAILOR, SCHEETZ, TIGUE, MELIO, COWELL, MIHALICH, CAWLEY, FICHTER, LaGROTTA, DEMPSEY, MARSICO, PETTI, BATTISTO, FARMER, CARONE, STEELMAN, BUNT, GERLACH, STEIL, CESSAR, VANCE, FLICK, RUBLEY, BELFANTI, FARGO, E. Z. TAYLOR, TOMLINSON, SAURMAN and GEIST

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of weapon on school property; providing for possession or transportation of certain firearms by persons under 18 years of age; and further providing for issuance of licenses and juvenile records.

Referred to Committee on JUDICIARY, December 15, 1993.

No. 2425 By Representatives PLATTS, MASLAND, CHADWICK, DENT and EGOLF

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, December 15, 1993.

No. 2426 By Representatives PLATTS, MASLAND, CHADWICK, CARONE and EGOLF

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for contributions or expenditures by political action committees.

Referred to Committee on STATE GOVERNMENT, December 15, 1993.

No. 2427 By Representatives MELIO, ADOLPH, L. I. COHEN, SANTONI, LAUB and COWELL

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for ordinances and resolutions by boards of commissioners.

Referred to Committee on LOCAL GOVERNMENT, December 15, 1993.

No. 2428 By Representatives MELIO, ADOLPH, L. I. COHEN, SANTONI, LAUB and COWELL

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for publication, advertisement and availability of subdivision, land development and zoning ordinances and amendments.

Referred to Committee on LOCAL GOVERNMENT, December 15, 1993.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 224 By Representatives SAURMAN, TRUE, FICHTER, GAMBLE, PETRONE and GRUPPO

A Resolution memorializing the President and the United States Congress to reprimand Joycelyn Elders, United States Surgeon General, for her remarks concerning the legalization of drugs in the United States.

Referred to Committee on RULES, December 15, 1993.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 846, PN 919

Referred to Committee on JUDICIARY, December 15, 1993.

SB 867, PN 945

Referred to Committee on LOCAL GOVERNMENT, December 15, 1993.

SB 926, PN 1010

Referred to Committee on PROFESSIONAL LICENSURE, December 15, 1993.

SB 1384, PN 1801

Referred to Committee on JUDICIARY, December 15, 1993.

The SPEAKER. The gentleman, Mr. Sturla, is recognized for an announcement. The members will please take note.

Mr. STURLA. Mr. Speaker, I would like to call an immediate meeting of the Third-Class Cities Subcommittee of the Urban Affairs Committee in the back of the House.

The SPEAKER. The Chair would momentarily ask the gentleman to yield and to recall that meeting in possibly 5 minutes, but not at the present moment.

Mr. STURLA. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Philadelphia, Mr. O'DONNELL, requests a leave for the remainder of the day.

With no objection, the gentleman's leave will be granted, and the clerk will take note of the leave.

FAREWELL ADDRESS

The SPEAKER. Sergeants at Arms, please close the doors of the House. The House will please come to order.

As the leaders confer, one of our colleagues, who will be leaving us, has requested a few moments at the microphone.

It is the pleasure of the Chair to welcome Representative Murphy to take the mike for a couple of minutes and to reflect and to share some comments on his last day in our midst.

The Chair would respectfully ask the members to please be seated.

Representative Tom Murphy.

Mr. MURPHY. Thank you, Bill.

Fourteen years ago, over half the Allegheny County delegation changed hands, and a group of us came here thinking we were going to change the world. A number of us are still here, and they are dear friends. There is one who is not, in particular, that I think about today, and that is Steve Seventy, who was a dear friend and one who I know is watching us today and, me personally, watching with great pride.

It is a remarkable process that we participate in: remarkable that we can agree on anything and remarkable that people from such diverse backgrounds, those of us from cities and those of us from the countryside, can come here and have the battles we have today and ultimately agree to make a decision to move forward.

But now I have an opportunity. The people of Pittsburgh have given me what I think is the best job in America. Running a city, any city, I think you face the very best and the very worst of what our society has to offer, and I am going to need enormous help to be successful. You have given me some of that help yesterday, and I want to thank those of you who supported HB 659. It means a new day for the city of Pittsburgh. It means a new day for those of us in Allegheny County in how we work together, and it showed great leadership on all of our parts, Republican and Democrat, to support that.

I will need that continued good will to make our city succeed, and I know I will find it with all of you.

I leave here with great sadness, more so than I would have thought I had a few days ago, because of the good will many of you on both sides of the aisle demonstrated yesterday in the words of good wishes that you gave me.

Thank you very much. It has been a pleasure.

The SPEAKER. The Chair wishes Tom good luck. Pennsylvania, southwestern Pennsylvania in particular and Pittsburgh specifically, will be well served.

Does the gentleman, Mr. Ryan, seek recognition?

Mr. RYAN. Mr. Speaker, I had an opportunity to speak with the mayor-elect several times over the recent past, and I really do not envy him the coming 4 years as the mayor of a large city in Pennsylvania, or really anyplace. I know that what he says is true. It is an opportunity, I guess. It is an opportunity to do a great deal of good. It is an opportunity to be sorely disappointed or greatly gratified.

I think the Irish wit of Mr. Murphy, he is going to have to keep that handy. The Irish luck he is going to have to hold onto a little closer, perhaps, than the Irish wit. I certainly wish him the very best. He has been a good friend for many years. He has not always voted right — for either side — but he has always been appreciated and he will be missed. Thank you, Mr. Speaker.

The SPEAKER. The Sergeants at Arms will open the doors of the House.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 299, PN 2878**; and **HB 353, PN 2964**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CONSIDERATION OF HB 185 CONTINUED

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. We are preparing to confront Mr. Ryan's amendment, but I am not certain whether it has been distributed at this point. Mr. Ryan's amendment A5096 will be next on our agenda. It is being distributed at this moment.

The House will please come to order.

The gentleman, Mr. Williams of Philadelphia, has an amendment that was read across the desk. That amendment was A4827. The gentleman, Mr. Ryan, was accidentally recognized by the Chair, but the gentleman, Mr. Ryan, has been informed that Mr. Williams had already had the floor and yielded it to Representative Itkin when the postponement measure was voted upon. So the gentleman, Mr. Williams, will be recognized, and then the gentleman, Mr. Ryan, will be recognized subsequent to the gentleman from Philadelphia.

On the question recurring,
Will the House concur in Senate amendments as amended?

Mr. WILLIAMS reoffered the following amendments No. A4827, which had been read previously by the clerk:

Amend Sec. 1 (Sec. 6120), page 14, line 23, by inserting brackets before and after "NO" and inserting immediately thereafter

Except as provided in subsection (a.1), no

Amend Sec. 1 (Sec. 6120), page 14, by inserting between lines 28 and 29

(a.1) Exception.—

(1) Except as provided in paragraph (2), this section shall not apply to cities of the first and second class.

(2) Regulations of cities of the first and second class shall not prohibit a nonresident of the city from carrying a disassembled firearm.

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. The gentleman may proceed on his debate. Mr. WILLIAMS. Thank you, Mr. Speaker.

I am not quite confident, Mr. Speaker, that the gentleman from the other side can quite hear this discussion, but I will proceed anyway.

We in Philadelphia County some several months ago enacted an ordinance which would allow us to ban assault weapons, and Pittsburgh, somewhat I guess, apparently, subsequently followed. Since that time I guess a lot has ensued, and certainly this discussion has been enlightening to all of us, but we still maintain in Philadelphia County that we need this particular ban. So therefore, I have drafted an amendment which would allow Philadelphia County to maintain its ban, while those nonresidents of Philadelphia County who are traveling through Philadelphia — i.e., coming from the airport, from the train station — traveling to a destiny outside of Philadelphia with arms which were disengaged would be allowed to do that.

Mr. Speaker, I am trying to speak to members who have asked me for this compromise. If they do not want to hear about the compromise, I will be more than happy to withdraw it, but I am doing it in an attempt to reconcile rural and urban concerns. I would ask that they would listen.

The SPEAKER. Again, the issue is of crucial concern to many of our fellow Pennsylvanians. The gentleman from Philadelphia represents a constituency who has a keen concern, and he is trying to be heard. The one group at the minority leader's desk is an exception, but the Chair would ask that the Sergeants at Arms break up groups of more than two. Respectfully, I request the members take their seats. If they find they must talk, I would prefer they only talk in groups of two, with the exception of the group at the minority leader's desk.

The gentleman may continue.

Mr. WILLIAMS. Thank you, Mr. Speaker.

To put it simply, those members of this body who are most concerned about their sports clubs' members, those collectors, and those folks who they think will be traveling through Philadelphia and would be unfairly targeted and therefore persecuted upon their detention, they would be excluded. They would be allowed to travel through Philadelphia, as long as they were not staying there, with their weapon disengaged, travel through Philadelphia to whatever destination, without the threat, without the concern, or without the possible penalty

from the judicial process in Philadelphia, to travel to whatever their destiny would be. It would also allow Philadelphians, residents of Philadelphia, to maintain their particular ban on their residents of Philadelphia. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for his brief and cogent remarks.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—75

Adolph	Evans	Kukovich	Ritter
Bebko-Jones	Fajt	Laub	Roebuck
Bishop	Farmer	Lederer	Rooney
Blaum	Fichter	Levdansky	Rublely
Butkovitz	Plick	Manderino	Saurman
Buxton	Freeman	McGeehan	Stetler
Cappabianca	Gigliotti	Melio	Sturla
Carn	Gladeck	Michlovic	Taylor, J.
Cawley	Haluska	Micozzie	Thomas
Cessar	Harley	Mihalich	Tigue
Civera	Hennessey	Mundy	Trello
Cohen, M.	Hughes	Murphy	Trich
Cornell	Itkin	O'Brien	Van Home
Corrigan	James	Oliver	Veon
Cowell	Josephs	Perzel	Vitali
Curry	Kaiser	Petrone	Washington
Dent	Keller	Pistella	Williams
Donatucci	Kenney	Preston	Wogan
Durham	Kirkland	Richardson	

NAYS—121

Allen	Gamble	Marsico	Serafini
Argall	Gannon	Masland	Smith, B.
Armstrong	Geist	Mayermik	Smith, S. H.
Baker	George	McCall	Snyder, D. W.
Barley	Gerlach	McNally	Staback
Battisto	Godshall	Merry	Stairs
Belardi	Gordner	Miller	Steelman
Belfanti	Gruitza	Nailor	Steighner
Birmelin	Gruppo	Nickol	Steil
Boyes	Hanna	Nyce	Stern
Brown	Hasay	Pesci	Stish
Bunt	Herman	Pettit	Strittmatter
Caltagirone	Hershey	Phillips	Surra
Carone	Hess	Piccola	Tangretti
Chadwick	Hutchinson	Pitta	Taylor, E. Z.
Clark	Jadlowiec	Platts	Tomlinson
Clymer	Jarolin	Raymond	True
Colafrella	Kasunic	Reber	Tulli
Colaizzo	King	Reinard	Uliana
Conti	Krebs	Roberts	Vance
Coy	LaGrotta	Robinson	Waugh
Daley	Laughlin	Rohrer	Wozniak
DeLuca	Lawless	Rudy	Wright, D. R.
Dempsey	Lee	Ryan	Wright, M. N.
Dermoddy	Leh	Santoni	Yandrisevits
Druce	Lescovitz	Sather	Yewcic
Egolf	Lloyd	Saylor	Zug
Fairchild	Lucyk	Scheetz	
Fargo	Lynch	Schuler	DeWeese,
Fee	Maitland	Scriminti	Speaker
Fleagle	Markosek	Semmel	

NOT VOTING—0

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended?
Mr. RYAN offered the following amendments No. A5096:

- Amend Title, page 1, by inserting before line 1 (A4786)
- Amend Title, page 1, line 17, by striking out "LIMITATION ON MUNICIPAL"
- Amend Sec. 1 (Sec. 6111), page 2, line 16 (A4786), by striking out all of said line
- Amend Sec. 1 (Sec. 6111), page 2, line 22 (A4786), by striking out all of said line
- Amend Sec. 1 (Sec. 6111), page 2, lines 24 and 25 (A4786), by striking out all of said lines
- Amend Sec. 1 (Sec. 6111), page 2, lines 29 through 32 (A4786), by striking out all of said lines
- Amend Sec. 1 (Sec. 6111), page 2, line 45 (A4786), by striking out all of said line
- Amend Sec. 1 (Sec. 6111), page 2, line 49 (A4786), by striking out all of said line
- Amend Sec. 1 (Sec. 6111), page 3, line 1 (A4786), by striking out all of said line
- Amend Sec. 1 (Sec. 6111), page 3, line 23 (A4786), by striking out all of said line
- Amend Bill, page 3, by inserting between lines 31 and 32 (A4786)

Section 3. Chapter 61 of Title 18 is amended by adding a subchapter to read:

CHAPTER 61
FIREARMS AND OTHER DANGEROUS ARTICLES
* * *
SUBCHAPTER D
ASSAULT WEAPONS

- Sec. 6181. Definitions.
- 6182. Registration.
- 6183. Relinquishment of weapons.
- 6184. Licensed gun dealers.
- 6185. Penalties.
- 6186. Application of subchapter.
- § 6181. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Assault weapon."

(1) The following weapons known by the trade names specified:

RIFLES

- Algimec AGM 1 type
- Bushmaster Assault Rifle (armgun)
- CETME G3
- Chartered Industries SR-88 type
- Daewoo K-1
- Daewoo K-2
- Daewoo Max 1
- Daewoo Max 2
- Heckler & Koch MP-5
- M-16 type
- Sterling MK-6
- Intratec TEC-9

SHOTGUNS

- Steyr-AUG semiautomatic type
- UZI Pistol

(2) Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12."
 "Automatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which automatically shoots more than one shot by a single function of the trigger.

"Commissioner." The Commissioner of the Pennsylvania State Police.

"Licensed gun dealer." A person who has a Federal firearms license and any business license required by a State or local governmental entity.

"Semiautomatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which requires a separate function of the trigger to fire each cartridge.

§ 6182. Registration.

(a) General rule.—Any person who lawfully possesses an assault weapon, prior to 90 days after the effective date of this subchapter, shall register the firearm within one year of that effective date, with the commissioner under those procedures which the Pennsylvania State Police may establish. The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department may charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department.

(b) Certain sales, transfers, etc.—No assault weapon possessed under this section may be sold or transferred on or after 90 days following the effective date of this subchapter, to anyone within this Commonwealth other than to a licensed gun dealer, as defined herein. Any person who obtains title to an assault weapon registered under this section by bequest or intestate succession, moves into this Commonwealth in lawful possession of an assault weapon or lawfully possessed a firearm subsequently declared to be an assault weapon under this subchapter shall, within 90 days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this Commonwealth.

(c) Conditions of possession.—A person who has registered an assault weapon under this section may possess it only under the following conditions unless a permit allowing additional uses is first obtained:

(1) At that person's residence, place of business or other property owned by that person or on property owned by another with the owner's express permission.

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range.

(4) While on the premises of a shooting club.

(5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or State recognized entity that fosters proficiency in, or promotes education about, firearms.

(6) While transporting the assault weapon between any of the places mentioned in this subsection.

No person who is under 18 years of age and no person who is prohibited from possessing a firearm by this chapter may register or possess an assault weapon. The registration procedures shall provide the option of joint registration for assault weapons owned by family members residing in the same household.

§ 6183. Relinquishment of weapons.

Any individual may arrange in advance to relinquish an assault weapon to a police or sheriff's department.

§ 6184. Licensed gun dealers.

Any licensed gun dealer who lawfully possesses an assault weapon under this subchapter, in addition to the uses allowed hereunder, may transport the weapon between dealers or out of this Commonwealth, display it at any gun show licensed by a State or local governmental entity, sell it to a resident outside this Commonwealth or sell it to a person who has been issued a permit pursuant to this subchapter. Any transporting allowed by this section must be done as required by this subchapter.

§ 6185. Penalties.

(a) Unlawful manufacture, importation, etc.—Any person who within this Commonwealth manufactures or causes to be manufactured, distributes, transports or imports into this Commonwealth, keeps for sale or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this subchapter, commits a felony of the third degree.

(b) Unlawful possession.—Any person possessing an assault weapon in violation of this subchapter commits a misdemeanor of the first degree for a first offense and a felony of the third degree for each subsequent offense.

§ 6186. Application of subchapter.

This subchapter shall not apply to the use or possession of assault weapons by State or local law enforcement agencies, the military forces of this Commonwealth or the armed forces of the United States.

On the question,

Will the House agree to the amendments?

FILMING PERMISSION

The SPEAKER. Members should be aware that Bill Baldini of WCAU, channel 10, will be filming during the debate of HB 185.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, this has been, really, a different day as our days go up here. HB 185 touches on a subject matter that is controversial. We have spent a great deal of time on it today. I promise you, it is not my intention to spend a great deal of time debating it. I think it is the type issue that everyone in this room is familiar with. We spent hours, it seems, on the Michlovic amendments. Based on that knowledge that we gained during the lengthy debate, I am going to use that as the base and from that base describe what my amendments do.

I have taken the list of some 45 weapons that were mentioned in that amendment and cut it down to 15 weapons. Now, let me tell you how that comes about.

Using the advice of representatives of people that I consider somewhat expert in Pennsylvania as to the needs of legitimate users of weapons — that is, the Sportsmen's Federation; the National Rifle Association; the Federation of Sportsmen from Centre County, for instance; the Gun Collectors; the Sportsmen's Clubs — we tried to get from them an idea of what weapons are used legitimately for target practice, for marksmanship, for legitimate recreation, for hunting, both here in Pennsylvania and elsewhere, and we tried to get this from the list of weapons that were contained in HB 185. Having obtained them, and I might say that the list of sketches that were provided to us by, I believe, Mr. Hughes—at least I am

giving him credit for providing them; I think that is their source—we went through that list that he provided to us—or Mr. James; I am not sure where that came from—we have made those weapons taboo. They are outlawed in Pennsylvania. You would no longer be permitted to buy them. If you now own them, however, you could keep them. However, if you decide you are going to keep them, you must register them.

If the list is to be expanded, there was some concern about who has the right to expand that list. The legitimate sportsmen were concerned about who would be charged with the responsibility of expanding the list of taboo weapons. We retain that responsibility here in the legislature. If the list is to be added to, we will add to that list. If the list is to be deleted from, we will do the deletions.

Primacy, which has long been of concern to sportsmen of all sorts and legitimate users of firearms, remains at the State level.

All assault weapons, all assault weapons, purchasing them in Pennsylvania, you would be required to wait 5 days, and you would be required to undergo a criminal background check prior to being issued permission to purchase the assault weapon.

In all other respects, I believe the amendment tracks the earlier amendment.

I am going to ask that the House adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Evans, from Philadelphia on the Ryan amendment.

Mr. EVANS. Mr. Speaker, I am going to do something that the minority leader did not do.

When the vote went down on Tom Michlovic's amendment, there were 83 people that voted for Michlovic's amendment; there were 83. There were 115, and as a matter of fact, the minority leader voted "no." But what I am going to do is rise up and support the minority leader's amendment. I am going to support that amendment, even though I do not think full well that that amendment is adequate to address the issue. I intend, as soon as we vote this amendment and I vote for this amendment, to offer my amendment, and I will describe my amendment after we finish with Mr. Ryan's amendment.

But I think that we need to send a message to all Pennsylvanians that this is not a Democrat or Republican issue and not an urban, rural, or suburban issue, but this is an issue of stopping the violence that is occurring in the Commonwealth of Pennsylvania; that we need to stand up for the police officers of the Commonwealth of Pennsylvania; that we need to stand up and say, enough is enough. So I am encouraging those people who were the 83 people who voted to vote for Matt Ryan's amendment, because I think it is important that this issue not be something that is political; that this issue be, once and for all, that we take the high ground.

I am saying today that I hope Mr. Ryan, when I offer my amendment, will take the same kind of justification that I have made and look at my amendment on the merit of the issue, not so much because I am a Democrat and he is a Republican and

what he offers versus what I offer. I hope he looks at it on the merit of the issue and understands that we need to stop these assault weapons.

So I say again, I would ask people to vote for the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Mihalich, on the Ryan amendment.

Mr. MIHALICH. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will stand for interrogation. Mr. Mihalich may proceed.

Mr. MIHALICH. Mr. Speaker, I have only one question.

I noticed you mentioned several organizations that you had consulted with who have expertise, and the ones you mentioned, I fully agree with you; they do have expertise. But my question is, did you consult the State Police, did you consult the F.O.P., did you consult maybe the Federal agencies or anybody else from law enforcement on this question?

Mr. RYAN. If I had, I would have mentioned it.

Mr. MIHALICH. Thank you very much.

The SPEAKER. The gentleman, Mr. Dempsey, is recognized.

Mr. DEMPSEY. Thank you, Mr. Speaker.

I wonder if I could interrogate the maker of the amendment, please.

The SPEAKER. The gentleman from Delaware indicates he will stand for interrogation. Mr. Dempsey may proceed.

Mr. DEMPSEY. Mr. Speaker, in the explanation of your amendment, you said that you received from the various sporting groups lists of rifles. My question is, do these groups approve of your amendment?

Mr. RYAN. Well, let me take you through the exercise that I went through in getting these amendments. I have been through this a number of times today with different little subgroups around this area. There is no reason why I do not go the rest of the way.

I do not believe I have fired a gun or a weapon or rifle of any sort since I got out of the Marine Corps, except maybe once or twice. I have forgotten pretty much about it, but my leanings have always been similar to yours, I believe, and my vote probably tracks yours, for the most part. My interests, however, have gone more to missing big fish than missing big deer.

What I did yesterday afternoon was I met with several of our staff people, one trying to escape in the back now and another who is cornered on this corner of the aisle.

Mr. DEMPSEY. I think you are answering my question.

Mr. RYAN. All right.

And I said to the two of them, figure out some way, talk to whomever you have to talk to from the index of legitimate gun users, from sportsmen's organizations, from rifle associations, whomever you have to, whomever you respect, whomever you deal with in your capacity as staff people interested in this type legislation, which these particular people are interested in, and come up with some way of taking these 45 weapons and identifying those that obviously are not used for,

quote—my quote; no one else's quote—"legitimate sporting uses" — for target shooting, for deer shooting, for bunny rabbit shooting, skeet shooting — and give me that list, and give me an amendment so that I have something to offer tomorrow.

These two staff people, together with a representative from the NRA, I am told, a representative of the Sportsmen's Clubs association, a representative of the citizens for—I forget the name—Keystone Rifle and Pistol, and another citizens group—and I forget the name of that one, frankly—they stayed here until 11 o'clock last night, I am told. I was not there; I was at the Maverick. At 8:30 this morning, lo and behold, I had an amendment, and that amendment we went over with staff people all morning, and I have had caucuses off and on all morning and afternoon, explaining what these things were all about, and that is the background of where this came from.

These weapons, I do not know the first thing about them. I know what the M-1 is. All right. Beyond that, you know, I am somewhat at a loss.

Mr. DEMPSEY. Mr. Speaker, I thank you for that explanation. However, the fact that these organizations gave you a list, what I want to know is, are they endorsing this amendment or did they just give you a list?

Mr. RYAN. Well, they certainly knew what I was asking for, and I guess, in truth, I cannot answer that. I can say that they knew that what I wanted was an amendment that represented a compromise between Michlovic and nothing. What I had actually asked for was a list of guns, weapons, that were not particularly used by sporting persons for sporting reasons, and my instructions were to find ones that I could comfortably put before this legislature for the purpose of banning.

Now, I got that list from them, and if nothing else, I feel confident that they are saying if something bad in their mind has to happen, this is what it should happen to, you know, rather than something else. I never met with these people myself. This was something staff people met with them about.

Mr. DEMPSEY. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the amendment, please?

The SPEAKER. The gentleman, Mr. Dempsey, is in order to speak on the Ryan amendment and may proceed.

Mr. DEMPSEY. Thank you, Mr. Speaker.

My concern is—and I appreciate Mr. Ryan's explanation of the history of what happened to this amendment—but nowhere in this amendment did I hear him say that these guns and this amendment was endorsed by the different sportsmen's associations. So I will be opposing Mr. Ryan's amendment. Thank you.

The SPEAKER. Mr. Pistella is recognized on the Ryan amendment.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the minority leader would be kind enough to stand for a few questions, please.

The SPEAKER. The gentleman, Mr. Ryan, indicates he will answer a couple of questions for the gentleman from Pittsburgh. Mr. Pistella may proceed.

Mr. PISTELLA. Mr. Speaker, a few questions, please, on your amendment.

As I understood HB 185 as we began to consider it, there was language contained within that legislation that would void the ordinances that had been adopted in the city of Pittsburgh and in the city of Philadelphia. My question is, what would be the effect of those ordinances should the House choose to adopt your legislation as it is offered today?

Mr. RYAN. My amendment does not address that issue. Whatever was in the bill is in the bill.

Mr. PISTELLA. Okay. Asking only your opinion, again, of the language, if this is adopted, if your amendment is adopted, are you of the opinion that the potential would be there that this language would override or supersede the court's interpretation of the validity of those two ordinances?

Mr. RYAN. Are you asking for my expert opinion?

Mr. PISTELLA. Yes, sir; I am.

Mr. RYAN. Yes, I do have an opinion.

Mr. PISTELLA. Would you be kind enough to share it with us?

Mr. RYAN. It is my opinion that primacy would rest with the State, where it belongs.

Mr. PISTELLA. Okay. Thank you very much, Mr. Speaker. I have concluded my interrogation.

If I could, on the amendment.

The SPEAKER. On the amendment, Mr. Pistella.

Mr. PISTELLA. I applaud the sincere effort that the minority leader has undertaken. I mean that sincerely. He and his staff, I am sure, put a lot of effort and consideration into this. My understanding, however, was, when we adopted the Godshall amendment of the other day, we would have taken a step beyond at that point the content of HB 185. I have made commitments back in my district that I would support whatever I could to make sure that that ordinance that was adopted in the city of Pittsburgh would stand.

I think that the minority leader has made a sincere effort to reach a compromise. However, I would encourage those members that were from those areas that have ordinances to vote against this. I think that what he is doing, in a very veiled way, is trying to ask, more or less, the fox that is guarding the henhouse what the heck they want. I have not heard the minority leader say he consulted with the Police Chiefs Association, the Fraternal Order of Police, anyone that is associated or affiliated with the Crime Victim's Compensation Commission, on what they think should be involved in this amendment, and it is for that reason that I would suggest that we not adopt this amendment.

The SPEAKER. Representative Brown is recognized on Mr. Ryan's amendment. Mrs. Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

I rise in opposition to the Ryan amendment.

Yes, it is our job to represent our districts, and I can assure you that for me and most of rural Pennsylvania, this amendment is not acceptable, because you are still subjecting your special gun controls on me and everyone in the Commonwealth.

I myself am a gun owner and enjoy that privilege. I own a handgun and rifles. I enjoy hunting and the great outdoors.

When I first ran for State Representative, I personally visited numerous sportsmen's clubs in my district, and I told them to pay attention and support the candidates or elected officials who support their issues. I promised that I would be an advocate and go to Harrisburg and not only be their voice but vote accordingly. This is the first time for me to do just that, defend and protect our Constitution of the Commonwealth of Pennsylvania, the Declaration of Rights, section 21, "Right to Bear Arms."

John Yates, editor of the Titusville Herald in my district, has expressed the majority of our feelings on gun control.

Make no mistake about it — gun control is an assault on rural people.

Firearms are a nonissue in Titusville and basically in my district. Most rural people own guns of various kinds, and many of us use them for hunting, target shooting, or other recreational activities. Guns are considered tools or toys. They are a routine part of our everyday life. In terms of crime, guns have no relevance in Titusville and the Sixth District.

Few crimes are committed with guns in my district, and almost none could have been prevented by limiting or controlling guns in any way. Titusville and my district have more guns than people, and we have almost no shootings. Our community is the best illustration possible of why gun control has nothing to do with crime. Our everyday life proves that guns, and lots of them, do not cause or even contribute to crime. Violent people are the cause of violent crime.

Gun control in any form simply is a politically expedient way of pretending to do something to solve the problem so that a hidden agenda might be accomplished. The hidden agenda is the urban liberal's fanatic obsession with gun control.

To compromise our Bill of Rights, to compromise in any amendment, to please the people who do not like how other people live or think is wrong. Almost no crimes, even in the big cities, are committed with legally purchased weapons. Gun control will not hurt the criminals. It will hurt rural, law-abiding Pennsylvanians.

Gun control appeases liberals who fear and hate firearms. To them a rifle hanging over the fireplace is a symbol of violence, brutality, and ugliness. To us and to me it is a tool and a thing of practical beauty, and I want to repeat that. To us and to myself it is a tool and a thing of beauty.

Firearms are an important part of rural life. An assault on firearms is yet one more assault on the very nature and fabric of our lives. It is an assault on rural people.

Thank you, Mr. Speaker, and I ask for my colleagues on both sides of the aisle to vote "no" on the Ryan amendment.

The SPEAKER. The gentleman, Mr. Williams, from Philadelphia on the Ryan amendment.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the maker of the amendment to stand for a brief period of interrogation.

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. WILLIAMS. I do not see him standing yet, Mr. Speaker.

Thank you.

The list, which was developed on the course of the evening, apparently does not have the support of the guns, sportsmen's groups, certainly not the law enforcement community. I am curious to figure out, other than just somebody walking into your office and saying, hey, throw this on the list, what other— I mean, because I believe that guns certainly are a tool in our society, but they certainly are something that has some level of danger to them, regardless of whom you speak with, by accident or by intent. So I would like to know, as opposed to the cavalier, because it comes across a bit cavalier in terms of the comments about how this list was constructed, I would like to know how it was purified or what intellectual thought was given to the development of the list.

Mr. RYAN. Well, I think the development of the list I left to people with a better intellectual base than my own. The general opinion on this floor and I suspect the general opinion of the population is that we truly are not experts in all areas despite what we ourselves think of ourselves. That being the case, I looked at this list of 45 weapons that were provided to us by Representative James, and I do not know whether these are really bad or inherently bad weapons or not. Any weapon is bad. A broomstick is bad in the hands of the wrong person. So I mean, you know, just because it is one of these things does not mean that it is bad. It is the person who holds it that makes it bad.

My problem was that a lot of people that I have a great deal of respect for, the people that make this country sing, the people that make this country move, the people that are hardworking people, who take their recreation in the great outdoors of Pennsylvania and enjoy this great State of ours, probably more so than you and I because we are more—at least I am putting you in my category, I guess—we are more citybred than perhaps a lot of other people, and our recreation comes from different areas, they say they have a legitimate use for a lot of these weapons that you and I perhaps are not familiar with. So I turned to them and I said to the likes of them, tell me which of these you do not use; tell me which of these are not used for sharpshooting matches, for skeet shooting, for legitimate hunting, for marksmanship contests and the like, and relying on that expertise, this list was gleaned.

Now, that is not to suggest for a minute that these groups recommended to me anything to do with this amendment. I am simply saying that I asked them to list for me the guns that were used the least by sportsmen, I guess.

I do not know whether that answered your question or not.

Mr. WILLIAMS. Well, it is getting to the heart of it.

I would like to know, are Uzis on your list or not on your list? I guess these are sort of—

Mr. RYAN. I do not know. Do you have the amendment before you?

Mr. WILLIAMS. I do not, and that is why I have asked.

The other one, the Street Sweeper, is that going to be banned?

Mr. RYAN. Yes. They are on my list. The Uzi pistol is on my list. It is the last thing.

Would somebody please give the gentleman a copy of my amendment.

Mr. WILLIAMS. Are you aware that a large percentage of the assault weapons which you included on your list are no longer manufactured?

Mr. RYAN. No, I am not aware of that. I told you before I do not know much of anything about these things, but folks over on your side prepared this list initially. So, I mean, if it was good enough for you to put it on your list, it is good enough for me to put it on my list. This is your list.

Mr. WILLIAMS. Well, actually it is not—

Mr. RYAN. It started with your list. I am just working on it.

Mr. WILLIAMS. Right. Right.

I would have to, Mr. Speaker— I want to delineate and separate myself from any suggestion that anyone on this list that we developed worked constructively and affirmatively to develop the current list which is before us, because that is not what happened. Certainly, there are assault weapons which were on our list which are also on this list, but it did not happen because we bridged the gap or the cavern which separates us on this issue. I am saying to you that the list which you have now before you has a number of weapons which are no longer manufactured, and apparently you are not aware of that, which is fine. But to me, that sort of suggests that maybe you rested upon some input that was not directing you in the best direction.

Mr. RYAN. If the gentleman thinks this through, unless I am wrong, this list represents a portion of the list that made up the Philadelphia ordinance. So that is where the list came from that I worked from — the Philadelphia and Pittsburgh ordinances.

Mr. WILLIAMS. Correct.

Mr. RYAN. I did not make it up. It came from those ordinances.

Mr. WILLIAMS. If you were working with that list, we would be more than happy to provide you all the assault weapons which are on that list which you recognize are not on this list now. Correct?

Mr. RYAN. I am sorry; I missed that.

Mr. WILLIAMS. You said it came from the Philadelphia and Pittsburgh ordinance. That Philadelphia and Pittsburgh ordinance also had other additional weapons on it. Correct?

Mr. RYAN. Yes. Well, sure. I told you there are only 15 here. There were 45.

Mr. WILLIAMS. Well, then if you are suggesting that the 15 you picked are the 15 that we agreed to, I am suggesting to you that you are not correct, and I am also suggesting to you that the 15 you picked, in large part, are not even manufactured anymore, and therefore, the substance or the intent behind whichever you are trying to achieve, I guess, and that is to make the streets safer, really is a lark and really not substantive in nature, and I am not saying that you intentionally did that. What I am saying is, if you are trying to work from our list, then you need to come to us and get our input on it.

Mr. RYAN. Is that a question?

Mr. WILLIAMS. Well, no. That is a statement in reaction to your comment.

Mr. RYAN. Well, is the interrogation completed?

Mr. WILLIAMS. In fact, yes, it is, Mr. Speaker. Thank you for that brief period of interrogation.

With that, I would like to conclude with my remarks.

The SPEAKER. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, it is kind of obvious that on any level of criteria in terms of how this list should have been developed, certainly, certainly, it should have been started with police officers, and we have some members from Philadelphia County who happen to sit on that side of the aisle who have constituents who live in their districts who have been assaulted by some of these weapons, and certainly, the survivors of some of those police officers who live in those districts, I am sure that they would have liked that the Police Commissioner be consulted with regard to this list. We have consulted with him, and he has provided us with more than those 45 names, and apparently they did not see the wisdom in terms of using that. Certainly, we should have started with those people who have to protect all of us in our society, and those police officers in those law enforcement communities, I think, should be the people who develop this list.

Regardless of where you are on the position, whether you be a rural person or an urban person, you have police. The young lady who stood before, the Representative who stood before and said, we view these as tools and toys, well, I suggest to her that the police officer in her community understands the substantive nature and that is why they carry firearms — for protection purposes, to protect themselves and to protect the people in their community.

They do not have the law enforcement community supporting them; they do not even have the sports clubs community supporting them. All they have are legislators in the middle of the night scurrying around for political cover saying, I did something; I voted for an assault weapon. I do not care if it is a toothpick; it looks like an assault weapon, and I voted against it, so I am protecting us.

That is ludicrous, that is underhanded, that is the worst type of politics that can be played on this issue, and if we are going to do something, let us do something. Let us not try to go home and worry about placating people and saying, oh, yeah, I voted for this on this issue and I voted for these 10 nonmanufactured assault weapons. I think that that is a bad— That plays on how stupid our constituency can possibly be, how ill informed our constituency possibly are.

I think we need to stand up and vote on this issue in a very enlightened manner, and I think, unfortunately, I stand and oppose this amendment because it does not represent anything, anything. I think if anybody wants to spend any time, including the minority leader, wants to spend any substantive time on this, we can educate him, and we certainly can go to our Police Commissioner, who would be happy to educate him on who has been gunned down in Philadelphia. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Phillips on the Ryan amendment.

Mr. PHILLIPS. Thank you, Mr. Speaker.

A little background on this list. This list was developed by sportsmen at the request of the minority leader. They were asked which weapons had little use or limited use, and at that request, they came up with this list. I want to make it perfectly clear that the limited use is for gun collectors and occasionally target shooting, and I want to make it perfectly clear, in no way is there any support given to this amendment by any sportsmen group. It is opposed by every sportsmen group, and I have been notified of this.

I think what we also have to look at in this amendment is the registration of weapons. Never in the history of this State has a long-gun weapon ever been required to be registered. This is one area that is very, very much opposed by all our sportsmen groups, and I hope that we would consider this.

Again, to make it clear, there is no group of sportsmen that support this piece of legislation. Therefore, I ask for a negative vote.

The SPEAKER. The gentleman from Allegheny County, Mr. Michlovic, on the Ryan amendment.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, although many members on this floor probably may not have recognized it, we have traveled a long way in the last 2 days. We have come from, if we were to pass this amendment, we have come from the original intent of HB 185, which was to override all bans of weapons in Pennsylvania, to agreeing that there are certain assault weapons in Pennsylvania that ought to be banned. The argument now on the floor is just which weapons ought to be on that list. We have gone from opposing bans, in the original intent of HB 185, to quibbling over what should be the list.

Mr. Speaker, naturally I think the list ought to be significantly longer. Mr. Ryan, when he introduced the amendment, talked about the horrific-looking weapons that he is outlawing here, that he is banning. I ask you to go through those pages that we put on your desks yesterday and take a look at the horrific weapons that he is not banning, the ones like the Uzi Carbine that is not banned, the Valmet M-76 that is not banned with the banana clip, the Valmet 62S, the Valmet M-78 with the tripod in the front. Take a look at those weapons. We are not banning those. We are taking those off the list; we are taking them off the list.

I would be even more pleased with this amendment— If you are going to take those weapons off the list and say that we are taking them off, we do not want to ban them because sportsmen use them, why not at least register them? My amendment and this amendment has a registration feature with the Commissioner of the State Police. We are just taking them off. Do not even bother to register them, so that when a police officer pulls up to a house on a domestic, he has no way of knowing whether there is an assault weapon in that house — not with this amendment. But this amendment is better than nothing.

I think that since we are just arguing about which weapons ought to be on the list, I think we ought not be so presumptu-

ous as to make the decisions for the guys out in the street, the guys like Harold James used to be, the guys like Dave Mayernik used to be that are out in the street having to face these weapons. Let us ask them to come in here and give us an idea of which weapons ought to be banned and which ought not and not trust some sportsmen group to tell us, well, this is a sportsmen group; we compete with this. There are kids out there competing with them, too, and that is the point.

This is a very, very short list. It is almost ridiculous voting for it, but I am going to vote for it because we are saying in this amendment that assault weapons ought to be banned, and I think we have to say that to the people of the Commonwealth of Pennsylvania, and I think we also have to impanel that list, that group of State Police officers, of the Attorney General's representatives, of prosecutors across this State, of sportsmen, of citizens concerned about violence, get them in a room and work this issue out, decide which weapons ought to be on the list and which ones ought not, and then finally come back here and vote a final amendment that we have a consensus to and that we can get some agreement on. Thank you.

The SPEAKER. The gentleman from Lehigh, Mr. Snyder, on the Ryan amendment.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I share the concerns of many of my colleagues in this House who want to address a problem in this Commonwealth but also do not want to infringe on the rights of sportsmen and lawful gun owners and collectors in this Commonwealth.

This amendment, Mr. Speaker, is a product of the legislative process in that it seeks to reach a compromise to balance some of those concerns. I stand here, Mr. Speaker, in support of the amendment, but I would also like to note for the record, Mr. Speaker, that hopefully some of the drafting errors in this amendment can be clarified and addressed prior to final passage of HB 185.

Specifically, Mr. Speaker, let me point out that on the second page of the amendment, there are two definition sections. One is the definition for "automatic firearm" and the second is the definition for "semiautomatic firearm," which were carried forward from the Michlovic amendment, which was amendment No. A4958. In the Michlovic amendment, there were references to automatic and semiautomatic weapons in the definition of an assault weapon. Those particular sections have been deleted with this amendment which specifically defines, by make and model, what is an assault weapon, and there should be no reference at all to any other automatic or semiautomatic firearms to be included within this ban.

Also, Mr. Speaker, on page 3 of the amendment, lines 13, 14, and 15, there is reference to the words "or lawfully possessed a firearm subsequently declared to be an assault weapon under this subchapter." Mr. Speaker, that phrase refers to section 6182 of the prior amendment A4958, which provided a process for determination by the court to add to this list. As the debate on this measure earlier today noted, the legislature was concerned about granting authority to courts to

legislate what weapons would be banned under this proposal. Therefore, Mr. Speaker, to avoid any confusion that there is a conflict between persons who lawfully possess these firearms at the time of passage of this act or within 90 days after its effective date, they have the right to retain those weapons and use them for those purposes as set forth in paragraph (c), which allows the use of these guns on your private property and for target range and for shooting purposes at approved shooting clubs.

Therefore, Mr. Speaker, the language that I just noted on page 3, lines 13 through 15, really is superfluous language and should not be interpreted to exclude any other form of firearms that are not specifically mentioned in the definition of "assault weapon."

Mr. Speaker, with that clarification, I can support this amendment.

The SPEAKER. The Chair thanks the gentleman from Lehigh, and Representative Mihalich from Westmoreland is recognized.

Mr. MIHALICH. Mr. Speaker, I, too, applaud the minority leader for apparent good faith in trying to resolve a very, very difficult issue. Many of us feel it does not go far enough, but it is a first step. For that reason I will support it.

I hope I can take him at his word when he says that this list can be amended sometime in the future, and I think the members here of good faith ought to sit down and make plans, if this passes, to review this and set up some mechanism to review this to see if perhaps something should be added or deleted. I think that would be a logical step if in fact his amendment passes.

I have another observation to make, Mr. Speaker, and I speak as a modest gun collector, perhaps a little bit more than modest, and a tepid hunter, but I resented very, very much remarks made earlier on this floor from people who perhaps referred to other people who do not agree with them as having hidden agendas, agendas veiled to go out and steal somebody's constitutional rights, to ban arms. I think this rhetoric is inflammatory; it is ill considered, serves no useful purpose, and these kinds of opinions will never allow diverse opinions on this floor to come together. I resented that very much, Mr. Speaker, and I also resent the fact that these opinions, which had no relationship to the amendment that we were discussing at the time, were allowed to be enunciated on this floor. Members here who announce their intentions to support or oppose legislation and they give their motivations for it and they give their reasons for it should be taken at face value; they should be taken at their word and not attributed to hidden motives to take away constitutional rights. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lawless, from Montgomery County is recognized.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the minority leader's amendment. Mr. Ryan has made an effort to ban those weapons which are not used in a sporting nature. Representative Ryan's

amendment is a step in the right direction, and I urge you to vote "yes" on the Ryan amendment.

The SPEAKER. The Chair thanks the gentleman for his brief comment.

The Chair recognizes the gentelady from Philadelphia, Ms. Manderino, on the Ryan amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

I have stayed out of the debate because there have been plenty of people who were very passionate about this issue, and I think we have heard a lot of that. But there is one thing that I want to clear up, because even after Mr. Ryan explained it, there seemed to be some confusion of colleagues, at least on my side of the aisle, about what this amendment does or does not do and what it does or does not do on the issue of preemption or primacy. I agree with Mr. Michlovic. I agree with Representative Evans. This is a start and we should support it. I do not think it goes far enough, but I applaud the minority leader for where he has taken us, at least to this point.

But understand that HB 185, if it passes on final passage, with or without the amendment in front of us, will still have the preemption language in it. So the Ryan amendment— I realize, for those of us from Philadelphia, that if another future amendment does not come to deal with that issue, that what you do on final passage will be your decision on the issue of preemption or primacy, but understand that that is in the original HB 185.

If you vote "no" on the Ryan amendment, not only do you not get preemption at all for home rule or get rid of the preemption for the city of Philadelphia and the city of Pittsburgh, but you have also lost any opportunity to at least start on a reasonable list for banning assault weapons in the Commonwealth of Pennsylvania.

Do not miss this opportunity because you are misplacing where the issue of primacy is in the bill. It will be in HB 185 if we defeat the Ryan amendment. With or without it, it is going to be there unless a subsequent amendment deals with it. But do not miss this opportunity to take our first reasonable shot at banning some assault weapons, however small you think that list is on a statewide level, and start to move the Commonwealth of Pennsylvania much closer to the sentiments of our reasonable constituents.

I urge your support of Mr. Ryan's amendment.

The SPEAKER. Mr. Civera and then Mr. McCall on the Ryan amendment.

Mr. CIVERA. Thank you, Mr. Speaker.

I rise here today to support the Ryan amendment.

When this entire issue began and we started the debate in the General Assembly, I learned much about the weapons that are circulated throughout the Commonwealth. I am sure that there is not a member on this floor that wants to hurt any sportsmen's group or the NRA.

My district is Upper Darby Township, which borders the city of Philadelphia, and the city of Philadelphia, as well as the city of Pittsburgh, has a problem in controlling those weapons that are circulated through those two major cities.

This amendment, although it does not go far enough as far as weapon control, is a start. As we look at what we have done today, the Williams amendment has failed to keep the ordinances in place in the city of Philadelphia and the city of Pittsburgh; the Michlovic amendment has failed. We have debated this issue for the last 2 days and we have to go home with something as far as those cities are concerned and those suburban communities that surround those cities. This is not the ultimate, this is not the ultimate thing that, you know, we say that we are going to control gun control and we are going to protect the citizens of those cities and some of those suburban communities that surround those cities, but it is something; it is something.

You know, the other day in my township I happened to be talking to a district magistrate, and in front of him that day he had a 17-year-old boy that had three weapons in the high school, in Upper Darby High School, and it goes on and on and on and on, and although controlling weapons, some of you might say, does not really control the issue, we have to start somewhere.

This amendment is not that bad, Mr. Speaker. It is the beginning of some type of reform that we have to deal with as legislators in this General Assembly.

Make no mistake about it. The issue will never go away. It will only worsen if we do not stand up and try to address it. Yes, we could try to address it in the courts, and we have tried to do that. I have been in this Assembly for 14 years. We have sent mandated sentences down. Every type of confrontation that we have with crime, we have tried to respond. But has it worked? Has it worked the fullest that we have to resort to this type of control? It has not; it has not.

Therefore, I ask you very passionately to support the Ryan amendment. Do not make this— You know, whether it was a Republican idea or whether it was a Democratic idea, it is the people of the Commonwealth of Pennsylvania's idea. This is what we need. I urge you to support the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. McCall, and then the gentleman, Mr. Taylor.

Mr. McCall on the Ryan amendment.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Ryan amendment. Law-abiding gun owners and sportsmen do not support this amendment. However, if Mr. Ryan's language on these weapons was included in the definition of "firearm" in the Uniform Firearms Act, whereby they would be required to register these weapons and they would need a license to carry these weapons, I could support it, but without that language in the Ryan amendment, I would ask for a "no" vote.

The SPEAKER. The gentleman, Mr. Taylor, from Philadelphia on the Ryan amendment.

Mr. TAYLOR. Thank you, Mr. Speaker.

I would like to address a few of the comments that were made, especially those on my side of the aisle, and start out by saying that those of us that support a reasonable ban have no hidden agenda and people who support it are not urban

liberals. Certainly I am not an urban liberal, and I proved that on the floor of this House on numerous occasions. But for representatives of the sportsmen to stand up on the Ryan amendment and oppose it shows that they are not interested at all in any type of compromise. We can make any list you want and they are not interested in a compromise. And I would submit to you that sooner or later, Mr. Speaker, the law-abiding gun owners and the sportsmen of this Commonwealth are going to have to make some sacrifices for the rest of this State.

It was said by a few members on the floor here today that they do not have crimes such as shootings in their district. One of my friends here on the floor said, you know, in my area we do not have improper discharges of weapons, and I understand that, but I can tell you, Mr. Speaker, that in our area, in my area, it is the sons and daughters of our constituents and our police officers that are dying, and we have to start sometime soon on providing a reasonable restriction on some of these weapons.

To the members of the other side that are concerned about this amendment, I would just like to apply some simple mathematics. I supported the Michlovic amendment as did others; it only received 83 votes. This gives us an opportunity to have a ban on some sort of weapons. And I would also submit to you that the Ryan amendment goes further in some areas than the ordinance that was proposed and is in place by the city council of Philadelphia. It provides for further penalties, more severe penalties, for those that violate these particular provisions.

For those reasons, Mr. Speaker, I would ask that we support the Ryan amendment.

The SPEAKER. The gentleman, Mr. Fajt, on the Ryan amendment.

Mr. FAJT. Thank you, Mr. Speaker.

I have sat here for the last 2 days and listened to this debate, and the more I listened, the more aggravated I got.

I think most of you know, my voting record in this House is one of moderation, sometimes conservative. On this issue, I part company with the conservatives. It has boggled my mind how anyone can sit in this chamber and vote against the Michlovic amendment. I obviously was taught a political lesson earlier today.

Make no mistake about what this Ryan amendment is. It is a CYA amendment. It is a political maneuver to allow people who oppose gun control to go back home and say they are in favor of gun control. Make no mistake about what this amendment does.

The original Michlovic amendment outlawed, banned, 69 different types of semi and automatic weapons. The Ryan amendment takes it down to 16. But it is going to let a lot of people in this chamber go home and say, I am in favor of gun control; I voted for the Ryan amendment.

I am going to vote for the Ryan amendment, but I will tell you, I am disgusted with it. It is a step in the right direction, it is an infinitesimal step in the right direction, and I am disappointed that we did not have the courage in this chamber

today to pass the true gun control amendment, and that was the Michlovic amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Armstrong, on the Ryan amendment.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. I am very concerned as to the dangerous precedent that we are setting.

We have already heard several members quote by saying, "Don't miss this chance at our first shot at providing a list," or "We need to add to this list at a future date," or "It's a start in the right direction." I think this should serve as a flag to all of us to realize that we are infringing upon that Second Amendment right in itself and the Constitution.

And need I say also to all of us, we have already gone farther than our brothers and sisters in Washington, DC, in the Brady bill. We have far exceeded what they have done. Can we not be satisfied with that attempt at this point? I am, and I ask for you to oppose the amendment. Thank you.

The SPEAKER. The gentleman from Pittsburgh, Mr. Petrone, on the Ryan amendment.

Mr. PETRONE. Thank you, Mr. Speaker.

I want to make a few remarks concerning this amendment and several other amendments that were introduced today.

I believe it is like going hunting elephants with blanks, most of what has occurred. Whether we ban 69 weapons or 15 or 13, the number is not important. The key issue is, it does not make even nonsense to have 50 States in this Nation with 50 different laws in each State, hundreds of communities with their own laws, and different laws, governing the control of weapons. We all know that these weapons, the majority were made for military purposes and sent abroad by our government in support of military operations around the world, and now they are coming back to our shores in droves.

If we pass a law in Pennsylvania, it is not going to help if the laws are different in the Carolinas or the Dakotas. We know that the Federal Government has passed the Brady bill. We all must live by it. Law-abiding citizens and gun owners can live with it. Legitimate people can live with a 5-day waiting period, and until our Federal Government passes a comprehensive uniform firearms code dealing with these weapons, this problem will continue to occur regardless of what the designation of the rifle is, regardless of what the designation of the weapon is. Presently, the biggest influx of guns to our shores is coming from the Russian Government who is in dire need of hard cash, and they are selling these weapons all over the world.

It is my belief that the sportsmen of this country, the outdoorsmen, the true gun owners, have got to make it known to our Congressmen and Senators in Washington what they can live with and that our Federal Government has got to pass a law that is uniform in all 50 States that we all can live with. Until that is done, we are just hunting elephants with blanks, and that is the simple fact. Thank you.

The SPEAKER. The Chair thanks the gentleman from Pittsburgh, and Representative Fairchild is recognized on the Ryan amendment.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I was wondering if Representative Ryan or someone with technical knowledge of these guns would stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will stand for interrogation. Mr. Fairchild may proceed.

Mr. RYAN. As soon as he said technical knowledge, I sprung to the microphone, Mr. Speaker.

The SPEAKER. I was looking for Roger Nick.

Mr. RYAN. Thank you. He is at my side.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

On the technical basis, on the list, I have a question on the gun that is listed as the "M-16 type," and I fully realize that M-16's are controlled by the national gun law. They are automatic weapons.

Mr. RYAN. Mr. Speaker, I am going to yield to Mr. Geist. He is more familiar with, I think, the individual weapons.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Geist, is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

Could you repeat the question, please?

Mr. FAIRCHILD. Yes, Mr. Speaker.

On the list that is provided in the Ryan amendment, there is a listing of an "M-16 type." All the other weapons are listed by specific name and number, but my specific question is, what is meant by "M-16 type"? That is not a specific manufacturer's model and number.

Mr. GEIST. Thank you very much, Mr. Speaker.

If I were listing the weapon, it would be listed only as the "M-16," which is currently an illegal weapon because it is an automatic-fire weapon. If the M-16 type would be in any way construed to mean AR-15, then that would not be correct, because that is a semiautomatic weapon that is used— It is probably the second most popular match weapon in the State of Pennsylvania. So I would believe that that "M-16 type" means only fully automatic in intent.

Mr. FAIRCHILD. Is the intent of the legislation then, if there is a legally and lawfully owned automatic weapon that is licensed through the Federal process—and I think everyone in this room knows what is involved in that process, and there has never been a legal crime or a crime committed by legally owned automatic weapons since the enactment of the gun laws—pertaining to that, that we would not have two sets of laws here, one Federal concerning M-16 and one State concerning M-16?

Mr. GEIST. Mr. Speaker, could you repeat the question? If I understand right, are you asking the specific question, in this case, would the BATF (Bureau of Alcohol, Tobacco, and Firearms) regulations have primacy over this regulation? Is that what the question is?

Mr. FAIRCHILD. Concerning that—

Mr. GEIST. The type 16?

Mr. FAIRCHILD. Yes.

Mr. GEIST. Did I understand that right?

Mr. FAIRCHILD. Yes; that is the question.

Mr. GEIST. One second until I consult with the legal eagles here.

Mr. Speaker, I have been told and led to understand that if the State passes a law that is tougher than the BATF regulation, then the State of Pennsylvania's law would have primacy.

Mr. FAIRCHILD. Well then, would you please explain exactly what an "M-16 type" is, because now you are hopping into a whole different category of weapons controlled by the BATF laws enacted in the 1930's and in the 1968 gun law.

Mr. GEIST. Thank you, Mr. Speaker.

I agree with that also, and if this record ever becomes a test in court, I think that this conversation may in some way guide a decision. But the intent of that amendment the way I read it and in listening to Mr. Ryan's explanation and others is, only the automatic weapon that is already the M-16 is regulated.

Mr. FAIRCHILD. Mr. Speaker, would you say that again? Concerning the M-16 type.

Mr. GEIST. I believe that "type" in this instance refers only to the specific M-16, not the AR-15 and not any of the sporting weapons that are currently used and shot throughout the State of Pennsylvania.

These weapons, as you well know, the AR-15, there are hundreds of thousands of those in use in the State of Pennsylvania today, and I do not think in any way that these weapons at all fall under the "type M-16" as this amendment is written, although, although, that may be where you are taking this. I would hope that "M-16" only means M-16 and "type" would mean any M-16 that is fully automatic. I would hope that is the definition that we are looking at.

Mr. FAIRCHILD. Well, then we have a conflict here. Mr. Ryan said that he obtained this list from the sportsmen's club and the list generated by Philadelphia and Pittsburgh and the NRA, and the M-16 is not on that list.

Mr. GEIST. I am sorry, Mr. Speaker. I am having a hard time hearing up here. I am really having a hard time.

The SPEAKER. The gentleman may proceed.

Mr. FAIRCHILD. Mr. Ryan indicated that he used the list from Pittsburgh and Philadelphia and the Michlovic amendment list. Is that correct?

Mr. GEIST. The list that was put together in this amendment was put together last night by a group of advocates who know these weapons inside and out. Whether the word "type" or "M-16" and how it was used, I do not know, but this list of weapons did come from advocates who were present in a meeting with Paul Dunkelberger.

Mr. FAIRCHILD. Well, we certainly have conflicting testimony then, Mr. Speaker, because Mr. Ryan indicated that this was the list of weapons that were banned in Pittsburgh, banned in Philadelphia, and/or the NRA list. An M-16 type is on there, but M-16 is not. What I am trying to get to is please define "M-16 type," because if you are going to say "M-16 type," you are going to jump into a whole new realm of automatic weapons, and I do not think it was the intent of

anybody in any of these amendments to cover fully automatic weapons, which are covered by the Federal Government and, I might add, covered very well.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, the wording "M-16" found there was taken from the Michlovic amendment—I apologize to the gentleman—not from the Philadelphia ordinance.

The intention is, the M-16 weapon, the type is the fully automatic weapon. It is not intended to cross over that barrier into the type 15. I do not know whether that answers your question. It is in—The list, Mr. Speaker, the list was reviewed by people who had the best interests of the sportsmen of Pennsylvania at heart, and they identified the M-16 as a type weapon that is seldom used by sportsmen. I am sure they did not mean the type that you are concerned about, because that, as Mr. Geist has identified it, is one that is well known and frequently used by sportsmen. So the legislative intent is clearly that of the "M-16," quote, end quote.

Mr. FAIRCHILD. Was it your intent, Mr. Speaker, to include any automatic weapon already covered by BATF?

Mr. RYAN. Some of these—I am not sure—some of these weapons, Mr. Speaker, are weapons that already are precluded from importation into the United States by the Federal Government. I believe some of them are weapons that are already prohibited by the Federal Government under that set of rules.

Mr. FAIRCHILD. Okay. But, Mr. Speaker, I do not want to give a leading question, but every weapon identified on all of these lists are semiautomatic rapid-fire weapons, and the M-16 type, I understood, they included those, for lack of a better word, Singapore look-alikes that look like the M-16's, that fire semiautomatic, and I have not talked to anyone yet that intended to jump into the new arena of already controlled Federal firearms, which are controlled by the Federal Firearms Act.

Mr. RYAN. I do not know that this is responsive, but under an ideal situation, we probably would piggyback onto the Federal BATF rules and regulations. That would solve an awful lot of problems. However, that is not possible at the moment. The intent is, as I explained earlier, it is not our intention to interfere with the lawful use of what is known today as the M-15 weaponry, and I do not know how else to say that.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to make a brief statement.

The SPEAKER. The gentleman is in order and should proceed.

Mr. FAIRCHILD. Mr. Speaker, this whole debate has deteriorated into one of hype, one of misunderstanding, and it is frustrating, I am sure, for both sides of the issue to try to separate fiction from fact, what is right and what is wrong, and I think perhaps Representative Ryan's amendment speaks to that issue on the technical basis.

We are here today to try to work out a solution and a compromise that is going to help everyone. When we do not know the difference between already controlled weapons—and

this law has been in effect since 1968, and there is not a law enforcement officer in Pennsylvania or the United States who says that that law does not work—but when we start to say that we do not know whether it is included or it may be included, this is wrong. People deserve better than that. If we cannot do any better than this, I suggest we all go home. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson, from Philadelphia.

After Mr. Richardson, the gentleman, Mr. Flick, and then Mr. Preston.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

Mr. Speaker, I want to first say that we have been had, we have been took, and we have been misled once again. It always amazes me of the condescending attitude and manner in which one rises to speak on this floor but uses a kind of aloof attitude to make it appear as though we do not know what is going on or we are trying to learn.

Earlier today we had an opportunity to vote very specifically on banning assault weapons in the Commonwealth of Pennsylvania. That was clear, outright, and concise and precise, but now at 10 minutes to 5, we now have an amendment that would make us think that we are really voting on what we voted on this morning in terms of an assault weapon ban, because now we have attached to it certain numbers to make it appear as though we are really voting on an assault weapon amendment. And I believe that the press does not need to be duped any longer into thinking that this will go out across the headlines tomorrow that "House votes on assault weapon ban," and then maybe in the small, little print you are going to find something that is going to indicate that there were only 14 or so assault weapons that we actually banned, so that we could save face for some members here today, and the distinguished gentleman who spoke earlier indicated that it was called CYA.

It is very clear to me that there was no intent at all to try to resolve this matter when we first begged not to bring this matter up until there could be a compromise. But no, the insistence was we want it now and we are going to do whatever we have to do to ram it down your throats. And now that the time has come to see that the victory was not as sweet as they wanted it, now they want it their way so they can go back and then protect themselves in their home districts by saying, we voted against some assault weapons, and trust me, we were really out front on that.

Well, I think the press needs to make sure that it is clear that you cannot have it both ways. You cannot have it in the morning being against assault weapons, then in the afternoon saying, well, we took a little bit, and then vote against an amendment that will expand that, after speaking to Commissioner Neal and the deputy police commissioner of the Philadelphia Police Department who indicated that they had a ban of about 54 that Representative Evans has in an amendment. I am wondering whether or not the distinguished gentleman who offers the amendment will also vote in favor of the Evans amendment that will also expand the list of

assault weapons that are on the list. And since out of his own words he never had an opportunity to talk to the folks who are the sportsmen involved in this but to his staff, it would be behooving to find out whether or not he also has talked to his staff about expanding that list so that more assault weapons can be on that list, particularly since we are dealing with an issue that maintains itself with respect to people who are being shot down and killed in the street by these assault weapons. But to take the list and shorten it, to make it appear as though we have reached some art of compromise tonight at this eleventh hour indicates to me that it is only a matter now of politics; that it does not have anything at all to do with assault weapons and where you really stand. I already know that there are splits on both sides and with the NRA on this matter now and that there is a lot of confusion about where people need to be.

But it is very clear to me that back home, that certainly in Montgomery County and Bucks and Berks and Chester and Delaware that are very close to Philadelphia and surrounding counties that are close to Philadelphia, this is a very serious, hard vote, because a lot of the assault weapons, and understand, the manufacturers, these folks, are in particular parts of this Commonwealth. We do not manufacture any guns, but they wind up in the hands of young people in the streets who do not manufacture and who do not make them, but somebody gets it to them. Nobody said anything about the manufacturers, because we are not really concerned about the manufacturers. They are not African-Americans or minorities that are manufacturers of these guns, but yet and still, they try to turn it around and say that it is a black issue. Well, it is not one. It is an issue of death for all people.

Assault weapons do not have any names on those bullets when they are fired. They can kill anybody, and I think that it is time that we deal specifically with recognizing what this amendment really is. It is a way to try to cover all of those persons who this morning voted "no" so the headlines tomorrow will read that they voted "yes" on some form of assault weaponry so that they can be protected back home in their legislative district.

I think it is about time that we hit the issue head-on. Let us go back and revert to the Michlovic amendment, and let us see whether or not you still stand on your same position.

You see, to say to get a little bit and then not understand what the little bit actually means is another fault of what I call subterfuge, subterfuge in terms of keeping you blind on an issue; giving you part truth or a little bit of the truth or bending the truth in some way, shape, or form to make it appear as though I am really on your side, but I am really not on your side, and I think that that clarification tonight needs to be had very readily if we in fact understand what this amendment does.

If they really are sincere about assault weapons and banning them, Representative Evans' amendment expands that list to about 54. As the police commissioner in Philadelphia says, these are the weapons that are being used in the city of Philadelphia; these are the weapons being used in Pittsburgh

and being transported to Delaware County, Berks, Bucks, Chester, and the like, so that nobody will have a misunderstanding about where these assault weapons are being transported and what they are being used for.

You see, it is one thing to talk about traveling through the Commonwealth of Pennsylvania to go to a sports event, but it is another thing when you are talking about the gangland-style shootings and murders that are taking place throughout the entire Commonwealth, and it does not have any germaneness as to where a person can wind up with these assault weapons and wind up shooting or killing somebody.

In that vein, Mr. Speaker, I am very reluctant and very concerned that the matter of this issue gets recorded on the record properly. I am voting against the Ryan amendment, because there is not a real ban on assault weapons here in the Commonwealth of Pennsylvania. It is a smokescreen.

The SPEAKER. The gentleman, Mr. Flick, then the gentleman, Mr. Preston.

Mr. FLICK. Thank you, Mr. Speaker.

I will be very brief, and I do not think anyone is going to listen to me, so I am going to speak to the young ladies in front of me.

For the record, I think the personal attacks on the gentleman from Delaware County are unfounded. I spoke with that gentleman last night. I encouraged him to come up with a list of weapons that the entire chamber could support. I do not understand why some of the individuals from the Philadelphia and Pittsburgh areas are chastising the Republican leader. The Michlovic amendment did not pass; therefore, that list of weapons is not before us.

I sometimes find it amusing up here in Harrisburg that the intellect is my way or no way. You have here before you a number of weapons which are considered to be very dangerous and which we should not see in the hands of ordinary people and they should be registered and they should be controlled. Now, Mr. Speaker, if the individuals who wish to see the Philadelphia and Pittsburgh ordinances remain intact feel they cannot support this amendment, then quite possibly they will get nothing.

I came here last week with the thought of supporting our two sister cities of Pittsburgh and Philadelphia, because I felt there was a problem with violence and crime in those cities and we in Harrisburg should not overrule their attempt to control that crime and violence, and as debate went on and I saw the list and I saw the pictures of the weapons that were in the Michlovic amendment, I felt that, you know, we really should be controlling these weapons statewide. I supported the Michlovic amendment and I intend to support the Ryan amendment, and I probably will support the Evans amendment, but I think that we have to look at the overall picture here, Mr. Speaker, and it cannot be just my way or no way.

I urge the Representatives from the two major cities of the Commonwealth to think long and hard about this amendment and support it, and if this list becomes added to later in the day or evening, well, then support that.

Mr. Speaker, thank you for your time.

The SPEAKER. The gentleman, Mr. Preston, from Pittsburgh on the Ryan amendment.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. The Chair apologizes to Mr. Preston. The gentleman, Mr. Ryan, will be with you momentarily in order to respond to your questions.

The gentleman may proceed.

Mr. RYAN. I apologize, Mr. Speaker.

The SPEAKER. No problem.

Mr. PRESTON. Thank you very much, Mr. Speaker.

Can you tell me, other than the number of weapons, what is the difference between yours and the Michlovic amendment?

Mr. RYAN. We obviously, as we have discussed at great length, reduced the number of weapons that are on the list. You are familiar with that, of course. The other thing we did is, as I mentioned earlier, we changed the method whereby that list is expanded. Under the Michlovic amendment, as I recall, it was done on the recommendation of the Commissioner of the State Police, who would petition—I may be off on some of my terminology—but the Commissioner of the State Police would petition the Commonwealth Court, who would approve or disapprove the addition of weapons to the list, and that would effectuate an expansion of the list. That was removed, the effect of which would be to turn over to the General Assembly the expansion of the list by us introducing a bill and changing it from 15 to 20 to 30 to 40 to 2 to 3, whatever we in our wisdom decide to do. They are the changes that were made.

CONSTITUTIONAL POINT OF ORDER

Mr. PRESTON. Thank you, Mr. Speaker.

May I comment on the amendment and make a motion?

The SPEAKER. The gentleman is in order and may proceed.

Mr. PRESTON. I have always taken, again, as I said earlier, this House very seriously, and I have always tried to be very consistent with what I have tried to do and how I voted and to be able to support.

Earlier today we took two separate, different votes from a motion made by a gentleman, and I am still raising the question, and I am going to ponder this a little bit more. Therefore, I am going to raise the question of constitutionality concerning the Ryan amendment.

The SPEAKER. The gentleman from Pittsburgh has raised the issue of constitutionality on the Ryan amendment.

The Parliamentarian advises me that the gentleman should make reference, if at all possible, to what section of the Constitution or on what basis he is questioning the constitutionality of the amendment.

Mr. PRESTON. The same basis that my good friend across the aisle, Mr. Gannon, made about the right to be able to bear arms, and I would hope that, one way or another, we will satisfy this question one way or another and that members will kindly try to be consistent with their standing.

It was a very serious question as I tried to raise the issue, and all I can see, as I asked the question from the gentleman, is that there was not any significant difference in his amendment versus the Michlovic amendment, and the issue about raising and the right to be able to bear arms still exists within my mind, and that is the reason why I have raised the question as far as constitutionality.

I noticed when I asked the gentleman before that, the gentleman voted against the Michlovic amendment as far as it being not constitutional, and I do not see the difference other than maybe the State Police or whatever, so therefore, I really do not know the answer to the question, and I would like the body to be able to decide whether this amendment is constitutional or not.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. The gentleman, Mr. Ryan, on constitutionality.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, as I remember the learned remarks of the distinguished jurist from Delaware County, the Honorable Thomas Gannon, on the question of constitutionality, his remarks dealt with the reasonableness of the bill. The amendment that I am offering is reasonable. The one that was before you before was unreasonable.

The SPEAKER. Mr. Preston on constitutionality.

Mr. PRESTON. I would sincerely like to ask the gentleman on what variables, if he could give it to me either denotatively or quantitatively, his theorem as far as what is reasonable and to be able to prove what is reasonable and what is not.

The SPEAKER. The gentleman, Mr. Ryan.

Mr. RYAN. Reasonableness is a subjective-type thing. It is not objective. It is not really something that you can measure the way you measure distance or the way you measure speed. You measure it in your heart, in your stomach, how it feels.

In the case of the amendment that was before us earlier where there was pretty much a carte blanche prohibition against the use of certain weapons which, to the knowledge of almost every member of this General Assembly, were being used by the vast majority of Pennsylvania sportsmen, that seemed unreasonable to me to think that this would be constitutional. To do the same thing, to reasonably regulate—we are not confiscating; we are reasonably regulating those that are not used for that purpose—seems reasonable to me, and I think that is the difference, in my judgment. It is a subjective measure.

The SPEAKER. On constitutionality, those who believe that the Ryan amendment is constitutional will vote “aye”; those who believe the Ryan amendment is unconstitutional will vote “no.”

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—126

Adolph	Durham	Lawless	Roebuck
Allen	Evans	Lederer	Rooney
Argall	Fairchild	Lee	Ruble
Baker	Fajt	Lescovitz	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fichter	Lucyk	Santoni
Bebko-Jones	Flick	Manderino	Saurman
Belardi	Freeman	McGeehan	Semmel
Bishop	Gannon	McNally	Serafini
Blaum	Gerlach	Melio	Snyder, D. W.
Butkovitz	Gigliotti	Michlovic	Staback
Buxton	Gladeck	Micozzie	Stairs
Caltagirone	Godshall	Mihalich	Steelman
Cappabianca	Haluska	Miller	Steil
Carn	Harley	Mundy	Stetler
Carone	Hasay	Murphy	Sturla
Cawley	Hennessey	Nickol	Taylor, E. Z.
Cessar	Herman	O'Brien	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Perzel	Tigue
Clymer	Hughes	Pesci	Tomlinson
Cohen, M.	Itkin	Petrone	Trello
Colafella	James	Pettit	Trich
Conti	Josephs	Phillips	Uliana
Cornell	Kaiser	Pistella	Van Horne
Corrigan	Keller	Pitts	Vitali
Cowell	Kenney	Preston	Washington
Curry	Kirkland	Raymond	Williams
DeLuca	Krebs	Reinard	Wogan
Dent	Kukovich	Richardson	Wright, M. N.
Donatucci	Laub	Ritter	Yandrisevits
Druce	Laughlin		

NAYS—69

Armstrong	George	Mayernik	Stern
Belfanti	Gordner	McCall	Stish
Birmelin	Gruitza	Merry	Strittmatter
Boyes	Gruppo	Nailor	Surra
Brown	Hanna	Nyce	Tangretti
Bunt	Hutchinson	Piccola	True
Clark	Jadlowiec	Platts	Tulli
Colaizzo	Jarolin	Roberts	Vance
Coy	Kasunic	Robinson	Veon
Daley	King	Rohrer	Waugh
Dempsey	LaGrotta	Sather	Wozniak
Dermody	Leh	Saylor	Wright, D. R.
Egolf	Lloyd	Scheetz	Yewcic
Fargo	Lynch	Schuler	Zug
Fee	Maitland	Scrimenti	
Fleagle	Markosek	Smith, B.	DeWeese,
Gamble	Marsico	Smith, S. H.	Speaker
Geist	Masland	Steighner	

NOT VOTING—1

Reber

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Battisto, from Monroe County. Does the gentleman seek to debate the Ryan amendment? The gentleman indicates he does, and he is recognized for the purpose of debating the Ryan amendment.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Ryan amendment. The Ryan amendment recognizes the principle that primacy should remain with the State, and I think that is an important principle.

Secondly, he has done something that I have been groping to try to accomplish, and that is to say, I have talked to many sportsmen and asked them, which assault weapons have no lawful purpose? Let us admit it, there are some. I have looked at various lists. I am not an expert, and he admits he is not an expert. There are some experts in this House though, I take it. The fact of the matter is, he made a great attempt to put some people together who are supposedly experts, and they sat down, apparently, to try to ascertain which of these weapons have no lawful purpose. The list is reduced from Representative Michlovic's list simply because, I believe, they were very conservative about their determination, but the fact is, it is a beginning. It is a list of weapons that seems to say, these have no lawful purpose for sportsmen. Therefore, let us do the right thing and support that amendment, because he is beginning to try to do something which we have not been able to do in this House, and that is to grope with a problem that seems to cause a great division between the rural legislators and the urban legislators.

I think I recognize, very sensitively, the problems of urban areas. At the same time, I respectfully represent constituents who really have a very conservative outlook toward this whole issue. Therefore, I believe, I believe we should look closely at the Ryan amendment, look at what he has tried to do. At least he is trying with a beginning.

One of the other things he does, he leaves discretion with the General Assembly. If this list is to be deleted or added to, it is the General Assembly's prerogative, and I think that is very important.

Therefore, I urge us to vote for the Ryan amendment. Thank you.

The SPEAKER. The gentleman, Mr. Dent, is recognized.

Mr. DENT. Thank you, Mr. Speaker.

I rise in support of the Ryan amendment.

I, too, voted for the Michlovic amendment. I think it is imperative that we try to bring some common sense to this issue and set down some reasonable restrictions and in some cases bans of certain weapons.

As I reviewed the list provided to me by Mr. James and Mr. Michlovic, one hit me right across the face as if it were a crowbar, and that was the "Striker 12 (Street Sweeper) Shotgun (domestic)," and I have to ask myself the question, who are we trying to sweep from the streets with such a weapon? I guess only the manufacturer of that particular product knows the answer to that question.

Living in the city of Allentown, we had an incident last week, which was mentioned earlier by Representative Ritter, where somebody, apparently a deranged individual, took an AR-15 and shot up a parking lot outside a barroom. Several people were injured. Fortunately, no one was killed. But it is for the people like this for whom we must provide some relief and show them that we do care about them and that they are victims of crime and that this legislature, this House, will do something to protect them and their interests.

Again, I rise in support of the Ryan amendment. I think this is a good compromise, it is a start, and let us support him. Thank you.

VOTE CORRECTION

The SPEAKER. We are getting near the end. The gentleman, Mr. Reber, and then finally, the gentleman, Mr. Williams, for the second time.

Mr. Reber is recognized on the Ryan amendment.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to add to the debate. I just want to correct the record.

On the constitutionality vote of the Ryan amendment, I was in my seat. I pressed my switch. It did not operate. If it did operate correctly, it would have indicated on the board a flashing yellow— No. Excuse me; excuse me. The debate has begun to diminish my thought process. It would have been red. Thank you.

The SPEAKER. The gentleman's thought process is so substantial that any diminution is hardly negligible.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. The gentleman, Mr. Williams, for the second time on the Ryan amendment.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I have listened intently to this debate this evening. I think it has been quite productive, and I have learned a great deal myself, personally.

People have approached me off the floor from both sides of the aisle and explained to me that if I truly want to remove these weapons from our community, we have to begin at some point in time. Even though I must explain to you that I still reserve some of the concerns I had with regard to the maker of the amendment's particular items that he lists—I certainly do not believe that it goes far enough—if I am to stand here and certainly be consistent, as people have asked me to be, if one gun is removed from our community, then we have made some progress. I still have the concerns of Philadelphia County with regard to its own issues in terms of allowing an ordinance such as it has adopted to stand. I believe that the general thrust of HB 185 is incorrect with regard to its removing that, but certainly, Mr. Ryan's attempt at constructing a list of any assault weapons apparently is a step in the right direction, and I do not want anybody to believe that politics would separate me from my commitment to removing these weapons from my community.

Some people have suggested to me that it is personal. I do not want to apologize for it being personal. It is personal. It is personal when anybody in my community is threatened with these weapons. It is personal when anybody in my community is killed with these weapons. But I do not want anyone to believe that politics would prevent me from supporting the removal of any of these weapons.

So I have to suggest to you that through my listening, through my discussions, I, too, can be educated, and therefore, I would stand in support, regardless of the motivations, in support of removing any of these and certainly all of those which are included in Mr. Ryan's amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Stairs, and finally the gentleman, Mr. Masland, on the Ryan amendment.

Mr. Stairs from Westmoreland.

Mr. STAIRS. Thank you, Mr. Speaker.

I stand at this time to commend Representative Ryan for offering this amendment. The last couple days we have been going back and forth, and certainly, Representative Ryan is looking for a common ground that we can address this very serious problem. I feel that his amendment addresses the concerns of sportsmen and those who use guns as recreation, and certainly, they will be able to purchase guns, and these people are law-abiding citizens, and why should they be penalized for crimes committed by others. Certainly, the cities that have concerns with the violence and the assault weapons, their needs are addressed.

So I think we are looking at a political answer to this very difficult question. Both sides can agree to a compromise, and I certainly gladly support this and commend Mr. Ryan for his foresight in offering this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Stairs, and the gentleman from Carlisle, Mr. Masland, is recognized on the Ryan amendment.

Mr. MASLAND. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Ryan amendment.

Mr. Ryan said early on that he does not really know anything about these guns; he does not know anything about these weapons. Well, maybe, maybe there should be some weapons that should be banned, but certainly not today and certainly not by this amendment.

We already know from Mr. Snyder that there are drafting errors. We already know, thanks to Mr. Fairchild, that there are errors of ambiguity. What kinds of M-16's are included? What is actually covered? The answer to that question was given very succinctly by Representative Fajt. What is covered here? Well, we do not know what kinds of weapons, but we do know what is being covered.

We are flying by the seat of our pants today, Mr. Speaker, and if this is the way the legislative process is supposed to work, then it is broken. If this amendment is the result of consultation, if this amendment were the result of some thoughtful processes going into it, then possibly I could support it, but it is woefully short of the consultative process.

I have listened to the debate also, and I may have learned a few things, but I certainly have not learned enough about any of these specific weapons to say that this is a good amendment, to say that we should move forward in any direction. In retrospect, we should have recommitted; in retrospect, we should have postponed this, because when we try to deliberate a bill of this magnitude on the floor of the House, we are not really learning anything more about what is going into it.

This is the wrong time; this is the wrong amendment. I urge its defeat. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—101

Adolph	Fajt	Lawless	Roebuck
Battisto	Farmer	Lederer	Rooney
Bebko-Jones	Fichter	Lee	Rublely
Bishop	Flick	Levdansky	Rudy
Blaum	Freeman	Manderino	Ryan
Butkovitz	Gannon	McGeehan	Santoni
Buxton	Gerlach	McNally	Serafini
Caltagirone	Gladeck	Melio	Snyder, D. W.
Cappabianca	Haluska	Michlovic	Stairs
Carn	Harley	Micozzie	Steil
Carone	Hasay	Mihalich	Stetler
Cawley	Hennessey	Miller	Sturla
Cessar	Hershey	Mundy	Taylor, E. Z.
Civera	Hughes	Murphy	Taylor, J.
Cohen, M.	Itkin	O'Brien	Thomas
Colaiffella	James	Oliver	Tigue
Conti	Josephs	Perzel	Tomlinson
Cornell	Kaiser	Petrone	Trich
Corrigan	Keller	Pettit	Van Horne
Cowell	Kenney	Pistella	Vitali
Curry	Kirkland	Pitts	Washington
Dent	Krebs	Platts	Williams
Donatucci	Kukovich	Raymond	Wogan
Druce	Laub	Reinard	Wright, M. N.
Durham	Laughlin	Ritter	Yandrisevits
Evans			

NAYS—95

Allen	Gamble	Marsico	Smith, B.
Argall	Geist	Masland	Smith, S. H.
Armstrong	George	Mayerzik	Staback
Baker	Gigliotti	McCall	Steelman
Barley	Godshall	Merry	Steighner
Belardi	Gordner	Nailor	Stern
Belfanti	Gruitza	Nickol	Stish
Birmelin	Gruppo	Nyce	Strittmatter
Boyes	Hanna	Pesci	Surra
Brown	Herman	Phillips	Tangretti
Bunt	Hess	Piccola	Trello
Chadwick	Hutchinson	Preston	True
Clark	Jadlowiec	Reber	Tulli
Clymer	Jarolin	Richardson	Uliana
Colaizzo	Kasunic	Roberts	Vance
Coy	King	Robinson	Veon
Daley	LaGrotta	Rohrer	Waugh
DeLuca	Leh	Sather	Wozniak
Dempsey	Lescovitz	Saurman	Wright, D. R.
Dermody	Lloyd	Saylor	Yewcic
Egolf	Lucyk	Scheetz	Zug
Fairchild	Lynch	Schuler	

Fargo	Maitland	Scrimenti	DeWeese,
Fee	Markosek	Semmel	Speaker
Fleagle			

NOT VOTING—0

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,
Will the House concur in Senate amendments as amended?

The SPEAKER. The gentleman from Philadelphia, Mr. Evans, is recognized for an amendment, which the clerk will read.

Mr. GEIST. Mr. Speaker?

The SPEAKER. The clerk will desist momentarily.

The gentleman from Blair, Mr. Geist, seeks recognition. For what purpose does the gentleman rise?

Mr. GEIST. Mr. Speaker, just a question of the Chair, please.

The SPEAKER. The gentleman will offer the question.

Mr. GEIST. The snow out west is getting much deeper. In Greene County it is probably about 10 inches deep now, and I do not know how deep it is on the floor of the House right now, but how much longer do you think us people that have to drive west are going to have to be detained in this debate?

The SPEAKER. I think the pronoun is "we."

I would have to speculate that the majority leader would have a more definitive perspective than I would regarding the floor schedule.

Is the gentleman, Mr. Itkin, in the hall of the House? The gentleman is in his seat. The gentleman will please note the question of the gentleman from Blair.

Will the gentleman, Mr. Cessar, yield momentarily.

The majority leader, Mr. Itkin, has been inquired of.

Mr. ITKIN. Mr. Speaker, it is my understanding that there will be one more amendment to HB 185 offered this evening, and that will be an amendment by Mr. Evans. After that, I hope that I will have the Republican leader's cooperation in asking to table the bill for the time being, until we come back, so that we can proceed with what I had said about 3 hours ago, to see whether we can come up with some agreed-to, thoughtful package of amendments to make this thing good for Pennsylvania.

After we do that, if the Republican leader is agreeable and the Republican Caucus will support me in that, we have a few other things we have to deal with. I am trying to eliminate from the calendar, the active calendar, the most contentious pieces of legislation, but there are certain bills that it is my intention to move forward.

I would just urge members not to debate these issues anymore unless they feel compelled to do so, and if they do feel a compelling reason to debate, that they let their words be

brief. Ecclesiastes—I do not remember what the particular verse is in Ecclesiastes—"Let thy words be brief."

Mr. RYAN. Mr. Speaker?

The SPEAKER. Ecclesiastes has been quoted.

Mr. Ryan, you are recognized.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, this has been a strange day. We started the day off making the recommendation to the majority leader that this bill go into committee, that it be studied. That was not acceptable. Then later on in the day, the recommendation was made by the majority leader that it go into committee and that it be studied, and that was not acceptable to me. Now I am saying, why are we going to wait? I understand what the gentleman, Mr. Evans' amendment is, is really an explosion of the first amendment that we had, where we are adding back in another 30 or 40 weapons to the first amendment. We are going to have a rerun. You are not going to get out of here without 3 or 4 more hours of debate, in my judgment.

I am prepared at this time to make a motion that the bill be recommitted to the Game and Fish Commission—Fish Commission would be better—Committee, unless the majority leader wants to have a little sidebar conference. I have no problem, I have no problem putting it in Rules, dependent on the following: I think the Rules Committee could be the custodian, if you will, of this bill until such time as we put together an ad hoc committee, if you will, or formalize it by resolution—it does not matter—with representatives of Game and Fish, representatives of Judiciary, Local Government, and Urban Affairs, and have those 4 committees or 5, if the majority leader wants a fifth—I mean, it does not matter to me; 3, 4, 5—and let those 6, 8, or 10 people report back to this floor in the middle of January with a proposal.

Now, there are going to be hard feelings, I suspect, one way or the other. We are both kind of even with each other now, are we not? So let us quit while we all have kind of a smile or a grimace on our face, as the case may be. We are going to stay here another 3 hours, and people are going to get upset. Now, why do we not put this bill away and let cooler heads and smarter heads prevail?

I listened and I did not like it—let me tell you that—I did not like it when one of my own members plays back to me the tune that I started on the turntable when I admitted I did not know what I was doing. I only do that rhetorically. I do not really believe that. I do not expect you to play it back to me that I do not know what I am doing. He does not know what he is doing. But we do not know what we are doing right now because we are all preoccupied with the idea of getting out of here. We do not know what amendments are anywhere.

I think, Mr. Majority Leader, let us call it a day. We are not going to make a bit of difference in this world by staying here and doing Mr. Evans' amendment. Mr. Evans knows it. Come on, Mr. Appropriations Committee Chairman, give us all a break.

The SPEAKER. The gentleman, Mr. Cessar, has been polite enough to yield. The gentleman is now recognized. For what purpose does the gentleman rise?

Mr. CESSAR. Mr. Speaker, I would like to make a motion, but I will defer to the gentleman for— If he is going to run his amendment, I will make the motion.

Are you going to run your amendment?

The SPEAKER. The gentleman, Mr. Evans, is going to comment, and the gentleman is yielding.

Mr. EVANS. I would like to comment in support of what Mr. Cessar is going to suggest. I am going to support what Mr. Cessar is going to suggest. I support his particular position, and once he states that position, then I would like to run my amendment, but I support Mr. Cessar.

The SPEAKER. Have you had some dialogue with the gentleman from Allegheny?

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Cessar, is recognized.

Mr. CESSAR. Thank you, Mr. Speaker.

What I would like to do, Mr. Speaker, is to suspend the rules temporarily to put into effect a 2-minute speaking allowance, and I think that is plenty ample for everybody to convey their message.

The SPEAKER. The Chair thanks the gentleman.

The gentleman has asked for a temporary suspension of the rules. This is not debatable except by the floor leaders.

Seeing that the floor leaders are not anxious to debate, all those in favor of a temporary suspension of the rules for a 2-minute speaking opportunity during this next amendment will vote "aye"; those who are not in favor of suspending the rules for a 2-minute limitation will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—117

Allen	Durham	Lederer	Roberts
Argall	Evans	Lee	Robinson
Battisto	Fajt	Leh	Roebuck
Bebko-Jones	Farmer	Lescovitz	Rooney
Belfanti	Fee	Levdansky	Rubley
Birmelin	Gamble	Lloyd	Rudy
Bishop	George	Lynch	Santoni
Brown	Gigliotti	Marsico	Saurman
Butkovitz	Gladeck	Mayermik	Scrimanti
Buxton	Gruitza	McCall	Semmel
Caltagirone	Haluska	McGeehan	Snyder, D. W.
Cappabianca	Harley	McNally	Staback
Cessar	Hasay	Melio	Stairs
Civera	Hennessey	Merry	Steighner
Cohen, M.	Herman	Micozzie	Stish
Colaella	Hess	Mihalich	Surra
Colaizzo	Hughes	Miller	Tangretti
Conti	Itkin	Mundy	Taylor, J.
Cornell	James	Murphy	Thomas
Corrigan	Jarolin	Nailor	Trello
Cowell	Josephs	Oliver	Trich
Coy	Kasunic	Pesci	Uliana
Curry	Keller	Petrone	Veon
Daley	Kenney	Pettit	Vitali
DeJaca	Kirkland	Piccola	Washington
Dempsey	LaGrotta	Pistella	Williams

Dent	Laub	Preston	Wogan
Dermody	Laughlin	Reinard	Wozniak
Donatucci	Lawless	Richardson	Yewcic
Druce			

NAYS—75

Adolph	Gannon	Nickol	Steil
Armstrong	Geist	Nyce	Stern
Baker	Gerlach	O'Brien	Stetler
Barley	Godshall	Perzel	Strittmatter
Belardi	Gordner	Phillips	Sturla
Blaum	Gruppo	Pitts	Taylor, E. Z.
Boyes	Hanna	Platts	Tigue
Bunt	Hershey	Raymond	Tomlinson
Carone	Hutchinson	Reber	True
Cawley	Jadlowiec	Rohrer	Vance
Chadwick	Kaiser	Ryan	Van Home
Clark	King	Sather	Waugh
Clymer	Krebs	Saylor	Wright, D. R.
Egolf	Kukovich	Scheetz	Wright, M. N.
Fairchild	Lucyk	Schuler	Yandrisevits
Fargo	Maitland	Serafini	Zug
Fichter	Manderino	Smith, B.	
Fleagle	Masland	Smith, S. H.	DeWeese,
Flick	Michlovic	Steelman	Speaker
Freeman			

NOT VOTING—4

Carn	Markosek	Ritter	Tulli
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EXCUSED—7

Acosta	Cohen, L. J.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Cessar, now makes a motion—

The gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I move that HB 185 be recommended to the Committee on Rules—

The SPEAKER. The gentleman is out of order.

Mr. RYAN. Thank you.

The SPEAKER. The Chair was recognizing Mr. Cessar.

Mr. RYAN. Well, you mentioned my name. I apologize.

The SPEAKER. Apology is not necessary, sir.

Mr. CESSAR. Mr. Speaker, I will defer to my floor leader.

The SPEAKER. The only observation that the Chair has is that the Chair was under the impression that the gentleman from Philadelphia and the gentleman from Etna, downtown Etna, had had some confabulation that your intercession might mitigate.

Mr. RYAN. What did you say?

Mr. EVANS. Mr. Speaker?

The SPEAKER. Mr. Evans is recognized.

Mr. EVANS. Mr. Speaker, I agree with the floor leader, the minority floor leader, that people are very tired and it has been a long day. However, Mr. Speaker, I believe that I moved towards a compromise by the fact that I agreed with Mr.

Cessar that we should have a 2-minute limit. I understand that we have been through the Michlovic debate and the Ryan debate; I understand we may change some minds and we may not, but I think, Mr. Speaker, I deserve the right and the opportunity to just present my point of view, and no more than agreeing with Mr. Cessar, I agreed, made it bipartisan, and I hope the floor leader really understands that, because you know, I have a lot of respect for the floor leader, but sometimes I think the floor leader gets a little absentee in terms of how I try to cooperate.

So I am asking that we have this opportunity for 2 minutes, people get the opportunity to debate it 2 minutes, and I think I deserve that courtesy.

MOTION TO LIMIT DEBATE

The SPEAKER. Mr. Cessar is recognized.

Mr. CESSAR. Thank you, Mr. Speaker.

At this time I would make the motion that we limit debate to 2 minutes.

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

(Members proceeded to vote.)

The SPEAKER. The Parliamentarian advises that this would take 102 votes in order to adopt this temporary rule - 102 votes.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—93

Allen	Evans	Lee	Rudy
Argall	Fajt	Lescovitz	Santoni
Battisto	Farmer	Lloyd	Saurman
Bebko-Jones	Fee	Lynch	Semmel
Belfanti	Gamble	Markosek	Snyder, D. W.
Birmelin	Geist	Mayernik	Staback
Blaum	George	McGeehan	Steighner
Butkovitz	Gigliotti	McNally	Stish
Buxton	Gladeck	Melio	Surra
Caltagirone	Gruitza	Mihalich	Tangretti
Cappabianca	Haluska	Miller	Taylor, J.
Carn	Harley	Mundy	Thomas
Cessar	Hasay	Oliver	Trello
Cohen, M.	Herman	Pesci	Trich
Colafiglia	Hughes	Petrone	Uliana
Colaizzo	Itkin	Pettit	Veon
Cornell	James	Pistella	Vitali
Corrigan	Josephs	Preston	Washington
Cowell	Keller	Richardson	Williams
Coy	Kirkland	Roberts	Wogan
Curry	LaGrotta	Robinson	Wozniak
DeLuca	Laughlin	Roebuck	Wright, D. R.
Dermody	Lederer	Rooney	Yewcic
Donatucci			

NAYS—101

Adolph	Freeman	Marsico	Scrimenti
Armstrong	Gannon	Masland	Serafini

Baker	Gerlach	McCall	Smith, B.
Barley	Godshall	Merry	Smith, S. H.
Belardi	Gordner	Michlovic	Stairs
Boyes	Gruppo	Micozzie	Steelman
Brown	Hanna	Murphy	Steil
Bunt	Hennessey	Nailor	Stern
Carone	Hershey	Nickol	Stetler
Cawley	Hess	Nyce	Strittmatter
Chadwick	Hutchinson	O'Brien	Sturla
Civera	Jadlowiec	Perzel	Taylor, E. Z.
Clark	Jarolin	Phillips	Tigue
Clymer	Kaiser	Piccola	Tomlinson
Conti	Kasunic	Pitts	True
Daley	Kenney	Platts	Tulli
Dempsey	King	Raymond	Vance
Dent	Krebs	Reber	Van Home
Druce	Kukovich	Reinard	Waugh
Durham	Laub	Rohrer	Wright, M. N.
Egolf	Lawless	Rubley	Yandrisevits
Fairchild	Leh	Ryan	Zug
Fargo	Levdansky	Sather	
Fichter	Lucyk	Saylor	DeWeese,
Fleagle	Maitland	Scheetz	Speaker
Flick	Manderino	Schuler	

NOT VOTING—2

Bishop	Ritter
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EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the negative, and the motion was not agreed to.

The SPEAKER. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, I move that HB 185 be recommended to the Committee on Rules as opposed to what I originally intended, which was to move it into one of the standing committees, with the idea in mind—

The SPEAKER. The gentleman will momentarily desist.

The objection monitored on the right is appropriate. The gentleman, Mr. Evans, was recognized, and the gentleman, Mr. Cessar's intercession was appropriate. The gentleman, Mr. Ryan's intercession is not appropriate. The gentleman, Mr. Evans, is still recognized.

The Chair apologizes to the gentleman from Delaware, but I am certain that my actions are appropriate.

On the question recurring,
Will the House concur in Senate amendments as amended?
Mr. EVANS offered the following amendments No. A5095:

Amend Sec. 1 (Sec. 6111), page 2, lines 8 through 59; page 3, lines 1 through 24 (A4786), by striking out "Within 20 business days after the", page 2, line 8 and all of lines 9 through 59, page 2 and all of lines 1 through 24, page 3

Amend Bill, page 3, by inserting between lines 31 and 32 (A4786)

Section 3. Chapter 61 of Title 18 is amended by adding a subchapter to read:

CHAPTER 61
FIREARMS AND OTHER DANGEROUS ARTICLES
* * *
SUBCHAPTER D

ASSAULT WEAPONS

- Sec.
6181. Definitions.
6182. Determination by court.
6183. Registration.
6184. Relinquishment of weapons.
6185. Licensed gun dealers.
6186. Penalties.
6187. Application of subchapter.

§ 6181. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Assault weapon.”

(1) The following weapons known by the trade names specified:

RIFLES

Algimec AGM 1 type
Australian SAR
Avtomat Kalashnikov (AK) series
Beretta AR-70 (SC-70)
Beretta BM59
Bushmaster Assault Rifle (armgun)
Calico M-900 type
CETME G3
Chartered Industries SR-88 type
CAR-15 series
Daewoo AR-100 type
Daewoo K-1
Daewoo K-2
Daewoo Max 1
Daewoo Max 2
Demro TAC-1 carbine type
Encom MP-9 carbine type
Encom MP-45 carbine type
FAMAS MAS223
G3SA type
Galil type
Heckler & Koch MP-5
Mandall the TAC-1 Carbine
M-16 type
M-900 Assault Carbine
MAC 11-99 Carbine Type
Plainfield Machine Company Carbine
SKS with detachable magazine
SIG AMT
SIG 500 series
SIG PE-57
Sterling MK-6
Sterling SAR
Steyr AUG
Valmet M62 semiautomatic
Valmet M71S semiautomatic
Valmet M76 semiautomatic
Valmet M78 semiautomatic
Uzi carbine type
Weaver Arms Nighthawk
Mac 10
Mac 11
Intratec TEC-9
Intratec TEC-22
Mitchell Arms Spectre Auto
Sterling MK-7
Calico M-900

SHOTGUNS

Encom CM-55
Franchi SPAS 12
Franchi LAW 12
Gilbert Equipment Company Striker 12
Gilbert Equipment Company Street Sweeper
Steyr-AUG semiautomatic type
USAS 12 semiautomatic type
Pistols

UZI Pistol

(2) Any shotgun with a revolving cylinder such as the “Street Sweeper” or “Striker 12.”

(3) A semiautomatic weapon with a magazine capacity exceeding ten rounds.

(4) Any firearm declared by the court pursuant to section 6182 (relating to determination by court) to be an assault weapon.

“Automatic firearm.” A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which automatically shoots more than one shot by a single function of the trigger.

“Commissioner.” The Commissioner of the Pennsylvania State Police.

“Licensed gun dealer.” A person who has a Federal firearms license and any business license required by a State or local governmental entity.

“Semiautomatic firearm.” A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which requires a separate function of the trigger to fire each cartridge.

§ 6182. Determination by court.

(a) General rule.—Upon request by the commissioner filed in a verified petition in the Commonwealth Court, the court shall issue a declaration of temporary suspension of the manufacture, sale, distribution, transportation or importation into this Commonwealth, or the giving or lending of a firearm alleged to be an assault weapon because the firearm is either of the following:

(1) Another model by the same manufacturer or a copy by another manufacturer of an assault weapon listed in section 6181 (relating to definitions), which is identical to one of the assault weapons listed in that section except for slight modifications or enhancements, including, but not limited to: a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic or metal stock; larger magazine size; different caliber provided that the caliber exceeds .22 rimfire; or bayonet mount. The court shall strictly construe this paragraph so that a firearm which is merely similar in appearance but not a prototype or copy can not be found to be within the meaning of this paragraph.

(2) A firearm first manufactured or sold to the general public in this Commonwealth 90 days after the effective date of this subchapter, which has been redesigned, renamed or renumbered from one of the firearms listed in section 6181, or which is manufactured or sold by another company under a licensing agreement to manufacture or sell one of the firearms listed therein regardless of the company of production or distribution, or the country of origin.

(b) Declaration of temporary suspension.—Upon the issuance of a declaration of temporary suspension by the court and after the commissioner has completed the notice requirements of subsection (c)(1), the provisions of subsection (a) shall apply with respect to those weapons.

(c) Notice.—

(1) Upon declaration of temporary suspension, the commissioner shall immediately notify all police, sheriffs, district attorneys and those requesting notice under paragraph (2), shall notify industry and association publications for those who manufacture, sell or use firearms, and shall publish notice in not less than ten newspapers of general circulation in geographically diverse sections of this Commonwealth of the fact that the declaration has been issued.

(2) The commissioner shall maintain a list of any persons who request to receive notice of any declaration of temporary suspension and shall furnish notice under paragraph (1) to all these persons immediately upon a court declaration. Notice shall also be furnished by the commissioner by certified mail, return receipt requested (or substantial equivalent if the person to receive same resides outside the United States), to any known manufacturer and Com-

monwealth distributor of the weapon subject to the temporary suspension order or their statutory agent for service. The notice shall be deemed effective upon mailing.

(d) Hearing.—After issuing a declaration of temporary suspension under this section, the court shall set a date for hearing on a permanent declaration that the weapon is an assault weapon. The hearing shall be set no later than 30 days from the date of issuance of the declaration of temporary suspension. The hearing may be continued for good cause thereafter. Any manufacturer or Commonwealth distributor of the weapon which is the subject of the temporary suspension order has the right, within 20 days of notification of the issuance of the order, to intervene in the action. Any manufacturer or Commonwealth distributor who fails to timely exercise its right of intervention or any other person who manufactures, sells or owns the assault weapon may, in the court's discretion, thereafter join the action as amicus curiae.

(e) Burden of proof.—At the hearing, the burden of proof is upon the commissioner to show by a preponderance of evidence that the weapon which is the subject of the declaration of temporary suspension is an assault weapon. If the court finds the weapon to be an assault weapon, it shall issue a declaration thereof. Any party to the matter may appeal the court's decision. A declaration that the weapon is an assault weapon shall remain in effect during the pendency of the appeal unless ordered otherwise by the appellate court.

§ 6183. Registration.

(a) General rule.—Any person who lawfully possesses an assault weapon, prior to 90 days after the effective date of this subchapter, shall register the firearm within one year of that effective date, with the commissioner under those procedures which the Pennsylvania State Police may establish. The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department may charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department.

(b) Certain sales, transfers, etc.—No assault weapon possessed under this section may be sold or transferred on or after 90 days following the effective date of this subchapter, to anyone within this Commonwealth other than to a licensed gun dealer, as defined herein. Any person who obtains title to an assault weapon registered under this section by bequest or intestate succession, moves into this Commonwealth in lawful possession of an assault weapon or lawfully possessed a firearm subsequently declared to be an assault weapon under this subchapter shall, within 90 days, either render the weapon permanently inoperable, sell the weapon to a licensed gun dealer or remove the weapon from this Commonwealth. A person who lawfully possessed a firearm which was subsequently declared to be an assault weapon under section 6182 (relating to determination by court) may alternatively register the firearm within 90 days of that declaration.

(c) Conditions of possession.—A person who has registered an assault weapon under this section may possess it only under the following conditions unless a permit allowing additional uses is first obtained:

(1) At that person's residence, place of business or other property owned by that person or on property owned by another with the owner's express permission.

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(3) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range.

(4) While on the premises of a shooting club.

(5) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or State recognized entity that fosters proficiency in, or promotes education about, firearms.

(6) While transporting the assault weapon between any of the places mentioned in this subsection.

No person who is under 18 years of age and no person who is prohibited from possessing a firearm by this chapter may register or possess an assault weapon. The registration procedures shall provide the option of joint registration for assault weapons owned by family members residing in the same household.

§ 6184. Relinquishment of weapons.

Any individual may arrange in advance to relinquish an assault weapon to a police or sheriff's department.

§ 6185. Licensed gun dealers.

Any licensed gun dealer who lawfully possesses an assault weapon under this subchapter, in addition to the uses allowed hereunder, may transport the weapon between dealers or out of this Commonwealth, display it at any gun show licensed by a State or local governmental entity, sell it to a resident outside this Commonwealth or sell it to a person who has been issued a permit pursuant to this subchapter. Any transporting allowed by this section must be done as required by this subchapter.

§ 6186. Penalties.

(a) Unlawful manufacture, importation, etc.—Any person who within this Commonwealth manufactures or causes to be manufactured, distributes, transports or imports into this Commonwealth, keeps for sale or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this subchapter, commits a felony of the third degree.

(b) Unlawful possession.—Any person possessing an assault weapon in violation of this subchapter commits a misdemeanor of the first degree for a first offense and a felony of the third degree for each subsequent offense.

§ 6187. Application of subchapter.

This subchapter shall not apply to the use or possession of assault weapons by State or local law enforcement agencies, the military forces of this Commonwealth or the armed forces of the United States.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Evans.

Mr. EVANS. Mr. Speaker, what I would like to do—

PARLIAMENTARY INQUIRY

Mr. RYAN. Pardon me.

Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. RYAN. At what point is it—and I ask this out of tired ignorance—at what point is it appropriate for me to make such a motion as I attempted to make? I am saying this before the gentleman gets started.

(Conference held at Speaker's podium.)

The SPEAKER. On the Evans amendment, the gentleman from Philadelphia is recognized.

Mr. EVANS. Mr. Speaker—

Mr. RYAN. Mr. Speaker, I hate to interrupt again, but—

The SPEAKER. The gentleman will indicate his reason for taking the microphone.

Mr. RYAN. My members do not have a copy of this amendment, nor have we caucused on it.

The SPEAKER. The administrative people on staff indicate that it has been distributed.

Mr. RYAN. I apologize. Apparently, many do have it. I had been told that they did not.

The SPEAKER. An honest mistake.

The gentleman, Mr. Evans, is recognized.

Mr. EVANS. Mr. Speaker, may I interrogate Representative James from Philadelphia?

The SPEAKER. The subcommittee chairman on Crime and Corrections indicates that he will respond to interrogation on the Evans amendment.

Mr. EVANS. Mr. Speaker, can you tell me about your background with the Philadelphia police force?

Mr. JAMES. Thank you, Mr. Speaker.

I just simply say that I started on the police force in January of 1965 as an undercover officer working on narcotics, and I did that for about 5 years. Then I went and did uniform patrol work for the rest of my time, for 22 years totally, retiring in 1987.

Mr. EVANS. Mr. Speaker, can you tell me—you had a chance to read my amendment—could you, Mr. Speaker, tell me how the police department in the city of Philadelphia arrived at the list of weapons that are on this particular amendment, Mr. Speaker?

Mr. JAMES. Yes. In a meeting with yourself and Representative Hughes and Representative Tony Williams, I called Police Commissioner Neal's office. I spoke to Deputy Commissioner Seamon and also Commissioner Neal. I told him that there was some concern up here, as we talked about banning assault weapons, and there was some concern from sportsmen's organizations and people that participated in competition and target shooting. I asked him if he could give us a list, based on the Michlovic amendment, which of these weapons that they did not find too much on the streets of Philadelphia by criminals but that they did believe were used for target practice and competition. At that point they then got in touch with firearms experts, and at that point they did come out with a list of 15 weapons which I told you that they considered could be removed from the ban on assault weapons.

Mr. EVANS. Mr. Speaker, was there anything else that the Philadelphia Police Department expressed to you regarding these particular weapons that are on this list?

Mr. JAMES. Yes. They were concerned about a section which talked about the semiautomatic weapons with a magazine capacity exceeding 10 rounds. However, in a further explanation from staff, we found that because police officers now, because of what I had expressed last night of how the criminals are starting to use automatic weapons and now the police departments have to arm themselves with automatic weapons, they were concerned that their automatic weapons might be part of the ban. But because of the subsection in the last paragraph in 6187, that excludes law enforcement personnel and military personnel, so they were satisfied.

Mr. EVANS. Mr. Speaker, I would like to thank the gentleman for allowing me to interrogate him, and I would like to comment on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. EVANS. Mr. Speaker, I know that an awful lot of people at this particular point have heard an awful lot of

arguments, but I would like to describe the difference in the amendment that I am offering versus the amendment that Representative Michlovic offered versus the amendment Representative Ryan offered.

The amendment that Representative Michlovic offered had about 69 weapons on that particular list. What I did, Mr. Speaker, is, I went to Mr. James and spoke to people from the Philadelphia Police Department about the difference in terms of the various weapons. I said, at least to Mr. James, that we need to come up with something that is somewhat of a middle ground. I expressed, Mr. Speaker, if you look at the amendment that I am offering, that I do believe, Mr. Speaker, that this is a beginning. The amendment that Mr. Ryan offered, Mr. Speaker, was an amendment that was addressing between 14 to 16 weapons. In that amendment that he offered, Mr. Speaker, I stood here and I said to each and every one of you that I would support that amendment, because I expressed to you also, Mr. Speaker, that this was not an issue of a Democrat-Republican, urban-rural-suburban, but it was an issue about the people of the Commonwealth of Pennsylvania.

I understand, Mr. Speaker, that people have gotten to a point where they are tired of dealing with this issue. However, Mr. Speaker, there are people throughout the Commonwealth of Pennsylvania who are tired of being shot at. Unfortunately, Mr. Speaker, it seems that when we get tired of dealing with an issue, we suddenly can turn it off and say we no longer want to deal with it.

Well, I am saying to you, Mr. Speaker, that I have stood here and supported Mr. Ryan and his amendment; that I asked the floor leader, the minority floor leader, to consider my amendment on the merit of the issue. I said that Mr. Ryan's amendment, in my opinion, Mr. Speaker, was a beginning and not the end. What I have attempted to do, Mr. Speaker, is expand that from 16 to about 54 weapons, issues that have been raised with me, Mr. Speaker.

I would hope, I would hope no matter what side of the aisle you are from, no matter what part of the Commonwealth you are from, that you basically look at this issue and that you support this particular amendment.

Again, Mr. Speaker, this issue is not going to go away, and the reality of it is, Mr. Speaker, I would hope that Democrats and Republicans could support me on this amendment. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

The SPEAKER. Mr. Ryan. For what purpose does the distinguished gentleman from Delaware County rise?

Mr. RYAN. Mr. Speaker, to renew my suggestion, by way of motion, however, that this matter deserves far more closer attention than we have been willing or able to give at this date. I at this time move that the bill be recommitted to the Committee on Game and Fisheries.

The SPEAKER. The motion that the gentleman offers is to recommit to the House Game and Fish.

Mr. RYAN. Mr. Speaker, that includes any amendments that are attached to it, of course.

The SPEAKER. The Chair thanks the gentleman for the clarification.

The gentleman moves that the bill and the accompanying amendments be recommitted to the House Game and Fish Committee.

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

The SPEAKER. This motion is debatable.

The gentleman, Mr. Evans, is recognized on the motion to recommit.

Mr. EVANS. Mr. Speaker, all day, from this morning when the floor leader indicated that this bill should be recommitted, at that particular point we voted "no." We came back after lunch, Mr. Speaker, and my leader suggested that this bill be postponed and you voted "no." I am expecting, Mr. Speaker, and I would like and I would greatly appreciate it if members on both sides of the floor would understand that I would like to think that I deserve the very same courtesy to debate this issue. While the fact that we are debating this particular issue, Mr. Speaker, we could be debating the amendment that is before us.

So I would ask a "no" vote on recommitting the bill to Game and Fish. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. Evans.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Harold James, from Philadelphia also seeks recognition on the motion to recommit.

Mr. JAMES. Mr. Speaker, may I ask a question of parliamentary inquiry?

The SPEAKER. The gentleman is in order and may proceed.

Mr. JAMES. What is the process, Mr. Speaker, if in fact we can deal with Ryan's motion after we vote on the Evans amendment?

The SPEAKER. To answer the gentleman specifically, the motion in front of the House at this time is the Ryan motion to recommit. If that is voted upon favorably, then the gentleman's amendment would also be sent to the Game and Fisheries Committee along with the bill.

Mr. JAMES. But can we vote again on the Ryan motion after we vote on Representative Evans' amendment?

The SPEAKER. If the gentleman's motion is defeated and the gentleman, Mr. Evans' amendment is dealt with, then at that time a motion similar to Mr. Ryan's would be appropriate.

Mr. JAMES. All right. Mr. Speaker, can I make a motion to postpone Ryan's motion—is that in order?—until after the vote on Evans' amendment?

The SPEAKER. Respectfully, the gentleman's motion is not in order.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Adolph	Flick	Marsico	Saylor
Allen	Gannon	Masland	Scheetz
Armstrong	Geist	Merry	Schuler
Baker	Gerlach	Micozzie	Semmel
Barley	Gladeck	Miller	Serafini
Birmelin	Godshall	Nailor	Smith, B.
Boyes	Gruppo	Nickol	Smith, S. H.
Brown	Hasey	Nyce	Snyder, D. W.
Bunt	Hennessey	O'Brien	Stairs
Chadwick	Herman	Perzel	Steil
Civera	Hershey	Pettit	Stern
Clark	Hess	Phillips	Strittmatter
Clymer	Hutchinson	Piccola	Taylor, E. Z.
Conti	Jadlowiec	Pitts	Taylor, J.
Dempsey	Kenney	Platts	Tomlinson
Druce	King	Raymond	True
Durham	Krebs	Reinard	Tulli
Egolf	Laub	Rohrer	Uliana
Fairchild	Lawless	Rubley	Vance
Fargo	Lee	Rudy	Waugh
Farmer	Leh	Ryan	Wogan
Fichter	Lynch	Sather	Zug
Fleagle	Maitland	Saurman	

NAYS—94

Battisto	Fee	Lucyk	Staback
Bebko-Jones	Freeman	Manderino	Steelman
Belardi	Gamble	Markosek	Steighner
Belfanti	George	Mayernik	Stetler
Blaum	Gordner	McCall	Stish
Butkovitz	Gruitz	McGeehan	Sturla
Buxton	Haluska	McNally	Surra
Caitagirone	Hanna	Melio	Tangretti
Carn	Harley	Michlovic	Thomas
Cawley	Hughes	Mihalich	Tigue
Cessar	Itkin	Mundy	Trello
Colafiglia	James	Murphy	Trich
Colaizzo	Jarolin	Oliver	Van Horne
Cornell	Josephs	Pesci	Veon
Corrigan	Kaiser	Petrone	Vitali
Cowell	Kasunic	Pistella	Williams
Coy	Keller	Preston	Wozniak
Curry	Kirkland	Ritter	Wright, D. R.
Daley	Kukovich	Roberts	Wright, M. N.
DeLuca	Laughlin	Robinson	Yandrisevits
Dent	Lederer	Roebuck	Yewcic
Donatucci	Lescovitz	Rooney	
Evans	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Scrimenti	Speaker

NOT VOTING—11

Argall	Carone	Gigliotti	Richardson
Bishop	Cohen, M.	LaGrotta	Washington
Cappabianca	Dermody	Reber	

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,
Will the House agree to the amendments?

The SPEAKER. The gentleman is in order and may proceed.

Mr. EVANS. Thank you, Mr. Speaker.

I would like to thank the members of the House for allowing me to debate this particular issue.

What I was expressing to you earlier, Mr. Speaker, was that what we are attempting to do in this amendment that I am offering is basically to deal with some of the issues that basically have been raised by others that have not been addressed.

I feel fundamentally, Mr. Speaker, if you look at the amendment that I am offering, the amendment tends to try to get to the base of some issues that Mr. Ryan had ignored. If you look at it, I incorporate the 14 or the 16 weapons that Mr. Ryan had in his amendment, but besides that, I go a little further. You heard Mr. James express to you that there were some weapons that we tried to be sensitive to the sportsmen and to the NRA and we tried to be sensitive to those individuals who use weapons from a competitive standpoint. We do not, Mr. Speaker, and I want to repeat that, we do not, Mr. Speaker, want to affect individuals that use weapons from a competitive standpoint. Mr. Speaker, we were looking at individuals who put out weapons, in our view, that are out there maiming and hurting people.

So I am saying to you, Mr. Speaker, that I believe and I am suggesting to you that the amendment that I am offering goes a little further than what Mr. Ryan has offered. However, it does not go as far as what Mr. Michlovic offered. I believe, Mr. Speaker, that it is a beginning.

The gentleman is right. I hope that if I am successful in this particular amendment, I will be the first one to say, yes, let us sit down and go through both amendments and figure out where we go. But at this particular point, Mr. Speaker, I believe that if you look at the amendment that I am offering, that we have put some thought into it, and we are saying, yes, we should not go as far as what the Michlovic amendment stressed, but, yes, we should not be at just the point of what Mr. Ryan is offering.

So I would ask that Democrats and Republicans on both sides consider this issue, and I hope that I can get a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Ryan, on the Evans amendment.

Mr. RYAN. Mr. Speaker, I am going to ask to interrogate, but first I am going to make a brief comment.

What we do in haste we really regret and the people of Pennsylvania regret. Now, I cannot believe for a moment that the gentleman intends this, and I am certain that a lot of you on the other side and a lot of our people probably think this is part of my rhetoric to foul this up, but it is not.

I am asking you now to get a copy of the amendment that the gentleman has provided to each of us. Turn to page 2—ready, 1, 2—page 2. At the bottom of it, you will find, about 8 or 10 or 12 lines up from the bottom, the word "pistols." Now, the way— This amendment was drafted improperly; that is all I am saying. The word "pistols," instead of being found

as a subcategory the way "shotguns" is up above, is found in the left, in line, so that I believe if this amendment is adopted as it is presented, all pistols in Pennsylvania are part of the ban.

CONSTITUTIONAL POINT OF ORDER

Mr. RYAN. Now, under those circumstances, I sincerely believe that, aside from it being improperly drafted, it is clearly unconstitutional, and I call it into issue on that basis. Do not believe me. Read page 2 of the amendment.

I am questioning the constitutionality, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Ryan, has raised the constitutionality of the amendment.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the issue of constitutionality, the gentleman, Mr. Evans, is recognized.

Mr. EVANS. Mr. Speaker, if you go back to Mr. Ryan's amendment and you look at Mr. Ryan's amendment, we use the exact same language that Mr. Ryan uses. If he looks at that language, we use the exact same language.

So what we just did, when we voted the Ryan amendment, we did exactly— I use the exact same language as Mr. Ryan is using except I just expand on his exact same information.

Mr. RYAN. Mr. Speaker, that is not so. If you take a look at my amendment, in the list the only place the word "pistol" appears on the list is after the word "Uzi."

Mr. EVANS. Mr. Speaker—

Mr. RYAN. Well, look, my amendment—

The SPEAKER. Excuse me, gentlemen.

Mr. Ryan, the gentleman, Mr. Evans, is—

PARLIAMENTARY INQUIRY

Mr. RYAN. Point of parliamentary inquiry.

The SPEAKER. Will the gentleman please state his point.

Mr. RYAN. I wonder if the Speaker would be kind enough to ask the Parliamentarian to interpret the second page of this amendment and tell me whether or not "pistols" appears in the list that makes it part of the— Does he dare interpret that? It is the same as a MAC-10, a MAC-11, and everything else.

The SPEAKER. In response to the gentleman from Delaware's inquiry, the Parliamentarian indicates respectfully that that is really not his responsibility.

Mr. RYAN. He is right, and he is smart.

I renew my question of constitutionality, and what my amendment says—

The SPEAKER. With all due respect—excuse me, Mr. Ryan—on the question of constitutionality, and possibly we can work this out momentarily, but the gentleman, Mr. Evans, was recognized on the question of your constitutionality. You will be recognized as soon as he concludes.

Mr. EVANS. Mr. Speaker, my understanding, the minority leader removed his question of constitutionality?

The SPEAKER. The gentleman indicates that he has renewed or removed? Yes, Mr. Evans, the gentleman, Mr. Ryan, has renewed his interest in the constitutionality of the amendment.

Mr. EVANS. Mr. Speaker, what I would like to do, if people will look at page 2 of Mr. Ryan's amendment and look at page 2 of the amendment that I offer, I use and I will show the gentleman that the word "pistol" is a category very much the same way Mr. Ryan uses a category on his. It is the exact same language, and it was written by the Reference Bureau. It is no different than what Mr. Ryan just voted on this floor, and it is right here, Mr. Speaker.

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Two points. First, it is not relevant what was in the other amendment because it was not questioned; secondly, the gentleman is misleading us because in the amendment that I offered, the word "pistols" does not appear without other words next to it, unlike the amendment of the gentleman from Philadelphia.

Just look at what is before you. It is what is before you that you are voting on, not what happened earlier today or last year. I believe the gentleman is looking at the Michlovic amendment, incidentally.

The SPEAKER. The Chair would politely request that all members focus the debate on constitutionality, constitutionality of the Evans amendment. That is the question before the House.

The House will stand at ease for 1 minute.

SUBCOMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Sturla, calls an immediate meeting of the Urban Affairs Committee's Third-Class Cities Subcommittee at the back of the hall of the House; an immediate meeting. It should last 30 seconds, according to Chairman Sturla.

STATEMENT BY MR. MAYERNIK

The SPEAKER. We are at ease for 1 minute.

Does the gentleman, Mr. Mayernik, seek recognition on a point of personal privilege?

Mr. MAYERNIK. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman is recognized and may proceed while the House is at ease.

Mr. MAYERNIK. Mr. Speaker, I would just like to take a moment to reflect back on the activities from this past weekend and congratulate the North Hills High School Indians for being third in the Nation and winning the quad-A championship.

North Hills High School met Central Bucks West, which is represented by Representatives Druce and Conti. Besides myself being a former Indian, we have another former Indian in the hall of the chamber today and that is Representative Ken Jadlovec, who played football with me in North Hills. Of course, when he played, he was much older than I was, and I was his slave, as they called it. I used to have to shine his

shoes, so Jadlovec continues to remind me of that today, but we are both proud the Indians won.

I would like to just relate a little bit about the game, if I could, this past weekend. It was 9 1/2 minutes left in the game; it was 14-zip; they were playing for the State championship. Central Bucks West was leading. In the last quarter, the North Hills Indians' quarterback threw 165 yards in the last quarter.

North Hills' first score came on a 28-yard TD (touchdown) pass and made it 14-7. Then North Hills' defense forced three plays and a punt after Bucks' possession. Central Bucks came back with less than 2 minutes, intercepted a North Hills pass.

Then North Hills held the Bucks team for 3 yards in three plays; Bucks punted. With 1 minute and 52 seconds left, North Hills completed a 51-yard pass and scored with 25 seconds left in the game.

Denny O'Brien is doing a good imitation. The score is 14-13. What do we do at this point? Do we go for the one point or do we go for the two points? Two points. Very good. That is exactly what North Hills High School did. They went for the two points with 25 seconds left, and they won 14 to 15. The game is over. North Hills High School wins, quad-A champs, third in the Nation. Thank you.

VOTE CORRECTION

The SPEAKER. Does the lady from Butler County, Ms. Carone, seek recognition? The lady is recognized.

Ms. CARONE. Mr. Speaker, I would like to correct the record.

On HB 185, the motion to reconsider, my button did not work, and it should be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the lady, and her remarks will be spread across the record.

The SPEAKER. The gentleman, Mr. Ryan, is recognized.

Mr. RYAN. Are we still on the question of constitutionality?

The SPEAKER. The gentleman should be aware of the fact that the Chair took the opportunity, while we were at ease for a minute or two, for the purposes of a couple of announcements, but we certainly are on the motion of constitutionality that you offered. That is where we are, sir.

VOTE CORRECTION

The SPEAKER. Ms. Washington is recognized, and then we will revert to our previous debate.

Ms. WASHINGTON. Mr. Speaker, my button did not work, and I want to vote "no" on the recommitment, on the last question.

The SPEAKER. The lady's remarks will be spread across the record. The Chair thanks the lady.

Ms. WASHINGTON. Thank you.

CONSIDERATION OF HB 185 CONTINUED

The SPEAKER. On the issue of constitutionality of the Evans amendment, does Mr. Evans seek recognition?

Mr. EVANS. Mr. Speaker, can we keep the House at ease for a second while the majority leader—

The SPEAKER. Absolutely.

The House will remain at ease for another 2 minutes.

STATEMENTS

Mr. DRUCE. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. DRUCE. Point of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will please state his point.

Mr. DRUCE. I cannot let the comments from my good colleague, Mr. Mayernik, go without echoing a congratulations to him on behalf of myself and Representative Joe Conti.

I would point out, however, that we will hope that North Hills High School can continue their winning ways so at some point they may reach Central Bucks' record of 53 straight wins, which is a State record in our Commonwealth. We are glad to see they have joined the winning ranks, because Central Bucks West was our State champions in 1991. So they have got a proud tradition here, and I am sure that they are glad to include some other schools in our Commonwealth in the winner's circle.

Maybe we will see you again there next year, and you and I, now that we know this, and Joe could maybe put some stakes on this a little bit, maybe a Philly cheesesteak or whatever it is you do in Pittsburgh, and we can see how it turns out.

The SPEAKER. The Chair thanks the gentleman.

Mr. DRUCE. Thank you.

The SPEAKER. Does Mr. Mayernik seek recognition again?

Mr. MAYERNIK. Yes. Thank you, Mr. Speaker.

Representative Jadowiec and I both want to thank you for conceding that the superior team had won, as well as recognizing that 5 years ago we were first in the Nation, even though this year we tried harder and we are only third, but we are willing to play at any time.

I see Mr. Dent also seeks recognition, Mr. Speaker.

VOTE CORRECTIONS

The SPEAKER. First the gentleman, Mr. Roebuck, will be recognized; then we will entertain other comments.

Mr. ROEBUCK. Mr. Speaker, I would like to correct the record.

The SPEAKER. For what purpose does Mr. Roebuck rise?

Mr. ROEBUCK. I would like to correct the record.

The SPEAKER. The gentleman is in order and may proceed.

Mr. ROEBUCK. Thank you, Mr. Speaker.

On HB 906, amendment 4532, voted on the 7th of December, I was not recorded. I wish to be recorded in the affirmative on the amendment.

The SPEAKER. The Chair thanks the gentleman from Philadelphia. His remarks will be spread across the record.

Louise Williams Bishop, Representative from Philadelphia. For what purpose does the gentlelady rise?

Ms. BISHOP. To correct the record, Mr. Speaker.

The SPEAKER. The gentlelady is in order and may proceed.

Ms. BISHOP. On the vote to recommit the Evans amendment, I voted in the negative but my switch did not work. It did not register.

The SPEAKER. The Chair thanks the lady. Her negative vote will be spread across the record.

Ms. BISHOP. Thank you.

STATEMENT BY MR. DENT

The SPEAKER. The gentleman from the Lehigh Valley, Mr. Dent, from Allentown, Pennsylvania, is recognized. For what purpose does the gentleman rise?

Mr. DENT. Thank you, Mr. Speaker.

Unanimous consent.

The SPEAKER. The gentleman should proceed.

Mr. DENT. Since we are on the subject of scholastic football, I do want to also commend my colleagues from Bucks County and from North Hills. They did have fine football teams this year, and I hope that one day they will have the opportunity to play the best football team in the State, Allentown Central Catholic, which won the AAA championship over the past weekend, beating Blackhawk 40-nothing. Perhaps one day North Hills and Central Bucks will be able to play Allentown Central Catholic for the title. But I think we all know that Allentown Central Catholic is number one and in the top 10 in the Nation. Thank you.

The SPEAKER. The Chair thanks Mr. Dent.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Trich from Washington County.

Mr. TRICH. Thank you, Mr. Speaker.

Merely to have remarks for the record submitted.

The SPEAKER. The gentleman should bring his remarks forward, and the clerk will incorporate his remarks into the Journal of the day.

Mr. TRICH submitted the following remarks for the Legislative Journal:

Mr. Speaker, the votes I have cast today on this issue are votes that will not be embraced by all constituents in my district. Difficult votes on tough issues rarely are. My votes have been intended to deal responsibly with a violence problem, specifically a gun-violence problem.

Mr. Speaker, this issue should not be misrepresented as one that will take away the rights of Pennsylvanians to own a gun, nor is it to reduce the rights of the hunters in this Commonwealth. These weapons which we are debating about today deal only with

assault weapons. They are not used for hunting. They were designed specifically to kill our enemies in times of war.

The United States Senate, only 1 month ago, passed legislation that places restrictions on the sale of certain assault weapons. This was done not to serve as a cure-all, but rather to start a process designed to reduce the availability of these weapons of war. The Michlovic amendment would attempt to give our police officers a fighting chance on our streets. It will also reduce—at least I hope and pray that it will—the number of deaths associated with gun violence in this Commonwealth.

Although the Michlovic amendment would have served us better, the Ryan amendment represents at least a step, small as it is, in the right direction.

I urge my fellow House members to do what is right, to do what is necessary. We have a responsibility to do so, regardless of how that vote may or may not affect our future electability.

STATEMENT BY MR. KING

The SPEAKER. The gentleman from Mercer, Representative King, is recognized. For what purpose does the gentleman rise?

Mr. KING. Thank you, Mr. Speaker.

I want to lend my accolades to all those fine football programs across the State, to the fine coaches, their parents, and all the youngsters that participated. I especially want to give a hearty congratulations to the Greenville High School football team on their winning record this year, finishing the season undefeated, winning the first District 10 crown in the history of their school, and then going on to the playoffs and defeating Erie's Strong Vincent, Lock Haven, and Sharon football teams, subsequently to lose to Blackhawk, a finalist in the State championships.

Again, thank you for letting me put this on the record.

The SPEAKER. The Chair thanks Dr. King.

STATEMENT BY MR. CHADWICK

The SPEAKER. The gentleman, Mr. Chadwick, is recognized. For what purpose does the gentleman rise?

Mr. CHADWICK. Mr. Speaker, the football teams in my district did not go anywhere this year, but we are proud of them anyway.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Chadwick, might reserve some additional levity to inject into this gathering right here.

CONSIDERATION OF HB 185 CONTINUED

**CONSTITUTIONAL POINT OF ORDER
WITHDRAWN**

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I withdraw my question on constitutionality.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

BILL TABLED

The SPEAKER. Will the gentleman, Mr. Itkin, the majority leader, be recognized?

Mr. ITKIN. Mr. Speaker, with the concurrence of the minority leader, we will move at this time to table HB 185 and then we will proceed to other important business, which I hope that we can just expedite rather rapidly and get out of here tonight.

So I will make a motion that we table HB 185 and the amendment that was voted into it.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—159

Adolph	Fajt	Maitland	Schuler
Allen	Fargo	Markosek	Scrimenti
Argall	Farmer	Marsico	Semmel
Armstrong	Fee	Masland	Serafini
Baker	Fichter	Mayermik	Smith, B.
Barley	Fleagle	McCall	Smith, S. H.
Bebko-Jones	Flick	McGeehan	Snyder, D. W.
Belardi	Freeman	McNally	Staback
Belfanti	Gamble	Melio	Stairs
Birmelin	Gannon	Merry	Steelman
Bishop	Geist	Michlovic	Steighner
Brown	George	Micozzie	Steil
Bunt	Gerlach	Mihalich	Stern
Butkovitz	Gladeck	Miller	Stish
Buxton	Gruitza	Murphy	Strittmatter
Caltagirone	Gruppo	Nailor	Surra
Carn	Haluska	Nickol	Tangretti
Carone	Harley	O'Brien	Taylor, E. Z.
Cawley	Hasay	Oliver	Taylor, J.
Cessar	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Tomlinson
Civera	Hershey	Petrone	Trello
Clark	Hess	Petit	Trich
Clymer	Hutchinson	Piccola	True
Cohen, M.	Itkin	Pistella	Tulli
Colafella	Jadlowiec	Pitts	Uliana
Colaizzo	Josephs	Platts	Vance
Conti	Keller	Preston	Van Horne
Cornell	Kenney	Raymond	Veon
Corrigan	King	Reinard	Washington
Cowell	Krebs	Robinson	Waugh
Coy	LaGrotta	Roebuck	Williams
DeLuca	Laub	Rohrer	Wogan
Dempsey	Laughlin	Rooney	Wozniak
Dent	Lederer	Rubley	Wright, D. R.
Dermody	Lee	Rudy	Yewcic
Donatucci	Leh	Ryan	Zug
Druce	Lescovitz	Santoni	
Durham	Lloyd	Saurman	DeWeese, Speaker
Egolf	Lynch	Scheetz	
Evans			

NAYS—33

Blaum	Jarolin	Manderino	Sather
Boyes	Kaiser	Mundy	Saylor
Cappabianca	Kasunic	Nyce	Stetler
Curry	Kirkland	Phillips	Sturla
Daley	Kukovich	Reber	Thomas
Fairchild	Lawless	Richardson	Vitali
Godshall	Levdansky	Ritter	Wright, M. N.

Gordner Lucyk Roberts Yandrisevits
Hanna

NOT VOTING—4

Battisto Gigliotti Hughes James

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
Bush O'Donnell Petrarca

The question was determined in the affirmative, and the motion was agreed to.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 683, PN 1780**, entitled:

An Act establishing parole procedures; providing for the powers and duties of the Department of Corrections, the Pennsylvania Board of Probation and Parole and the Pennsylvania Commission on Sentencing; creating the Office of Victim Advocate; providing for work time and earned time; and amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; providing state probation services; establishing the 'Pennsylvania Board of Probation and Parole'; conferring and defining its jurisdiction, duties, powers and functions; including the supervision of persons placed upon probation and parole in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of probation and parole; fixing the salaries of members of the board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," further providing for sentencing; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'BRIEN offered the following amendments No. A5012:

Amend Title, page 1, line 5, by striking out "providing for work time and earned time;"

Amend Sec. 102, page 3, lines 17 through 25, by striking out "It is a" in line 17, all of lines 18 through 24 and "Board of Probation and Parole." in line 25

Amend Sec. 103, page 4, lines 11 through 22, by striking out all of said lines

Amend Sec. 701, page 9, line 13, by inserting a period after "commutation"

Amend Sec. 701, page 9, lines 13 and 14, by striking out ", minus any earned time as provided for in section 901 for which the offender is eligible."

Amend Sec. 704, page 13, lines 22 through 24, by striking out "If recommitted, the" in line 22, all of line 23 and "good standing but with no credit for delinquent time." in line 24

Amend Sec. 704, page 14, lines 9 through 12, by striking out "If" in line 9, all of lines 10 and 11 and "delinquent time." in line 12

Amend Bill, page 16, lines 9 through 30; pages 17 and 18, lines 1 through 30; page 19, lines 1 through 27, by striking out all of said lines on said pages

Amend Sec. 1302, page 21, lines 19 through 25, by striking out all of said lines

Amend Sec. 1303, page 21, line 26, by striking out "1303" and inserting

1302

Amend Sec. 1304, page 22, line 9, by striking out "1304" and inserting

1303

Amend Sec. 1305, page 22, line 11, by striking out "1305" and inserting

1304

On the question,

Will the House agree to the amendments?

**THE SPEAKER PRO TEMPORE
(PHYLLIS MUNDY) PRESIDING**

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. O'Brien.

Mr. O'BRIEN. Thank you, Madam Speaker.

I am going to initiate the 10-second rule.

This amendment deletes earned time. I ask for your support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman very much.

The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Madam Speaker.

I will make it just as short.

It has been an agreed-to amendment. I ask for your support.

The SPEAKER pro tempore. The Chair recognizes Mr. James.

Mr. JAMES. Thank you, Madam Speaker.

Well, I guess I will make it real short, too.

Madam Speaker, I would hope that we defeat this amendment, because I think it is a good management tool and this is something that the Corrections Commissioner wanted. However, there is a lot of discussion on it. However, I would think that if we are going to have a true sense of reform, we need to have some earned time in there as a management tool.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, if the maker of the amendment could give us some detail as to what the amendment does. I realize the gentleman, Mr. James, did touch on it briefly, but I think it is important for this House to vote in an informed fashion by knowing what we are voting for. So I would urge the prime sponsor to give us an idea of what the amendment does.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. O'Brien.

Mr. O'BRIEN. Madam Speaker, very simply, this amendment deletes the earned-time provisions in SB 683. I think everyone is familiar with what earned time is, and I ask for support of the amendment.

I believe this is an agreed-to amendment, and I ask for your support.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Madam Speaker.

I have been a supporter of the concept of earned time as long as I have been here, and I have sponsored legislation to do so, but in the interests of time, what is crucial here is I think some of the other amendments that some members have prepared will be withdrawn if this amendment goes in. There are some other aspects of this legislation that are important and we need to get through. I believe in earned time, but I am going to vote for Mr. O'Brien's amendment, and that should close out the debate, I think, on the rest of the bill and then we can move on.

I would ask for a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Adolph	Fargo	Lynch	Saylor
Allen	Farmer	Maitland	Scheetz
Argall	Fee	Manderino	Schuler
Armstrong	Fichter	Marsico	Scrimanti
Baker	Fleagle	Masland	Semmel
Barley	Flick	Mayernik	Serafini
Battisto	Freeman	McCall	Smith, B.
Bebko-Jones	Gamble	McGeehan	Smith, S. H.
Belardi	Gannon	McNally	Snyder, D. W.
Belfanti	Geist	Melio	Staback
Birmelin	George	Merry	Stairs
Bishop	Gerlach	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steighner
Boyes	Godshall	Mihalich	Steil
Brown	Gordner	Miller	Stern
Bunt	Gruiza	Mundy	Stetler
Butkovitz	Gruppo	Murphy	Stish
Buxton	Haluska	Nailor	Strittmatter
Caltagirone	Hanna	Nickol	Sturla
Cappabianca	Harley	Nyce	Surra
Carone	Hasay	O'Brien	Tangretti
Cawley	Hennessey	Oliver	Taylor, E. Z.
Cessar	Herman	Perzel	Taylor, J.
Chadwick	Hershey	Pesci	Thomas
Civera	Hess	Petrone	Tigue
Clark	Hutchinson	Pettit	Tomlinson
Clymer	Itkin	Phillips	Trello
Cohen, M.	Jadlowiec	Piccola	Trich
Colafiglia	Jarolin	Pistella	True
Colaizzo	Josephs	Pitts	Tulli
Conti	Kaiser	Platts	Uliana
Cornell	Kasunic	Preston	Vance
Corrigan	Keller	Raymond	Van Home
Cowell	Kenney	Reber	Veon
Coy	King	Reinard	Vitali
Curry	Krebs	Ritter	Waugh
Daley	Kukovich	Roberts	Williams
DeLuca	LaGrotta	Robinson	Wogan
Dempsey	Laub	Roebuck	Wozniak
Dent	Laughlin	Rohrer	Wright, D. R.
Dermody	Lawless	Rooney	Wright, M. N.
Donatucci	Lederer	Rubleby	Yandrisevits
Druce	Lee	Rudy	Yewcic

Durham	Leh	Ryan	Zug
Egolf	Lescovitz	Santoni	
Evans	Levdansky	Sather	DeWeese,
Fairchild	Lloyd	Saurman	Speaker
Fajt	Lucyk		

NAYS—6

Cam	James	Richardson	Washington
Hughes	Kirkland		

NOT VOTING—2

Gigliotti	Markosek
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EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?

Mr. O'BRIEN offered the following amendments No. A5019:

Amend Title, page 1, lines 5 through 22, by striking out "and amending the act" in line 5, all of lines 6 through 21, and "providing" in line 22 and inserting

and

Amend Bill, page 9, by inserting between lines 4 and 5 Section 503. Exclusive powers of board.

(a) Decisional powers.—The board has exclusive power to parole and reparole, to commit and recommit for violations of parole and to discharge from parole all persons sentenced by any court in this Commonwealth to imprisonment, in any prison or penal institution of this Commonwealth, whether a State or county penitentiary, prison or penal institution, as provided in this act.

(b) Supervisory powers.—The board has exclusive power to supervise any person sentenced to a maximum period of less than two years and placed on parole by any court of record if the court, by special order, directs supervision by the board. A case under this subsection shall be known as a special case, and the authority of the board with regard thereto shall be the same as provided in the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, with regard to parole cases within one of the classifications set forth in that law. Except for such special cases, the powers and duties conferred on the board under the Pennsylvania Board of Probation and Parole Law shall not extend to persons sentenced for a maximum period of less than two years; and nothing contained in that law shall prevent a sentencing court from paroling any person sentenced to an aggregate maximum period of less than two years as provided in section 501.

(c) Consecutive sentences.—If an offender is serving consecutive sentences which have an aggregated maximum term of less than two years, parole shall not commence until the offender has been paroled from every consecutive sentence which comprises the aggregated term of confinement. Such terms of parole shall be served in consecutive order.

(d) Scope.—The power of the board to parole shall extend to prisoners sentenced to definite or flat sentences.

Amend Bill, page 19, lines 28 through 30; page 20, lines 1 through 30; page 21, lines 1 through 12, by striking out all of said lines on said pages

Amend Sec. 1303, page 22, by inserting between lines 6 and

Section 17 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law.

Amend Sec. 1303, page 22, line 7, by striking out all of said line and inserting

(b) Inconsistent.—

(1) Sections 1 through 8, 10 through 12, 15 through 16.2, 17.1 through 23, 25 through 27, 29 through 35 and 37 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, are repealed insofar as they are inconsistent with this act.

(2) All other acts and parts of acts are

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. O'Brien.

Mr. O'BRIEN. Thank you, Madam Speaker.

Again in the spirit of the 10-second rule, this is merely a technical amendment that is agreed to by Representative Caltagirone and Representative Piccola, the chairmen of the Judiciary Committee. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. James.

Mr. JAMES. Thank you, Madam Speaker.

I just would like to know, what does the amendment do?

Mr. O'BRIEN. Madam Speaker, this amendment merely cleans up some language for amendments that were recently accepted in the Judiciary Committee. It just makes sure that the bill is consistent throughout. It is conforming language.

Mr. JAMES. I still do not know what that means.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. JAMES. Madam Speaker?

The SPEAKER pro tempore. Mr. James is recognized.

Mr. JAMES. Does that mean the same as a technical amendment, because I never heard of that before.

Thank you. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes Chairman Caltagirone.

Mr. CALTAGIRONE. I just wanted to reiterate, there was a lot of cleanup in the technical language that had to conform to other sections of the bill. I concur with Representative O'Brien.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.

Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Petit	Trello
Cohen, M.	James	Phillips	Trich
Colafrella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo			

NAYS—0

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. On the bill, the Chair recognizes Mr. O'Brien.

Mr. O'BRIEN. Thank you, Madam Speaker.

Again in the spirit of the 10-second rule, I support the bill and will submit my remarks for the record. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. O'BRIEN submitted the following remarks for the Legislative Journal:

I support SB 683 because I believe its overriding objective is to keep violent offenders incarcerated longer. This bill reforms our sentencing and parole systems to provide a system which is predictable and effective in deterring crime to the extent possible by keeping violent criminals off the street for longer periods of time.

The key to this reform is the repeal of the existing rule that a minimum sentence may not exceed one-half of the maximum sentence. Judges will no longer be subject to this restriction when sentencing Pennsylvania's most violent criminals - those which are classified in the legislation as "high risk dangerous offenders." Instead of a 10- to 20-year sentence for a first-degree felony, a judge will be able to sentence that criminal to 15 to 20 years, or 19 to 20, or a flat 20-year sentence.

The public safety of our citizens must be the foremost goal of our criminal justice system. That system fails when it releases violent criminals early. The change provided by SB 683 will empower our judges and require our prison system to keep violent offenders for longer periods of time. We must achieve that goal because if they are not in prison, they will be in our communities committing more violent crime.

The SPEAKER pro tempore. The Chair recognizes Mr. James.

Mr. JAMES. Thank you, Madam Speaker.

In the interests of time, again, it is a sense of reform but it is not a true sense of reform because it does not have an earned-time component, so therefore, I cannot support the bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes Representative Ritter.

Ms. RITTER. Thank you, Madam Speaker.

I would like to urge the members to vote for SB 683 now that the earned-time provision has been removed. That was the major problem I had with the bill. A lot of changes were made not only in the Senate but also in the House Judiciary Committee that will make this bill stronger for victims, better for victims' rights and for victims' advocates all across the State, and I would urge the members to vote "yes."

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—183

Adolph	Fargo	Lloyd	Saurman
Allen	Farmer	Lucyk	Saylor
Argall	Fee	Lynch	Scheetz
Armstrong	Fichter	Maitland	Schuler

Baker	Fleagle	Manderino	Scrimenti
Barley	Flick	Markosek	Semmel
Battisto	Freeman	Marsico	Smith, B.
Bebko-Jones	Gamble	Masland	Smith, S. H.
Belardi	Gannon	McCall	Snyder, D. W.
Belfanti	Geist	McGeehan	Staback
Birmelin	George	McNally	Stairs
Bishop	Gerlach	Melio	Steelman
Boyes	Gladeck	Merry	Steighner
Brown	Godshall	Michlovic	Stern
Bunt	Gordner	Micozzie	Stetler
Butkovitz	Gruitza	Mihalich	Stish
Buxton	Gruppo	Miller	Strittmatter
Caltagirone	Haluska	Murphy	Sturlia
Cappabianca	Hanna	Nailor	Surra
Carone	Harley	Nickol	Tangretti
Cawley	Hennessey	Nyce	Taylor, E. Z.
Cessar	Herman	O'Brien	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Cjvera	Hess	Perzel	Tigue
Clark	Hutchinson	Pesci	Tomlinson
Clymer	Itkin	Petrone	Trello
Cohen, M.	Jadlowiec	Pettit	Trich
Colaella	Jarolin	Phillips	True
Colaizzo	Josephs	Piccola	Tulli
Conti	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Kirkland	Reber	Waugh
Daley	Krebs	Reinard	Williams
DeLuca	Kukovich	Ritter	Wogan
Dempsey	LaGrotta	Roberts	Wozniak
Dent	Laub	Roebuck	Wright, D. R.
Dermody	Laughlin	Rohrer	Wright, M. N.
Donatucci	Lawless	Rooney	Yandrisevits
Druce	Lederer	Rubley	Yewcic
Durham	Lee	Rudy	Zug
Egolf	Leh	Ryan	
Evans	Lescovitz	Santoni	DeWeese,
Fairchild	Levdansky	Sather	Speaker
Fajt			

NAYS—11

Blaum	Hughes	Richardson	Steil
Carn	James	Robinson	Washington
Hasay	Mundy	Serafini	

NOT VOTING—2

Gigliotti	Mayernik
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EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of SB 684, PN 1781, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for composition of the Pennsylvania Commission on Sentencing; providing for guidelines for high-risk dangerous offenders; and further providing for sentencing, for presentence reports, for appellate review of sentences and for confinement.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A4849:

Amend Title, page 1, line 4, by inserting after "offenders" and for the recovery of the profits of crime by crime victims

Amend Title, page 1, line 7, by removing the period after "confinement" and inserting

; and making a repeal.

Amend Bill, page 4, by inserting between lines 26 and 27 Section 3. Title 42 is amended by adding a section to read:

§ 8311. Recovery of Certain Damages by Crime Victims.

(a) Profits of crime.—If a person has been convicted of a crime, every person who knowingly contracts for, pays or agrees to pay any profit from a crime to that person shall give written notice to the board of the payment or obligation to pay as soon as practicable after discovering that the payment or intended payment is a profit from a crime. The board, upon receipt of notice of a contract, an agreement to pay or payment of profits from a crime shall notify all known eligible persons at their last known address of the existence of the profits.

(b) Right of recovery.—Notwithstanding any inconsistent provision of law or rules of civil procedure with respect to the timely bringing of an action, any eligible person shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of a crime, or the legal representative of that convicted person, within three years of the discovery of any profits from a crime. Any damages awarded in this action shall be recoverable only up to the value of the profits from the crime. If an action is filed under this subsection after the expiration of all other applicable statutes of limitation, any other eligible person must file any action for damages as a result of the crime within three years of the actual discovery of profits from the crime or of actual notice received from or notice published by the board of the discovery, whichever is later.

(c) Notice.—Upon filing an action under subsection (b), the eligible person shall give notice to the board of the filing by delivering a copy of the complaint to the board. The eligible person may also give notice to the board prior to filing the action so as to allow the board to apply for any appropriate remedies which are otherwise authorized to be invoked prior to the commencement of an action.

(d) Duty of board.—Upon receipt of a copy of a complaint, the board shall immediately take action as necessary to:

(1) Notify all other known eligible persons of the crime of the alleged existence of profits from a crime by certified mail, return receipt requested, where the eligible persons' names and addresses are known by the board.

(2) Publish, at least once a year for three years from the date it is initially notified by an eligible person under subsection (c), a legal notice in newspapers of general circulation in the county wherein the crime was committed and in counties contiguous to that county advising any eligible persons of the existence of profits from a crime. The board may in its discretion provide for additional notice as it deems necessary.

(3) Avoid the wasting of the assets identified in the complaint as the newly discovered profits from a crime in any manner consistent with subsection (e).

(e) Remedies.—The board, acting on behalf of all eligible persons, shall have the right to apply for any and all remedies that are also otherwise available to an eligible person bringing an action under subsection (b). The remedies of attachment, injunction, receivership and notice of pendency available under law to an eligible person bringing an action under subsection (b) shall also be available to the board in all actions under this subsection. On a motion for a remedy, the moving party shall state whether any other remedy has previously been sought in the same action against the same defendant. The court may require the moving party to elect between those remedies to which it would otherwise be entitled.

(f) Public policy.—Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this Commonwealth.

(g) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Board." The Crime Victim's Compensation Board.

"Convicted." Includes conviction by entry of a plea of guilty or nolo contendere, conviction after trial and a finding of not guilty due to insanity or of guilty but mentally ill.

"Eligible person." Includes any of the following persons:

(1) A victim of the particular crime in question.

(2) An intervenor in such crime.

(3) A surviving spouse, parent or child of a deceased victim of, or intervenor in, such crime.

(4) Any other person dependent for his principal support upon a deceased victim of, or intervenor in, such crime.

No person who is criminally responsible for the crime in question or was an accomplice of the person who is criminally responsible shall be an eligible person.

"Profit from a crime." Any of the following:

(1) Any property obtained through or income generated from the commission of a crime of which the defendant was convicted.

(2) Any property obtained by or income generated from the sale, conversion or exchange of proceeds of a crime of which the defendant was convicted, including any gain realized by such sale, conversion or exchange.

(3) Any property which the defendant obtained or income generated as a result of having committed the crime of which the defendant was convicted, including any assets obtained through the use of unique knowledge obtained during the commission of, or in preparation for the commission of, the crime, as well as any property obtained by or income generated from the sale, conversion or exchange of such property and any gain realized by such sale, conversion or exchange.

Amend Sec. 3, page 4, line 27, by striking out "3" and inserting

4

Amend Sec. 4, page 5, line 4, by striking out "4" and inserting

5

Amend Sec. 5, page 5, line 24, by striking out "5" and inserting

6

Amend Sec. 6, page 6, line 27, by striking out "6" and inserting

7

Amend Sec. 7, page 12, lines 9 and 10, by striking out all of said lines and inserting

Section 8. Section 477.18 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

Section 9. This act shall take effect as follows:

- (1) The addition of 42 Pa.C.S. § 8311 shall take effect immediately.
- (2) The remainder of this act shall take effect July 1, 1994.

On the question,
Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Madam Speaker.

This amendment would require that if a movie producer or a television company or a magazine publisher were to buy the story of a crime from a convicted criminal, that notice would be given to the victims of that crime and they would be able to file a lawsuit against the proceeds of that sale for any money damages that they would be able to prove occurred because of that crime.

This legislation replaces the current "Son of Sam" law, which was declared unconstitutional in a New York case by the U.S. Supreme Court 2 years ago.

I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Madam Speaker.

I would urge the members also to support this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson

Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo			

NAYS—0

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

The SPEAKER pro tempore. The Chair recognizes Mr. Druce.

Mr. DRUCE. Thank you, Madam Speaker.

My amendment, I would ask if the House would just look at this and keep it in mind. As we debated all day today about how to deal with violent crime, this amendment sets up a reasonable time schedule for which the Governor of our Commonwealth today and in the future should sign and issue death warrants.

We do have a death penalty provision in this State. We do not employ it. We should. If we were really serious about doing anything about violent crime, we would look at amendments and legislation like my colleague, Representative McGeehan, has introduced, which I have cosponsored. But word has come back from the Governor's Office that if this language is attached to this Senate bill, it will face a veto, and I have promised my colleague, Mr. O'Brien, that I would not submarine the good bill he and others have helped put together. But I will say this: I think we should revisit this kind of amendment or the legislation Mr. McGeehan has introduced if we are serious about doing something on violent crime.

I withdraw my amendment, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—189

Adolph	Fargo	Lloyd	Saylor
Allen	Farmer	Lucyk	Scheetz
Argall	Fee	Lynch	Schuler
Armstrong	Fichter	Maitland	Scrimenti
Baker	Fleagle	Manderino	Semmel
Barley	Flick	Markosek	Serafini
Battisto	Freeman	Marsico	Smith, B.
Bebko-Jones	Gamble	Masland	Smith, S. H.
Belardi	Gannon	McCall	Snyder, D. W.
Belfanti	Geist	McGeehan	Staback
Birmelin	George	McNally	Stairs
Bishop	Gerlach	Melio	Steelman
Blaum	Gladeck	Merry	Steighner
Boyes	Godshall	Michlovic	Steil
Brown	Gordner	Micozzie	Stern
Bunt	Gruitza	Mihalich	Stetler
Butkovitz	Gruppo	Miller	Stish
Buxton	Haluska	Mundy	Strittmatter
Caltagirone	Hanna	Murphy	Sturla
Cappabianca	Harley	Nailor	Surra
Carone	Hasay	Nickol	Tangretti
Cawley	Hennessey	Nyce	Taylor, E. Z.
Cessar	Herman	O'Brien	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civiera	Hess	Perzel	Tigue
Clark	Hughes	Pesci	Tomlinson
Clymer	Hutchinson	Petrone	Trello
Cohen, M.	Itkin	Pettit	Trich
Colafrilla	Jadlowiec	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Horne
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Waugh
Daley	Kirkland	Reinard	Williams
DeLuca	Krebs	Ritter	Wogan
Dempsey	Kukovich	Roberts	Wozniak
Dent	LaGrotta	Roebuck	Wright, D. R.
Dermody	Laub	Rohrer	Wright, M. N.
Donatucci	Laughlin	Rooney	Yandrisevits
Druce	Lawless	Rubley	Yewcic
Durham	Lederer	Rudy	Zug
Egolf	Lee	Ryan	
Evans	Leh	Santoni	DeWeese,
Fairchild	Lescovitz	Sather	Speaker
Fajt	Levdansky	Saurman	

NAYS—5

Carn	Richardson	Robinson	Washington
James			

NOT VOTING—2

Gigliotti Mayernik

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
Bush O'Donnell Petrarca

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **HB 1956, PN 2643**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the form and implementation of a power of attorney and for declarations governing life-sustaining treatment; and providing for anatomical gifts.

On the question,

Will the House agree to the bill on third consideration?

Mr. BIRMELIN offered the following amendments No. A4212:

Amend Sec. 5 (Sec. 8641), page 23, by inserting between lines 15 and 16

(2) The coroner or medical examiner has made a reasonable effort to contact persons listed in section 8611 (relating to persons who may execute anatomical gift).

Amend Sec. 5 (Sec. 8641), page 23, line 16, by striking out "(2)" and inserting

(3)

Amend Sec. 5 (Sec. 8641), page 23, line 19, by striking out "(3)" and inserting

(4)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Birmelin.

Mr. BIRMELIN. Thank you, Madam Speaker.

My amendment changes the very next to the last page, page 23, dealing with those individuals who are having autopsies done on, and it requires the medical examiner or the coroner to try to make a good-faith effort to contact the deceased relatives to make sure that there is no problem with the corneal transplant taking place.

I believe it is an agreed-to amendment. It is consistent with the other changes in the bill that have modified the presumed consent specifications, and I would ask for a positive vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Cohen.

Mr. COHEN. Madam Speaker, this is an agreed-to amendment. I urge everyone's support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civiera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafrella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rublely	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo			

NAYS—0

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. ROBINSON offered the following amendments No. A4218:

Amend Sec. 5 (Sec. 8622), page 20, lines 18 through 30, by striking out all of said lines and inserting

(1) 10% of the total fund may be expended annually by the Department of Health for reasonable hospital and other medical expenses, funeral expenses and incidental expenses incurred by the donor or donor's family in connection with making a vital organ donation. Such expenditures shall not exceed \$3,000 per donor and shall only be made directly to the funeral home, hospital or other service provider related to the donation. No part of the fund shall be transferred directly to the donor's family, next of kin or estate. The advisory committee shall develop procedures, including the development of a pilot program, necessary for effectuating the purposes of this paragraph.

Amend Sec. 5 (Sec. 8622), page 22, by inserting between lines 27 and 28

(e) Definition.—As used in this section, the term "vital organ" means a heart, lung, liver, kidney, pancreas, small bowel, large bowel or stomach for the purpose of transplantation.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Robinson.

Mr. ROBINSON. Madam Speaker, this is an agreed-to amendment, and I would encourage a positive vote of all members of the House. Thank you, Madam Speaker.

The SPEAKER pro tempore. Does Mr. Cohen seek recognition on the amendment? Mr. Cohen is recognized.

Mr. COHEN. Madam Speaker, this amendment makes it possible under some circumstances to help pay the funeral expenses of a donor. It is a worthwhile amendment. I urge your support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs

Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkowitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Callagironne	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colaella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Home
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rublely	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo			

NAYS-0

NOT VOTING-1

Gigliotti

EXCUSED-7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. MASLAND offered the following amendments No. A4219:

Amend Sec. 5 (Sec. 8619), page 18, line 9, by inserting after "license"

or identification card

Amend Sec. 5 (Sec. 8619), page 18, line 14, by inserting after "license"

and identification card

Amend Sec. 5 (Sec. 8619), page 18, line 16, by striking out "and" and inserting

or

Amend Sec. 5 (Sec. 8619), page 18, lines 17 and 18, by striking out "questions as to whether the individual" in line 17, all of line 18 and inserting

question shall be

Amend Sec. 5 (Sec. 8619), page 18, line 20, by striking out "THE FOLLOWING THAT APPLY:" and inserting

if you wish to donate your organs or tissue:

Amend Sec. 5 (Sec. 8619), page 18, line 26, by inserting after "license"

or identification card

Amend Sec. 5 (Sec. 8619), page 18, line 28, by inserting after "license"

or identification card

Amend Sec. 5 (Sec. 8619), page 18, line 29, by striking out "and" and inserting

or

Amend Sec. 5 (Sec. 8621), page 19, line 8, by striking out "The" and inserting

Beginning as soon as practicable, but no later than January 1, 1995, the

Amend Sec. 5 (Sec. 8621), page 19, line 9, by inserting after "license"

or identification card

Amend Sec. 5 (Sec. 8621), page 19, line 13, by inserting after "license"

or identification card

Amend Sec. 5 (Sec. 8621), page 19, lines 15 and 16, by striking out "or any combination thereof" and inserting

or identification card

Amend Sec. 5 (Sec. 8621), page 19, line 19, by striking out "biannually" and inserting

monthly

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Masland.

Mr. MASLAND. Thank you, Madam Speaker.

I believe this is an agreed-to amendment. It makes some technical changes on pages 18 and 19, specifically to include the fact that this notation that you want to be an organ donor can be done on a driver's license or an identification card, plus some other technical amendments. Again, I believe it is agreed to.

The SPEAKER pro tempore. The Chair recognizes Mr. Cohen.

Mr. COHEN. This is agreed to.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS-195

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.

Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colaella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Home
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisovits
Durham	Lee	Rublely	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo			

NAYS-0

NOT VOTING-1

Gigliotti

EXCUSED-7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. STURLA offered the following amendments No. A4943:

Amend Sec. 5 (Sec. 8617), page 13, line 18, by striking out "and an organ procurement organization"

Amend Sec. 5 (Sec. 8617), page 13, line 28, by striking out "name" and inserting identifier number

Amend Sec. 5 (Sec. 8617), page 15, line 6, by inserting after "organization" licensed by the Commonwealth

Amend Sec. 8, page 24, lines 23 and 24, by striking out "December 31, 1994, or" in line 23, all of line 24 and inserting in one year.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Sturla.

Mr. STURLA. Madam Speaker, I believe this is an agreed-to amendment. It is the result of negotiations between the Hospital Association and the organ procurement organizations. It does four things: It has the effect of removing the OPO's from the hospital policymaking process; it deletes the patient name and replaces it with a patient identifier number; it requires that the Commonwealth license OPO's prior to them initiating quarterly reviews of hospital death records; and it clarifies that the act becomes effective 1 year after enactment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Cohen.

Mr. COHEN. This is an agreed-to amendment. I urge your support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS-195

Adolph	Farmer	Lucyk	Saurman
Allen	Fee	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimanti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colaella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance

Corrigan	Keller	Preston	Van Home
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker
Fargo			

NAYS—0

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A4224:

Amend Bill, page 24, lines 6 through 13, by striking out all of said lines

Amend Sec. 7, page 24, line 14, by striking out "7" and inserting

6

Amend Sec. 8, page 24, line 23, by striking out "8" and inserting

7

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

This amendment merely simplifies the bill. At the request of the Department of Public Welfare, it deletes the provision mandating the Department of Public Welfare to establish guidelines for counseling the mentally ill or their guardians on organ donor awareness.

I urge your support of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. James.

Mr. JAMES. Thank you, Madam Speaker.

I would just like to say that I spoke to some constituents in my district, and there was a lot of controversy in regards to the organ donor transplant. I had the opportunity to participate in

a hearing in Pittsburgh, and I was very impressed, and I think this is a good amendment and this is a good bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayeruk	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gladeck	Melio	Stairs
Boyes	Godshall	Merry	Steelman
Brown	Gordner	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Mihalich	Stern
Buxton	Haluska	Miller	Stetler
Caltagirone	Hanna	Mundy	Stish
Cappabianca	Harley	Murphy	Strittmatter
Carn	Hasay	Nailor	Sturla
Carone	Hennessey	Nickol	Surra
Cawley	Herman	Nyce	Tangretti
Cessar	Hershey	O'Brien	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trich
Colafrilla	James	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Josephs	Pistella	Uliana
Cornell	Kaiser	Pitts	Vance
Corrigan	Kasunic	Platts	Van Home
Cowell	Keller	Preston	Veon
Coy	Kenney	Raymond	Vitali
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—2

Gigliotti Trello

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A4972:

Amend Sec. 5 (Subchapter Analysis), page 4, lines 27 and 28, by striking out all of said lines and inserting 8601. Legislative intent.

8602. Definitions.

§ 8601. Legislative intent.

(a) To increase donations.—It is the intent of this chapter to increase voluntary organ and tissue donation within this Commonwealth by increasing public education and by streamlining the donor referral and request process.

(b) To ensure compliance.—In addition to the Federal regulatory scheme for organ donation as provided for in the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 273 et seq.), the intent of this legislation is to ensure compliance with a system of routine referrals made by organ procurement organizations which can effectively determine suitability for organ and tissue donations.

(c) To eliminate multiple solicitations.—As a matter of policy, the General Assembly finds that families of potential organ or tissue donors should not be overburdened with multiple solicitations for organ and tissue donations. In recognition of the sensitive circumstances faced by families of donors, it is the intent of this legislation to provide for an efficient means of referral while also minimizing donation requests. It is desirable, therefore, that contact between families and donation procurement entities should be limited to a single trained individual.

(d) Applicability.—Nothing in this chapter is intended to displace existing tissue banks within this Commonwealth or to preclude the creation of new tissue banks, consistent with any Federal regulations. Nothing in this chapter is intended to provide any unfair advantage for one tissue procurement entity over other like organizations regarding the referral of donors for tissue procurement.

§ 8602. Definitions.

Amend Sec. 5 (Subchapter Analysis), page 6, by inserting between lines 27 and 28

8624. Prohibited activities.

Amend Sec. 5 (Sec. 8617), page 14, by inserting after line

30

(e) Tissue procurement.—

(1) All tissue recovered shall first be utilized for transplantation purposes. All acute care general hospitals shall choose tissue procurement providers. Hospitals shall notify their regional organ procurement organization of their choice of tissue procurement providers. When a hospital chooses an organ procurement organization or its affiliate for tissue procurement, the hospital shall choose at least one additional nonaffiliate tissue procurement provider. When more than one tissue procurement provider in an acute care general hospital has been chosen, the organ procurement organization shall administer a rotation process between those providers developed in conjunction with tissue procurement providers.

(2) The regional organ procurement organization, with the assistance of tissue procurement providers, shall submit an annual report to the General Assembly on the following:

- (i) The number of tissue donors.
- (ii) The number of tissue procurements for transplantation.
- (iii) The number of tissue procurements recovered for research by each tissue procurement provider operating in this Commonwealth.

Amend Sec. 5 (Sec. 8617), page 15, line 1, by striking out “(e)” and inserting

(f)
Amend Sec. 5 (Sec. 8617), page 15, line 6, by striking out “(f)” and inserting

(g)
Amend Sec. 5 (Sec. 8617), page 15, line 17, by striking out “(g)” and inserting

(h)
Amend Sec. 5 (Sec. 8617), page 15, by inserting between lines 26 and 27

“Tissue procurement provider.” A facility which is engaged in the recovery, processing, storage or distribution of banked human tissues such as bone, skin, ligaments, cartilage, tendons and other musculoskeletal tissues and which is subject to regulation and required to register with the United States Food and Drug Administration (FDA) under Emergency Regulations of December 14, 1993, as well as any final FDA regulations promulgated thereafter. The term does not include facilities which recover, process, store or distribute transplantable organs.

Amend Sec. 5, page 23, by inserting between lines 1 and 2 § 8624. Prohibited activities.

Pending the effective date of this act, no organ procurement organization shall fail to make nondiscriminating arrangements with tissue procurement providers.

Amend Sec. 8, page 24, lines 23 and 24, by striking out all of said lines and inserting

Section 8. This act shall take effect as follows:

(1) The addition of 20 Pa.C.S. § 8624 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect December 31, 1994, or immediately, whichever is later.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, this amendment is my attempt to reach a workable compromise between the organ procurement organizations and the tissue banks. It allows tissue banks to have opportunities to get tissues from the OPO's without fear of discrimination.

There may be further work that needs to be done on this amendment in the Senate. I urge your support of this in order to advance this process to the Senate and to final resolution.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Serafini.

Mr. SERAFINI. Madam Speaker, I would appreciate support for this amendment. Representative Cohen and Representative Belardi worked long and hard to find a way in which we could survive with the Pennsylvania Tissue Bank, and I appreciate the support on this side. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Belardi.

Mr. BELARDI. Thank you, Madam Speaker.

A few weeks ago this legislation was postponed on final passage with the House leadership requesting myself and the prime sponsor of this legislation, Mark Cohen, to negotiate some type of compromise to our concerns on this issue.

This amendment is the result of several very intense sessions with all interested parties; in fact, all-day sessions for many days.

Though it may not be unanimously supported by all sides, Representative Mark Cohen and I believe it meets, as best as possible, the concerns of everyone involved: organ procurement organizations, tissue banks, and hospitals.

Madam Speaker, I know we are addressing an issue that is vital, and I believe that all parties and all members of this House of Representatives want to do what is best for the citizens of this Commonwealth.

Madam Speaker, I report to this House, the Cohen-Belardi-Serafini amendment is the result of intense negotiations that we believe will go a long way to guarantee more equitable access to a scarce, very valuable resource. It will protect hospitals and the citizens of this Commonwealth by allowing competitive interests, here in Pennsylvania, to fairly meet the need of tissue recovery without interfering with the critical goal of this bill, which is to promote and advance organ and tissue donation.

Thank you, Madam Speaker. I ask my colleagues to please support this compromise amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Masland.

Mr. MASLAND. Thank you, Madam Speaker.

Madam Speaker, I will be very brief.

I know this amendment will pass, and I know this bill will move ahead, as well it should, and I commend Representative Cohen for all his work, and I commend his staff for allowing me to participate to the extent that they have. But unfortunately, I do not think that this amendment is proper, and I wish to formally put that on the record so that when this bill is addressed in the Senate or in a conference committee, it can be addressed properly. I do not think we are doing the right thing here. Basically, we are guaranteeing a market share to the tissue banks. I do not think that is what we want to do. That is what this amendment does.

Secondly, the OPO's are Federally mandated. The Federal Government says where these OPO's are and what their region is. The hospitals already have to contact the OPO's. The bill, before the amendment, says that the hospitals have to contact the OPO's and work out the process with them as to whether this individual is appropriate for organ donation.

So again, I want the bill to move ahead. I hope that is addressed in the Senate. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—113

Barley	Evans	Lee	Serafini
Battisto	Fee	Leh	Smith, B.
Bebko-Jones	Freeman	Lescovitz	Smith, S. H.
Belardi	Geist	Lloyd	Staback

Belfanti	George	Lucyk	Steelman
Birmelin	Gerlach	Markosek	Steighner
Bishop	Gladeck	Mayernik	Stetler
Blaum	Godshall	McCall	Stish
Boyes	Gordner	McGeehan	Sturla
Butkovitz	Gruitza	Melio	Surra
Buxton	Hanna	Miller	Tangretti
Caltagirone	Hasay	Mundy	Taylor, J.
Cappabianca	Herman	O'Brien	Tigue
Carn	Hershey	Oliver	Tomlinson
Carone	Hess	Petrone	Trelio
Cawley	Hughes	Phillips	Trich
Clymer	Itkin	Pitts	Veon
Cohen, M.	James	Preston	Washington
Colafella	Jarolin	Richardson	Williams
Colaizzo	Josephs	Ritter	Wozniak
Conti	Kasunic	Roberts	Wright, D. R.
Coy	Keller	Robinson	Wright, M. N.
Curry	Kenney	Rooney	Yandrisevits
Daley	Kirkland	Rubley	Yewcic
DeLuca	LaGrotta	Rudy	Zug
Dempsey	Laub	Santoni	
Dermody	Laughlin	Sather	DeWeese, Speaker
Donatucci	Lawless	Saurman	
Druce	Lederer	Scrimenti	

NAYS—81

Adolph	Fichter	Masland	Rohrer
Allen	Fleagle	McNally	Ryan
Argall	Flick	Merry	Saylor
Armstrong	Gamble	Michlovic	Scheetz
Baker	Gannon	Micozzie	Schuler
Brown	Gruppo	Mihalich	Semmel
Bunt	Haluska	Murphy	Snyder, D. W.
Cessar	Harley	Nailor	Stairs
Chadwick	Hennessey	Nickol	Steil
Civera	Hutchinson	Nyce	Stern
Clark	Jadlowiec	Perzel	Strittmatter
Cornell	Kaiser	Pesci	Taylor, E. Z.
Corrigan	King	Pettit	Thomas
Cowell	Krebs	Piccola	True
Dent	Kukovich	Pistella	Tulli
Durham	Levdansky	Platts	Uliana
Egolf	Lynch	Raymond	Vance
Fairchild	Maitland	Reber	Van Horne
Fajt	Manderino	Reinard	Waugh
Fargo	Marsico	Roebuck	Wogan
Farmer			

NOT VOTING—2

Gigliotti	Vitali
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EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FAJT offered the following amendment No. A4217:

Amend Sec. 5 (Sec. 8622), page 22, line 10, by inserting after "at"

least

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

The following roll call was recorded:

YEAS—192

Adolph	Fee	Maitland	Saylor
Allen	Fichter	Manderino	Scheetz
Argall	Fleagle	Markosek	Schuler
Armstrong	Flick	Marsico	Scrimenti
Baker	Freeman	Masland	Semmel
Barley	Gamble	Mayernik	Serafini
Battisto	Gannon	McCall	Smith, B.
Bebko-Jones	Geist	McGeehan	Smith, S. H.
Belardi	George	McNally	Snyder, D. W.
Belfanti	Gerlach	Melio	Staback
Birmelin	Gladeck	Merry	Stairs
Bishop	Godshall	Michlovic	Steelman
Blaum	Gordner	Micozzie	Steighner
Boyes	Gruitza	Mihalich	Steil
Brown	Gruppo	Miller	Stern
Bunt	Haluska	Mundy	Stetler
Buxton	Hanna	Murphy	Stish
Cappabianca	Harley	Nailor	Strittmatter
Carn	Hasay	Nickol	Sturla
Carone	Hennessey	Nyce	Surra
Cawley	Herman	O'Brien	Tangretti
Cessar	Hershey	Oliver	Taylor, E. Z.
Chadwick	Hess	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrone	Tigue
Clymer	Jadlowiec	Pettit	Tomlinson
Cohen, M.	James	Phillips	Trello
Colafella	Jarolin	Piccola	Trich
Colaizzo	Josephs	Pistella	True
Conti	Kaiser	Pitts	Tulli
Cornell	Kasunic	Platts	Uliana
Corrigan	Keller	Preston	Vance
Cowell	Kenney	Raymond	Van Horne
Coy	King	Reber	Veon
Curry	Kirkland	Reinard	Vitali
Daley	Krebs	Richardson	Washington
DeLuca	Kukovich	Ritter	Waugh
Dempsey	LaGrotta	Roberts	Williams
Dent	Laub	Robinson	Wogan
Dermody	Laughlin	Roebuck	Wozniak
Donatucci	Lawless	Rohrer	Wright, D. R.
Druce	Lederer	Rooney	Wright, M. N.
Durham	Lee	Rubley	Yandrisevits
Egolf	Leh	Rudy	Yewcic
Evans	Lescovitz	Ryan	Zug
Fairchild	Levdansky	Santoni	
Fajt	Lloyd	Sather	DeWeese,
Fargo	Lucyk	Saurman	Speaker
Farmer	Lynch		

NAYS—0

NOT VOTING—4

Butkovitz	Caltagirone	Gigliotti	Hughes
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EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. FAJT offered the following amendments No. A4396:

Amend Sec. 5 (Sec. 8617), page 14, line 27, by striking out "and tissue"

Amend Sec. 5 (Sec. 8617), page 14, line 29, by striking out "or tissue"

On the question,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	Oliver	Taylor, J.
Chadwick	Hess	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker

NAYS—0

NOT VOTING—2

Gigliotti Hughes

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
 Bush O'Donnell Petrarca

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FAJT offered the following amendment No. A4750:

Amend Sec. 5 (Sec. 8621), page 19, line 21, by striking out "from the General Fund"

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	Oliver	Taylor, J.
Chadwick	Hess	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colafranca	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.

Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker

NAYS—0

NOT VOTING—2

Gigliotti Hughes

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
 Bush O'Donnell Petrarca

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. FAJT offered the following amendment No. A4963:

Amend Sec. 5 (Sec. 8620), page 19, line 6, by inserting after "facility."

The hospital or other health care facility shall, within five days, if practicable, return the driver's license or identification card to the Department of Transportation accompanied by a form prescribed by the Department of Transportation, if the individual involved in the accident is deceased.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lucyk	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fee	Maitland	Scheetz
Armstrong	Fichter	Manderino	Schuler
Baker	Fleagle	Markosek	Scrimenti
Barley	Flick	Marsico	Semmel
Battisto	Freeman	Masland	Serafini
Bebko-Jones	Gamble	Mayernik	Smith, B.
Belardi	Gannon	McCall	Smith, S. H.
Belfanti	Geist	McGeehan	Snyder, D. W.
Birmelin	George	McNally	Staback
Bishop	Gerlach	Melio	Stairs
Blaum	Gladeck	Merry	Steelman
Boyes	Godshall	Michlovic	Steighner
Brown	Gordner	Micozzie	Steil
Bunt	Gruitza	Mihalich	Stern
Butkovitz	Gruppo	Miller	Stetler
Buxton	Haluska	Mundy	Stish
Caltagirone	Hanna	Murphy	Strittmatter
Cappabianca	Harley	Nailor	Sturla
Carn	Hasay	Nickol	Surra
Carone	Hennessey	Nyce	Tangretti
Cawley	Herman	O'Brien	Taylor, E. Z.
Cessar	Hershey	Oliver	Taylor, J.
Chadwick	Hess	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich

Colafella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Cowell	Kenney	Raymond	Veon
Coy	King	Reber	Vitali
Curry	Kirkland	Reinard	Washington
Daley	Krebs	Richardson	Waugh
DeLuca	Kukovich	Ritter	Williams
Dempsey	LaGrotta	Roberts	Wogan
Dent	Laub	Robinson	Wozniak
Dermody	Laughlin	Roebuck	Wright, D. R.
Donatucci	Lawless	Rohrer	Wright, M. N.
Druce	Lederer	Rooney	Yandrisevits
Durham	Lee	Rubley	Yewcic
Egolf	Leh	Rudy	Zug
Evans	Lescovitz	Ryan	
Fairchild	Levdansky	Santoni	DeWeese,
Fajt	Lloyd	Sather	Speaker

NAYS—0

NOT VOTING—2

Gigliotti Hughes

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
 Bush O'Donnell Petrarca

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. CHADWICK. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Chadwick, rise?

Mr. CHADWICK. Madam Speaker, I hate to be a stick-in-the-mud, but rule 27 does require that the sponsor of the amendment explain the amendment prior to consideration, just a brief sentence as to what it involves.

The SPEAKER pro tempore. On unanimous consent, the Chair recognizes Mr. Fajt.

Mr. FAJT. Thank you, Madam Speaker.

I think I found a microphone that works now.

This amendment simply requires a hospital or other health care facility that has somebody turn up in their emergency room being deceased to return the driver's license to PennDOT as soon as possible, and that is the nature of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. VANCE offered the following amendments No. A4686:

Amend Sec. 5 (Sec. 8601), page 5, line 15, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8601), page 5, line 16, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Subchapter Analysis), page 6, line 25, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Subchapter Analysis), page 6, line 26, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8617), page 15, line 16, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8618), page 17, line 12, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8618), page 17, line 28, by striking out "Donor" and inserting

, Tissue and Eye Donation
 Amend Sec. 5 (Sec. 8621), page 19, line 7, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8621), page 19, line 17, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8621), page 19, line 22, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 19, line 23, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 19, line 26, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 20, line 1, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 20, line 14, by inserting after "ORGAN"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 20, line 21, by inserting after "ORGAN"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 21, line 3, by inserting after "organ"

, tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 7, by striking out "CERTIFIED" and inserting

Commonwealth-licensed
 Amend Sec. 5 (Sec. 8622), page 21, line 8, by inserting after "ORGANIZATIONS,"

tissue banks and eye banks
 Amend Sec. 5 (Sec. 8622), page 21, line 10, by inserting after "ORGAN"

, tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 11, by inserting after "ORGAN"

, tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 20, by inserting after "organ"

, tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 22, by inserting after "Organ"

, Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 21, line 24, by striking out "Two representatives" and inserting

One representative
 Amend Sec. 5 (Sec. 8622), page 21, by inserting between lines 25 and 26

- (2) One representative of a tissue bank.
- (3) One representative of an eye bank.

Amend Sec. 5 (Sec. 8622), page 21, line 26, by striking out "(2)" and inserting

(4)

Amend Sec. 5 (Sec. 8622), page 21, line 26, by inserting after "organ"

, tissue or eye

Amend Sec. 5 (Sec. 8622), page 21, line 27, by inserting after "organ"

, tissue or eye

Amend Sec. 5 (Sec. 8622), page 21, line 28, by striking out "(3)" and inserting

(5)

Amend Sec. 5 (Sec. 8622), page 22, by inserting between lines 27 and 28

(e) Authorization to receive funds.—The Department of Health shall promulgate rules and regulations granting licenses to organ procurement organizations, tissue banks and eye banks authorized to receive funds from the Organ, Tissue and Eye Donation Awareness Trust Fund. No organ procurement organization, tissue bank or eye bank shall receive funds from the Organ, Tissue and Eye Donation Awareness Trust Fund unless they have been licensed by the Department of Health.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Representative Vance.

Mrs. VANCE. Thank you, Madam Speaker.

My amendment does several things.

It adds "Tissue and Eye" after the word "Organ" in the Organ Donor Awareness Trust Fund. As it presently stands, the money would go to the organ procurement people. It also adds members of the eye and tissue people to the advisory council.

I am not here to espouse the cause of either the organ procurement banks or the tissue banks but, rather, all the people that need both organs and tissues. Less than 2 percent of the cadavers are organ donors or potential organ donors, while 65 percent of the cadavers are eligible for tissue, to be donors for tissue, and I do not believe that we should be shutting these people out.

The last thing it does is, under this bill, PennDOT would allow you to check off, when you apply for a driver's license or when you renew your driver's license, to give money. As it is now, you can only donate organs. I would like to see all of them licensed. I know they are going to tell me that there is a licensing bill coming up down the road. I would suggest that we are putting the cart before the horse. I think they should be licensed before they should receive the money. I understand what you are going to say, but I believe that it is way out of order. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, we have come to the end of the agreed-to amendments.

I oppose this amendment because it is unnecessary. It makes this bill much more complicated, both administratively and politically. The goal is not to have a piece of paper that is called a bill; the goal is to have a law that is enacted and that helps people live longer.

This amendment is not needed because currently the OPO's have Federal Government oversight. The OPO's have historically had the role of educating the public on anatomical gifts, including organ, tissue, and eye donation. We have been in touch with tissue banks and eye banks. None of them have complained to us that they need a share of this money. There is very little money involved here. Tissue and eye banks are comfortable with this arrangement set forth in the bill without the Vance amendment, because OPO's are trained and have the staff available to carry out the educational provisions of this bill.

This amendment is unnecessary. It creates far more problems than it solves. I strongly urge all members to defeat this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mrs. Vance.

Mrs. VANCE. I would like to say that we are not here to do what is politically expedient, as Mr. Cohen suggests; we are here to serve the greatest number of people, and I think by including "Tissue and Eye" we are doing just that.

I would also like to point out that OPO's are federally regulated, not federally licensed. None of these are licensed in the State, and OPO's are not licensed nationally. They are regulated, and it is a very loose regulation indeed.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes Mr. Fajt.

Mr. FAJT. Thank you, Madam Speaker.

I would also like to rise in opposition to this amendment.

Under the Vance amendment, 15 different organizations within the Commonwealth are going to have access to trust fund moneys. Also, the Vance amendment would allow tissue and eye banks operating and not located in Pennsylvania to have access to the trust fund moneys donated by our constituents. Outside of the State organizations, my understanding is, there is nothing in that amendment that says you have to be a Pennsylvania association to have access to these trust fund moneys.

The maker of the amendment is shaking her head no. I would like to hear the response.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does Mr. Serafini seek recognition?

Mr. SERAFINI. Yes, Madam Speaker.

Madam Speaker, the amendment really is not necessary as far as the tissue bank in my legislative district is concerned. As a matter of fact, it would probably be a lot better if that amendment were not in. There is no reason for them to share in that fund, at least the way the legislation has been drafted and amended. Thank you.

The SPEAKER pro tempore. The Chair begs the pardon of Representative Fajt and suggests that the gentleman may now proceed with his interrogation.

Mr. FAJT. Thank you, Madam Speaker. I apologize.

Madam Speaker, it is my understanding that the way the amendment is drafted right now, an organization outside of Pennsylvania could have access to the tissue and eye bank

information and organs from Pennsylvania residents—is that correct?—the moneys, I should say, could have access to the moneys.

Mrs. VANCE. No, Madam Speaker; I do not believe that that is a correct assumption.

Mr. FAJT. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—93

Allen	Fichter	Maitland	Saylor
Argall	Fleagle	Marsico	Scheetz
Armstrong	Flick	Masland	Schuler
Baker	Gannon	Merry	Semmel
Barley	Geist	Micozzie	Smith, B.
Boyes	Gerlach	Miller	Smith, S. H.
Brown	Gladeck	Nailor	Snyder, D. W.
Bunt	Godshall	Nickol	Stairs
Buxton	Gruppo	Nyce	Steelman
Cessar	Harley	Perzel	Steil
Chadwick	Hennessey	Pettit	Stern
Civera	Herman	Phillips	Strittmatter
Clark	Hershey	Piccola	Taylor, E. Z.
Clymer	Hess	Pitts	Taylor, J.
Conti	Hutchinson	Platts	Tomlinson
Cornell	Jadlowiec	Raymond	True
Dempsey	Kenney	Reber	Tulli
Dent	King	Reinard	Uliana
Druce	Krebs	Rohrer	Vance
Durham	Laub	Rubley	Waugh
Egolf	Lawless	Ryan	Wogan
Fairchild	Lee	Sather	Wright, M. N.
Fargo	Lynch	Saurman	Zug
Farmer			

NAYS—102

Adolph	Fajt	Lloyd	Santoni
Battisto	Fee	Lucyk	Scrimenti
Bebko-Jones	Freeman	Manderino	Serafini
Belardi	Gamble	Markosek	Staback
Belfanti	George	Mayernik	Steighner
Birmelin	Gordner	McCall	Stetler
Bishop	Gruitza	McGeehan	Stish
Blaum	Haluska	McNally	Sturla
Butkovitz	Hanna	Melio	Surra
Caltagirone	Hasay	Michlovic	Tangretti
Cappabianca	Hughes	Mihalich	Thomas
Carn	Itkin	Mundy	Tigue
Carone	James	Murphy	Trello
Cawley	Jarolin	O'Brien	Trich
Cohen, M.	Josephs	Oliver	Van Home
Colafrella	Kaiser	Pesci	Veon
Colaizzo	Kasunic	Petrone	Vitali
Corrigan	Keller	Pistella	Washington
Cowell	Kirkland	Preston	Williams
Coy	Kukovich	Richardson	Wozniak
Curry	LaGrotta	Ritter	Wright, D. R.
Daley	Laughlin	Roberts	Yandrisevits
DeLuca	Lederer	Robinson	Yewcic
Dermody	Leh	Roebuck	
Donatucci	Lescovitz	Rooney	DeWeese,
Evans	Levdansky	Rudy	Speaker

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mrs. VANCE offered the following amendments No. A4687:

Amend Sec. 5 (Sec. 8601), page 5, line 15, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8601), page 5, line 16, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Subchapter Analysis), page 6, line 25, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Subchapter Analysis), page 6, line 26, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8617), page 15, line 16, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8618), page 17, line 12, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8618), page 17, line 28, by striking out "Donor" and inserting

, Tissue and Eye Donation

Amend Sec. 5 (Sec. 8621), page 19, line 7, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8621), page 19, line 17, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8621), page 19, line 22, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8622), page 19, line 23, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8622), page 19, line 26, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8622), page 20, line 1, by inserting after "Organ"

, Tissue and Eye

Amend Sec. 5 (Sec. 8622), page 20, line 14, by inserting after "ORGAN"

, Tissue and Eye

Amend Sec. 5 (Sec. 8622), page 20, line 21, by inserting after "ORGAN"

, Tissue and Eye

Amend Sec. 5 (Sec. 8622), page 21, line 3, by inserting after "organ"

, tissue and eye

Amend Sec. 5 (Sec. 8622), page 21, line 7, by striking out "CERTIFIED" and inserting

Commonwealth-licensed

Amend Sec. 5 (Sec. 8622), page 21, line 8, by inserting after "ORGANIZATIONS,"

tissue banks and eye banks
 Amend Sec. 5 (Sec. 8622), page 21, line 10, by inserting after "ORGAN"
 , tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 11, by inserting after "ORGAN"
 , tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 20, by inserting after "organ"
 , tissue and eye
 Amend Sec. 5 (Sec. 8622), page 21, line 22, by inserting after "Organ"
 , Tissue and Eye
 Amend Sec. 5 (Sec. 8622), page 21, line 24, by striking out "Two representatives" and inserting
 One representative
 Amend Sec. 5 (Sec. 8622), page 21, by inserting between lines 25 and 26
 (2) One representative of a tissue bank.
 (3) One representative of an eye bank.
 Amend Sec. 5 (Sec. 8622), page 21, line 26, by striking out "(2)" and inserting
 (4)
 Amend Sec. 5 (Sec. 8622), page 21, line 26, by inserting after "organ"
 , tissue or eye
 Amend Sec. 5 (Sec. 8622), page 21, line 27, by inserting after "organ"
 , tissue or eye
 Amend Sec. 5 (Sec. 8622), page 21, line 28, by striking out "(3)" and inserting
 (5)

On the question,
 Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes Mrs. Vance.

Mrs. VANCE. Thank you, Madam Speaker.

This amendment is similar to the first one, although there are no licensing provisions in this second amendment.

I am amazed to hear the tissue banks say, we do not want money to educate people about the need for tissues. I do not understand the reasoning at all. I would think that the more people that knew about tissues and education and the great need there is for them, that they would want to support this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Mr. Cohen.

Mr. COHEN. Madam Speaker, I also urge the defeat of this amendment.

Under the whole scheme of the bill, it is the function of the OPO's and not the tissue banks to engage in public awareness activities. The amount of money here is not going to be very substantial. Dividing it up among a lot of people means that the money cannot be spent effectively; there are economies in scale in any kind of advertising campaign. Producing high-quality material requires some degree of centralization. The tissue banks are not demanding this money. OPO's have Federal Government oversight.

I strongly urge the defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Serafini.

Mr. SERAFINI. Madam Speaker, licensing for tissue banks is in the process of being drafted and put into law. At this point this legislation could not handle this amendment. This legislation would be much better without this amendment.

I would appreciate the defeat of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
 Will the House agree to the amendments?

The following roll call was recorded:

YEAS—95

Adolph	Fargo	Maitland	Scheetz
Allen	Farmer	Marsico	Schuler
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	Merry	Smith, B.
Baker	Flick	Micozzie	Smith, S. H.
Barley	Gannon	Müller	Snyder, D. W.
Birmelin	Geist	Nailor	Stairs
Boyes	Gerlach	Nickol	Steelman
Brown	Gladeck	Nyce	Steil
Bunt	Godshall	O'Brien	Stern
Buxton	Gruppo	Perzel	Stetler
Cessar	Harley	Pettit	Strittmatter
Chadwick	Hennessey	Phillips	Taylor, E. Z.
Civera	Herman	Piccola	Taylor, J.
Clark	Hershey	Pitts	Tomlinson
Clymer	Hutchinson	Platts	True
Conti	Jadlowiec	Raymond	Tulli
Cornell	Kenney	Reber	Uliana
Dempsey	King	Reinard	Vance
Dent	Krebs	Rohrer	Waugh
Druce	Laub	Rubley	Wogan
Durham	Lawless	Ryan	Wright, M. N.
Egolf	Lee	Sather	Zug
Fairchild	Lynch	Saylor	

NAYS—99

Battisto	Freeman	Lucyk	Saurman
Bebko-Jones	Gamble	Manderino	Scrimenti
Belardi	George	Markosek	Serafini
Belfanti	Gordner	Mayeruik	Staback
Bishop	Gruitza	McCall	Steighner
Blaum	Haluska	McGeehan	Stish
Butkovitz	Hanna	McNally	Sturla
Caltagirone	Hasay	Melio	Surra
Cappabianca	Hughes	Michlovic	Tangretti
Cam	Itkin	Mihalich	Thomas
Carone	James	Mundy	Tigue
Cawley	Jarolin	Murphy	Trello
Cohen, M.	Josephs	Oliver	Trich
Colafrilla	Kaiser	Pesci	Van Home
Colaizzo	Kasunic	Petrone	Veon
Corrigan	Keller	Pistella	Vitali
Cowell	Kirkland	Preston	Washington
Coy	Kukovich	Richardson	Williams
Curry	LaGrotta	Ritter	Wozniak
Daley	Laughlin	Roberts	Wright, D. R.
DeLuca	Lederer	Robinson	Yandrisevits
Dermody	Leh	Roebuck	Yewcic
Donatucci	Lescovitz	Rooney	
Evans	Levdansky	Rudy	DeWeese,
Fajt	Lloyd	Santoni	Speaker
Fee			

NOT VOTING—2

Gigliotti Hess

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
Bush O'Donnell Petrarca

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER pro tempore. The lady, Mrs. Vance, offers the following amendment, which the clerk will read.

Mrs. VANCE. Thank you, Madam Speaker.

I will withdraw this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—195

Adolph Farmer Lucy Saurman
Allen Fee Lynch Saylor
Argall Fichter Maitland Scheetz
Armstrong Fleagle Manderino Schuler
Baker Flick Markosek Scrimenti
Barley Freeman Marsico Semmel
Battisto Gamble Masland Serafini
Bebko-Jones Gannon Mayernik Smith, B.
Belardi Geist McCall Smith, S. H.
Belfanti George McGeehan Snyder, D. W.
Birmelin Gerlach McNally Staback
Bishop Gladeck Melio Stairs
Blaum Godshall Merry Steelman
Boyes Gordner Michlovic Steighner
Brown Grutzza Micozzie Steil
Bunt Gruppo Mihalich Stern
Butkowitz Haluska Miller Stealer
Buxton Hanna Mundy Stish
Caltagirone Harley Murphy Stritmatter
Cappabianca Hasay Nailor Sturla
Cam Hennessey Nickol Surra
Carone Herman Nyce Tangretti
Cawley Hershey O'Brien Taylor, E. Z.
Cessar Hess Oliver Taylor, J.
Chadwick Hughes Perzel Thomas
Civera Hutchinson Pesci Tigie
Clark Itkin Petrone Tomlinson
Clymer Jadlowiec Pettit Trello
Cohen, M. James Phillips Trich
Colafella Jarolin Piccola True
Colaizzo Josephs Pistella Tulli

Conti Kaiser Pitts Uliana
Cornell Kasunic Platts Vance
Corrigan Keller Preston Van Horne
Cowell Kenney Raymond Veon
Coy King Reber Vitali
Curry Kirkland Reinard Washington
Daley Krebs Richardson Waugh
DeLuca Kukovich Ritter Williams
Dempsey LaGrotta Roberts Wogan
Dent Laub Robinson Wozniak
Dermody Laughlin Roebuck Wright, D. R.
Donatucci Lawless Rohrer Wright, M. N.
Druce Lederer Rooney Yandrisevits
Durham Lee Rubley Yewcic
Egolf Leh Rudy Zug
Evans Lescovitz Ryan
Fairchild Levdansky Santoni DeWeese,
Fajt Lloyd Sather Speaker
Fargo

NAYS—0

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
Bush O'Donnell Petrarca

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

VOTE CORRECTION

Mr. THOMAS. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Thomas, rise?

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, on the Cohen amendment A4972, my button malfunctioned. I would like to be recorded in the affirmative, please.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Mr. THOMAS. Thank you.

SUPPLEMENTAL CALENDAR B

RESOLUTION ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HR 147, PN 2888, entitled:

A Concurrent Resolution requesting the Commonwealth's representative on the Northeast Ozone Transport Commission to not endorse a petition in favor of certain program mandates and providing for notice to the Commonwealth of any actions by NOTC which may affect the Commonwealth.

On the question,

Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS—194

Adolph	Fargo	Lloyd	Sather
Allen	Farmer	Lucyk	Saurman
Argall	Fee	Lynch	Saylor
Armstrong	Fichter	Maitland	Scheetz
Baker	Fleagle	Manderino	Schuler
Barley	Flick	Markosek	Scrimenti
Battisto	Freeman	Marsico	Semmel
Bebko-Jones	Gamble	Masland	Serafini
Belardi	Gannon	Mayernik	Smith, B.
Belfanti	Geist	McCall	Smith, S. H.
Birmelin	George	McGeehan	Snyder, D. W.
Bishop	Gerlach	McNally	Staback
Blaum	Gladeck	Melio	Stairs
Boyes	Godshall	Merry	Steelman
Brown	Gordner	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Steil
Butkovitz	Gruppo	Mihalich	Stern
Buxton	Haluska	Miller	Stetler
Caltagirone	Hanna	Mundy	Stish
Cappabianca	Harley	Murphy	Strittmatter
Carn	Hasay	Nailor	Sturla
Carone	Hennessey	Nickol	Surra
Cawley	Herman	Nyce	Tangretti
Cessar	Hershey	O'Brien	Taylor, E. Z.
Chadwick	Hess	Oliver	Taylor, J.
Civera	Hughes	Perzel	Thomas
Clark	Hutchinson	Pesci	Tigue
Clymer	Itkin	Petrone	Tomlinson
Cohen, M.	Jadlowiec	Pettit	Trello
Colafella	James	Phillips	Trich
Colaizzo	Jarolin	Piccola	True
Conti	Josephs	Pistella	Tulli
Cornell	Kaiser	Pitts	Uliana
Corrigan	Kasunic	Platts	Vance
Cowell	Keller	Preston	Van Home
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Washington
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Williams
Dempsey	Kukovich	Ritter	Wogan
Dent	LaGrotta	Roberts	Wozniak
Dermody	Laub	Robinson	Wright, D. R.
Donatucci	Laughlin	Roebuck	Wright, M. N.
Druce	Lawless	Rohrer	Yandrisevits
Durham	Lederer	Rooney	Yewcic
Egolf	Lee	Rubley	Zug
Evans	Leh	Rudy	
Fairchild	Lescovitz	Ryan	DeWeese,
Fajt	Levdansky	Santoni	Speaker

NAYS—0

NOT VOTING—2

Gigliotti Vitali

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
 Bush O'Donnell Petrarca

The question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2246, PN 2805**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, restricting the possession of a firearm by a person under the age of 18 years.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The **SPEAKER pro tempore**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—154

Adolph	Farmer	Marsico	Saylor
Allen	Fee	Masland	Scheetz
Argall	Fichter	Mayernik	Schuler
Armstrong	Fleagle	McCall	Scrimenti
Baker	Flick	McGeehan	Serafini
Barley	Freeman	McNally	Smith, B.
Battisto	Gamble	Melio	Staback
Bebko-Jones	Geist	Michlovic	Steelman
Belardi	George	Micozzie	Steighner
Belfanti	Gladeck	Mihalich	Steil
Bishop	Godshall	Miller	Stern
Blaum	Haluska	Mundy	Stetler
Bunt	Harley	Murphy	Stish
Butkovitz	Hasay	Nailor	Strittmatter
Buxton	Hennessey	Nickol	Sturla
Caltagirone	Herman	O'Brien	Taylor, E. Z.
Cappabianca	Hershey	Oliver	Taylor, J.
Carn	Hess	Perzel	Thomas
Cessar	Hughes	Petrone	Tigue
Chadwick	Itkin	Pettit	Tomlinson
Civera	James	Piccola	Trello
Clymer	Josephs	Pistella	Trich
Cohen, M.	Kaiser	Pitts	True
Colafella	Keller	Platts	Tulli
Colaizzo	Kenney	Preston	Uliana
Conti	Kirkland	Raymond	Vance
Cornell	Krebs	Reber	Van Home
Corrigan	Kukovich	Reinard	Veon
Cowell	LaGrotta	Richardson	Vitali
Coy	Laub	Ritter	Washington
Curry	Laughlin	Robinson	Williams
DeLuca	Lawless	Roebuck	Wogan
Dempsey	Lederer	Rooney	Wright, D. R.
Dent	Lee	Rubley	Wright, M. N.
Dermody	Lescovitz	Rudy	Yandrisevits
Donatucci	Levdansky	Ryan	Zug
Druce	Lucyk	Santoni	
Evans	Manderino	Sather	DeWeese,
Fajt	Markosek	Saurman	Speaker

NAYS—39

Birmelin	Fargo	King	Semmel
Boyes	Gannon	Leh	Smith, S. H.
Brown	Gerlach	Lloyd	Snyder, D. W.
Carone	Gordner	Lynch	Stairs

Cawley	Gruitza	Maitland	Surra
Clark	Gruppo	Mery	Tangretti
Daley	Hanna	Nyce	Waugh
Durham	Hutchinson	Pesci	Wozniak
Egolf	Jadlowiec	Roberts	Yewcic
Fairchild	Kasunic	Rohrer	

NOT VOTING—3

Gigliotti	Jarolin	Phillips
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EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 1934, PN 2879**, entitled:

An Act amending the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, further providing for use of steel products by public agencies.

On the question recurring,

Shall the bill pass finally?

The **SPEAKER** pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—180

Adolph	Fee	Lynch	Saylor
Allen	Fichter	Manderino	Scheetz
Argall	Fleagle	Markosek	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Freeman	Mayermik	Semmel
Battisto	Gamble	McCall	Serafini
Bebko-Jones	Gannon	McGeehan	Smith, B.
Belardi	Geist	McNally	Smith, S. H.
Belfanti	George	Melio	Snyder, D. W.
Birmelin	Gerlach	Michlovic	Staback
Bishop	Gladeck	Micozzie	Stairs
Blaum	Godshall	Mihalich	Steelman
Bunt	Gordner	Miller	Steighner
Butkovitz	Gruitza	Mundy	Stern
Buxton	Gruppo	Murphy	Stetler
Caltagirone	Haluska	Nickol	Stish
Cappabianca	Hanna	Nyce	Sturla
Cam	Harley	O'Brien	Surra
Carone	Hasay	Oliver	Tangretti
Cawley	Hennessey	Perzel	Taylor, E. Z.
Cessar	Herman	Pesci	Taylor, J.
Chadwick	Hershey	Petrone	Thomas
Civera	Hess	Pettit	Tigue
Clark	Hughes	Phillips	Tomlinson
Clymer	Hutchinson	Piccola	Trello
Cohen, M.	Itkin	Pistella	Trich
Colafiglia	James	Pitts	True
Colaizzo	Jarolin	Platts	Tulli
Conti	Josephs	Preston	Uliana
Cornell	Kaiser	Raymond	Van Horne
Corrigan	Kasunic	Reber	Veon

Cowell	Keller	Reinard	Vitali
Coy	Kenney	Richardson	Washington
Curry	King	Ritter	Waugh
Daley	Kirkland	Roberts	Williams
DeLuca	Kukovich	Robinson	Wogan
Dempsey	LaGrotta	Roeback	Wozniak
Dent	Laub	Rohrer	Wright, D. R.
Dermoddy	Laughlin	Rooney	Wright, M. N.
Donatucci	Lawless	Rubley	Yandrisevits
Druce	Lederer	Rudy	Yewcic
Durham	Leh	Ryan	Zug
Evans	Lescovitz	Santoni	
Fairchild	Levdansky	Sather	DeWeese,
Fajt	Lloyd	Saurman	Speaker
Farmer	Lucyk		

NAYS—15

Armstrong	Fargo	Maitland	Steil
Boyes	Jadlowiec	Masland	Strittmatter
Brown	Krebs	Merry	Vance
Egolf	Lee	Nailor	

NOT VOTING—1

Gigliotti

EXCUSED—7

Acosta	Cohen, L. I.	Olasz	Rieger
Bush	O'Donnell	Petrarca	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

The **SPEAKER** pro tempore. The Chair recognizes the majority leader.

Mr. **ITKIN**. Madam Speaker, I know that Representative Daley approached the podium to file a reconsideration motion on one bill, so if we can just stand at ease momentarily so that he can have his reconsideration motion made and acted upon, then that is the last course of action and we will revote the bill, and then we can all adjourn for the holidays.

HB 2246 RECONSIDERED

The **SPEAKER** pro tempore. The Chair recognizes Mr. Daley, who moves that the vote by which HB 2246, PN 2805, was passed on the 15th day of December be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Fargo	Lloyd	Saylor
Allen	Farmer	Lucyk	Scheetz
Argall	Fee	Lynch	Schuler
Armstrong	Fichter	Maitland	Scrimenti
Baker	Fleagle	Manderino	Semmel
Barley	Flick	Markosek	Serafini
Battisto	Freeman	Marsico	Smith, B.
Bebko-Jones	Gamble	Masland	Smith, S. H.

Belardi	Gannon	Mayernik	Snyder, D. W.
Belfanti	Geist	McCall	Staback
Birmelin	George	McGeehan	Stairs
Bishop	Gerlach	McNally	Steelman
Blaum	Gladeck	Melio	Steighner
Boyes	Godshall	Merry	Steil
Brown	Gordner	Michlovic	Stern
Bunt	Gruitza	Micozzie	Stetler
Butkovitz	Gruppo	Mihalich	Stish
Buxton	Haluska	Miller	Strittmatter
Caltagirone	Hanna	Mundy	Sturla
Cappabianca	Harley	Murphy	Surra
Carn	Hasay	Nailor	Tangretti
Carone	Hennessey	Nickol	Taylor, E. Z.
Cawley	Herman	Nyce	Taylor, J.
Cessar	Hershey	O'Brien	Thomas
Chadwick	Hess	Oliver	Tigue
Civera	Hughes	Perzel	Tomlinson
Clark	Hutchinson	Pesci	Trello
Clymer	Itkin	Petrone	Trich
Cohen, M.	Jadlowiec	Pettit	True
Colafella	James	Phillips	Tulli
Colaizzo	Jarolin	Piccola	Uliana
Conti	Josephs	Pistella	Vance
Cornell	Kaiser	Pitts	Van Horne
Corrigan	Kasunic	Platts	Veon
Cowell	Keller	Preston	Vitali
Coy	Kenney	Raymond	Washington
Curry	King	Reber	Waugh
Daley	Kirkland	Reinard	Williams
DeLuca	Krebs	Ritter	Wogan
Dempsey	Kukovich	Roberts	Wozniak
Dent	LaGrotta	Robinson	Wright, D. R.
Dermody	Laub	Rohrer	Wright, M. N.
Donatucci	Laughlin	Rooney	Yandrisevits
Druce	Lawless	Rublely	Yewcic
Durham	Lederer	Rudy	Zug
Egolf	Lee	Ryan	
Evans	Leh	Santoni	DeWeese,
Fairchild	Lescovitz	Sather	Speaker
Fajt	Levdansky	Saurman	

NAYS—0

NOT VOTING—3

Gigliotti Richardson Roebuck

EXCUSED—7

Acosta Cohen, L. I. Olasz Rieger
 Bush O'Donnell Petrarca

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
 Shall the bill pass finally?

The SPEAKER pro tempore. The gentleman, Mr. Daley, is recognized.

Mr. DALEY. Thank you, Madam Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman will proceed.

Mr. DALEY. Would the maker of the legislation please explain, as brief as possible, the intent of this legislation and answer one question. If a young person is under 18, that means

they cannot possess a firearm to go out hunting with his family or her family, and could you explain the legislation to us?

Mr. OLIVER. Thank you. Madam Speaker?

The SPEAKER pro tempore. The House will be at ease for a moment, please.

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Hess, rise?

Mr. HESS. To correct the record.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HESS. On HB 1956, the Vance amendment A4687, I pushed my button and it did not record. I would like to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes Mr. Reinard.

Mr. REINARD. Madam Speaker, I was recorded in the affirmative on HB 2246, final passage. I would like to be recorded in the negative. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread across the record.

For what purpose does the gentleman, Mr. Jarolin, rise?

Mr. JAROLIN. Thank you, Madam Speaker.

I would like to interrogate the maker of the bill.

The SPEAKER pro tempore. We are at ease, Mr. Jarolin, while Mr. Oliver and Mr. Daley are conferring.

Will you yield momentarily?

Mr. JAROLIN. Yes, I will, Madam Speaker.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Madam Speaker, I move that the following bills be taken from the table and placed on the active calendar:

- HB 165;
- HB 175;
- HB 580;
- HB 585;
- HB 1974;
- HB 2192;
- HB 2311; and
- SB 307.

On the question,
 Will the House agree to the motion?
 Motion was agreed to.

BILLS RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 165;
HB 175;
HB 580;
HB 585;
HB 1974; and
HB 2311.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2192, PN 2892; and SB 307, PN 1759.

CONSIDERATION OF HB 2246 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. ITKIN. Madam Speaker, at this time I would like to yield the floor to my distinguished colleague from Luzerne County, Mr. Jarolin, to make a motion.

BILL RECOMMENDED

The SPEAKER pro tempore. Mr. Jarolin is recognized.

Mr. JAROLIN. Thank you, Madam Speaker. Thank you, majority boss.

On this particular piece of legislation, HB 2246, there are a lot of problems with this because the clarification of this firearm is not there.

So I am going to make a motion that we rerefer this bill back to the Game and Fisheries Committee.

The SPEAKER pro tempore. It has been moved by the gentleman that HB 2246 be recommitted to the Game and Fish Committee.

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

Mr. ITKIN. Madam Speaker?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ITKIN. Thank you.

Madam Speaker, it is my understanding that the sponsor of the legislation is agreeable to have his bill recommitted to the Game and Fish Committee. So therefore, I would urge all members to support the recommittal motion.

On the question recurring,
Will the House agree to the motion?

The following roll call was recorded:

YEAS-194

Adolph Farmer Lucyk Saurman
Allen Fee Lynch Saylor

Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Markosek	Scrimenti
Barley	Freeman	Marsico	Semmel
Battisto	Gamble	Masland	Serafini
Bebko-Jones	Gannon	Mayernik	Smith, B.
Belardi	Geist	McCall	Smith, S. H.
Belfanti	George	McGeehan	Snyder, D. W.
Birmelin	Gerlach	McNally	Staback
Bishop	Gladeck	Melio	Stairs
Blaum	Godshall	Merry	Steelman
Boyes	Gordner	Michlovic	Steighner
Brown	Gruitza	Micozzie	Steil
Bunt	Gruppo	Mihalich	Stern
Butkovitz	Haluska	Miller	Stetler
Buxton	Hanna	Mundy	Stish
Callagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carn	Hennessey	Nickol	Surra
Carone	Herman	Nyce	Tangretti
Cawley	Hershey	O'Brien	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrone	Tomlinson
Clymer	Jadlowiec	Pettit	Trello
Cohen, M.	James	Phillips	Trich
Colaella	Jarolin	Piccola	True
Colaizzo	Josephs	Pistella	Tulli
Conti	Kaiser	Pitts	Uliana
Cornell	Kasunic	Platts	Vance
Corrigan	Keller	Preston	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Washington
DeLuca	Krebs	Richardson	Waugh
Dempsey	Kukovich	Ritter	Williams
Dent	LaGrotta	Roberts	Wogan
Dermody	Laub	Robinson	Wozniak
Donatucci	Laughlin	Roebuck	Wright, D. R.
Druce	Lawless	Rohrer	Wright, M. N.
Durham	Lederer	Rooney	Yandrisevits
Egolf	Lee	Rubley	Yewcic
Evans	Leh	Rudy	Zug
Fairchild	Lescovitz	Ryan	
Fajt	Levdansky	Santoni	DeWeese,
Fargo	Lloyd	Sather	Speaker

NAYS-0

NOT VOTING-2

Cowell Gigliotti

EXCUSED-7

Acosta Cohen, L. I. Glasz Rieger
Bush O'Donnell Petrarca

The question was determined in the affirmative, and the motion was agreed to.

RESIGNATION OF MEMBER

The SPEAKER pro tempore. The Chair submits the following letter of resignation.

The following letter was submitted:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

December 15, 1993

Honorable H. William DeWeese, *Speaker*
139 Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Speaker:

This is to advise you that I hereby resign from the office of State Representative of the 20th Legislative District at the adjournment of session today, December 15, 1993.

Sincerely,
Thomas J. Murphy

TM/

cc: Clancy Myer, Parliamentarian
John J. Zubeck, Chief Clerk
Ann Santinoceto, Comptroller

STATEMENTS

The SPEAKER pro tempore. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Madam Speaker, it is my distinct, personal pleasure to make the final motion of the evening. When I do, we will have concluded our session for 1993.

I want to commend the members of the House on both sides of the aisle, including my distinguished Republican floor leader, Matt Ryan, for the cooperation we had in moving everything forward this session.

Therefore, I would like to wish everyone happy holidays and hope that they come back next year rejuvenated and ready to conduct the business of the House.

I would like to now yield to Mr. Ryan. Perhaps he would like to have a few words, too, at this time.

The SPEAKER pro tempore. The Chair recognizes Mr. Ryan.

Mr. RYAN. Madam Speaker, the record will not reflect that no one is paying a bit of attention to either one of us because everyone is getting ready to leave.

I wish you, Mr. Majority Leader, the very best of the holidays; I wish everyone in this room the same thing, and everyone within the sound of my voice, as well as the people of the Commonwealth.

I especially welcome home to this State Capitol the Governor of the Commonwealth of Pennsylvania, who, I am advised, is going to take back the reins on the 21st day of this month. I look forward to that, as I am sure all of the people of Pennsylvania look forward to it, and I think it is just wonderful, and I think that, too, should be noted on the record. That is the best holiday gift I think this Commonwealth has had. Thank you, Madam Speaker.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

Mr. ITKIN. Madam Speaker, before I make the motion, I do not want it to be misinterpreted. I will be adjourning the House until 12 o'clock noon on January 4. That is a constitutional requirement, but you are a fool to be here on January 4, because I will not be here with you.

So consequently now, Madam Speaker, I move that this House do now adjourn until Tuesday, January 4, 1994, at 12 o'clock noon, e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:17 p.m., e.s.t., the House adjourned.