

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 29, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 44

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

PRAYER

REV. BRUCE D. McINTOSH, Chaplain of the House of Representatives and assistant pastor of Faith Bible Fellowship Church, York, Pennsylvania, offered the following prayer:

Thank you, Mr. Speaker.

Good morning.

Let us bow our heads for prayer, please.

Father, there is a lot of business to do today, so I ask that You will be especially diligent with each one here today. Help the minds to be clear and the attention appropriately focused. Lord, I ask that You will deliver to each one a measure of grace, patience, dealing with many things, possibly a long session. Lord, I ask that You will minister to each person here, each Representative, the ability to arrive at conclusions appropriately and deliberately, making wise decisions and knowing when to pause and give second thought. We all need that, Father. and I ask it in Your most precious name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection. approval of the Journal of Tuesday, September 28, 1999, will be postponed until printed. The Chair hears no objection.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of the Speaker, the daughter of the Chaplain, Kathleen McIntosh, who is seated to the left of the Speaker. Kathleen, would you please stand up.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair turns to today's tabled bill calendar and recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be taken from the table:

HB 6;
HB 358;
HB 790;
HB 867;
HB 868;
HB 913;
HB 1150;
HB 1450;
HB 1600;
HB 323;
HB 1078;
HB 1180;
HB 1185;
HB 1195;
HB 1265;
HB 1445; and
HB 1569.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 6;
HB 358;
HB 790;
HB 867;
HB 868;
HB 913;
HB 1150;
HB 1450;
HB 1600;
HB 323; and
HB 1078.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be placed on the table:

HB 1180;
HB 1185;
HB 1195; and
HB 1265.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1445 on page 18 of the tabled bill calendar, which was removed from the table, be recommitted to Appropriations.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1569, PN 2264, which has been removed from the table, be recommitted to Appropriations.

On the question,
Will the House agree to the motion?
Motion was agreed to.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 350, PN 2311 (Amended) By Rep. BUNT

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$100,000,000 to provide additional funding for the purchase of agricultural conservation easements for the preservation of agricultural land; and making a repeal.

AGRICULTURE AND RURAL AFFAIRS.

HB 525, PN 2312 (Amended) By Rep. BUNT

An Act authorizing the incurring of indebtedness, with approval of the electors, of \$100,000,000 for the purchase of agricultural conservation easements for the preservation of agricultural land; and making a repeal.

AGRICULTURE AND RURAL AFFAIRS.

HB 1607, PN 2313 (Amended) By Rep. BUNT

An Act authorizing the incurring of additional indebtedness, with approval of the electors, of \$1,000,000,000 for the further purchase of

agricultural conservation easements for the preservation of agricultural land and to provide additional funds for the Keystone Recreation, Park and Conservation Fund; and making repeals.

AGRICULTURE AND RURAL AFFAIRS.

HB 1614, PN 1969 By Rep. BUNT

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$1,000,000,000 to provide additional funding for the purchase of agricultural conservation easements for the preservation of agricultural land; to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational facilities, historic sites, zoos and public libraries; and making repeals.

AGRICULTURE AND RURAL AFFAIRS.

HB 1757, PN 2162 By Rep. BUNT

An Act amending the act of December 12, 1994 (P.L.888, No.128), known as the Anaerobic Manure Digesters Act, providing for investigation, study, development and use of manure and animal by-product management technology for normal farming operations.

AGRICULTURE AND RURAL AFFAIRS.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for today's session for the gentleman from Bucks, Mr. McILHINNEY; the lady from Chester, Mrs. TAYLOR; and the gentleman from Delaware, Mr. CIVERA.

The Chair recognizes the minority whip, who requests a leave of absence for the gentleman from Lawrence, Mr. LaGROTTA, and the gentleman from Greene, Mr. DeWEESE.

Without objection, leaves will be granted. The Chair hears no objection. Leaves are granted.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

ANNOUNCEMENT BY MR. HARHAI

The SPEAKER. The Chair recognizes at this time the gentleman from Westmoreland, Mr. Harhai. Will the gentleman yield.

Members will please come to order.

The gentleman, Mr. Harhai, is recognized under unanimous consent and may proceed.

Mr. HARHAI. Thank you, Mr. Speaker.

At this time I would just like to bring to everyone's attention that I am going to be circulating a resolution for signature on behalf of former State Representative Herman Mihalich, a good friend of mine, good family man, who passed away 2 years ago tomorrow. I will have the resolution the remainder of the day. I would appreciate if all could sign it to show support of naming a boat launch in my hometown of the city of Monessen for Herman Mihalich, who passed away September 30, 1997. I would

certainly appreciate it, and I am sure his family would, too. Thank you very much.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Adolph	Fairchild	Mann	Schroder
Allen	Fargo	Markosek	Schuler
Argall	Feese	Marsico	Scrimenti
Armstrong	Fichter	Masland	Semmel
Baker	Fleagle	Mayernik	Serafini
Bard	Flick	McCall	Seyfert
Barley	Forcier	McGeehan	Shaner
Barrar	Frankel	McGill	Smith, B.
Bastian	Freeman	McIlhattan	Smith, S. H.
Battisto	Gannon	McNaughton	Snyder
Bebko-Jones	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhai	Oliver	Tangretti
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Perzel	Thomas
Carn	Hennessey	Pesci	Tigue
Casorio	Herman	Petrarca	Travaglio
Cawley	Hershey	Petrone	Trello
Chadwick	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Cohen, M.	James	Preston	Van Home
Colafella	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corrigan	Keller	Readshaw	Walko
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Curry	Krebs	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dempsey	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Druce	Maher	Samuelson	Zug
Eachus	Maitland	Santoni	
Egolf	Major	Sather	Ryan,
Evans	Manderino	Saylor	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese			

LEAVES ADDED—10

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	Lawless	Tulli
Benninghoff	Gigliotti		

LEAVES CANCELED—2

DeWeese	Lawless
---------	---------

ADDITIONS OF SPONSORS

Mr. SURRA. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman, Mr. Surra. For what purpose does the gentleman seek recognition?

Mr. SURRA. I have a question, Mr. Speaker, if it would be out of order to ask that all of the members be able to cosponsor Representative Harhai's resolution. As you can see, there are a number of us in line trying to sign the different things.

The SPEAKER. I have no problem with that. However, anyone who does not want to sign it should advise the gentleman, Mr. Harhai, that they do not wish their name to appear.

Without objection, all the members will be listed as sponsor, unless they talk to the prime sponsor.

Mr. SURRA. Thank you, Mr. Speaker.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 173, PN 179**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for powers of attorney and for orphans' court division appointments; providing for a property set-aside; further providing for transfers by fiduciaries and for separate trusts; and making conforming amendments.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. 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.

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Mann	Schroder
Allen	Fargo	Markosek	Schuler
Argall	Feese	Marsico	Scrimenti
Armstrong	Fichter	Masland	Semmel
Baker	Fleagle	Mayernik	Serafini
Bard	Flick	McCall	Seyfert
Barley	Forcier	McGeehan	Shaner
Barrar	Frankel	McGill	Smith, B.
Bastian	Freeman	McIlhattan	Smith, S. H.

Battisto	Gannon	McNaughton	Snyder
Bebko-Jones	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhai	Oliver	Tangretti
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Perzel	Thomas
Cam	Hennessey	Pesci	Tigue
Casorio	Herman	Petrarca	Travaglio
Cawley	Hershey	Petrone	Trello
Chadwick	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Cohen, M.	James	Preston	Van Home
Colafella	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corrigan	Keller	Readshaw	Walko
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Curry	Krebs	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dempsey	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rublely	Youngblood
DiGirolamo	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Druce	Maher	Samuelson	Zug
Eachus	Maitland	Santoni	
Egolf	Major	Sather	Ryan,
Evans	Manderino	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese			

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 182, PN 170**, entitled:

An Act authorizing the Department of Community and Economic Development to adopt a program of training, examination and continuing education of elected auditors.

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

Mr. GEORGE offered the following amendment No. A3268:

Amend Sec. 3, page 2, line 13, by inserting after "with" the Auditor General,

Amend Sec. 3, page 2, line 21, by inserting after "with" the Auditor General,

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Mann	Schroder
Allen	Fargo	Markosek	Schuler
Argall	Feese	Marsico	Scrimenti
Armstrong	Fichter	Masland	Semmel
Baker	Fleagle	Mayernik	Serafini
Bard	Flick	McCall	Seyfert
Barley	Forcier	McGeehan	Shaner
Barrar	Frankel	McGill	Smith, B.
Bastian	Freeman	McIlhattan	Smith, S. H.
Battisto	Gannon	McNaughton	Snyder
Bebko-Jones	Geist	Melio	Solobay
Belardi	George	Metcalfe	Staback
Belfanti	Gigliotti	Michlovic	Stairs
Benninghoff	Gladeck	Micozzie	Steelman
Birmelin	Godshall	Miller, R.	Steil
Bishop	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhai	Oliver	Tangretti
Caltagirone	Harhart	Orie	Taylor, J.
Cappabianca	Hasay	Perzel	Thomas
Cam	Hennessey	Pesci	Tigue
Casorio	Herman	Petrarca	Travaglio
Cawley	Hershey	Petrone	Trello
Chadwick	Hess	Phillips	Trich
Clark	Horsey	Pippy	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Jadlowiec	Platts	Vance
Cohen, M.	James	Preston	Van Home
Colafella	Josephs	Ramos	Veon
Cornell	Kaiser	Raymond	Vitali
Corrigan	Keller	Readshaw	Walko
Costa	Kenney	Reinard	Washington
Coy	Kirkland	Rieger	Waters
Curry	Krebs	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Leh	Rooney	Wright
Dempsey	Lescovitz	Ross	Yewcic
Dermody	Levdansky	Rublely	Youngblood
DiGirolamo	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Druce	Maher	Samuelson	Zug
Eachus	Maitland	Santoni	
Egolf	Major	Sather	Ryan,
Evans	Manderino	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was 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. 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?

On the question of final passage, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

If I could interrogate the sponsor of this legislation?

The SPEAKER. The Chair recognizes the lady, Ms. Bard, who indicates she will stand for interrogation.

Mr. GORDNER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to clarify, on page 4, under section 8, dealing with participation in the program, section (b), it says, "Failure to participate, to complete or to take the examination shall not disqualify a person from holding office or from performing that person's official duties." I just want to clarify on the record that for those of us who represent rural areas and have a difficult time sometimes getting auditors and those individuals may not be able to go to Philadelphia or Harrisburg or Pittsburgh to take a course, if they are elected auditor in a township and they—

The SPEAKER. Will the gentleman yield.

I think Mr. Gordner is asking some important questions right now and deserves the respect of the floor while he is engaging in this debate.

Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

If an auditor is elected in a municipality and he or she decides not to take this course, this training, or this examination, can that individual continue to serve as an auditor for that municipality?

Ms. BARD. Mr. Speaker, there is nothing in this legislation that prohibits an elected auditor from serving without participating in training. The purpose of this legislation is simply to try to help promote accountability and professionalism in the elected auditor's office and to help protect the taxpayers across the Commonwealth, but participation in the training and continuing education is entirely voluntary.

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

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.

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Markosek	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feese	Masland	Scrimenti
Armstrong	Fichter	Mayernik	Semmel
Baker	Fleagle	McCall	Serafini
Bard	Flick	McGeehan	Seyfert
Barley	Forcier	McGill	Shaner
Barrar	Frankel	McIlhattan	Smith, B.
Bastian	Freeman	McNaughton	Smith, S. H.

Battisto	Gannon	Melio	Snyder
Bebko-Jones	Geist	Metcalfe	Soiboy
Belardi	George	Michlovic	Staback
Belfanti	Gigliotti	Micozzie	Stairs
Benninghoff	Gladeck	Miller, R.	Steelman
Birmelin	Godshall	Miller, S.	Steil
Bishop	Gordner	Mundy	Stern
Blaum	Grucela	Myers	Stetler
Boyes	Gruitza	Nailor	Stevenson
Browne	Habay	Nickol	Strittmatter
Bunt	Haluska	O'Brien	Sturla
Butkovitz	Hanna	Oliver	Surra
Buxton	Harhai	Orie	Tangretti
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hennessey	Pesci	Thomas
Caro	Herman	Petrarca	Tigue
Casorio	Hershey	Petrone	Travaglio
Cawley	Hess	Phillips	Trello
Chadwick	Horsey	Pippy	Trich
Clark	Hutchinson	Pistella	True
Clymer	Jadlowiec	Platts	Tulli
Cohen, L. I.	James	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Coiafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Corrigan	Kenney	Reinard	Walko
Costa	Kirkland	Rieger	Washington
Coy	Krebs	Roberts	Waters
Curry	Laughlin	Robinson	Williams
Dailey	Lawless	Roebuck	Wilt
Daley	Lederer	Rohrer	Wogan
Dally	Leh	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright
Dempsey	Levdansky	Rubley	Youngblood
Dermody	Lucyk	Ruffing	Yudichak
DiGirolamo	Lynch	Sainato	Zimmerman
Donatucci	Maher	Samuelson	Zug
Druce	Maitland	Santoni	
Eachus	Major	Sather	Ryan,
Egolf	Manderino	Saylor	Speaker
Evans	Mann		

NAYS—2

Hasay	Yewcic
-------	--------

NOT VOTING—0

EXCUSED—5

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese			

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 PASSED OVER

The SPEAKER. HB 672 is over for the day.

* * *

The House proceeded to third consideration of **SB 264, PN 1178**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the definition of "local agency" for purposes of governmental immunity.

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

Mr. **HORSEY** offered the following amendment No. **A3176**:

Amend Title, page 1, line 4, by removing the period after "immunity" and inserting

; providing for sentencing for murder of the first degree; and repealing provisions relating to sentencing procedure for murder of the first degree.

Amend Bill, page 2, by inserting between lines 5 and 6,
Section 2. Section 9711 of Title 42 is repealed.

Section 3. Title 42 is amended by adding a section to read:

§ 9711.1. Sentencing for murder of the first degree.

After a verdict of murder of the first degree is recorded, the court shall sentence the defendant to life imprisonment.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting

4

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

The **SPEAKER**. On the question of the adoption of the Horsey amendment, the Chair recognizes the gentleman from Philadelphia County.

Mr. **HORSEY**. Mr. Speaker, my amendment would amend Title 42 by outlawing capital punishment in the State of Pennsylvania. It would take the responsibility from the courts, and when persons commit first-degree murder, they would be in fact incarcerated for a lifetime as opposed to implementing capital punishment against them, Mr. Speaker.

We have killed in this country in the last 10 years—

The **SPEAKER**. Will the gentleman yield.

There is entirely too much noise on the floor. Please.

Mr. Horsey.

Mr. **HORSEY**. Thank you, Mr. Speaker.

Mr. Speaker, we have killed in this country in the last 50 years not hundreds but thousands of folks, Mr. Speaker. In the State of Illinois, just this year, half of their death row population was released. Now, the question becomes, well, you know, why would they release capital punishment persons? Because as a result of new technology and DNA testing, they have had to release half of the people on death row, because, guess what? The conclusion is, we have arrested and placed on death row and we were about to execute half of the persons on death row.

Now, it is not, it is not a perfect system, and by far, I know it is not a perfect world, but we carry a moral responsibility as leaders of the free world, Mr. Speaker, to do the right thing and to be an example for the rest of the world to follow. There are several countries — Canada, France, I think England, Germany, Australia — that have eliminated capital punishment. Now, we have to follow their lead in the area of criminal justice, but that is incorrect.

They should be following our lead. We should be the example, Mr. Speaker.

The primary reason why we cannot get Ira Einhorn from out of France, Mr. Speaker, is not for the technical reasons that we may think but because we implement capital punishment in this country and they do not implement capital punishment in France, and we cannot and will not and we do not guarantee them that we will not give Ira Einhorn capital punishment, in spite of the fact that there was a murder committed and it is likely that he is the murderer, on the right hand, but on the left hand, Mr. Speaker, there is reasonable doubt that he may not be. Okay? Now, I am not making an argument for that particular person, but I am making an argument, Mr. Speaker, that as leaders of the free world, we are supposed to be the standard-bearer; we as a country should have other countries following our particular lead.

Mr. Speaker, I ask for an affirmative vote on this particular amendment. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Birmelin.

Mr. **BIRMELIN**. Thank you, Mr. Speaker.

I know that we have been flying through some legislation here, but I really, really know that the members want to hear this debate and be carefully attuned to what they are voting on. The gentleman, Mr. Horsey, has an amendment before you that eliminates capital punishment in Pennsylvania. Now, whether or not you are for or against capital punishment, you ought to realize the importance of this amendment, and I hope that you are all paying attention to this debate. I, for one, am not going to vote for this amendment. I think it is wrong. I think capital punishment is an appropriate form of punishment for those who are guilty of the heinous crimes of murder in Pennsylvania, and our public has clearly spoken on it. I will not even begin to debate some of the statistics that the previous speaker presented to us, because I think they are way, way out of line, but I am not prepared to do that today, but I think common sense would dictate to us that some of those statistics he quoted are subject to scrutiny.

Now, let me suggest to you that the capital punishment debate in Pennsylvania ought not to be done in the form of an amendment to a bill that has nothing to do with capital punishment. It is an issue, I think, that strongly should be debated and decided on one way or the other on its own merits, but this is not the time or the place. This is an amendment that I think is, as we often see here on the House floor, a stealth amendment, hopefully one that the prime sponsor perhaps wants to get passed without anyone noticing or paying too much attention to.

But this is a very serious amendment. You ought to recognize that, and if you support, as I do, the death penalty in Pennsylvania, vote "no" on this amendment. Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman and recognizes the gentleman from Cumberland County, Mr. Masland.

Mr. **MASLAND**. Thank you, Mr. Speaker.

I will be very brief. As was the last speaker, my main purpose in rising is just to make sure we have everyone's attention as to what this amendment would do. It would do away with the death penalty. Now, most of you already have made up your mind one way or the other over the years as to where you stand, so it does not take any arm twisting on my behalf, but let me just remind you that this is not something that is entered into lightly nor is it accomplished easily. The district attorney does not have the opportunity to go back in the jury room and twist any arms. What

you have to do is prove beyond a reasonable doubt, first of all, that the defendant is guilty of first-degree murder, and then you have a whole second phase, which is a very, very cumbersome and sometimes difficult phase where the district attorney must prove aggravating factors, and he has got to prove it beyond a reasonable doubt. The defense attorney can offer mitigating factors, which they only need proved by a preponderance of the evidence, and then the jury has to weigh them. So the burden is very great on the Commonwealth to prove that the defendant committed the crime and then should be sentenced to death.

And I would suggest to you, I believe in my heart that there are cases where this is the only appropriate penalty that the Commonwealth can ask for and that it is appropriate that we limit it as we have done, but in those cases that rise to the heinous level that we have seen over the years, we need the death penalty in place, so I urge a "no" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna County, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment, please.

The SPEAKER. The gentleman, Mr. Horsey, indicates he will stand for interrogation. You may begin.

Mr. CAWLEY. Thank you.

Mr. Speaker, this amendment, when you mention about the party found guilty would be sentenced to life imprisonment, does that mean life imprisonment or could it mean that they may serve less time than life?

Mr. HORSEY. Mr. Speaker, presently in our system, when we give persons life imprisonment, it is not the fault of the jury, it is not the fault of the district attorney, it is not even the fault of the judge, Mr. Speaker, that the prison board and the Corrections Department have implemented this imaginary program called parole or probation. Mr. Speaker, I would suggest that if life imprisonment—whether it is or not is not of consequence to me in this matter—if that is a consideration on your part, that you in fact implement an amendment that says life is in fact life, because I believe it should be, Mr. Speaker. When someone commits a felony of the first degree, life in fact should be life. But it is out of the judge's hands, it is out of the district attorney's hands, it is out of everyone's hands except for the Corrections Department, and perhaps we need to look at legislation— Oh, excuse me. I have just been informed, Mr. Speaker, that life is in fact life in the State of Pennsylvania; that once that person is in fact convicted and found guilty of life imprisonment, he in fact gets life imprisonment; no possibility of parole.

Mr. CAWLEY. Okay. Thank you. Thank you for your information.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. The gentleman, Mr. Horsey, indicates he will stand for interrogation. Will the gentleman yield.

Conferences on the side aisles and the center aisles, please break up.

The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am sympathetic to your amendment in that I believe we need to review the way we mete out the death sentence in Pennsylvania and the circumstances under which we do it and with what uses of technology we have now to help prevent people from unjustly being sentenced to the death penalty. I guess the one question I have—and I believe your amendment covers this, in an egregious way though—if I have somebody who is already serving a life sentence in Pennsylvania in a prison and they, in full view of video camera and other witnesses, get ahold of a gun and shoot a prison guard, would all we be able to do to them is just give them another life sentence?

Mr. HORSEY. Mr. Speaker, I am going to answer that question, Mr. Speaker, but once again, that is a situation that is out of the hands of the district attorney, the courts, the jury system, and that lies in the hands of the administration of the correctional system, if a prisoner is able to get out of his cell and get a gun and then shoot someone. There are three steps in that process, Mr. Speaker. So perhaps we need to look at changing the administration of the correctional system as opposed to placing the responsibility on, you know, citizens in the administration of prisons. We have professional persons who run correctional facilities, and the only thing we should ask is that they do their job. If their job is supervising and securing and making safe prisoners and/or guards inside of prisons, then they need to in fact do their job.

Mr. STURLA. I can understand. I guess my question is, under this scenario, under your amendment, somebody who already has a life sentence who kills somebody beyond a reasonable doubt, with witnesses there, on videotape, the whole bit, would the only recourse that the citizenry would have be to give that person an additional life sentence? Would that be the extent to which people would be limited?

Mr. HORSEY. We can only give that person another life term, and we can also fire the person in charge of the prisons. Okay?

Mr. STURLA. I understand that.

Mr. HORSEY. Because there is a flaw in the way that that particular criminal justice system or that correctional facility is being operated.

Mr. STURLA. Okay.

That concludes my questioning, Mr. Speaker. Thank you.

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Horsey amendment, even knowing that it will be defeated overwhelmingly and even knowing that it will be a politically unpopular vote that will cost those who vote for it at polls, and I would like to put my reasons on the record for that reason. In addition to the reasons Mr. Horsey cited, which is the fact that mistakes are made and the death penalty is a final, irrevocable solution, there are other reasons why one should oppose the death penalty, including the costs of appeal, the uneven application, and so forth.

But, Mr. Speaker, I think my real reason, my reason why we should oppose the death penalty and support this amendment is not to focus in on the heinous nature of the person who has committed this crime, because I think there is that natural tendency for vengeance and punishment, and in fact, this person may in fact deserve the most severe punishment we can give them. I think the focus should not really be on the accused or the convicted here, but the focus really should be on us as a society, us as a people, us as

a government, and I think when you look there, I think my view is that the death penalty diminishes us as a government, us as a society, us as a people. I think to impose the death penalty shows a certain coldness of heart on the part of society, a lack of sensitivity to the individual. I think it simply diminishes us and shows a certain lack of enlightenment. So I think that I would urge you to support the amendment, oppose the death penalty, not viewing what it does to the convicted but the negative effects the death penalty has on us, those who impose it.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Horsey, is recognized for the second time on the amendment.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, the Constitution tells us that we have certain inalienable rights, which suggests that the government cannot give us those rights, Mr. Speaker, and one of those rights is life, Mr. Speaker, life which does not perceive or come from the House, does not come from any other person. It comes and is God given. It is God given, Mr. Speaker.

I am going to stand here and tell you, Mr. Speaker, that you cannot — and there are people who do not want to hear this — you cannot, Mr. Speaker, cannot be against abortion, Mr. Speaker, and be in favor of capital punishment, because the bottom line, Mr. Speaker, is it is life; it is life being taken, and it is life that we are not giving, Mr. Speaker.

Now, this year across this country we have killed 77, 78 people, and just last week, Mr. Speaker, in the State of Delaware they killed what could be construed as a mentally disabled person, Mr. Speaker. There is something wrong with that, and there is something wrong with our system when we are insecure to the point where we have to kill other citizens. The State should not be in the business of killing its citizens under any conditions. The State should not be in the business of killing its citizens for any reason, Mr. Speaker, especially when there is another reason or another method for dealing with that particular citizen. If we lock them away, if we weld the bars closed where they can never get out of prison, Mr. Speaker, or even out of their cells, that, I believe, Mr. Speaker, would satisfy the Constitution and/or the law and the concerns by some persons who are voting on this particular bill, Mr. Speaker.

Now, I am going to take a step away from the moral issue, Mr. Speaker, and get into politics. The clear majority, Mr. Speaker, of persons on death row are minorities, and/or black. Most of black folks in this country are Democrats and they vote with the Democratic Party. I am not afraid to say these things. You cannot win — and once again maybe I should not be saying this but I am going to say it on the floor anyway — you cannot win a State or national election without black folks being with you as a party. The point that I am trying to make, Mr. Speaker, is when you cast this vote today, there are people all over the country who are watching to see how we vote, and because we are members of your party, Mr. Speaker, somehow, somehow, you as a party have got to address this issue for us, because we are not going to continue to allow you to kill our people on the right hand and then on the left hand say we are supposed to be with you — okay? — on these other political issues. You have got to somehow figure a way out in dealing with this particular issue for us, Mr. Speaker, as a race of people.

Of course, many of the people on death row come from the poorest communities where they get the poorest health care, the poorest education, Mr. Speaker, and on the back end they get the poorest legal representation in the courtroom, so naturally, the clear majority of them will wind up on death row.

Mr. Speaker, I urge support for amendment 3176. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that the gentleman from Montgomery County, Mr. LAWLESS, be placed on leave for the balance of today's session.

CONSIDERATION OF SB 264 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from York, Mr. PLATTS, on the amendment.

Mr. PLATTS. Thank you, Mr. Speaker.

I rise in opposition to this amendment, and I think two of the previous speakers — the gentleman from Cumberland and the gentleman from Wayne County — well stated very substantive reasons why we should oppose this amendment both procedurally, that an issue of this substance, this involved, should not be handled in this process through an amendment with little attention by the full body through the traditional committee process, but also substantively, that this is a penalty that we need to have the ability to impose when it is required, and I would contend that the decision to impose the death penalty is probably one of the toughest decisions that an individual citizen serving as a member of a jury will probably ever make in their life, and I would argue that it is never going to be entered into lightly to take the life of another, even in the sense of imposing the death penalty for a crime.

I would also want to state that I take objection to some of the previous statements to suggest that a crime in a prison is not a crime, that that is an administrative problem. A crime is a crime wherever it is, and if it is in the prison, it needs to be treated appropriately, the same as outside of a prison.

I also would object to a statement or ask you to give weight to the previous speaker who said the death penalty shows a lack of sensitivity to the individual, to the accused, a person on death row. What about the victim? What about sensitivity to the life of the victim that the person who has been convicted of murder did not show? We need to remember the victim in this even more so than the one who has been convicted of committing the murder.

I think that we need to be cautious, and the sponsor of the amendment talked about perhaps there not being adequate representations, legal counsel, for some accused because of their financial status, and if that is a problem, we should seek to address that, but I do not think we should address a problem with how we are providing adequate legal assistance by eliminating an important deterrent for those individuals who commit egregious crimes in our communities. I think we need to maintain the death penalty, and I would ask for a "no" vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the lady, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, thank you.
I have a question, and I am really not sure whom I should address it to. I will start by asking if I may interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Horsey, indicates he will stand for interrogation. You may begin.

Ms. MUNDY. Mr. Speaker, as I read the amendment, it requires the court to sentence a defendant convicted of first-degree murder to life imprisonment, and my concern and my question is, when you receive such a sentence, is there any possibility of parole following a sentence like that? Can somebody at some point during that life imprisonment sentence allow the person to be paroled back into society?

Mr. HORSEY. Mr. Speaker, I have been informed, I have been informed, Mr. Speaker, that in the State of Pennsylvania, life in fact means life, and that does in fact mean without a possibility of parole.

Ms. MUNDY. Thank you.

Mr. HORSEY. Mr. Speaker, and that does mean that you need a commutation from the Governor to be released.

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

The following roll call was recorded:

YEAS—23

Bebko-Jones	Horsey	Myers	Thomas
Bishop	James	Oliver	Vitali
Cappabianca	Josephs	Preston	Washington
Carn	Kirkland	Rieger	Waters
Cawley	Manderino	Robinson	Youngblood
Curry	Mundy	Roebuck	

NAYS—173

Adolph	Fargo	Markosek	Scrimenti
Allen	Feese	Marsico	Semmel
Argali	Fichter	Masland	Serafini
Armstrong	Fleagle	Mayernik	Seyfert
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Frecman	McIlhattan	Snyder
Bastian	Gannon	McNaughton	Solobay
Battisto	Geist	Melio	Staback
Belardi	George	Metcalfe	Stairs
Belfanti	Gigliotti	Michlovic	Steeiman
Benninghoff	Gladeck	Micozzie	Steil
Bimmelin	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stetler
Boyes	Grucela	Nailor	Stevenson
Browne	Gruitza	Nickol	Strittmatter
Bunt	Habay	O'Brien	Sturla
Butkovitz	Haluska	Oric	Surra
Buxton	Hanna	Perzel	Tangretti
Caltagirone	Harhai	Pesci	Taylor, J.
Casorio	Harhart	Petrarca	Tigue
Chadwick	Hasay	Petrone	Travaglio
Clark	Hennessey	Phillips	Trelo
Clymer	Herman	Pippy	Trich
Cohen, L. I.	Hershey	Pistella	True
Cohen, M.	Hess	Platts	Tulli
Colafelia	Hutchinson	Ramos	Vance
Cornell	Jadlowiec	Raymond	Van Home
Corrigan	Kaiser	Readshaw	Veon
Costa	Keller	Reinard	Walko
Coy	Kenney	Roberts	Williams

Dailey	Krebs	Rohrer	Wilt
Daley	Laughlin	Rooney	Wogan
Dally	Lederer	Ross	Wojnaroski
DeLuca	Leh	Rubley	Wright
Dempsey	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Yudichak
DiGiroiarno	Lucyk	Samuelson	Zimmerman
Druce	Lynch	Santoni	Zug
Eachus	Maher	Sather	
Egolf	Maitland	Saylor	Ryan, Speaker
Evans	Major	Schroder	
Fairchild	Mann	Schuler	

NOT VOTING—1

Donatucci

EXCUSED—6

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese	Lawless		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Druce, who offers the following amendment, which the clerk will now read.

(An incorrect amendment number was read.)

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Bucks County.

Mr. DRUCE. Thank you, Mr. Speaker.

I am offering an amendment today which would add a 19th aggravating circumstance to those first-degree murder cases which would be considered for capital punishment, and the act that I am attempting to define in the amendment is those random acts of violence that are committed in our society. At the end of August in my legislative district, a 42-year-old mother of two was shot while coming out of the grocery store several times in my township back home. This woman was shot by a gentleman who later admitted that he could have shot more people but only decided to kill one person that day. He did not know her. He had no reason to kill her but yet walked up at point-blank range while she was putting her groceries into her car and shot her several times.

Our district attorney told the public he could not seek the death penalty because there were no aggravating circumstances. This gentleman only had a drunk driving conviction a few years before. Well, as it turned out, he shot other people as they compared ballistic tests from a gun. They may eventually get him on capital punishment because of prior felonies if he is convicted, but that one isolated case had many people calling my district office saying, why is this gentleman not subject to a death penalty when for no reason at all he walks up and shoots a woman putting groceries in her car.

Currently our law would not have allowed our district attorney to pursue that, and my amendment that I offer today is very clear.

It defines a random act of violence as that which would be considered for capital punishment, and it defines that there is no known relationship between the defendant and the victim in this case so that we have a narrow scope of what we are trying to accomplish here.

I would urge my colleagues to take a strong stand on what is becoming far too often a common occurrence in our society today and to stand up today for Karen Hordis, the mother of two who died in my district for no reason whatsoever, and send a strong message to people like Donald Traub, who killed her, that we will not tolerate this anymore in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Birmelin.

Mr. BIRMELIN. Mr. Speaker, I do not have that amendment on my desk. It is not in the packet that came with the other amendments. I was wondering if it is still waiting to be distributed?

The SPEAKER. Thank you, Mr. Birmelin.

We are going to make a change. Apparently a wrong-numbered amendment was read by the clerk, and the Parliamentarian is trying to get the right number right now.

The clerk will read amendment A3305, offered by the gentleman, Mr. Druce.

Mr. DRUCE offered the following amendment No. A3305:

Amend Title, page 1, line 4, by removing the period after "immunity" and inserting

and for sentencing procedure for first degree murder.

Amend Bill, page 2, by inserting between lines 5 and 6

Section 2. Section 9711(d) of Title 42 is amended by adding a paragraph to read:

§ 9711. Sentencing procedure for murder of the first degree.

(d) Aggravating circumstances.—Aggravating circumstances shall be limited to the following:

(19) The offense was a random act of violence with the intent to kill and at the time of the killing there was no known relationship between the defendant and the victim.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

FORMER MEMBER WELCOMED

The SPEAKER. Prior to recognizing the gentleman, Mr. Druce, again, I would like to call to the attention of the House the presence in the House chamber of Superior Court Judge Corry Stevens, a former distinguished member of this body. Judge.

CONSIDERATION OF SB 264 CONTINUED

The SPEAKER. Mr. Druce, have you completed your remarks?

Mr. DRUCE. Yes, I have, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Druce, indicates he will stand for interrogation. You may begin.

Mr. HORSEY. Mr. Speaker, what exactly does your amendment do?

Mr. DRUCE. Mr. Speaker, my amendment would cover a random act of violence in which there is no known relationship between the defendant and the victim and which an individual is murdered as a result of that.

Now, today under current law, when someone would kill someone in that particular circumstance, unless there are other aggravating circumstances, the death penalty would not apply. What would now happen under my amendment, Mr. Speaker, is that when these random acts occur for absolutely no reason whatsoever, that the death penalty could be sought by our district attorneys in a given case.

Mr. HORSEY. So, Mr. Speaker, are you suggesting that the district attorney presently cannot ask for capital punishment in the particular case that you just mentioned?

Mr. DRUCE. Mr. Speaker, in the case that I cited, when Donald Traub shot Karen Hordis and was captured, our district attorney announced that under the circumstances before him at the time, he could not seek the death penalty; he had a first-degree murder case but could not seek the death penalty. Several days later through ballistics tests his gun was linked to two prior shootings the year before. Now, when they try those other two shootings and he now has a string of felonies, they will try him on the Karen Hordis murder as a capital case because of the prior incidents. But when he first announced that he could not seek the death penalty on that single murder of Karen Hordis, that is what our current law says, and that, I think, is what repulses people given this random act of violence, that there is no way for our judicial system to respond to those kinds of acts.

Mr. HORSEY. Another question, Mr. Speaker, and you think once again that life imprisonment without the possibility of parole is not going far enough, is not extensive enough?

Mr. DRUCE. Mr. Speaker, I can only say that right now in my community there is a family without a mother and two young children that she has as a result of him just deciding he was going to shoot the next person who walked out of that supermarket, which to me is the more egregious of just about any sort of murder, because in most cases you hear of these things and you say, well, I do not have those bad relationships or I am not drug dealing or I am not doing things where people find themselves in that trouble, but anyone could have been shot coming out of that Giant that day, and that, I think, strikes at the foundation of a community. And, Mr. Speaker, I would urge that these types of cases, these random acts of violence for no reason, be subject to the death penalty, and if nothing else, then for the two children who now go unraised by their mother because some guy decided he was going to shoot the next person coming out of the store and it happened to be Karen Hordis.

Mr. HORSEY. Thank you, Mr. Speaker.

May I make a brief comment, Mr. Speaker?

The SPEAKER. The gentleman is recognized.

Mr. HORSEY. I am going to vote against the amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman rise for a brief interrogation?

The SPEAKER. The gentleman, Mr. Druce, indicates he will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, help me because I do not understand all the different gradings on this. I mean, I do not practice criminal law, so I do not know the exact answer to some of these questions.

I understand you want to increase the offense for someone who is randomly shot willfully by the person that you described. Under a hypothetical scenario, if that person shot the woman in the shopping store parking lot and the police responded and the person then had a shoot-out with the police and in that process of that shoot-out somebody got hit by a stray bullet, would that person that the offender did not know also, that got hit by the stray bullet, which is a rather common occurrence. I believe, that there is a victim whom the perpetrator did not know, does that also qualify under this or is that person not because the intent was not to kill that innocent bystander?

Mr. DRUCE. I will try my best, Mr. Speaker, to answer your question. I am not an attorney, and I do not practice any of this type of criminal litigation.

It is my understanding that an aggravating circumstance which would apply here would be if an individual had a string of prior felony convictions. You indicated a scenario where after he murdered the woman would then be in a shoot-out with the police, which would be subsequent to the murder. My sense would be that if they tried the murder, they could not go for capital punishment because at that time of the murder he had no string of felony convictions other than the drunk driving cause. So that murder goes as just a first-degree murder and then they would deal with the shootings following. In this case, as I said, because he had some previous shootings, it now qualifies, but I believe the murder of Karen Hordis should qualify whether he shot two other people the year before or not.

Mr. STURLA. Okay. I guess the question I have is, would the innocent bystander, would that person qualify him for the death penalty also or, because there was no intent to shoot the innocent bystander, would that not be considered an aggravated circumstance?

Mr. DRUCE. I think maybe, Mr. Speaker, are you trying to get at the "random" word in the clause?

Mr. STURLA. Right.

Mr. DRUCE. So you are trying to say that if he is responding to an altercation, that eliminates the random? Is that in essence what I think you may be asking?

Mr. STURLA. Right.

Mr. DRUCE. Okay.

Mr. STURLA. And without even the previous murder. If there is simply a drug deal gone bad and the person is having a shoot-out with the police and somebody gets hit by a stray bullet, is that innocent bystander entitled to the same sort of redress as the other person because there was no intent to kill the person that got hit by the stray bullet where there was the intent to kill the person when you walk up and shoot them point-blank?

Mr. DRUCE. I think I understand the question that the gentleman is asking, and certainly the courts are probably going to have to take a look at the language and define it as these cases are brought before it. But clearly what I am trying to zero in on are those cases where there is a random act, where there was no known relationship between the defendant and the victim, and to the extent that an individual may be responding to an altercation with

police, I do not think that becomes random in nature, or as you indicate, a drug deal gone bad and a shoot-out erupts. I believe you have now eliminated the randomness of the act, if you will, which occurred in this case with Karen Hordis, and I think that is an important thing to consider, because if we cover too many cases under this aggravating circumstance, you run the risk of jeopardizing the entire death penalty statute in Pennsylvania, and so we tried to very narrowly focus it by zeroing in on the random act and with the no known relationship between the defendant and the victim, so hopefully it just zeros in on this particular case. I am not trying to make a broad application here, and I think your examples are good ones.

Mr. STURLA. Okay. So then your intent with this is not to have it cover the person that is the innocent victim but that the person had no intent of killing.

Mr. DRUCE. Yes, Mr. Speaker.

Mr. STURLA. Okay. Thank you for the clarification, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Myers, do you desire recognition?

Mr. MYERS. Yes, Mr. Speaker.

Would the maker of the amendment be willing to a brief interrogation?

The SPEAKER. Yes. The gentleman, Mr. Druce, indicates he will stand for interrogation.

Would the gentleman yield for a moment.

Conferences on the floor, conferences in the back of the House, please break up. Sergeant at Arms, ask the conferees at the back of the House, too.

Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I had watched this incident on TV in horror, and it still kind of boggles my mind how someone just out of the clear blue sky, with no reason at all, walks up to a woman, pulls out a gun, and shoots her in the head. I mean, it is just appalling.

But the question that I have to the maker of the amendment, what happens if the offense is random, the intent is clear, but the two people know each other?

The SPEAKER. Mr. Druce?

Mr. DRUCE. Well, Mr. Speaker, given the way the amendment is drafted, it would not pertain to two individuals that know each other, and we specifically did that because if they know each other and you take the language that I have here, which is they did not know each other, we have now covered everybody, which makes every first-degree murder case a capital case, and I believe then you would see the courts strike down the special circumstances for which we allow for capital punishment in this Commonwealth.

Mr. Speaker, the random act of violence is what I am trying to zero in on, and those that are truly random have the element where people do not know each other; they are being shot for no reason. I would probably submit to the gentleman from Philadelphia that in most cases where there is a murder where people know each other, there is a reason; therefore, it is not a random act. Something provoked an individual to take that particular heinous act, and therefore, it is a different case. I am trying to talk about those cases like the one in Warminster that you cited that was so egregious that it was done for no reason whatsoever.

Mr. MYERS. Which I can appreciate your position. I mean, as I said, when I watched it, I was in horror also. But I just think that there is somewhat of a broader brush being used and applied in

terms of where you want to get to. I mean, in my community, someone who was mentally ill and did not realize the person that they blew their head off for no reason at all— They heard voices, said they were told to go kill this person and did not even remember that they knew the person and blew their head off, and you are saying that your amendment would not cover that offense that happened in my district but it would cover yours because they did not know each other. I just kind of think that your intent is good, but I think the language is a little too broad for the narrow event that you are trying to address.

I mean, I know you are getting calls from your constituents who are just as upset about this, probably way more upset about this than I am, because I think it was inhumane and crazy what this person did, but I just think that the broadness of your language or maybe the narrowness of your language just— I mean, it seems that you just want to address this one incident and not address other incidents, and this has a statewide implication for every county and every jurisdiction for this narrow event that happened, and I just think that the language needs to be changed in this amendment, because I think it is as egregious if somebody randomly kills somebody and they know them. That was a question, I guess.

Mr. DRUCE. I am sorry; I did not hear the gentleman's final question at the end. I apologize.

Mr. MYERS. You are messing with me over there, huh?

Mr. DRUCE. Was there a question there?

Mr. MYERS. My question is, I think maybe you might want to change some of the language. I think—I know you may not think that—but I think you may want to change some of your language in here so that this is applicable to a statewide circumstance, and I do not mean this in a derogatory manner, but not just based on a narrow interpretation of the law based on one incident. I mean, I think it is just as egregious for someone to kill somebody for no reason at all whether they know them or whether they do not.

Mr. DRUCE. Can I respond then to what I think was a question somewhere in there?

Mr. MYERS. Yes, it is. I hope you can find it.

Mr. DRUCE. Well, first let me say, Mr. Speaker, the circumstance that you cited in your particular district where a gentleman was mentally ill, it is my understanding that that is a mitigating circumstance that would rule out the death penalty in Pennsylvania. So those that have those mental illnesses are not going to be subject to these provisions if that is so determined by a court.

It is important, Mr. Speaker — and I appreciate what the gentleman is trying to say, that we are narrowly defining this random act, if you will — but, Mr. Speaker, we are led by decisions of the United States Supreme Court that say you must have very narrow definitions for the implementation of a death penalty. We cannot make a broad determination or definition, if you will. The broader this statute would be, the more likely it will be shot down by the Pennsylvania Supreme Court or the U.S. Supreme Court, and I think that what I am trying to define here is a random act, Mr. Speaker. There are certainly other cases that are going to come before us today where folks will argue for the death penalty in those circumstances, but in this case, I am trying to zero in on a random act of violence with people who do not know each other, and if we go with the language you are suggesting, I have been advised by those who know more than I do and legal counsel that it would not withstand a constitutional test.

Mr. MYERS. All right. I just want to ask this one little question and then I will be done with that.

The district attorney in your county, it is his position that if they had known each other, he could have gone for the death penalty? Based on what happened up there in the Giant lot, if all the circumstances remain the same except that they knew each other, would that have changed his ability to get the death penalty?

Mr. DRUCE. Well, Mr. Speaker, he probably would have reviewed the other 18 aggravating circumstances that exist in current law to see if any of those applied. As I understand it, they did not.

Mr. MYERS. Which none of them did; right.

Mr. DRUCE. So it would just have been a first-degree murder case, but he was able to link that to some prior shootings.

Mr. MYERS. Right.

Mr. DRUCE. But with them not knowing each other— If this statute was in law, which I think is maybe what you are asking me, would now it apply because they did not know each other? Yes, it would. Had they known each other and this was in law, it would just be a first-degree murder case. If he could not get any of the other 18 aggravating circumstances, it would just be a first-degree murder case, not subject to the death penalty.

Mr. MYERS. Not subject to the death penalty.

Mr. DRUCE. Right.

Mr. MYERS. Okay. So then my question is, why is your language just limited to people that do not know each other?

Mr. DRUCE. Because, Mr. Speaker, I am trying to get at the essence of random acts of violence.

The SPEAKER. Will the gentleman yield; will the gentleman yield.

Conferences on the floor, please break up, now.

The gentleman may continue.

Mr. DRUCE. Mr. Speaker, my amendment is dealing with random acts of violence. The gentleman from Philadelphia — and I appreciate the questions that he is asking — but what he is then suggesting is that every first-degree murder case would be subject to a capital punishment if we said they know each other as well as those who do not know each other. And the United States Supreme Court has made very clear that you can only impose the death penalty under very narrow and specific circumstances, and if we go the route which you are suggesting and that is make every murder case a capital case, I am advised and I believe, even without being an attorney, that it would not stand constitutional challenge. So if you want to define "random," that is why I have the language in there about the people not knowing one another so we further clarify the random act of violence. That is what we are trying to address here, are those random acts.

If you want to offer an amendment, Mr. Speaker, that covers all other first-degree murder cases, then I would suggest that you do that, but I would rather not pursue that here because I do not feel it would pass the constitutional challenge. So I am just trying to deal with random acts where normally people do not know each other if it is random. If they know each other, Mr. Speaker, I hardly find that to be random, and almost in every case without exception there is a reason that provokes somebody to kill the other person, and therefore, this particular language would not apply anyway.

Mr. MYERS. Mr. Speaker, I would like to speak to the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. MYERS. Mr. Speaker, I have heard the responses of my colleague. I still fail to see why the language is configured the way that it is. A random act can take place whether you know somebody or not. I do not necessarily believe that whether you know someone constitutes whether the act is random or not.

My basic reason for opposing the amendment, of course, though, is because I am against the death penalty under any circumstances, and I do not believe that as egregious as this act is or was, that the two young boys who are left without a mother, that killing this man is going to relieve their pain, their grief, and their mourning.

I also believe that we as a State have a cruel notion of one way to exact revenge for an act is to repeat the same act. That being the case, if somebody steals my car, I should be able to steal their car. If somebody breaks in my house, then I should be able to go break in their house. If someone hits me with a baseball bat, then I should be allowed to hit them with a baseball bat, which I think is equally germane in the situation where if someone kills me, then we have the right to kill them.

I would ask for a "no" vote on amendment 3305. Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I think it would be helpful for the members to kind of clarify some of the issues that have been batted around here, if you have a chance to pull out Title 42, the Judicial Code. Now, if you do not have this volume with you, you can probably get it on these nifty new laptop computers we have, but specifically, there are two parts I want to read to you which clarify this whole debate. Under section 9711(a)(2), it states: "Evidence of aggravating circumstances shall be limited to those circumstances specified in subsection (d)." In other words, the Commonwealth is limited to every jot and tittle that you find in that section, and they cannot go beyond it. They are tied down to that language. That is not the case for the defense. If you look again, 42 Pennsylvania Consolidated Statutes, (e)(8) states in terms of mitigating circumstances: "Any other evidence of mitigation concerning the character and record of the defendant and the circumstances of his offense." In other words, the reason there are more aggravating factors is because the Commonwealth has to list them very meticulously and very carefully. The reason there are fewer mitigating factors is that we have this catchall factor.

In fact, I will tell the Speaker that the last amendment that I was going to offer later on, I am going to withdraw that amendment. That deals with adding a specific mitigating factor for mental retardation. The drafting is not quite right, but some people have said and argued that because we have (e)(8), this catchall phrase, it would not be necessary. So I think you need to keep that in context as we go over all of these amendments. The defense has the catchall. The Commonwealth is limited to those specified aggravating circumstances, and that is why we need the one proposed by Representative Druce.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Two final questions of the gentleman, if he will stand for interrogation.

Mr. DRUCE. Yes, I will.

The SPEAKER. The gentleman, Mr. Druce, indicates he will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the language as I read it says that this applies if there was no known relationship between the defendant and the victim. Recently with the rash of school shootings that there have been and things like that, if there is an 18-year-old that goes and decides to shoot up their high school classmates, would the fact that they were classmates be considered a relationship? I mean, I guess the question is, if somebody is a customer in my store, is there a relationship? And the reason I ask these questions is, I imagine they will all be settled in court, but my sense is that if we pass this, this debate is going to go on in court a thousand times or it is going to go on here once or twice, and so my question is, what constitutes a relationship as defined by this amendment?

Mr. DRUCE. I apologize to the gentleman from Lancaster. I am not an attorney here so I am trying to rely a little bit on some legal advice. This circumstance would apply at a sentencing hearing, as I understand it, not during the particular trial, and these are issues that will be brought before a judge as an aggravating circumstance to be considered for the death penalty. In that time, the prosecution and the defense could argue about what relationship, if any, existed between the individuals. In the situation in my district where the woman was shot, Karen Hordis, there was no relationship. He did not know her. He randomly picked the next person coming out of the supermarket.

Clearly, in a case where you have cited several examples, I am sure the defense would offer that there were relationships between those people — that they may have been friends, that they knew each other, that there was a reason for that. I think also what you need to look at is do not delink, if you will, the random act from not knowing each other, because I think it is important to put those two together because I think that more synchronizes what I mean by a random act of violence. When people know each other, there is almost always a reason why someone is provoked to kill someone. It is rarely a random act of violence when someone kills someone they know, and that is why these two things are in there so that we try to make a very narrow definition.

But to get to your question in particular, Mr. Speaker, I think you would have to argue this on a case-by-case basis during the sentencing phase as to whether or not there was a relationship that existed and convince the court that this provision then would not apply.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Final question is, is there a fiscal note on this amendment, and if so, what is the fiscal note?

Mr. DRUCE. Mr. Speaker, we have requested a fiscal note albeit I believe somewhat late, so I do not want to imply that the Appropriations chairman has not responded, but it is my understanding that on other amendments we will deal with on aggravating circumstances for the death penalty, those fiscal notes have come back as zero cost to the Commonwealth, and I would suspect that my amendment will have the same effect.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Josephs, on the Druce amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I guess I want to say something not having to do with aggravating circumstances or mitigating circumstances but with the

original statement made by the person who introduced this amendment, which was hard for me to believe. I was pretty astounded to hear that his district attorney could not charge this person, whose name I am very sorry the gentleman mentioned on the floor, and I think that it ought to be each one of our public policies not to mention the names of perpetrators of these kinds of crimes because I think it encourages others, and I think we should edit ourselves and not say their names.

I do not really understand why the district attorney could not bring charges for first-degree murder. This seems to me to be classic premeditated murder. The perpetrator, whose name I will not say because he was just a lonely, miserable, mean, nasty person, planned this crime. He made sure he had a weapon that would work; he lay in wait. He even told folks that he had a plan; that he would have done X but he finally decided he would do Y. This is not the kind of a murder in which someone comes into a house and finds a loved one making love with someone else and at the spur of the moment commits a crime which ends up being a murder; it is not premeditated. This seems to me the kind of a crime that a district attorney could absolutely find premeditation and charge a first-degree murder. I do not understand why this district attorney could not.

I would suggest that instead of passing this legislation which has all kinds of problems in it, not the least being what is the definition of "random" and what is the definition of "relationship," and when we are dealing with life and death— When we are proposing, if I were proposing, Mr. Speaker, an amendment which had to do with life and death, I would be able to answer the question to define every word in my amendment because it is that important, and if the proposer cannot, I think we already have a problem.

And I also believe that we might do better as a General Assembly than playing around with this kind of stuff and training our district attorneys a little bit better so that they can bring the kind of charges for these kinds of crimes that they ought to be bringing.

And finally, as it turns out in this particular case, they are not going to need this piece of legislation, so there is no big rush; there is no reason to go to this. The D.A. found some other crimes. He now believes or she now believes that she can charge this person, and so the problem has been solved.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Hennessey.

The conferences in the vicinity of the gentleman, Mr. Hennessey, please break up.

Mr. HENNESSEY. Thank you, Mr. Speaker.

May I interrogate—

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Druce, indicates he will stand for interrogation. You may begin.

Mr. HENNESSEY. Thank you.

Mr. Speaker, is it your intention by the wording of this amendment that it would apply to an act which was characterized by the accused as an intentional crime, as a statement type of crime where he said that this was intended to be considered by the press and the public as a random act of violence, or is it your intention

that it apply across the board to anything which essentially is characterized by the press or the public to be a random act of violence? Is it targeted toward a statement crime or is it meant to have a general, wider application?

Mr. DRUCE. Mr. Speaker, I will try my best to answer the gentleman's question. I had a difficult time hearing him.

It is my intent on this aggravating circumstance to very narrowly define the incident that occurs as being random. Mr. Speaker, I think we need to be careful that we do not go too far afield here and have a very broad application that could not withstand a court challenge.

I would also offer, Mr. Speaker, that there are not definitions for these terms here like we normally see in legislation. There is no definition for any terms used in the other 18 aggravating circumstances. These are issues that come before the court during its sentencing hearing, and it is my intention with this amendment, to answer the gentleman's question directly, to have this very narrowly defined as a random act of violence.

The other issues which you cite, there may be other aggravating circumstances that could be applied that may be more relevant in cases beyond the ones which I am trying to address here.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, my interrogation is closed. May I make some comments on the amendment?

The SPEAKER. The gentleman is in order.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Prior to your doing that, the Chair recognizes the gentleman, Mr. Lawless, as being on the floor of the House and takes him off the leave-of-absence list.

CONSIDERATION OF SB 264 CONTINUED

The SPEAKER. Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, criminal law, the law in general and criminal law in particular, is meant to control and govern the acts of rational people. Criminal law is meant to deter bad acts by rational people. Unfortunately, anybody who has ever had to deal in the court system with people who are mentally incompetent, mentally disabled in any way, quickly comes to recognize that people like that simply do not respond to the normal types of prohibitions that the criminal law basically applies to most of our public.

The killing of somebody is always wrong. The killing of somebody who you do not have any idea who they are or what they represent, who has had no contact with you and no relationship with you, it seems to me by its very definition is an irrational act. You can be angry with your business partner over financial dealings, you can be angry with a spouse or with a neighbor or a relative, but generally, we find that if you look beyond the surface, you find some reason for the disagreement, the dispute.

I am not trying to suggest that there is any kind of defense or to defend the violence in the nature of this kind of conduct. What I am trying to suggest is that we have heard time and again by the maker of the amendment and others that we are searching for some reason as to why people act as they do. I would suggest to you that by the very nature of this type of crime, the one that is being targeted, it is an irrational act and it is beyond the pale of the

criminal law to control the conduct of the person, which is really the reason that we pass criminal sanctions in the first place.

I would suggest to you on that basis it is not something which we should accept, we should not expand in a general sense. If on the other hand, as the maker has indicated, that it is his intention that this be given a very narrow scope, that if it is targeted toward people who are simply trying to make a public statement by committing what they admit to be a random act of violence, then it would seem to me that in that very narrow application, it may be acceptable, but as it stands now, it seems to me it is the subject of a much broader interpretation, and I would ask that the amendment be defeated.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—176

Adolph	Fargo	Marsico	Schuler
Allen	Feese	Masland	Scrimenti
Argall	Fichter	Mayernik	Semmel
Armstrong	Fleagle	McCall	Serafini
Baker	Flick	McGeehan	Seyfert
Bard	Forcier	McGill	Shaner
Barley	Frankel	McIlhattan	Smith, B.
Barrar	Freeman	McNaughton	Smith, S. H.
Bastian	Gannon	Melio	Snyder
Battisto	Geist	Mercalfe	Solobay
Belardi	George	Micozzie	Staback
Belfanti	Gigliotti	Miller, R.	Stairs
Benninghoff	Gladeck	Miller, S.	Steelman
Birmelin	Godshall	Nailor	Steil
Blaum	Gordner	Nickol	Stern
Boyes	Grucela	O'Brien	Stetler
Browne	Gruitza	Oliver	Stevenson
Bunt	Habay	Orie	Strittmatter
Butkovitz	Haluska	Perzel	Sturla
Buxton	Hanna	Pesci	Surra
Caltagirone	Harhai	Petrarca	Tangretti
Casorio	Harhart	Petrone	Taylor, J.
Cawley	Hasay	Phillips	Tigue
Chadwick	Herman	Pippy	Travaglio
Clark	Hershey	Pistella	Trello
Clymer	Hess	Platts	Trich
Cohen, L. I.	Hutchinson	Preston	True
Colafella	Jadlowiec	Ramos	Tulli
Cornell	Kaiser	Raymond	Vance
Corrigan	Keller	Readshaw	Van Horne
Costa	Kenney	Reinard	Veon
Coy	Krebs	Rieger	Walko
Dailey	Laughlin	Roberts	Williams
Daley	Lawless	Rohrer	Wilt
Dally	Lederer	Rooney	Wogan
DeLuca	Leh	Ross	Wojnaroski
Dempsey	Lescovitz	Rubley	Wright
Dermody	Levdansky	Ruffing	Yewcic
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland	Sather	
Egolf	Major	Saylor	Ryan,
Evans	Mann	Schroder	Schroder
Fairchild	Markosek		

NAYS—22

Bebko-Jones	Hennessey	Michlovic	Thomas
Bishop	Horsley	Mundy	Vitali
Cappabianca	James	Myers	Washington

Carn	Josephs	Robinson	Waters
Cohen, M.	Kirkland	Roebuck	Youngblood
Curry	Manderino		

NOT VOTING—0

EXCUSED—5

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

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

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Masland.

Please give us the number of your amendment that you are offering, Mr. Masland.

Mr. MASLAND. A3177, Mr. Speaker.

On the question recurring,

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

Mr. MASLAND offered the following amendment No. A3177:

Amend Title, page 1, line 4, by inserting after "immunity" and for sentencing procedure for murder of the first degree

Amend Bill, page 2, by inserting between lines 5 and 6,

Section 2. Section 9711(d)(16) of Title 42 is amended to read:

§ 9711. Sentencing procedure for murder of the first degree.

(d) Aggravating circumstances.—Aggravating circumstances shall be limited to the following:

(16) The victim was a child under 12 years of age or a person 65 years of age or older.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Masland amendment, the Chair recognizes the gentleman from Cumberland.

Mr. MASLAND. Thank you, Mr. Speaker.

I have already spoken in general about why we have aggravating and mitigating factors, so I will not repeat that unless anyone has questions.

What this amendment does is amend the language to the 16th aggravating factor, which currently says, "The victim was a child under 12 years of age," and it adds "or a person 65 years of age or older." The reason for the 12-years-or-under language was, as many of you can obviously presume, because they are considered to be of tender years, and we do not want to have somebody attacking an individual who is less able to defend

themselves. I think the same theory goes for adding language for someone over 65, and that is not to say that individuals who are 65 and older are not able to take care of themselves. Yes, they are, but the fact is that in many cases these folks are subject to violent home invasions, where someone breaks in figuring that they have an easy prey there, someone who will not be able to withstand their attack, and basically tries to commit the burglary and in the process of doing that may also commit murder.

Again, I suggest that this is a way to augment the current language so that we are protecting those members of our society on both ends of the spectrum who may be more vulnerable and may be less able to take care of themselves, and for those reasons I urge a positive vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Markosek	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feese	Masland	Scrimenti
Armstrong	Fichter	Mayernik	Semmel
Baker	Fleagle	McCall	Serafini
Bard	Flick	McGeehan	Seyfert
Barley	Forcier	McGill	Shaner
Barrar	Frankel	McIlhattan	Smith, B.
Bastian	Freeman	McNaughton	Smith, S. H.
Battisto	Gannon	Melio	Snyder
Bebko-Jones	Geist	Metcalfe	Solobay
Belardi	George	Michlovic	Staback
Belfanti	Gigliotti	Micozzie	Stairs
Benninghoff	Gladeck	Miller, R.	Steelman
Birmelin	Godshall	Miller, S.	Steil
Bishop	Gordner	Mundy	Stern
Blaum	Grucela	Myers	Stetler
Boyes	Gruitza	Nailor	Stevenson
Browne	Habay	Nickol	Strittmatter
Bunt	Haluska	O'Brien	Sturla
Butkovitz	Hanna	Oliver	Surra
Buxton	Harhai	Orie	Tangretti
Caltagirone	Harhart	Perzel	Taylor, J.
Cappabianca	Hasay	Pesci	Tigue
Carr	Hennessey	Petrarca	Travaglio
Casorio	Herman	Petrone	Trello
Cawley	Hershey	Phillips	Trich
Chadwick	Hess	Pippy	True
Clark	Hutchinson	Pistella	Tulli
Clymer	Jadlowiec	Platts	Vance
Cohen, L. I.	James	Preston	Van Horne
Cohen, M.	Josephs	Ramos	Veon
Colafella	Kaiser	Raymond	Vitali
Cornell	Keller	Readshaw	Walko
Corrigan	Kenney	Reinard	Washington
Costa	Kirkland	Rieger	Waters
Coy	Krebs	Roberts	Williams
Curry	Laughlin	Robinson	Wilt
Dailey	Lawless	Roebuck	Wogan
Daley	Lederer	Rohrer	Wojnaroski
Dally	Leh	Rooney	Wright
DeLuca	Lescovitz	Ross	Yewcic
Dempsey	Levdansky	Rublely	Youngblood
Dermody	Lucyk	Ruffing	Yudichak
DiGirolamo	Lynch	Sainato	Zimmerman
Donatucci	Maher	Samuelson	Zug
Druce	Maitland	Santoni	
Eachus	Major	Sather	Ryan,
Egolf	Manderino	Saylor	Speaker
Evans	Mann		

NAYS—1

Horsey

NOT VOTING—1

Thomas

EXCUSED—5

Civera
DeWeese

LaGrotta

McIlhinney

Taylor, E. Z.

The majority having voted in the affirmative, 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?

The SPEAKER. The Chair recognizes the gentleman, Mr. Masland, who offers the following amendment, which the clerk will now read. Would you give the clerk the number?

Mr. MASLAND. I am withdrawing my other amendments, Mr. Speaker. The second amendment dealt with the same issue, slightly different wording. The third amendment, I said, dealt with mental retardation, I think an issue we need to address, but because of the wording, right now I am going to withdraw that and deal with that in committee. Thank you.

The SPEAKER. Thank you, sir. The Chair thanks the gentleman.

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

Mr. GANNON offered the following amendment No. A3180:

Amend Title, page 1, line 4, by removing the period after "immunity" and inserting
and for sentencing procedure for murder of the first degree.

Amend Bill, page 2, by inserting between lines 5 and 6
Section 2. Section 9711(d)(1) of Title 42 is amended to read:
§ 9711. Sentencing procedure for murder of the first degree.

(d) Aggravating circumstances.—Aggravating circumstances shall be limited to the following:

(1) The victim was a firefighter, peace officer, volunteer firefighter, emergency medical team volunteer, public servant concerned in official detention, as defined in 18 Pa.C.S. § 5121 (relating to escape), judge of any court in the unified judicial system, the Attorney General of Pennsylvania, a deputy attorney general, district attorney, assistant district attorney, member of the General Assembly, Governor, Lieutenant Governor, Auditor General, State Treasurer, State law enforcement official, local law enforcement official, Federal law enforcement official or person employed to assist or assisting any law enforcement official in the performance of his duties, who was killed in the performance of his duties or as a result of his official position.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting

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

The SPEAKER. For the information of the members, this amendment was circulated under the name of the lady from Chester County, Mrs. Taylor, who is on leave.

Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would add under aggravating circumstances where the victim is a volunteer firefighter or an emergency medical team volunteer, and I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—186

Adolph	Evans	Markosek	Saylor
Allen	Fairchild	Marsico	Schroder
Argall	Fargo	Masland	Schuler
Armstrong	Feese	Mayemik	Scrimenti
Baker	Fichter	McCall	Semmel
Bard	Fleagle	McGeehan	Serafini
Barley	Flick	McGill	Seyfert
Barrar	Forcier	McIlhattan	Shaner
Bastian	Frankel	McNaughton	Smith, B.
Battisto	Freeman	Melio	Smith, S. H.
Bebko-Jones	Gannon	Metcalfe	Snyder
Belardi	Geist	Michlovic	Solobay
Belfanti	George	Micozzie	Staback
Benninghoff	Gigliotti	Miller, R.	Stairs
Birmelin	Gladeck	Miller, S.	Steelman
Blaum	Godshall	Mundy	Steil
Boyes	Gordner	Nailor	Stern
Browne	Grucela	Nickol	Stetler
Bunt	Gruitza	O'Brien	Stevenson
Butkovitz	Habay	Oliver	Strittmatter
Buxton	Haluska	Orie	Sturla
Caltagirone	Hanna	Perzel	Surra
Cappabianca	Harhai	Pesci	Tangretti
Casorio	Harhart	Petrarca	Taylor, J.
Cawley	Hasay	Petrone	Tigue
Chadwick	Hennessey	Phillips	Travaglio
Clark	Herman	Pippy	Trelio
Clymer	Hershey	Pistella	Trich
Cohen, L. I.	Hess	Platts	True
Cohen, M.	Hutchinson	Preston	Tulli
Colafella	Jadlowiec	Ramos	Vance
Cornell	Kaiser	Raymond	Van Horne
Corrigan	Keller	Readshaw	Veon
Costa	Kenney	Reinard	Walko
Coy	Krebs	Rieger	Waters
Curry	Laughlin	Roberts	Williams
Dailey	Lawless	Robinson	Wilt
Daley	Lederer	Roebuck	Wogan
Dally	Leh	Rohrer	Wojnaroski
DeLuca	Lescovitz	Rooney	Wright
Dempsey	Levdansky	Ross	Yewcic
Dermody	Lucyk	Rublely	Yudichak
DiGirolamo	Lynch	Ruffing	Zimmerman
Donatucci	Maher	Sainato	Zug
Druce	Maitland	Samuelson	
Eachus	Major	Santoni	Ryan,
Egolf	Mann	Sather	Speaker

NAYS—12

Bishop	James	Manderino	Vitali
Carn	Josephs	Myers	Washington
Horsley	Kirkland	Thomas	Youngblood

NOT VOTING—0

EXCUSED—5

Civera LaGrotta McIlhinney Taylor, E. Z.
DeWeese

The majority having voted in the affirmative, 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. ARMSTRONG offered the following amendment No. A3178:

Amend Title, page 1, line 4, by removing the period after "immunity" and inserting

and for aggravating circumstances in the sentencing procedure for murder of the first degree.

Amend Bill, page 2, by inserting between lines 5 and 6

Section 2. Section 9711(d) of Title 42 is amended by adding a paragraph to read:

§ 9711. Sentencing procedure for murder of the first degree.

(d) Aggravating circumstances.—Aggravating circumstances shall be limited to the following:

(19) The defendant committed the killing in order to collect life insurance proceeds.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting

3

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

My amendment would add to the bill "The defendant committed the killing in order to collect life insurance proceeds." I ask for your favorable support. Thank you.

The SPEAKER. The lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate somebody, and actually, I think my question goes to the last few amendments we have, but I will ask it of Mr. Armstrong because I see legal counsel is standing next to him.

On these amendments that we are voting for now, the Armstrong amendment and the last two, when you are talking about the issue of aggravating circumstances -- and that is what we are doing here; we are adding another item that can be considered an aggravating circumstance -- am I correct that you only get to the question of aggravating circumstances when you are making the decision, does this person get a life sentence or does this person get the death penalty?

Mr. ARMSTRONG. That is correct.

Ms. MANDERINO. Thank you, Mr. Speaker. I have finished my interrogation.

Then just as a point of clarification to those members who are philosophically, religiously, or otherwise opposed to the death penalty, I think that the consistent position that you want to consider is that you do not want to add additional aggravating circumstances or aggravating circumstances to the list, and so for that reason I will be voting "no" because of my philosophical opposition and my religious opposition to the death penalty.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question of the adoption of the amendment, the gentleman, Mr. Horsey.

Mr. HORSEY. Just one quick question, Mr. Speaker. May I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Armstrong, is standing for interrogation.

Mr. HORSEY. Just one quick question, Mr. Speaker.

I understand what you are trying to do on the front end, but on the back end, the contract for the insurance, it is nullified if this is proven in a criminal proceeding; the contractual arrangement of the insurance is nullified. Is that correct, Mr. Speaker?

Mr. ARMSTRONG. That is correct. The insurance policy would be null and void.

Mr. HORSEY. Okay.

Mr. ARMSTRONG. Under the Slayers Statute.

Mr. HORSEY. Okay. I just wanted to make sure, Mr. Speaker.

I am still opposed to the amendment, Mr. Speaker. Thank you.

The SPEAKER. On the question of the adoption of the Armstrong amendment—

Mr. ARMSTRONG. Mr. Speaker?

The SPEAKER. The Chair apologizes.

Mr. Armstrong.

Mr. ARMSTRONG. Just a few comments here.

In looking at the addition of this as an additional aggravated assault, I think to actually go and take somebody's life because you are going to attempt to try to get the life insurance policy is very premeditated and should very much be within the definitions for what should be determined to be the taking of life for the death sentence.

And I would also say that even though the policy is made null and void, that does not take away the issue that that person tried to take that person's life to try to collect, and that is what we are getting at. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—174

Adolph	Fairchild	Major	Schroder
Allen	Fargo	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker	Fleagle	Masland	Serafini
Bard	Flick	Mayemik	Seyfert
Barley	Forcier	McCall	Shaner
Barrar	Frankel	McGeehan	Smith, B.
Bastian	Freeman	McGill	Smith, S. H.
Battisto	Gannon	McIlhatten	Snyder
Belardi	Geist	McNaughton	Solobay
Belfanti	George	Metcalfe	Staback
Benninghoff	Gigliotti	Micozzie	Stairs

Birmelin	Gladeck	Miller, R.	Steelman
Blaum	Godshall	Miller, S.	Steil
Boyes	Gordner	Nailor	Stern
Browne	Grucela	Nickol	Stetler
Bunt	Gruitza	O'Brien	Stevenson
Butkovitz	Habay	Orie	Strittmatter
Buxton	Haluska	Perzel	Sturla
Caltagirone	Hanna	Pesci	Surra
Cawley	Harhai	Petrarca	Taylor, J.
Chadwick	Harhart	Petrone	Tigue
Clark	Hasay	Phillips	Travaglio
Clymer	Hennessey	Pippy	Trello
Cohen, L. I.	Herman	Pistella	Trich
Cohen, M.	Hershey	Platts	True
Colafella	Hess	Preston	Tulli
Cornell	Hutchinson	Ramos	Vance
Corrigan	Jadlowiec	Raymond	Van Home
Costa	Kaiser	Readshaw	Veon
Coy	Keller	Reinard	Walko
Dailey	Kenney	Rieger	Williams
Daley	Krebs	Roberts	Wilt
Dally	Laughlin	Rohrer	Wogan
DeLuca	Lawless	Rooney	Wojnaroski
Dempsey	Lederer	Ross	Wright
Dermody	Leh	Rubley	Yewcic
DiGirolamo	Lescovitz	Ruffing	Yudichak
Donatucci	Levdansky	Sainato	Zimmerman
Druce	Lucyk	Samuelson	Zug
Eachus	Lynch	Santoni	
Egolf	Maher	Sather	Ryan,
Evans	Maitland	Saylor	Speaker

NAYS—24

Bebko-Jones	Horsey	Michlovic	Tangretti
Bishop	James	Mundy	Thomas
Cappabianca	Josephs	Myers	Vitali
Carn	Kirkland	Oliver	Washington
Casorio	Manderino	Robinson	Waters
Curry	Melio	Roebuck	Youngblood

NOT VOTING—0

EXCUSED—5

Civera	LaGrotta	McIlhinney	Taylor, E. Z.
DeWeese			

The majority having voted in the affirmative, 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. EVANS offered the following amendment No. A3327:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for a cause of action for firearm damages; and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 8313. Firearms.

(a) Government.—

(1) The Commonwealth shall have a cause of action, against a person that negligently manufactures, markets, sells or

distributes a firearm, for law enforcement, health care and punishment costs resulting from the discharge of the firearm.

(2) A political subdivision shall have a cause of action, against a person that negligently manufactures, markets, sells or distributes a firearm, for law enforcement, health care and punishment costs resulting from the discharge of the firearm.

(b) Individuals.—An individual shall have a cause of action against a person that negligently manufactures, markets, sells or distributes a firearm for injuries to person or property resulting from the discharge of the firearm.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Antique firearm.” Any of the following:

(1) A firearm manufactured before 1899. This paragraph includes a firearm with a matchlock, flintlock, percussion cap or similar type of ignition system.

(2) A replica of a firearm described in paragraph (1) if the replica:

(i) is not designed or redesigned for using rimfire or conventional center fire fixed ammunition; or

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

“Firearm.” Any of the following:

(1) A weapon, including a starter gun, which will, is designed to or may readily be converted to expel a projectile by means of an explosive.

(2) The frame or receiver of a weapon described in paragraph (1).

(3) A muffler or silencer for an item described in paragraph (1) or (2).

The term does not include an antique firearm.

Section 2. The definition of “local agency” in section 8501 of Title 42 is amended to read:

Amend Sec. 2, page 2, line 6, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. For the information of the House— Mr. Evans, will you listen to this? For the information of the House, it is my understanding that the amendment that is before you is a substitute amendment for 3206. So looking it up, bringing it up on your computer, you should do so under either number, 3206 or this number.

On the question of the adoption of the amendment, the Chair recognizes the gentleman from Philadelphia County.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would guarantee political subdivisions and the estates of individuals the right to bring civil action against the manufacturers for damages that the manufacturers neglected in the manufacture or distribution of firearms.

The reason I offer this particular amendment, Mr. Speaker, is because in my view, I believe that that right, that right should be something that is available, and obviously around the issue of health care and law enforcement costs and correction costs is an issue that has been costing this Commonwealth millions and millions of dollars, and I believe that individuals should have the right, should have the right to raise these issues in court, and that right should be protected for individuals to go to court around the issue of health care, law enforcement, and corrections.

So I would ask that they would support this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Horsey, desire recognition on this amendment?

Mr. HORSEY. Yes, Mr. Speaker.

Mr. Speaker, might I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Evans, is willing to be interrogated. You may begin.

Mr. EVANS. Yes, Mr. Speaker.

Mr. HORSEY. Mr. Speaker, if you or I are homeowners and I slip on your property, Mr. Speaker, do I have the right to sue?

Mr. EVANS. Yes, Mr. Speaker; that is my understanding.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. EVANS. But I am not an attorney, Mr. Speaker.

Mr. HORSEY. Well, that is fine, but some of this is common sense, Mr. Speaker.

Mr. Speaker, if you, Mr. Speaker, under— May I speak on the amendment, Mr. Speaker? Thank you.

The SPEAKER. The gentleman is recognized on the amendment.

Mr. HORSEY. Mr. Speaker, I am rising to support the Evans amendment, because under any, all, and most situations, Mr. Speaker, persons always have the right to sue, and I need to know why gun dealers are exempt. If you go to the drug store, Mr. Speaker, and you take bad medicine that was produced in a factory by a pharmaceutical agency, you can sue that pharmaceutical agency. If a person owns a gun and that gun is used to cause harm to someone else, Mr. Speaker, I need to know the person who caused the harm can be sued but I also need to know why the gun manufacturer cannot be sued also. That is on my mind, Mr. Speaker, and for the life of me I do not understand why they are not vulnerable. This is law that has been set up with the tobacco industry, with the auto industry, and I need to know what makes the gun industry so unique and different than all the other industries and the uniqueness about— And it is debatable about cigarettes and it is debatable about some other things, but there is no doubt in my mind, Mr. Speaker, that some of the guns that are produced are used to kill people— there is no doubt in my mind— and they are manufactured, Mr. Speaker, quite often not just as defensive weapons but with the intent to help people kill or harm other people.

So based on that, Mr. Speaker, I happen to believe that they should be liable in some cases, Mr. Speaker, for some of the things that the industry is doing, and I would urge support for this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that the gentleman from Philadelphia County, Mr. DONATUCCI, be placed on leave for the balance of today's session.

The Chair recognizes the gentleman, Mr. Rooney, on the question of the Evans amendment. Mr. Rooney.

Mr. COY. Mr. Speaker, could we return to the order of business of leaves of absence?

The SPEAKER. Without objection, return to leaves of absence.

Mr. COY. We request a leave for the balance of the day for the gentleman, Mr. COLAFELLA.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the leave will be granted. The Chair hears no objections. Thank you, Mr. Coy.

CONSIDERATION OF SB 264 CONTINUED

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the gentleman, Mr. Evans, and his amendment A3327, and I do so, Mr. Speaker, for really two fundamental and very basic reasons.

First of all, we will recall the rationale, the reasons why Attorneys General from across the nation launched litigation aimed at tobacco manufacturers and some of the issues that they believed required their actions and involved health care and the cost of health care and the prices in society we pay for the damage that tobacco does to those of us, myself included unfortunately, who choose to smoke. They also talked very strongly and passionately and I think very justly about the callous disregard tobacco manufacturers have shown to generations of Americans. So, Mr. Speaker, for that being one reason, I agree with the motivation behind the gentleman, Mr. Evans' amendment.

I would also advance one other notion, and I understand that this is a very difficult issue for many folks. We may not be successful today, but we have every intention of pursuing issues like these for the balance of this legislative session. The other reason I feel strongly about this particular amendment is the idea that the pen that I hold in my hand, there is more oversight and consumer safety that goes in and thought that goes into how this pen operates than do firearms, and the reason for that, Mr. Speaker, is that the gun industry, the firearms industry, has basically purchased themselves an exemption from the Consumer Product Safety Commission for oversight into firearms. So the sheets that you sleep on at night, the pen that you write with in the morning, the coffee you drink in the evening, all have more oversight in terms of how those products could impact adversely on consumers and Americans and Pennsylvanians than guns, and I think that is a fundamentally flawed policy, I think that is wrong, and I think this is an opportunity for those of us who represent the people of Pennsylvania to take a corrective measure.

So it is for those reasons that I wholeheartedly support Mr. Evans' amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Evans amendment, but I do not know, sometimes it is said that the devil is always in details, and sometimes because the devil is in details, we sometimes will close the door on opportunities, and I just hope that my colleague who is offering this amendment today, I hope he has the numbers to make sure this amendment passes, because if not, then I think that we have somewhat put a clamp on the hands of municipality administrators and others who are pursuing legal action against gun manufacturers.

You know, sometimes it is better to go forward and define the issue rather than having it defined for you. So I just hope my colleague got the numbers and that we win this one, because I do not want anybody bringing it up while they are out there trying to get a handle on what I call reckless conduct on the behalf of

gun manufacturers. But I am going to support the amendment in principle, but I hope it does not come back to haunt me. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, back in June of 1996 we had a colloquy on the floor of the House between myself and some members of this firearms, so-called firearms safety caucus. One of the issues that we discussed was the function of the Judiciary Committee and what we were going to do insofar as the arena of firearms safety, and at that time I agreed that we would hold hearings throughout the summer and as long as necessary to review the entire issue of the existing firearm laws in Pennsylvania and any additional laws that may be needed to tighten up our firearm laws. The Judiciary Committee has kept its end of the bargain. We have had hearings on this issue and we have additional hearings scheduled, and those hearings encompass every bill related to this subject that has been introduced into the committee. It is unfortunate that the sponsors of this amendment have seen fit to break that agreement and introduce this amendment, and that is one reason why I am opposed to the amendment. We are going to carry forward with our hearings and hopefully get a good review of existing firearm legislation and also come up with good legislation that would be needed to strengthen our firearm laws where we see a weakness. That is my first argument against this amendment.

Secondly, the amendment is very poorly drafted. There are a couple of concepts involved here that are not addressed in this amendment. First of all, when there is an intervening criminal act, as a matter of law it negates any negligence, because the standards are different. The standard for a criminal act is beyond a reasonable doubt; the standard for a negligent act is simply by a preponderance of the evidence. But more importantly, it does not even relieve a law enforcement officer of responsibility where he discharges his weapon when he is preventing a crime or stopping a bank robbery or having a gun battle with a criminal. When that officer discharges that firearm, he comes under this amendment, and I do not think that that really is something we want to do, is have our law enforcement officers come under an amendment that sets up this negligence statute and this negligence criteria with respect to costs for law enforcement, costs for punishment, costs for health care, simply because the firearm was discharged. The amendment does not even say whether or not the firearm was discharged negligently or intentionally by the perpetrator.

So I think the amendment is very poorly drafted. I am not too sure what the amendment drafters are intending here for the better of public policy. I can see what they are trying to do politically. I can see it is very clear what they are trying to do politically, but it is not clear what they are trying to do as a matter of public policy. We already have in place mechanisms to cover the costs of health care and law enforcement and punishment, in place today, and I am certain that the taxpayers of Pennsylvania are fully aware of that.

We have those systems in place. I do not know what is intended to be accomplished here, for example to the victim, the victim of a negligent discharge of a firearm. If the firearm was manufactured improperly or negligently, they already have an existing cause of action against the firearm manufacturer, and from that firearm manufacturer they can recover their medical costs, they can recover their lost wages, and even beyond what this amendment

says, they can recover for pain and suffering with no limit on the amount. So I do not know what the public policy purpose is here, but the political purpose is pretty clear, Mr. Speaker, and that is why the amendment is flawed, because they were so focused on the political agenda that they did not care about the public policy agenda, and that probably is the fatal flaw in this amendment.

Now, the Judiciary Committee will continue with its public hearings; we will sort through this issue; we may come up with additional legislation that deals with issues such as straw purchases. We already reported an amendment out dealing with that issue, by the way. I know there are some concerns up there about safety locks that we are also looking at, and we will look at this type of proposal and see where it goes. But as I said earlier, we had an agreement, and these folks decided to break that agreement today, and then they have an amendment which does not make any sense from a public policy standpoint that they put forward and are asking the members to vote on.

I urge a "no" vote on this amendment. It is a bad amendment; it is poorly drawn. I do not know what purpose they are attempting to accomplish, and I think that we should permit the Judiciary Committee to go forward with its work and come out with some commonsense proposals dealing with this very important issue, and I ask for a "no" vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Rooney, for the second time on the question.

Mr. ROONEY. Thank you, Mr. Speaker.

I would like to take this opportunity to address some of the remarks of the distinguished chairman of the Judiciary Committee.

At first he made reference to a deal that we or he or some thought we were working under since we adjourned in June, and if I could, Mr. Speaker, I would like to just read the Legislative Journal of the House from June 16, which I think addresses the discussion the gentleman, Mr. Gannon, and I were having at the time. I inquired if he would stand for interrogation; he was kind enough to do so. I asked the question, and I quote, "I am curious to inquire as to whether or not the Judiciary Committee would hold hearings on the issue of firearms over the summer months." The chairman responded that, yes, in fact they would. Let us be very clear, Mr. Speaker, because my word is my bond and I take it very, very seriously. I asked the question if the gentleman would hold hearings over the summer months. He held a hearing at a time that neither Chairman Evans nor I could attend. I do not think that qualifies or meets the definition of the arrangement we entered into in June.

Further, the arrangement was, or my words were, "So having a commitment from the chairman that we will receive fair hearings on the issues that are important to many of us, I will withdraw the amendment that I intended to offer." I assume the gentleman took that to mean in perpetuity, and I assure you that having not lived up to his end of the bargain, those of us who feel strongly—

The SPEAKER. The gentleman will yield.

Really, let us stay on the issue before the House.

Mr. ROONEY. Thank you, Mr. Speaker.

I assure my friends and colleagues in this great chamber that we will continue and take advantage of every opportunity that is available to us through the legislative process to advance an agenda of firearms safety in this State.

Let me address one other aspect, and then I will sit down. The gentleman seems to have argued that the process is what has been

subverted here, not the substance of the issue. He has cast another aspersion about the political nature of this issue. Well, Mr. Speaker, this issue was important to me the day I arrived in this chamber 7 years ago and it remains equally important today. Maybe the politics have changed over time, but I reject and dismiss out of hand the notion that for those of us who care deeply about these issues and have done so over time, we are somehow trying to take advantage of a political opportunity, and that is just fundamentally wrong for anybody to cast such aspersions and take our really heartfelt efforts and desires to enact public policy that will save lives and reduce the cost of health care in this State, I reject anybody or suggest anybody who would characterize our efforts as anything but noble and pure is doing a disservice to every man and woman in this chamber.

I thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

First of all, I think this amendment has got to be recognized for really what it is. Sixty-five percent of the homes in Pennsylvania, approximately 65 percent, contain firearms of one sort or another — 65 percent. The gun control advocates have not been able to make a dent in taking any of those firearms out of those homes. It is ironic that in this case, we have some of the same lawyers who were involved in the tobacco suit now involved in the suit against the gun manufacturing companies, and this is exactly where this amendment is aimed. We are asking the courts to punish lawful gun manufacturers for past sales that complied and comply with existing gun laws.

The firearms industry is among the most heavily regulated in the nation. In the lawful chain of commerce, not one gun is manufactured, imported, shipped, distributed, or sold without total Federal scrutiny — not one. Every entity in the lawful firearms trade is federally licensed, and every aspect of the illegal sale, purchase, transportation, or possession of firearms by criminals and others prohibited from owning guns is punishable by a host of Federal felonies, at the same time State felonies here in Pennsylvania.

No violent felon, drug dealer, or fugitive anywhere in the United States can lawfully possess any gun. If found in possession — under any circumstances — the penalty is 5 years in prison. For attempting to acquire a firearm right now by filling out a request on the instantaneous background form, filling it out erroneously, is a 5-year criminal sentence.

We have the laws on the books. This is a backdoor attempt to smash the gun manufacturing industry, which is a lawful industry in this State, and I would ask you to not go along with it.

I have another survey, a survey I want to share with you, that was completed last week in another State, a State similar to Pennsylvania, an industrialized State. It was the State of Michigan. September 23 through 25, a poll was conducted in that State. The first question that was asked: "Have you heard or read anything about some cities filing lawsuits against gun manufacturers?" Fifty-six percent said they were aware of such suits; 45 percent said they were not.

The next question: "Some cities have filed lawsuits against gun manufacturers to recover money spent dealing with criminal violence. In your opinion, do you feel that gun manufacturers...should or should not...be held responsible for these costs?" The ones that responded they should be held

responsible was 22 percent; should not be held responsible, 60 percent; no opinion, 18 percent.

The next question: "Do you believe that gun manufacturers are intentionally conspiring to sell firearms to criminals and other irresponsible people...?" The answer was yes, 29 percent, they were conspiring, and no, 63 percent; no opinion, 8 percent.

And the final question was this: "The City of Detroit and Wayne County filed a lawsuit against gun manufacturers saying they should be liable for deaths and injuries involving guns used by criminals. The Michigan State Legislature is considering a law that would prohibit cities like Detroit from suing gun manufacturers, saying it would only make it more difficult for law-abiding citizens to own guns and would not stop criminals from getting guns. Who do you agree with more — the City of Detroit or the Michigan...Legislature?" The answer was the city of Detroit, 20 percent; the Michigan legislature, 67 percent; with 13 percent no opinion.

This is a backdoor attempt to disarm America in a way that handgun control has tried to do for the last 10, 20 years. They have not been able to do it through the legislature, so now they are trying to do it through the courts. I ask for a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Crawford, Mrs. Forcier. Mrs. FORCIER. Thank you, Mr. Speaker.

I have spent almost a year working on this issue, but it is sort of the flip side. What I have tried to do is protect the gun manufacturers from being sued by the municipalities. I would like to be specific. When the amendment on the first page, lines 15 through 19, talks about the political subdivisions, I would like to be very specific in my comments on that section, because all the other sections make no sense to me.

First of all, individuals can sue right now. Individuals are not prohibited to sue. So when we are talking about amendment 3327, it is totally against public opinion. It is blatantly going against mainstream America. Sixteen other States in this great nation have consistently voted through their legislature, and it has been signed by the Governors, to protect firearms manufacturers from being sued by the municipalities.

Gun control supporters such as the maker of this amendment are pursuing frivolous lawsuits based on radical theories of product liability, because they want to bankrupt law-abiding firearm companies and gun shops, bottom line. These lawsuits abuse the tort liability system and try to force makers of legal but unpopular products to quit.

Gun manufacturers offer substantial benefits to their products that they offer the consumers. Every year in America, guns are used three to five times more often for protection than they are misused by criminals. Across America, crime rates are the lowest where the gun ownership rates are the highest.

Lawsuits in question totally ignore the benefits of the products made by the manufacturers they seek to destroy. Attempts to sue the gun manufacturers are merely attempts to elevate good morality — not to sell guns to people you have reason to think are bad guys — to a level of legal requirement that no legislature has seen fit to impose.

Municipalities are seeking to use the courts and the public and taxpayers' money to make sure the gun industry complies or force bankruptcy. The concept of using lawsuits to destroy a lawful and

constitutionally protected activity violates longstanding American principles.

There is a long history of courts that have taken a dim view of lawsuits attempting to achieve gun control through the judicial means. Courts have agreed that some defect must exist in the product at the time it was sold and that the plaintiff's injury must have been a result of that defect. Firearms manufacturers cannot be held liable for injuries that occur merely because a properly operating product is criminally or negligently misused.

Firearm ownership opponents have continually tried to advance various "defectless" product liability theories but without any success. Courts have rejected these theories, noting that firearms are not defective if they perform as intended and that the general purpose of firearms is well understood by reasonable people. The courts have not agreed that firearms are socially unacceptable, like what the antigun folks want you to believe.

Mayor Rendell of Philadelphia has engaged in an on-again, off-again strategy concerning this type of lawsuit for over a year. The Philadelphia Inquirer has quoted Mayor Rendell as saying that, quote, "The part of me that is a doer and an innovator very much wants to do this..." unquote. What is most troubling is that the goal of these lawsuits is not to win. In fact, it is hard to determine whether the various city officials are even remotely concerned with the merits of these suits. Rather, as Mayor Rendell has stated, quote, "The chances are maximized if enough cities file at one time.... The sheer cost of defending these suits would be hard for the gun industry," unquote. The aim is not to win a legitimate victory but to bankrupt the industry with this type of baseless litigation.

Twenty-five years ago the General Assembly passed legislation to prevent municipal regulation of the ownership, possession, or transportation of firearms. We correctly reserved this type of regulation for State action. This section of the Crimes Code has been subject to municipal challenge and has been upheld. Today, at least two cities in Pennsylvania are prepared to ask the courts to effectively overturn this prescription. These cities plan to use lawsuits against the firearms manufacturers to really in effect ask the courts to legislate municipal restrictions on the sale of firearms and the types of firearms to be sold.

Thomas Jefferson once said, quote, "No free man shall ever be debarred the use of arms," unquote. What Mr. Jefferson did not realize is that if you destroy those who make the arms, you can just as effectively prohibit their use.

You have heard and will hear arguments about the right to keep and bear arms and discussions about the proper role of political subdivisions regarding firearms law and litigation. While those topics are vitally important to this debate, I would like to take a moment to talk about the dangerous precedents that might be created by the municipalities involved in these lawsuits and their contingent-fee hired guns. Oh, excuse me; contingent-fee lawyers.

We are all familiar with the recent litigation concerning the tobacco industry. I mention this because in the words of a lawyer working for the Center to Prevent Handgun Violence, quote, "Guns must now become the next tobacco," unquote. This mindset ignores, however, some of the major differences between these two products.

Firearms manufacturers have never minced words when it comes to the dangerous nature of their wares. Guns are sold precisely because they are lethal. That is the entire purpose of the firearm as a hunting tool as well as a means of defense.

Firearms have legitimate uses. Yes, I realize this is a controversial issue and many of you may be getting bored at this point, but there has been a lot of time and research, and I think you need to realize the facts before you vote on this amendment. Guns are responsible for saving the lives and property of untold innocents.

Some of the key players in the tobacco litigation would agree with me. A recent article by Paul Barrett, a staff reporter for the Wall Street Journal, pointed out that many of the leading figures in the tobacco suits have refused to participate in the municipal litigation against firearms manufacturers. That means they do not have anything to do with what is going on today in this amendment.

David Kessler, the former chief of the United States Food and Drug Administration, a major player in the tobacco fight, has stated that he does not, quote, "see the comparison" between tobacco companies and gun manufacturers, unquote.

Harvard law professor Lawrence Tribe, one of the chief architects of the tobacco suits, refused to become involved in these attacks on firearms manufacturers.

Attorney Richard Scruggs, one of the leaders in the courtroom struggle over cigarettes, has rebuffed efforts to bring him into the antigun fold.

The problem as I see it is that these frivolous suits would hold a gun manufacturer liable for firearms which were misused even though the guns were sold legally and worked as advertised. If firearms are, and I quote, "the next tobacco," then it logically follows that this strategy can be adapted to any industry or commercial effort. Municipalities will not have to raise taxes; they can merely extort money from various companies under the guise of recovering municipal costs associated with that industry's products.

Watch out, General Motors and Ford and Chrysler, all our car manufacturers. Why, these unsavory manufacturers sell automobiles that can exceed the speed limit. Should they not be held responsible every time a driver or passenger is injured in a high-speed crash? Watch out, McDonald's, Burger King, and Wendy's. All that high-fat food, all those increased insurance expenditures. It is only fair that the municipalities be able to sue them and recover associated costs. Watch out, any of you poultry farms that produce eggs. All that cholesterol will put you in the sights of a municipal lawsuit in short order. Watch out, hog farmers. Bacon, ham — need I say more?

Back to Philadelphia Mayor Rendell. He was an early point man for the legal attack at the U.S. Conference of Mayors. Quote: "If enough cities file at one time, the sheer cost of defending these lawsuits would be hard for the gun industry," Mayor Rendell said, arguing that the 50 to 100 cities would bring the industry to its knees more effectively than a Federal government bound by the Constitution's Second Amendment ever could. That is a quote.

Mayor Rendell, whose office did not respond to calls to discuss the issue, eagerly lobbied fellow mayors to create a wave of lawsuits. Then guess what he did? He backed off after talks with Richard J. Feldman, executive director of the progun American Shooting Sports Council, ASSC. Mr. Feldman proved to be one of the first casualties in the gun wars, forced out of his job in large part for assuring Mayor Rendell during secret negotiations that the gun industry would agree to limiting buyers to one gun purchase a month, an influential industry insider told the Washington Times on the condition that he not be identified.

Most gun manufacturers abhor the restriction, and Mr. Feldman was seen as too eager to seek a deal.

While less than 1 percent of the guns in America are used in violent crimes in a given year, guns are misused in approximately 450,000 crimes. However, compare this fact: Guns are used defensively approximately 2.5 million times a year, and in 98 percent of those cases, brandishing the firearm stops the attack.

National Center for Health Statistics in 1996: 138 children died in gun accidents, 3,015 children died in car crashes, and 966 children died in drownings. Fatal gun accidents accounted for 2.2 percent of the accidental deaths for children ages 15 and younger in 1996.

The manufacture, sale, and possession of firearms are legal under Federal law and laws of all the States. The Constitutions of the United States and 44 States protect the right to keep and bear arms. Nationwide total sales of all civilian firearms and ammunition is about \$2 billion a year. Five hundred million of that is for handguns, down 50 percent the last few years.

Let us talk a little bit about protection. Allowing citizens to carry concealed weapons deters violent crimes, and it appears to produce no increase in accidental deaths. According to Professor John Lott, if those States which did not have right-to-carry-concealed-gun provisions had adopted them, believe it or not, here is what would have happened if they adopted these gun regulations and provisions. Approximately 1,570 murders, approximately 4,177 rapes, and over 60,000 aggravated assaults could be avoided yearly.

The estimated annual gain from allowing concealed handguns is at least \$6 billion. We save money when people have the right to carry.

In a county where State concealed-handgun laws are in effect, murders fell by 8.5 percent; rapes and aggravated assaults fell 5 and 7 percent.

In 1976, Congress overwhelmingly voted — 76 to 8 in the Senate and 313 to 86 in the House — to exempt the firearms and ammunition industries from the Consumer Safety Protection Act of 1972. Congress recognized that firearms are not traditional consumer products. Like the tools of a free press, firearms are among the few products that the Bill of Rights specifically protects the right of people to own, possess, and use.

Lawsuits would destroy the constitutional right to bear arms while undermining the integrity of the State's legal and free enterprise systems. Lawsuits say that the companies are aware their conduct contributes to crime and creates an unreasonable threat to public health and safety. Anne Kimball, attorney for Smith & Wesson, said, quote, "You don't sue General Motors when someone drives drunk and hurts someone," unquote.

I would like to share with you a list of the sportsmen's groups, who have probably got members in your area, who have supported my House bill, 957, which is absolutely the opposite of this amendment. The Pennsylvania Gun Owners Association would oppose this amendment. Gun Owners of America would oppose this amendment. Allegheny County Sportsmen's League would oppose this amendment. The Pennsylvania Sportsmen's Association, the National Rifle Association, all oppose this amendment. Keystone Firearms Coalition, Bucks County Sportsmen's Coalition, and the Pennsylvania Rifle and Pistol Association all oppose this amendment. The Pennsylvania Gun Collectors Association, Greater Pittsburgh Trap and

Skeet Club, Inc., Langhorne Rod and Gun Club, and Vandergrift Sportsmen's Association all oppose this amendment.

I have a list of the cosponsors of my bill, which I am going to presume today they will also oppose this amendment. At the time that I circulated my bill, I had 120 yeses—

The SPEAKER. The lady will yield.

We are more interested in what is before the floor at the moment than what might be before us at another date.

Mrs. FORCIER. Thank you, Mr. Speaker.

The SPEAKER. So stay on this amendment.

Mrs. FORCIER. Okay.

In closing, it is Pennsylvania's turn to step up to the plate and say, enough; we will not stand idly by while the firearms industry, and with it the right to keep and bear arms, dies the death of a thousand cuts.

I would ask my members to vote "no" on this amendment and ultimately support my bill, HB 957. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes, for the second time, the gentleman from Philadelphia County, Mr. Horsey.

As soon as this debate has concluded on this amendment, we are going to break for lunch. So maybe we should impose, self-impose, a restricted comment or restricted comments.

Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I heard a story about a colloquy that we had back in May on this very topic and subject, and I heard the good lady just talk about product liability and I heard the gentleman, Mr. Godshall, talk about, you know, the great job the Federal government is doing, Mr. Speaker. And there was a point in time, Mr. Speaker, in my life and my career, and probably I still am against gun control, Mr. Speaker, but that was before May till September of this year, Mr. Speaker, when between 15 and 20 people in my district were shot by other persons between the ages of 20 and 30. I have to be for some type of regulation on this general topic or area, Mr. Speaker, regardless of what my personal feelings are about guns. Something has got to be done, Mr. Speaker.

The good lady talks about how Pennsylvania feels and, you know, how the national sportsmen feel, but how about every urban city in this country, Mr. Speaker, and the mayhem that is taking place as a result of guns being just dropped into these large urban areas. From my office I can go around the block, Mr. Speaker, 50 steps and purchase a gun in almost every direction of my office, Mr. Speaker. You do not know that, Mr. Speaker, because you are not in the city and you are not in my particular district, and this is generally true in most spots in the city, Mr. Speaker. You cannot, you cannot absolve yourself the same way a gentleman did 2,000 years ago when he washed his hands and said, it is not my issue; it does not affect me so it is not my issue, and you guys handle it. You cannot do that, Mr. Speaker, the same way you cannot, you cannot, you cannot, Mr. Speaker, absolve yourself of the responsibility, Mr. Speaker, that 90 percent of the people in the urban areas, 90 percent of them do not own boats and planes, but drugs as well as guns are running rampant in our community. So the question is, who is bringing those guns, who is bringing those drugs, into these urban areas, Mr. Speaker? Something has got to be done. And just saying, well, it is not my problem, it will go away, and so on is not going to get it, because eventually, you know what happens, Mr. Speaker? Eventually it spills out into your community and you have acts of random shooting by crazy people

with guns, who have guns illegally. If you do not deal with the issue today, it will haunt you in your community tomorrow.

It is okay, Mr. Speaker. Thank you, Mr. Speaker. I urge support of the Evans amendment 3327. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

If I could interrogate the maker of the amendment briefly?

The SPEAKER. The gentleman, Mr. Evans, indicates he will stand for interrogation. You may begin.

Mr. METCALFE. Just a brief question. I would like to know, sir, if you have read Article I, section 21, of the Pennsylvania Constitution and the Second Amendment in the United States Constitution. Have you read both of those?

Mr. EVANS. No, Mr. Speaker.

Mr. METCALFE. Excuse me?

Mr. EVANS. Repeat that question again, Mr. Speaker?

Mr. METCALFE. Have you read Article I, section 21, of the Pennsylvania Constitution and have you read the Second Amendment of the United States Constitution?

Mr. EVANS. No, Mr. Speaker.

Mr. METCALFE. All right. That is all the questions that I have. I would just like to make comment now.

The SPEAKER. The gentleman is in order on the amendment.

Mr. METCALFE. My comments are going to be a little different than I had planned. I expected that he would have at least read what he has taken his oath to uphold, but seeing as though he has not, Article I, section 21, of the Pennsylvania Constitution talks about the people's right to bear arms not being questioned, and this is very basic English that is in our Constitution and very straightforward that our right shall not be questioned with respect to bearing arms. What is being proposed here today in this amendment is to work toward eroding our freedom and our right to bear arms.

We have a problem in our culture today where rights and responsibilities are a problem. We have many elected officials who no longer believe that we have those God-given rights that we see in our founding documents, and we have many elected officials that rather than holding those accountable for their actions would just as soon shift the blame to others in society. That is what this legislation is working toward — shifting the blame and the responsibility to manufacturers of legal products instead of placing the blame where it belongs, on those who act with criminal intent and commit the horrible crimes that have taken place in our society. What we need to get back to is individual rights and responsibilities, where people are allowed to maintain their rights and where we hold people accountable for their actions, not trying to shift blame as we see from the legislation that has been introduced by the maker here.

Another problem with this legislation is, all of these lawsuits that have been taking place have been an attempt to legislate through the judicial branch, which brings up a problem with the separation of powers in our Constitutions. By shifting the responsibility over to the judicial branch to make the decision rather than legislating, because the anti-Second Amendment people have not been able to get what they would like to have happening through the legislative branches in the States of the United States and also through the Congress and the Senate of the United States, they have attempted to go about it a different way now, through the back door and through the judicial branch.

I recently read a brief that had been sent, a study that had been sent, talking about taxation through litigation. Since the Clinton administration had taken their post and have not been able to get the outrageous tax increases that had been imposed on the American people for many years under the Democratic-led Congress, the administration has been shifting to raising revenue through litigation rather than taxation, because they cannot get those revenues raised through us increasing taxes any longer, and I think that is what is happening today also from the maker of this amendment, is that with his liberal tax-and-spend ideas—

The SPEAKER. The gentleman will yield.

We allow a lot of freedom with debate, but you are stuck, like it or not, with the amendment that is before you and not going off in a million directions. Hold your remarks to the question before us, which is the exact wording of the amendment. You cannot start going all over the lot philosophizing on the floor of the House under our rules. I am sorry.

Mr. METCALFE. Am I allowed to comment still on the taxation-through-litigation issue, or—

The SPEAKER. I think that is proper, if that is following along the lines of the lady, Mrs. Forcier, but to attack the motives of any member of this House and what is motivating him to offer an amendment or how he is going to vote would be improper in my judgment. That is without, frankly, consulting with the Parliamentarian. But the ruining by way of taxation, fine. I have not heard anything about taxation of weapons, but go ahead.

Mr. METCALFE. Thank you, Mr. Speaker.

My point—

The SPEAKER. The gentleman will yield.

POINT OF ORDER

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

Would the gentleman put the switch on. I cannot hear.

Mr. COHEN. Mr. Speaker, Mr. Evans is introducing an amendment through the legislative process—

The SPEAKER. For what purpose does the gentleman rise?

Mr. COHEN. On a point of order, Mr. Speaker.

The SPEAKER. What is your point of order?

Mr. COHEN. My point of order is that Mr. Evans is introducing an amendment through the legislative process, so the question of the courts overruling the legislative process is not part of it. Mr. Evans is not part of the courts overruling the legislative process. He is participating in the legislative process through the introduction of this amendment, and therefore—

The SPEAKER. And I agree with you. No one disagrees with that.

Mr. COHEN. Okay. Well, then—

The SPEAKER. I simply asked the gentleman to restrict his remarks to that amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. METCALFE. Thank you, Mr. Speaker.

Just to close this up, taxation through litigation that this type of legislation will lead to, raising revenues for government entities through lawsuits rather than through raising taxes, and that is another backdoor attempt here to take money away from the citizens of the Commonwealth.

I would strongly urge everyone here to oppose this based on the constitutionality of the right of the citizens to bear arms. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas, for the second time on the question. And there are Mr. Thomas, Mr. Roberts, Ms. Josephs, Mr. Taylor, and Mr. Frankel before lunch.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to deal with this amendment, and let me say a couple things. Number one, Mayor Rendell is not wishy-washy.

Number two, I do not believe that this is a backdoor attempt. I heard former Justice of the United States Supreme Court Thurgood Marshall say that there are some things that are so egregious until it requires a multidimensional approach. Legislative process is a part of that multidimensional approach. Violence in our urban cities and throughout Pennsylvania has reached staggering proportions, even against our efforts to increase prison construction, increase prison revenue, and increase — triple — the prison population from several years ago. And, Mr. Speaker, I respect those who stand up for the Second Amendment, which is a statutory right, not a God-given right, but I respect those who stand up for it. I support that statutory right. However, I cannot tell a young man who is 24 years of age now, who on the day before his graduation from St. Joe's in Philadelphia County, an "A" student who was on his way to college, went to the store for his mother and got in the middle of a war involving handguns. This young man is paralyzed from his neck down. I cannot give him the Second Amendment and tell him that everything is going to be okay. I cannot give the families of Columbine who lost their children as a result of acts of violence aggravated by the use of guns, I cannot give them the Second Amendment and ask them to hold on.

Mr. Speaker, we have to do something about the escalation of guns in our society, and Pennsylvania is considered— I stand with our Excellency, the Governor, when he says that Pennsylvania has some of the toughest laws in the country, but those tough laws have not reduced the growing number of violence that is committed on innocent people as a result of the illegal possession of guns. That poor mother that was shot down in the parking lot of the Giant supermarket, Mr. Speaker, if I read the facts correctly, it is my understanding that the sad individual who shot this mother was able to obtain, was carrying a gun illegally, was not carrying a gun pursuant to his capacity to go out and purchase a gun, was not carrying a gun pursuant to that statutory right that we have now interpreted so broadly contained in the Second Amendment. Mr. Speaker, he had that gun illegally, and if he had been stopped, if we had laws on the books or had the ability to do something about this issue, that mother might be sitting with her children today. So let us not get so caught up in a statutory right without balancing that right against the needs of the people who are being victimized by the broad use of that right.

Mr. Speaker, we have to do something, and as I said earlier, I do not think that this is going to get us all the way where we need to go, but it represents a start, and as I have said on many other occasions, we can no longer turn our heads away from the tragedy that is being brought on by gun violence. Yes, the mayor of Philadelphia did not pursue a lawsuit—

The SPEAKER. The gentleman will yield.

Please stay on the amendment that is before us. We are all aware of these sad stories, but they really do not have much to do with the amendment that the gentleman has before us.

Mr. THOMAS. Mr. Speaker, I respect you—

The SPEAKER. Please, please, no more.

Mr. THOMAS. —but it does have something to do with this amendment. This amendment provides that local municipalities should have a statutory right to bring suit against manufacturers, and the question is whether or not this body should provide that right or reject that right. But, Mr. Speaker, to that end, as I said earlier, we should support the Evans amendment, because legislatively we have not been able to do anything about this problem, because through law enforcement, we have not been able to do anything about this problem. I do not want to see another police officer shot or killed through the illegal use of guns.

So, Mr. Speaker, we are left to try and do something through the legislative process, through this amendment. We have tried to sit down with manufacturers, retailers, and wholesalers to try to urge safety locks, to try to urge other initiatives that would minimize if not eliminate the accessibility of weapons in the hands of children and others that should not have them. So, Mr. Speaker, now it is time to take a step to make it happen rather than continuing to talk about it happening.

So I strongly urge members from both sides to support the Evans amendment. Thank you.

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Josephs, on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I want to respond to two of the speakers who spoke before me who oppose this amendment. The gentleman from Montgomery read us an interesting bunch of statistics representing public opinion in Michigan and in Detroit. I have never been to Detroit. It is a fine city, I am sure, but nobody here that I know of represents anybody in Detroit. Most of us, I believe, represent people in Pennsylvania, so perhaps statistics from Pennsylvania would be a little bit more enlightening for those of us to have.

There was a poll commissioned by the legislature in early June of 1999, and among other questions, recipients were asked, would you allow cities' and individual lawsuits against gun manufacturers? Sixty-one percent of people who were asked responded yes, they would like to see these kinds of suits against manufacturers of firearms by individuals and by municipalities. I believe that our citizens here do want to see this kind of legislation.

I also would like to respond to the lady from Crawford. I was at the Judiciary Committee hearing that was held in Crawford County, which I think was mentioned before in the debate as the one Judiciary Committee hearing on existing gun legislation, and I had a very interesting experience, because I was interviewed by the local news channels about my response to the very, almost 100 percent, perhaps 100 percent anti-gun-safety testimony which was presented at that hearing.

Those of you who know me know that I generally speak fairly directly, so I was pretty direct at these television interviews about what I thought about gun safety and how much I thought we needed to do in order to protect citizens from these kinds of random violence, which, by the way, are not confined, I would remind everybody, to the urban areas but in actuality had happened even in that area where I was, in Edinboro, in a high school shooting with a firearm. Well, I was interviewed saying numbers of things which are now embodied in amendments which I am

voting for and introducing, so I will not go into them, and the next day had a very interesting experience of being in a store, a marketplace, areas in which I met people who very likely were the voters of the lady from Crawford, or perhaps not, but they were certainly local residents, and having them approach me and say, you look very familiar; oh, yes, I saw you on TV last night; you were talking about gun control; oh, thank you, thank you very much; it is about time somebody said something that was sensible and advanced this subject; we agree with you; you were right; where do you come from; who are you, and so on. And I do not offer this as scientific proof that the people in our northern, most western area of the State are solidly behind gun safety, but it seems to me that the names of the organizations that were read out here on the floor do not represent the voters who came up to me in Erie County, or perhaps it was Crawford — I really do not know — and said, thank you, Representative Josephs; you said the right thing; we are on your side.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Philadelphia County, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I have one question for the maker of the amendment.

The SPEAKER. The gentleman, Mr. Evans, indicates he will stand for interrogation. You may begin.

Mr. TAYLOR. Mr. Speaker, can you comment for the record on, based on your view, whether or not the Commonwealth, political subdivisions, and/or individuals have the ability now to sue gun manufacturers?

Mr. EVANS. Mr. Speaker, I am not an attorney. My understanding, to one of the previous speakers that asked me a question about the Constitution, my understanding under Article I, section 11, of the Pennsylvania Constitution is that the courts are open, the courts are open, so obviously, that opportunity may be there, but as you know, Mr. Speaker, as I indicated to you earlier, I am ensuring that if a gun manufacturer should sell a weapon that is neglected, that that opportunity is available to the Commonwealth or the political subdivision.

Mr. TAYLOR. That is the end of my interrogation, Mr. Speaker. I have one brief comment.

The SPEAKER. The gentleman is recognized.

Mr. TAYLOR. Mr. Speaker, I am going to support this amendment, and in many ways I would urge other members to do so as well. I am not certain whether or not to solve the problem of gun violence in many places in Pennsylvania and especially in Philadelphia, whether the answer is to sue gun manufacturers or anybody else, but I would suggest to the members of the House that hopefully this is an important issue that we will discuss in the coming months, whether it is Representative Forcier's plan, whether it is Representative Evans' plan, some combination of the two or anybody else's ideas, to get to the crux of the problem of people dying unnecessarily in Pennsylvania, so hopefully we will do that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair interrupts the proceedings to announce that our good friend, Representative Tom Tigue, was presented with a fourth granddaughter, Ashton Ashby. The parents

are Tracy and Andy Ashby. She was born in San Diego, as was her sister, Taryn, who was born August 15, 1998, and the other young lady on September 20 of this year. They have four daughters and two sets of grandparents. One of them is here, the proud grandfather, Tom Tighe, our colleague. Congratulations to you.

CONSIDERATION OF SB 264 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Evans amendment.

Last week I had the opportunity to stand in the city of Pittsburgh with the Allegheny County district attorney, the mayor, the chief of police, and a member from the National Shooting Sports Foundation, a foundation funded by the gun manufacturers, and accept from them a \$50,000 grant for the purchase and distribution of trigger locks. This was a scene that was replicated around the country in a number of different cities, and I say to you that I think that the reason that we have seen somewhat of a change in tone from the gun manufacturers is that the threat of these lawsuits from cities has brought about a change in temperament. I do not think that this came about by any other reason. I think it is a tacit acknowledgment, in my view, that the gun industry has not done enough with respect to gun safety, enough with providing trigger locks throughout their sales, and I think that this legislation helps give momentum to that, to continue to put the pressure on the industry to behave more responsibly.

We have historically, through the judicial and legislative process, brought corporations to a more responsible standard in terms of how they deal with their products and safety, and this is one of the ways to do it. Today we mandate that cars contain seatbelts. Today we even in many States mandate that people use those seatbelts. I do not view this very differently, and I view that the Evans amendment helps bring the gun industry to accountability for the safety standards and the safety of their products, and therefore, I support this amendment and urge my colleagues to as well.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, who asks that the gentleman, Mr. ALLEN, be placed on leave for the balance of today's session.

CONSIDERATION OF SB 264 CONTINUED

The SPEAKER. Does the gentleman, Mr. Evans, desire recognition? The gentleman is recognized.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I have been listening to every individual on both sides of this issue and particularly the chairman of the House Judiciary Committee, who I know that in no way has tried to stifle this process. He and I, along with his staff — and I have some compliments for his staff — have tried to work together, because I do not believe that this is a Democrat, Republican, liberal, moderate, or conservative issue, and in all the speeches that I have

heard, I have only basically, if people read the amendment, the only thing I am suggesting is that an individual have the right to bring civil action; an individual has the right to bring civil action. To the gentleman who asked me about the Constitution, I say to him also that if he reads Article I, section 11, it says that the courts are open. So the only thing it says is that a right is guaranteed; a right is guaranteed. It does not mean that it is mandated; it does not mean that you have to do it, but that it is a right.

The gentleman from Philadelphia made a correct statement when he said that the Representative from the west section — I apologize for not knowing the section of the Commonwealth that she is from — but that we have to work this together, that this is not a question of trying to take away anyone's rights, that what this is really fundamentally about is that there have to be opportunities available to people when actions are taken against them. This issue of gun violence is an issue that affects every single community in the Commonwealth of Pennsylvania. No one is exempt. No, I do not think that laws in themselves magically will solve the problem. Families are important. Communications is important. The whole media aspect is all a part of it. There are a lot of factors that are involved, but I do not think anyone can deny, the fact of the matter is that there are just too many guns that are out there and that are available, and that this particular amendment does not try to limit the sale of guns, take away the rights of anybody to have guns. It only offers an action that is available to people of the Commonwealth of Pennsylvania. I do not understand why some of us have a problem in giving individuals the opportunity to address this particular issue.

So in my view, this is a very simple amendment. It is a simple amendment. It is very simple. It is not taking away anybody's rights. It is not taking away anybody's guns. It is not doing any of that. It is not doing any of that. It is making a very simple right available to individuals of this Commonwealth. So I would say to you, I would hope, I am not looking for this to be Democrat or Republican. I am looking at this for us to face up that this is one step, that I do not believe this amendment in itself will magically solve this problem around gun violence, but I do believe that we in this General Assembly can no longer afford to continue to ignore this issue. We can no longer continue to ignore it. The fact is that we have a responsibility to do something.

Now, I have heard all those earlier statements about hearings and process and how long that is going to take, but while all that discussion is going on, U.S. children under the age of 15 are 12 times more likely to die by gunfire, 16 times more likely to be murdered by a gun, and 11 times more likely to commit suicide with a gun, 9 times more likely to die in a firearm accident. So while we talk about process, while we talk about hearings, while we keep bouncing this back and forth, every single day, every single day, somewhere, somewhere, there is gun violence. We all know that.

So I am only saying that the only reason I am offering this amendment is that this is an opportunity that should be available to all. It does not take away anybody's guns. It does not abridge anybody's rights. The fact is, it is an opportunity.

So I would hope again you would closely look at it and understand, in spite of all those things that were said, read the amendment; understand exactly what the amendment does. It does not take away anyone's rights. It does not take away anyone's rights. It does not affect the Second Amendment, in spite of those comments. I have to smile when I listen to that. So I am saying to

you, just one time in this General Assembly, just one time, just read exactly what the amendment does and understand clearly, understand clearly that the only thing it does is give people an opportunity and guarantee a right.

Thank you, Mr. Speaker, and I hope that you will support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I will be brief. I just wanted to know if the gentleman would submit to a brief interrogation.

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. PERZEL. Mr. Speaker, maybe I did not catch this right during the debate that we were going forward with here. Can you sue gun manufacturers in the Commonwealth of Pennsylvania right now?

Mr. EVANS. That is a good question, Mr. Speaker. To my knowledge, it is something that has not happened.

Mr. PERZEL. Is there anything in the law that says that you cannot sue gun manufacturers in Pennsylvania?

Mr. EVANS. Again, Mr. Speaker, based on what I have read in terms of Article I, section 11, obviously it says that the courts are open, but the way that I am defining the issue, Mr. Speaker, is that if this product is damaged, that this opportunity should be available to people of the Commonwealth to sue the gun manufacturers.

Mr. PERZEL. The bottom line, Mr. Speaker — I am done with the interrogation — the bottom line is that today in Pennsylvania nothing stops any individual from suing a gun manufacturer. So since there is nothing preventing that already, the gentleman is now putting into law what is already law already, so I am just a little confused about why we are doing it, but I guess we will see with the vote what is going to happen, but it is already law.

The SPEAKER. Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. On the amendment.

Mr. GANNON. Mr. Speaker, to answer the prior question, yes, you can sue a gun manufacturer in Pennsylvania today, and I state that unequivocally. However, I did what the gentleman suggested and I did a close reading of the amendment, and it contains a very interesting result and I am not too certain that was intended by the drafter of the amendment.

Pennsylvania currently has what we call a strict liability standard for products. It has adopted what they call sections 402(a) and 402(b) of the Restatement of Torts, and what that standard says is that if a manufacturer puts a product into the stream of commerce and that product has a defect irrespective of whether it came about as a result of negligence, that the manufacturer is strictly liable to the user or purchaser of that weapon who is harmed as a result of that defect. What the gentleman has done with this amendment has now changed that standard or proposed to change that standard in the Commonwealth of Pennsylvania to one of negligence, so what he has done is made it more difficult for someone who is harmed by a negligently manufactured firearm from obtaining compensation from the manufacturer, and I am not all that certain that that is what the gentleman intended and I would hope that is not what he intended. I can tell the gentleman that I fully support section 402(a) and 402(b) for any type of product that has a defect and causes harm. I do not understand why the

gentleman would want to make an exception for firearms, and that is one more very, very important reason to vote against this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman for another time.

Mr. EVANS. Thank you, Mr. Speaker.

The SPEAKER. The Chair is taking the liberty of extending the debate for the gentleman to a third time, under the circumstances.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader indicated that this is something that we could already do, and in my view, if it is then, basically what we are doing here, in my view, then is harmless, first. Secondly, to the gentleman who is the chairman of the Judiciary Committee, I would, you know, at least, and I am not an attorney, but talking to the legal beavers on this particular side, they indicate to me that the only thing we are doing is attempting to strengthen it; that we are not in any way raising the bar, as the gentleman has indicated, in some specific way. So one, we are not raising the bar. I want to be very clear. We are not raising the bar. The only thing we are fundamentally doing, again, is, if a particular product is damaged that happens to be a gun, that this opportunity is available to any of us, that a civil action is available. That is the only thing we are stating. So it is not a mandate; it is not a guarantee. It is an action that is available.

So I do not want to kind of get into the debate around the question of the legal issue, because obviously, that is up to the courts to determine that, but I am only saying and I am reemphasizing the fact that we all know that something has to be done about this issue. We can no longer afford to ignore it. This is a State responsibility and not a Federal responsibility, and we at the State level need to begin to try to address these issues and no longer wait for the Federal government to address these particular issues. So I am stressing, Mr. Speaker, that I do not think that this is a partisan issue. I do not think that this is a partisan issue, and I want to stress that. I hope that people recognize once and for all that this issue, this issue is out of control. It happens in rural Pennsylvania, it happens in suburban Pennsylvania, and it happens in urban Pennsylvania. We need to do something about it, and we need to do it now.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—50

Bebko-Jones	Horsey	Mundy	Samuelson
Bishop	James	Myers	Steil
Butkovitz	Josephs	O'Brien	Stetler
Buxton	Keller	Oliver	Sturla
Cappabianca	Kenney	Perzel	Taylor, J.
Carn	Kirkland	Pistella	Thomas
Cohen, L. I.	Lawless	Preston	Vitali
Cohen, M.	Lederer	Ramos	Washington
Corrigan	Manderino	Rieger	Waters
Curry	Mann	Robinson	Williams
Evans	McGeehan	Roebuck	Wogan
Frankel	Melio	Rooney	Youngblood
Freeman	Michlovic		

NAYS—145

Adolph	Fargo	Major	Semmel
Argall	Feese	Markosek	Serafini
Armstrong	Fichter	Marsico	Seyfert
Baker	Fleagle	Masland	Shaner
Bard	Flick	Mayernik	Smith, B.
Barley	Forcier	McCall	Smith, S. H.
Barrar	Gannon	McGill	Snyder
Bastian	Geist	McIlhattan	Solobay
Battisto	George	McNaughton	Staback
Belardi	Gigliotti	Metcalfe	Stairs
Belfanti	Gladeck	Micozzie	Steelman
Benninghoff	Godshall	Miller, R.	Stern
Birmelin	Gordner	Miller, S.	Stevenson
Blaum	Grucela	Nailor	Strittmatter
Boyes	Gruitza	Nickol	Surra
Browne	Habay	Orie	Tangretti
Bunt	Haluska	Pesci	Tigue
Caltagirone	Hanna	Petrarca	Travaglio
Casorio	Harhai	Petrone	Trello
Cawley	Harhart	Phillips	Trich
Chadwick	Hasay	Pippy	True
Clark	Hennessey	Platts	Tulli
Clymer	Herman	Raymond	Vance
Cornell	Hershey	Readshaw	Van Horne
Costa	Hess	Reinard	Veon
Coy	Hutchinson	Roberts	Walko
Dailey	Jadlowiec	Rohrer	Wilt
Daley	Kaiser	Ross	Wojnaroski
Dally	Krebs	Rubley	Wright
DeLuca	Laughlin	Ruffing	Yewcic
Dempsey	Leh	Sainato	Yudichak
Dermody	Lescovitz	Santoni	Zimmerman
DiGirolamo	Levdansky	Sather	Zug
Druce	Lucyk	Saylor	
Eachus	Lynch	Schroder	Ryan,
Egolf	Maher	Schuler	Speaker
Fairchild	Maitland	Scrimenti	

NOT VOTING—0

EXCUSED—8

Allen	Colafella	Donatucci	McIlhinney
Civera	DeWeese	LaGrotta	Taylor, E. Z.

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

We are planning on breaking now, and we will have a Republican caucus at exactly a quarter to 3. So be back for the caucus. We will start at a quarter to 3. We will be back on the floor for votes at 3 o'clock.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen. Do you have an announcement, a caucus announcement?

Mr. COHEN. Mr. Speaker, there is no need for a Democratic caucus.

The SPEAKER. The Chair thanks the gentleman.

STATE GOVERNMENT
COMMITTEE MEETING

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Just to remind the members of the State Government Committee that we have a 2 o'clock meeting in room 40 in the East Wing. We will try to be brief, but we would ask all members to attend.

Thank you very much. That is right now in room 40 in the East Wing.

DEMOCRATIC CAUCUS

Mr. COHEN. Mr. Speaker?

The SPEAKER. Mr. Cohen.

Mr. COHEN. Mr. Speaker, Mr. Edmiston informed me that there is a need for a Democratic caucus.

The SPEAKER. And when will that take place? A quarter of 3 or immediately?

Mr. COHEN. Yes, Mr. Speaker, the same time as the Republican caucus, a quarter of 3.

The SPEAKER. Thank you.

For the information of the members, the cafeteria has been held open, so if you intend to go there, do that now.

There will be no votes until we come back at 3 o'clock.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 963, PN 2310**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business at this time?

Hearing none, this House is declared in recess until 3 p.m., unless earlier called or extended by the Speaker.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE
(J. SCOT CHADWICK) PRESIDING

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1874 By Representatives VEON, COLAFELLA, YUDICHAK, BELARDI, DeWEESE, WOJNAROSKI, MANN, VAN HORNE, SURRA, ARGALL, LAUGHLIN, CAWLEY, DALEY, HESS, SANTONI, TIGUE, WALKO, READSHAW, SERAFINI, STEELMAN, SOLOBAY, TULLI, BOYES, HARHAI, CASORIO, PESCI, SHANER, GORDNER, MANDERINO, FRANKEL, COSTA, BROWNE, YOUNGBLOOD, GRUCELA, TRAVAGLIO, ROBINSON, ROEBUCK, MARKOSEK, JOSEPHS, FREEMAN, L. I. COHEN, BATTISTO, BUNT, ROONEY, CAPPABIANCA and WILLIAMS

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 financial programs for operating community colleges; and making an appropriation.

Referred to Committee on EDUCATION, September 29, 1999.

No. 1875 By Representatives EVANS, GEORGE, BELARDI, MANN, TIGUE, FRANKEL, ROBINSON, WOJNAROSKI, SHANER, BROWNE, STABACK, GRUCELA, HENNESSEY, NICKOL, VAN HORNE, SCRIMENTI, JOSEPHS, MAYERNIK, CURRY, HARHAI, ROONEY, COLAFELLA, RAMOS, STEELMAN, CAPPABIANCA and VEON

An Act establishing the Best Practices Review Commission; providing for its powers and duties; and requiring annual reports.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1999.

No. 1876 By Representatives LESCOVITZ, LEDERER, COY, MANDERINO, SURRA, GORDNER, LAUGHLIN, CAPPABIANCA, McCALL, WALKO, GRUCELA, BELARDI, STABACK, WILT, CALTAGIRONE, DeWEESE, DALEY, VEON, VAN HORNE, TRAVAGLIO, PISTELLA, PETRARCA, BATTISTO, SEYFERT, M. COHEN, CAWLEY, EVANS, COLAFELLA, BELFANTI, STEELMAN, HERMAN, RAMOS, FREEMAN, MELIO, DeLUCA, JOSEPHS and TRELLO

An Act providing property tax rebates to owners of land actively devoted to agricultural use; establishing standards and qualifications for eligibility to receive rebates; establishing the Agricultural Property Tax Rebate Fund; and imposing duties upon the Department of Revenue.

Referred to Committee on FINANCE, September 29, 1999.

No. 1877 By Representatives LESCOVITZ, LEDERER, COY, MANDERINO, SURRA, GORDNER, LAUGHLIN, CAPPABIANCA, McCALL, WALKO, GRUCELA, BELARDI, STABACK, WILT, CALTAGIRONE, DeWEESE, DALEY, VEON, VAN HORNE, TRAVAGLIO, PISTELLA, PETRARCA, BATTISTO, SEYFERT, M. COHEN, CAWLEY, EVANS, COLAFELLA, BELFANTI, STEELMAN, HERMAN, RAMOS, FREEMAN, MELIO, DeLUCA, JOSEPHS and TRELLO

An Act providing for loans to assist farmers in their efforts to purchase or update farm technology or equipment to enhance farm productivity; establishing the Farm Technology Loan Fund; providing for powers and duties of the Department of Agriculture; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1878 By Representatives LESCOVITZ, LAUGHLIN, BATTISTO and STEELMAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing the judiciary to use alternative means of dispute resolution to resolve issues in controversy; establishing certain duties upon parties which reject certain arbitration awards; and establishing criteria for the selection of arbitrators.

Referred to Committee on JUDICIARY, September 29, 1999.

No. 1879 By Representatives LESCOVITZ, LAUGHLIN, BELARDI, PISTELLA, BATTISTO, M. COHEN and RAMOS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the establishment of the Commission on Dispute Resolution and Conflict Management and prescribing its powers and duties; and establishing the Dispute Resolution and Conflict Management Commission Fund.

Referred to Committee on JUDICIARY, September 29, 1999.

No. 1880 By Representatives LESCOVITZ, LAUGHLIN, BELARDI, PISTELLA, BATTISTO, M. COHEN, COLAFELLA, ROSS, STEELMAN and RAMOS

An Act amending Title 2 (Administrative Law and Procedure) of the Pennsylvania Consolidated Statutes, authorizing government agencies to use alternative means of dispute resolution to resolve certain issues in controversy.

Referred to Committee on JUDICIARY, September 29, 1999.

No. 1881 By Representatives LESCOVITZ, LAUGHLIN, BELARDI and TIGUE

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for collection of taxes.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1999.

No. 1882 By Representatives LESCOVITZ, LAUGHLIN, BELARDI, DALEY, DeLUCA, PISTELLA and BELFANTI

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for limitations on rates of specific taxes.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1999.

No. 1883 By Representatives LESCOVITZ, LAUGHLIN, CLARK, BELARDI, DALEY, DeLUCA, PISTELLA, PRESTON, GEIST, BELFANTI and TIGUE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for seat of court and for local chamber facilities.

Referred to Committee on JUDICIARY, September 29, 1999.

No. 1884 By Representatives LESCOVITZ, LAUGHLIN, DeLUCA, PISTELLA, PRESTON and COLAFELLA

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, requiring refund procedures for erroneously collected county sales and use tax.

Referred to Committee on URBAN AFFAIRS, September 29, 1999.

No. 1885 By Representatives BELFANTI, M. COHEN, CORRIGAN, McCALL, SHANER, LUCYK, PISTELLA, DeWEESE, MELIO, PESCI, RUFFING, JAMES, RAMOS, YOUNGBLOOD, LAUGHLIN, HARHAI, HORSEY, WALKO, FREEMAN, TRELLO, DALEY and GRUCELA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board.

Referred to Committee on JUDICIARY, September 29, 1999.

No. 1886 By Representatives BELFANTI, TRELLO, McCALL, M. COHEN, RAMOS, SHANER, LUCYK, PISTELLA, SURRA, DeWEESE, MELIO, COSTA, PESCI, LEVDANSKY, RUFFING, JAMES, BELARDI, YOUNGBLOOD, LAUGHLIN, HARHAI, HORSEY, WALKO, FREEMAN, DALEY, GRUCELA and MICHLOVIC

An Act providing for labor concession liens.

Referred to Committee on LABOR RELATIONS, September 29, 1999.

No. 1887 By Representatives ADOLPH, MICOZZIE, BROWNE, CAWLEY, CLARK, COLAFELLA, CURRY, HENNESSEY, KELLER, KIRKLAND, LAUGHLIN, LEDERER, LUCYK, MCGILL, MELIO, PISTELLA, SHANER, SOLOBAY, E. Z. TAYLOR, TIGUE, TRELLO, TULLI, WALKO, WILT, WOGAN, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for audible warning devices.

Referred to Committee on TRANSPORTATION, September 29, 1999.

No. 1888 By Representatives BUNT, CLYMER, COY, CAPPABIANCA, LEH, BELFANTI, ARMSTRONG, CHADWICK, ADOLPH, CORRIGAN, ARGALL, DAILEY, DALLY, DeWEESE, DRUCE, FAIRCHILD, FICHTER, FREEMAN, GODSHALL, GORDNER, GRUCELA, HARHART, HASAY, HERMAN, HERSHEY, JOSEPHS, KREBS, LUCYK, MAJOR, MARKOSEK, MASLAND, McCALL, McILHINNEY, MELIO, NAILOR, PESCI, PHILLIPS, PLATTS, ROBERTS, ROHRER, SATHER, SCHRODER, SEYFERT, SHANER,

B. SMITH, SNYDER, SOLOBAY, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG, ALLEN, BARD, BARRAR, BROWNE, CALTAGIRONE, CAWLEY, CLARK, DeLUCA, DEMPSEY, EGOLF, FEESE, GEORGE, GLADECK, HANNA, HARHAI, HENNESSEY, HESS, LAUGHLIN, LEDERER, LESCOVITZ, TRELLO, MAITLAND, MANDERINO, MANN, MCGILL, MICOZZIE, R. MILLER, NICKOL, PETRARCA, RAMOS, REINARD, ROSS, SAYLOR, BAKER, STAIRS, STEIL, STRITTMATTER, STURLA, SURRA, TANGRETTI, THOMAS, TRAVAGLIO, VAN HORNE, WALKO, WRIGHT, YUDICHAK, L. I. COHEN, DALEY, VANCE, BASTIAN, ZIMMERMAN and SEMMEL

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1889 By Representatives BUNT, CLYMER, COY, CAPPABIANCA, SEMMEL, BELFANTI, ARMSTRONG, CHADWICK, ADOLPH, CORRIGAN, ARGALL, DAILEY, DALLY, DeWEESE, DRUCE, FAIRCHILD, FICHTER, FREEMAN, GODSHALL, GORDNER, GRUCELA, HARHART, HASAY, HERMAN, HERSHEY, JOSEPHS, KREBS, LUCYK, MAJOR, MARKOSEK, MASLAND, McCALL, McILHINNEY, MELIO, NAILOR, PESCI, PHILLIPS, PLATTS, ROBERTS, ROHRER, SATHER, SCHRODER, SEYFERT, SHANER, B. SMITH, SNYDER, SOLOBAY, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG, ALLEN, BARD, BARRAR, BROWNE, CALTAGIRONE, CAWLEY, CLARK, DeLUCA, DEMPSEY, EGOLF, FEESE, GEORGE, GLADECK, HANNA, HARHAI, HENNESSEY, HESS, LAUGHLIN, LEDERER, LESCOVITZ, TRELLO, MAITLAND, MANDERINO, MANN, MCGILL, MICOZZIE, R. MILLER, NICKOL, PETRARCA, RAMOS, REINARD, ROSS, SAYLOR, BAKER, STAIRS, STEIL, STRITTMATTER, STURLA, SURRA, TANGRETTI, THOMAS, TRAVAGLIO, VAN HORNE, WALKO, WRIGHT, YUDICHAK, L. I. COHEN, DALEY, VANCE, BASTIAN, ZIMMERMAN and LEH

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1890 By Representatives BUNT, HARHART, COY, CAPPABIANCA, MASLAND, ALLEN, ARGALL, ARMSTRONG, BAKER, BARD, BARRAR, BELFANTI, BROWNE, CALTAGIRONE, CAWLEY, CHADWICK, CLARK, CORRIGAN, DAILEY, DALEY, DALLY, DeLUCA, DEMPSEY, DeWEESE, DRUCE, EGOLF, FAIRCHILD, FEESE, FICHTER, FREEMAN, GEORGE, GLADECK, GODSHALL, GORDNER, GRUCELA, HANNA, HARHAI, ADOLPH, HASAY, HENNESSEY, HERMAN, HERSHEY, HESS, JOSEPHS, KREBS, LAUGHLIN, LEDERER, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG, LESCOVITZ,

TRELLO, MAITLAND, MANDERINO, MANN, MCGILL, MICOZZIE, R. MILLER, NICKOL, PETRARCA, RAMOS, REINARD, ROSS, SAYLOR, STAIRS, STEIL, STRITTMATTER, STURLA, SURRA, TANGRETTI, THOMAS, TRAVAGLIO, VAN HORNE, WALKO, WRIGHT, YUDICHAK, L. I. COHEN, VANCE, BASTIAN, ZIMMERMAN, LUCYK, McCALL, MELIO, PESCI, PLATTS, ROHRER, SCHRODER, SEYFERT, B. SMITH, SOLOBAY, LEH, MAJOR, McILHINNEY, NAILOR, PHILLIPS, ROBERTS, SATHER, SEMMEL, SHANER, SNYDER, CLYMER and MARKOSEK

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1891 By Representatives BUNT, SEMMEL, COY, CAPPABIANCA, LEH, BELFANTI, ARMSTRONG, CHADWICK, ADOLPH, CORRIGAN, ARGALL, DAILEY, DeWEESE, DRUCE, FAIRCHILD, FICHTER, FREEMAN, GODSHALL, GORDNER, GRUCELA, HARHART, HASAY, HERMAN, HERSHEY, JOSEPHS, KREBS, BAKER, LUCYK, MAJOR, MARKOSEK, MASLAND, McCALL, McILHINNEY, MELIO, NAILOR, PESCI, PHILLIPS, PLATTS, ROBERTS, ROHRER, SATHER, SCHRODER, SEYFERT, SHANER, B. SMITH, SNYDER, SOLOBAY, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG, ALLEN, BARD, BARRAR, BROWNE, CALTAGIRONE, CAWLEY, CLARK, DeLUCA, DEMPSEY, EGOLF, FEESE, GEORGE, GLADECK, HANNA, HENNESSEY, HESS, LAUGHLIN, LEDERER, LESCOVITZ, TRELLO, MAITLAND, MANDERINO, MANN, MCGILL, MICOZZIE, R. MILLER, NICKOL, PETRARCA, RAMOS, REINARD, ROSS, SAYLOR, STAIRS, STEIL, STRITTMATTER, STURLA, SURRA, TANGRETTI, THOMAS, TRAVAGLIO, VAN HORNE, WALKO, WRIGHT, YUDICHAK, L. I. COHEN, DALEY, VANCE, BASTIAN, ZIMMERMAN, DALLY, CLYMER and HARHAI

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1892 By Representatives BUNT, MASLAND, COY, CAPPABIANCA, LEH, ALLEN, ARGALL, ARMSTRONG, BAKER, BARD, BARRAR, BELFANTI, BROWNE, CALTAGIRONE, CAWLEY, CHADWICK, CLARK, L. I. COHEN, CORRIGAN, DAILEY, DALEY, DALLY, DeLUCA, DEMPSEY, DeWEESE, DRUCE, EGOLF, FAIRCHILD, FEESE, FICHTER, FREEMAN, GEORGE, GLADECK, GODSHALL, GORDNER, GRUCELA, HANNA, HARHAI, HARHART, HASAY, HENNESSEY, HERMAN, HERSHEY, HESS, JOSEPHS, KREBS, LAUGHLIN, LEDERER, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG, LESCOVITZ, TRELLO, MAITLAND, MANDERINO, MANN, MCGILL, MICOZZIE, R. MILLER, NICKOL, PETRARCA,

RAMOS, REINARD, ROSS, SAYLOR, STAIRS, STEIL, STRITTMATTER, STURLA, SURRA, TANGRETTI, THOMAS, TRAVAGLIO, VAN HORNE, WALKO, WRIGHT, YUDICHAK, VANCE, BASTIAN, ZIMMERMAN, ADOLPH, CLYMER, LUCYK, MAJOR, MARKOSEK, McCALL, McILHINNEY, MELIO, NAILOR, PESCI, PHILLIPS, PLATTS, ROBERTS, ROHRER, SATHER, SCHRODER, SEMMEL, SEYFERT, SHANER, B. SMITH, SNYDER and SOLOBAY

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1893 By Representatives BUNT, LEH, CAPPABIANCA, COY, SEMMEL, ALLEN, ARGALL, ARMSTRONG, BAKER, BARD, BARRAR, BELFANTI, BROWNE, CALTAGIRONE, CAWLEY, CHADWICK, CLARK, L. I. COHEN, CORRIGAN, DAILEY, DALEY, DALLY, DeLUCA, DEMPSEY, DeWEESE, DRUCE, EGOLF, FAIRCHILD, FEESE, FICHTER, FREEMAN, GEORGE, GLADECK, GODSHALL, GORDNER, GRUCELA, HANNA, HARHAI, HARHART, HASAY, HENNESSEY, HERMAN, HERSHEY, HESS, JOSEPHS, KREBS, LAUGHLIN, LEDERER, STABACK, STEELMAN, STERN, E. Z. TAYLOR, TRUE, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD, ZUG, LESCOVITZ, TRELLO, MAITLAND, MANDERINO, MANN, MCGILL, MICOZZIE, R. MILLER, NICKOL, PETRARCA, RAMOS, REINARD, ROSS, SAYLOR, STAIRS, STEIL, STRITTMATTER, STURLA, SURRA, TANGRETTI, THOMAS, TRAVAGLIO, VAN HORNE, WALKO, WRIGHT, YUDICHAK, VANCE, BASTIAN, ZIMMERMAN, ADOLPH, MAJOR, MASLAND, McILHINNEY, NAILOR, PHILLIPS, ROBERTS, SCHRODER, SHANER, SNYDER, CLYMER, LUCYK, MARKOSEK, McCALL, MELIO, PESCI, PLATTS, ROHRER, SEYFERT, B. SMITH and SOLOBAY

An Act providing for emergency drought relief as a result of weather conditions in 1999; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 29, 1999.

No. 1894 By Representatives DALLY, GODSHALL, E. Z. TAYLOR, SATHER, BARRAR, GRUCELA, WILT and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the use of temporary substitutes.

Referred to Committee on EDUCATION, September 29, 1999.

No. 1895 By Representatives FAIRCHILD, GEIST, NAILOR, EGOLF, TRELLO, ALLEN, ARGALL, BAKER, CLARK, DALLY, DEMPSEY, FRANKEL, HARHAI, HERSHEY, KENNEY, LAUGHLIN, LYNCH, MARSICO, MUNDY, PHILLIPS, PLATTS, ROSS, SATHER, SAYLOR, STEELMAN, STEIL, STERN and TRAVAGLIO

An Act repealing a provision relating to municipal approval of funding for airport operations or airport development in certain counties.

Referred to Committee on TRANSPORTATION, September 29, 1999.

No. 1896 By Representatives FAIRCHILD, GEIST, NAILOR, EGOLF, TRELLO, ALLEN, ARGALL, BAKER, CLARK, DALLY, DEMPSEY, FRANKEL, HARHAI, HERSHEY, KENNEY, LAUGHLIN, LYNCH, MARSICO, MUNDY, PHILLIPS, PLATTS, ROSS, SATHER, SAYLOR, STEELMAN, STEIL, STERN and TRAVAGLIO

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, repealing a provision relating to municipal approval of funding for airport operations or airport development in certain counties.

Referred to Committee on TRANSPORTATION, September 29, 1999.

No. 1897 By Representatives MAYERNIK, READSHAW, CLARK, LAUGHLIN, SEYFERT, GEIST, TRELLO, DeLUCA, RUFFING, MELIO, LEDERER, SHANER, FRANKEL, BROWNE, WALKO, KELLER, EACHUS, M. COHEN, PISTELLA, KAISER, SAYLOR, STEELMAN and B. SMITH

An Act amending the act of May 28, 1995 (1st Sp.Sess., P.L.1009, No.14), known as the DNA Detection of Sexual and Violent Offenders Act, further providing for the definition of "other specified offense."

Referred to Committee on JUDICIARY, September 29, 1999.

No. 1898 By Representatives BLAUM, HASAY, E. Z. TAYLOR, DALEY, M. COHEN, CAWLEY, LAUGHLIN, SEYFERT, TIGUE, TRELLO, SCHULER, WOJNAROSKI, HERSHEY, MELIO, SCRIMENTI, FRANKEL, SHANER, TANGRETTI, EACHUS, GRUCELA, PISTELLA, STEELMAN and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for invasion of minor's privacy; and further providing for exceptions to limitation of time for prosecution.

Referred to Committee on JUDICIARY, September 29, 1999.

No. 2000 By Representatives BARLEY, HERSHEY, VEON, PERZEL, GODSHALL, EVANS, ARGALL, TRICH, PHILLIPS, PISTELLA, E. Z. TAYLOR, TANGRETTI, CORNELL, MELIO, FARGO, CORRIGAN, KREBS, LEDERER, BARRAR, SOLOBAY, KENNEY, SHANER, RAYMOND, GRUCELA, STERN, YOUNGBLOOD, FEESE, STURLA, BROWNE, STABACK, SCHULER, ZUG, TRELLO, HASAY, HORSEY, BUNT, SEYFERT, ARMSTRONG, DALLY, L. I. COHEN, TULLI, SCHRODER, DAILEY, STRITTMATTER, HERMAN, BASTIAN, TRUE, HABAY, LEH, CLYMER, BARD, SEMMEL, BIRMELIN, R. MILLER, FORCIER, HENNESSEY, CHADWICK, FLEAGLE, MAITLAND, ALLEN, SAYLOR, S. MILLER, ZIMMERMAN and HESS

An Act providing for watershed protection and environmental stewardship; conferring powers and duties on the Department of Environmental Protection; establishing the Environmental Stewardship Fund; imposing a recycling fee; and making repeals.

Referred to Committee on APPROPRIATIONS, September 29, 1999.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the gentleman from Centre County, Mr. BENNINGHOFF, and the gentleman from Montgomery County, Mr. GLADECK. Without objection, the leaves will be granted. The Chair hears no objection, and the leaves are granted.

TASK FORCE APPOINTMENTS

The SPEAKER pro tempore. Pursuant to SR 8, the following members have been appointed to the bipartisan task force to study the feasibility of changing the date of general primary elections: the gentleman from Bucks County, Mr. Clymer; the gentleman from Lebanon County, Mr. Krebs; the gentleman from Delaware County, Mr. Vitali; and the gentleman from Allegheny County, Mr. Levdansky.

CONSIDERATION OF SB 264 CONTINUED

The SPEAKER pro tempore. We are about to continue with the day's voting schedule on SB 264. Members will please report to the floor.

Return to page 3 of today's calendar, SB 264, PN 1178.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A3267:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for participation in environmental law or regulation; and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 8340.1. Participation in environmental law or regulation.

(a) Immunity.—

(1) A person who acts in furtherance of the person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with an issue related to enforcement or implementation of environmental law or regulation shall be immune from civil liability in any action except where the communication to the government agency is not genuinely aimed at procuring a favorable governmental action, result or outcome.

(2) A communication is not genuinely aimed at procuring a favorable governmental action, result or outcome if it:

(i) is not material or relevant to the enforcement or implementation of environmental law or regulation;

(ii) was knowingly false when made;

(iii) was rendered with reckless disregard as to the truth or falsity of the statement when made; or
(iv) represented a wrongful use of process or abuse of process.

(b) Stay of discovery.—The court shall stay all discovery proceedings in the action upon the filing of preliminary objections for legal insufficiency of a pleading or other appropriate motion on the basis of immunity, provided, however, that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery shall remain in effect until notice of the entry of the order ruling on the preliminary objections or on another appropriate motion.

(c) Admissibility of court determination.—If the court determines that the plaintiff has established that there is a substantial likelihood that the plaintiff will prevail on the claim, neither that determination nor the fact of that determination shall be admissible in evidence at any later stage of the case, and no burden of proof or degree of proof otherwise applicable shall be affected by that determination.

(d) Intervention.—The government agency involved in the furtherance of a person's right of petition or free speech under the Constitution of the United States or the Constitution of Pennsylvania in connection with a public issue may intervene or otherwise participate as an amicus curiae in the action involving public petition and participation.

(e) Legal protections of defendants.—Nothing in this section shall be construed to limit any constitutional, statutory or common-law protections of defendants to actions involving public petition and participation.

(f) Abuse of legal process.—In addition to other costs or remedies allowed by general rule or statute, in any administrative or judicial proceeding related to the enforcement or implementation of environmental law or regulation, the agency or court may award costs, including reasonable attorney fees, if the agency or court determines that an action, appeal, claim, motion or pleading is frivolous or taken solely for delay or that the conduct of a party or counsel is dilatory or vexatious.

(g) Definitions.—The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Act in furtherance of a person's right of petition or free speech under the United States Constitution or the Constitution of Pennsylvania in connection with a public issue.” Any written or oral statement or writing made before a legislative, executive or judicial proceeding, or any other official proceeding authorized by law; any written or oral statement or writing made in connection with an issue under consideration or review by a legislative, executive or judicial body, or any other official proceeding authorized by law; any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest; or any written or oral statement or writing made to a government agency in connection with the implementation and enforcement of environmental law and regulations.

“Enforcement of environmental law and regulations.” Any activity related to the identification and elimination of violations of environmental laws and regulations, including investigations of alleged violations, inspections of activities subject to regulation under environmental law and regulations and responses taken to produce correction of the violations.

“Government agency.” The Federal Government, the Commonwealth and all of its departments, commissions, boards, agencies and authorities, and all political subdivisions and their authorities.

“Implementation of environmental law and regulations.” Any activity related to the development and administration of environmental programs developed under environmental law and regulations.

Section 2. The definition of “local agency” in section 8501 of Title 42 is amended to read:

Amend Sec. 2, page 2, line 6, by striking out “2” and inserting

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to offer amendment 3267 to SB 264. As many of you know, I have fought long to bring about the enactment of anti-SLAPP (strategic lawsuits against public participation) legislation. House colleagues on both sides of this aisle have supported these efforts. In fact, last April, Mr. Speaker, a bipartisan bill providing qualified immunity to citizens who raise concerns about a business entity was sent to the Senate for consideration, yet in as many instances, the Senate has chosen to allow a bill endorsed by the House to sit idle. We must continue to send this amendment that represents the culmination of bipartisan efforts to the Senate. Under this amendment, citizens would be provided with the following protection to ensure that they could have meritless lawsuits dismissed early on in the process.

Mr. Speaker, let me also attest that in my opinion, this bill, that points to, in the matter of immunity, the amendment that I prescribe and offer for your edification, goes a long way to really fitting into a bill that must insist on immunity under certain situations. We are not asking that people not be able to sue. We are simply saying when the material is not relevant to the enforcement or implementation of environmental law or regulation, or that it was made with knowledge that it was false.

Mr. Speaker, I ask that we endorse and accept this amendment. Thank you.

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

The following roll call was recorded:

YEAS—188

Adolph	Feese	Masland	Schuler
Argal	Fichter	Mayernik	Scrimenti
Armstrong	Fleagle	McCall	Semmel
Baker	Flick	McGill	Serafini
Bard	Forcier	McIlhattan	Seyfert
Barley	Frankel	McNaughton	Shaner
Barrar	Freeman	Melio	Smith, B.
Bastian	Gannon	Metcalfe	Smith, S. H.
Battisto	Geist	Michlovic	Snyder
Bebko-Jones	George	Micozzie	Solobay
Belardi	Gigliotti	Miller, R.	Staback
Belfanti	Godshall	Miller, S.	Stairs
Bimelin	Gordner	Mundy	Steelman
Bishop	Grucela	Myers	Steil
Blaum	Habay	Nailor	Stern
Boyes	Haluska	Nickol	Stetler
Browne	Hanna	O'Brien	Stevenson
Bunt	Harhai	Oliver	Strittmatter
Butkovitz	Harhart	Orie	Sturla
Buxton	Hasay	Perzel	Surra
Caltagirone	Hennessey	Pesci	Tangretti
Cappabianca	Herman	Petrarca	Taylor, J.
Cam	Hershey	Petrone	Thomas
Casorio	Hess	Phillips	Tigue
Cawley	Horsey	Pippy	Travaglio
Chadwick	Hutchinson	Pistella	Trello
Clark	Jadlowiec	Platts	Trich
Clymer	Josephs	Preston	True
Cohen, L. I.	Kaiser	Ramos	Tulli
Cohen, M.	Keller	Raymond	Vance
Cornell	Kenney	Readshaw	Van Home

Corrigan	Kirkland	Reinard	Veon
Costa	Krebs	Rieger	Vitali
Coy	Laughlin	Roberts	Walko
Curry	Lawless	Robinson	Washington
Dailey	Lederer	Roebuck	Waters
Daley	Leh	Rohrer	Williams
Daily	Lescovitz	Rooney	Wilt
DeLuca	Levdansky	Ross	Wogan
Dempsey	Lucyk	Rubley	Wojnaroski
Dermody	Lynch	Ruffing	Wright
DiGirolamo	Maher	Sainato	Yudichak
Druce	Maitland	Samuelson	Zimmerman
Eachus	Major	Santoni	Zug
Egolf	Manderino	Sather	
Evans	Mann	Saylor	Ryan,
Fairchild	Markosek	Schroder	Speaker
Fargo	Marsico		

NAYS-1

Gruitza

NOT VOTING-4

James	McGeehan	Yewcic	Youngblood
-------	----------	--------	------------

EXCUSED-10

Allen	Colafella	Gladeck	McIlhinney
Benninghoff	DeWeese	LaGrotta	Taylor, E. Z.
Civera	Donatucci		

The majority having voted in the affirmative, 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?

AMENDMENT A3177 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the lady from Philadelphia, Representative Manderino, who moves that the vote by which amendment No. A3177 to SB 264 was passed be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-189

Adolph	Flick	McCall	Semmel
Argall	Forcier	McGeehan	Serafini
Armstrong	Frankel	McGill	Seyfert
Baker	Freeman	McIlhattan	Shaner
Barley	Gannon	McNaughton	Smith, B.
Barrar	Geist	Melio	Smith, S. H.
Bastian	George	Metcalfe	Snyder
Battisto	Gigliotti	Michiovic	Solobay
Bebko-Jones	Godshall	Micozzie	Staback
Belardi	Gordner	Miller, R.	Stairs
Belfanti	Grucela	Miller, S.	Steelman
Birmelin	Gruitza	Mundy	Steil
Blaum	Habay	Myers	Stern
Boyes	Haluska	Nailor	Stetler
Browne	Hanna	Nickol	Stevenson
Bunt	Harhai	O'Brien	Strittmatter

Butkovitz	Harhart	Oliver	Sturla
Buxton	Hasay	Orie	Surra
Caltagirone	Hennessey	Perzel	Tangretti
Cappabianca	Herman	Pesci	Taylor, J.
Carn	Hershey	Petrarca	Thomas
Casorio	Hess	Petrone	Tigue
Cawley	Horsey	Phillips	Travaglio
Chadwick	Hutchinson	Pippy	Trello
Clark	Jadlowiec	Pistella	Trich
Clymer	James	Platts	True
Cohen, L. I.	Josephs	Preston	Tulli
Cohen, M.	Keller	Ramos	Vance
Cornell	Kenney	Raymond	Van Home
Corrigan	Kirkland	Readshaw	Veon
Costa	Krebs	Reinard	Vitali
Coy	Laughlin	Rieger	Walko
Curry	Lawless	Roberts	Washington
Dailey	Lederer	Robinson	Waters
Daley	Leh	Roebuck	Williams
Dally	Lescovitz	Rohrer	Wilt
DeLuca	Levdansky	Rooney	Wogan
Dempsey	Lucyk	Ross	Wojnaroski
Dermody	Lynch	Rubley	Wright
DiGirolamo	Maher	Ruffing	Yewcic
Druce	Maitland	Sainato	Youngblood
Eachus	Major	Samuelson	Yudichak
Egolf	Manderino	Santoni	Zimmerman
Fairchild	Mann	Sather	Zug
Fargo	Markosek	Saylor	
Feese	Marsico	Schroder	Ryan,
Fichter	Masland	Schuler	Speaker
Fleagle	Mayemik	Scrimenti	

NAYS-0

NOT VOTING-4

Bard	Bishop	Evans	Kaiser
------	--------	-------	--------

EXCUSED-10

Allen	Colafella	Gladeck	McIlhinney
Benninghoff	DeWeese	LaGrotta	Taylor, E. Z.
Civera	Donatucci		

The majority 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 amendment?

The clerk read the following amendment No. A3177:

Amend Title, page 1, line 4, by inserting after "immunity" and for sentencing procedure for murder of the first degree

Amend Bill, page 2, by inserting between lines 5 and 6, Section 2. Section 9711(d)(16) of Title 42 is amended to read:

§ 9711. Sentencing procedure for murder of the first degree.

(d) Aggravating circumstances.—Aggravating circumstances shall be limited to the following:

(16) The victim was a child under 12 years of age or a person 65 years of age or older.

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Philadelphia, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Just very briefly, I wanted to call to attention that for those members who were trying to be consistent with their votes and who are not in favor of the death penalty, this is one amendment that added an aggravating circumstance that many of us missed voting the way we wanted to on it, so it is a matter to make a correct record. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—171

Adolph	Fleagle	Masland	Scrimenti
Argall	Flick	Mayemik	Semmel
Armstrong	Forcier	McCall	Serafini
Baker	Frankel	McGeehan	Seyfert
Bard	Freeman	McGill	Shaner
Barley	Gannon	McIlhattan	Smith, B.
Barrar	Geist	McNaughton	Smith, S. H.
Bastian	George	Melio	Snyder
Battisto	Gigliotti	Metcalfe	Solobay
Belardi	Godshall	Micozzie	Staback
Belfanti	Gordner	Miller, R.	Stairs
Birmelin	Grucela	Miller, S.	Steelman
Blaum	Gruitza	Nailor	Steil
Boyes	Habay	Nickol	Stern
Browne	Haluska	O'Brien	Stetler
Bunt	Hanna	Orie	Stevenson
Butkovitz	Harhai	Perzel	Strittmatter
Buxton	Harhart	Pesci	Sturla
Caltagirone	Hasay	Petrarca	Surra
Casorio	Hennessey	Petrone	Tangretti
Cawley	Herman	Phillips	Taylor, J.
Chadwick	Hershey	Pippy	Tigue
Clark	Hess	Pistella	Travaglio
Clymer	Hutchinson	Platts	Trello
Cohen, L. I.	Jadlowiec	Preston	Trich
Cohen, M.	Kaiser	Ramos	True
Cornell	Keller	Raymond	Tulli
Corrigan	Kenney	Readshaw	Vance
Costa	Krebs	Reinard	Van Horne
Coy	Laughlin	Rieger	Veon
Dailey	Lawless	Roberts	Walko
Daley	Lederer	Rohrer	Williams
Dally	Leh	Rooney	Wilt
DeLuca	Lescovitz	Ross	Wogan
Dempsey	Levdansky	Rublely	Wojnaroski
Dermody	Lucyk	Ruffing	Wright
DiGirolamo	Lynch	Sainato	Yewcic
Druce	Maher	Samuelson	Yudichak
Eachus	Maitland	Santoni	Zimmerman
Egolf	Major	Sather	Zug
Fairchild	Mann	Saylor	
Fargo	Markosek	Schroder	Ryan,
Feese	Marsico	Schuler	Speaker
Fichter			

NAYS—22

Bebko-Jones	Horsley	Mundy	Thomas
Bishop	James	Myers	Vitali
Cappabianca	Josephs	Oliver	Washington

Carn	Kirkland	Robinson	Waters
Curry	Manderino	Roebuck	Youngblood
Evans	Michlovic		

NOT VOTING—0

EXCUSED—10

Allen	Colafella	Gladeck	McIlhinney
Benninghoff	DeWeese	LaGrotta	Taylor, E. Z.
Civera	Donatucci		

The majority having voted in the affirmative, 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. COHEN offered the following amendment No. A3233:

Amend Title, page 1, line 2, by inserting after "Statutes,"
providing for minimum wages; and
Amend Bill, page 1, lines 7 through 9, by striking out all of said
lines and inserting
Section 1. Part VI of Title 42 of the Pennsylvania Consolidated
Statutes is amended by adding a chapter to read:

CHAPTER 70
MINIMUM WAGES

- Sec.
- 7001. Declaration of policy.
 - 7002. Short title of chapter.
 - 7003. Definitions.
 - 7004. Minimum wages.
 - 7005. Exemptions.
 - 7006. Minimum Wage Advisory Board.
 - 7007. Investigations.
 - 7008. Duty of employer.
 - 7009. Enforcement, rules and regulations.
 - 7010. Unconstitutionality.
 - 7011. Penalties.
 - 7012. Civil actions.
- § 7001. Declaration of policy.

Employees are employed in some occupations in this Commonwealth for wages unreasonably low and not fairly commensurate with the value of the services rendered. Such a condition is contrary to public interest and public policy commands its regulation. Employees employed in such occupations are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Judged by any reasonable standard, wages in such occupations are often found to bear no relation to the fair value of the services rendered. In the absence of effective minimum fair wage rates for employees, the depression of wages by some employers constitutes a serious form of unfair competition against other employers, reduces the purchasing power of the workers and threatens the stability of the economy. The evils of unreasonable and unfair wages as they affect some employees employed in this Commonwealth are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the employees employed therein and of the public interest of the community at large.

§ 7002. Short title of chapter.
This chapter shall be known and may be cited as the Minimum Wage Act.

§ 7003. Definitions.

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

“Board.” The Minimum Wage Advisory Board created by this chapter.

“Department.” The Department of Labor and Industry of the Commonwealth.

“Employ.” Includes to permit to work.

“Employee.” Includes any individual employed by an employer.

“Employer.” Includes any individual, partnership, association, corporation, business trust or any person or group of persons acting, directly or indirectly, in the interest of an employer in relation to any employee.

“Gratuities.” Voluntary monetary contributions received by an employee from a guest, patron or customer for services rendered.

“Occupation.” Any industry, trade, business, service or employment or class or group thereof in which individuals are gainfully employed.

“Secretary.” The Secretary of Labor and Industry of the Commonwealth.

“Wage.” Paid to any employee includes the reasonable cost, as determined by the Secretary of Labor and Industry, to the employer for furnishing such employee with board, lodging or other facilities, if such board, lodging or other facilities are customarily furnished by such employer to his employees. The cost of board, lodging or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee and the Secretary of Labor and Industry is authorized to determine the fair value of such board, lodging or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. These evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee. In determining the hourly wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 45% of the applicable minimum wage rate upon the effective date of this chapter. The amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply with respect to any tipped employee unless:

(1) The employee has been informed by the employer of the provisions of this definition.

(2) All tips received by such employee have been retained by the employee and shall not be surrendered to the employer to be used as wages to satisfy the requirement to pay the current hourly minimum rate in effect; where the gratuity is added to the charge made by the establishment, either by the management, or by the customer, the gratuity shall become the property of the employee; except that this definition shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

“Wages.” Compensation due to any employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as may be permitted by regulations of the Secretary of Labor and Industry under section 7009 (relating to enforcement, rules and regulations).

§ 7004. Minimum wages.

(a) Rates.—Except as may otherwise be provided under this chapter, every employer shall pay to each employee wages for all hours worked at a rate of not less than:

(1) \$5.65 an hour 30 days after the effective date of this chapter.

(2) \$6.15 an hour beginning May 1, 2000.

(3) Beginning May 1, 2001, and every May 1 thereafter, the minimum wage shall be increased to the poverty level for a family of three, as set forth by the Department of Health and Human Services, divided by 2080, rounded up to the nearest 1¢ increment. In the event that this formula produces an increase of over 50¢ an hour the secretary shall increase the minimum wage by 50¢. Thirty days prior to May 1, the secretary shall publish in the Pennsylvania Bulletin notice of the new wage rate.

(b) Federal law.—If the minimum wage set forth in the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.) is increased above the level required by this section, the minimum wage shall match the levels of the Fair Labor Standards Act of 1938.

(c) Regulation.—The secretary, to the extent necessary to prevent curtailment of employment opportunities, shall by regulations provide for the employment of learners and students, under special certificates at wages lower than the minimum wage applicable under this section, and subject to such limitations as to number, proportion and length of service as the secretary shall prescribe. The minimum wage prescribed under this subsection shall not be less than 85% of the otherwise applicable wage rate in effect under this section. A special certificate issued under this subsection shall provide that six or fewer students for whom it is issued shall, except during vacation periods, be employed on a part-time basis and not in excess of 20 hours in any workweek at a subminimum rate. In the case of an employer who intends to employ seven or more students, at a subminimum rate, the secretary may issue a special certificate only if the employer certifies to the secretary that employment of such students will not create a substantial probability of reducing the full-time employment opportunities for other workers.

(d) Overtime.—Employees shall be paid for overtime not less than one and one-half times the employee’s regular rate as prescribed in regulations promulgated by the secretary. Students employed in seasonal occupations as defined and delimited by regulations promulgated by the secretary may, by such regulations, be excluded from the overtime provisions of this chapter. The secretary shall promulgate regulations with respect to overtime subject to the limitations that no pay for overtime in addition to the regular rate shall be required except for hours in excess of 40 hours in a workweek.

(e) Impairment.—An employee whose earning capacity is impaired by physical or mental deficiency or injury may be paid less than the applicable minimum wage if either a license specifying a wage rate commensurate with the employee’s productive capacity has been obtained by the employer from the secretary or a Federal certificate is obtained under section 14(c) of the Fair Labor Standards Act of 1938. A license obtained from the secretary shall be granted only upon joint application of employer and employee.

§ 7005. Exemptions.

(a) Double exemptions.—Employment in the following classifications shall be exempt from both the minimum wage and overtime provisions of this chapter:

(1) Labor on a farm.

(2) Domestic services in or about the private home of the employer.

(3) Delivery of newspapers to the consumer.

(4) In connection with the publication of any weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(5) In a bona fide executive, administrative, or professional capacity, including any employee employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools, or in the capacity of outside salesman, as such terms are defined and delimited from time to time by regulations of the secretary, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes

to activities not directly or closely related to the performance of executive administrative activities, if less than 40% of his hours worked in the workweek are devoted to such activities.

(6) In the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organization gratuitously.

(7) In seasonal employment, if the employee is under 18 years of age, or if a student under 24 years of age, by a nonprofit health or welfare agency engaged in activities dealing with handicapped or exceptional children or by a nonprofit day or resident seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year.

(8) In employment by an establishment which is a public amusement or recreational establishment, organized camp or religious or nonprofit educational conference center, if:

(i) it does not operate for more than seven months in any calendar year; or

(ii) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3% of its average receipts for the other six months of such year.

(9) Golf caddy.

(10) In employment as a switchboard operator employed by an independently owned public telephone company which has not more than 750 stations.

(11) Employees not subject to civil service laws who hold elective office or are on the personal staff of such an officeholder, are immediate advisers to him, or are appointed by him to serve on a policy-making level.

(b) Overtime exemptions.—Employment in the following classifications shall be exempt from the overtime provisions of this chapter:

(1) Seaman.

(2) Any salesman, partsman or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers.

(3) Any driver employed by an employer engaged in the business of operating taxicabs.

(4) Any employee employed as an announcer, news editor, or chief engineer by a radio or television station, the major studio of which is located:

(i) in a city or town of 100,000 population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of 100,000; or

(ii) in a city or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area.

(5) Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup.

(6) Employment by an establishment which is a motion picture theater.

(7) Any employee of a motor carrier with respect to whom the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. § 3102(b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards).

§ 7006. Minimum Wage Advisory Board.

(a) Board created.—There is hereby created in the Department of Labor and Industry a Minimum Wage Advisory Board consisting of

nine members to be appointed by the secretary to assist him in carrying out his duties under this chapter, and for the purpose of conducting public hearings at the request of the secretary in order to recommend rules and regulations for the occupations covered within this chapter.

(b) Membership.—Of the nine members, three shall be representatives of an established recognized association of labor organizations, three shall be representatives of an established recognized association of employers and three shall be members from the general public. The secretary or his designated representative shall be chairman of the board.

(c) Compensation.—Each member of the board shall receive compensation of \$30 per day plus necessary expenses for each day actually spent in the performance of his duties. No employee of the Commonwealth shall receive any additional compensation or expenses on account of his services under this chapter.

(d) Notice.—At least ten days' public notice shall be given in the manner prescribed by the board prior to any public hearing of the board. Five members of the board shall constitute a quorum.

(e) Powers.—The board shall have the power and duty to:

(1) Consult with the secretary concerning any matter arising under the administration of this chapter and advise and assist him in carrying out the duties prescribed for him by section 7008 (relating to duty of employer).

(2) Conduct public hearings at the request of the secretary in order to develop rules and regulations in accordance with section 7009 (relating to enforcement; rules and regulations), in which hearings due process of law shall be observed and any person may appear and be heard or file statements in support of his position.

(3) Submit its report, including recommendations for the promulgation of rules and regulations, to the secretary, who shall within 30 days thereafter accept such report or refer it to the board for further consideration and consultation. If the report is referred to the board for further consideration, the secretary shall, in consultation with the board, modify, amend, or otherwise act upon such report within 60 days thereafter. Rules and regulations developed and promulgated hereunder shall be published and any person aggrieved thereby shall have a right of review.

§ 7007. Investigations.

The secretary or his representative shall have authority to investigate and ascertain the wages of persons employed in any occupation in this Commonwealth; enter and inspect the place of business or employment of any employer in any occupation in this Commonwealth at any reasonable time, for the purpose of examining and inspecting any records of any such employer that in any way relate to wages, hours, or other conditions of employment of any such employees; copy any or all of such records as he or his authorized representative may deem necessary or appropriate; require from such employer full and accurate statements in writing, at such times as the secretary may deem necessary, of the wages paid to all employees in his employment; and interrogate such persons for the purpose of ascertaining whether the provisions of this chapter and the regulations issued have been and are being complied with.

§ 7008. Duty of employer.

Every employer shall keep a true and accurate record of the hours worked by each employee and the wages paid to each, and shall furnish to the secretary or his duly authorized representative, upon demand, a sworn statement of the same. Such records shall be open to inspection by any duly authorized representative of the secretary at any reasonable time and shall be preserved for a period of three years. Every employer subject to this chapter shall keep a summary of this chapter and any regulations issued hereunder applicable to him posted in a conspicuous place where employees normally pass and can read it. Employers shall, upon request, be furnished copies of such summaries without charge. Employers shall permit any duly authorized representative of the secretary to interrogate any employee in the place of employment and during work hours with respect to the wages paid and the hours worked by such employee or other employees.

§ 7009. Enforcement, rules and regulations.

The secretary, Attorney General and district attorneys shall enforce this chapter. The secretary shall make and, from time to time, revise regulations, with the assistance of the board when requested by him, which shall be deemed appropriate to carry out the purposes of this chapter and to safeguard the minimum wage rates hereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative or professional employees and outside salesmen, learners and apprentices, their number, proportion, length of learning period and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employee relationship.

§ 7010. Unconstitutionality.

If any provision of this chapter, or the application hereof to any person or circumstances, is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected hereby.

§ 7011. Penalties.

(a) Discharge or discrimination.—Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify before the secretary or his representative in any investigation or proceeding under or related to this chapter, or because such employer believes that said employee may so testify shall, upon conviction hereof in a summary proceeding, be sentenced to pay a fine of not less than \$500 nor more than \$1,000, and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than 90 days.

(b) Underpayment.—Any employer or the officer or agent of any corporation who pays or agrees to pay any employee less than the rates applicable to such employee under this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$75 nor more than \$300 or to undergo imprisonment of not less than ten nor more than 60 days, or both. Each week in which such employee is paid less than the rate applicable to him under this chapter and for each employee who is paid less than the prescribed rate, a separate offense shall be deemed to occur. Any agreement between the employer and the employee to work for less than the applicable wage rate shall be no defense to action by the Commonwealth under this chapter.

(c) Other violations.—Any employer or the officer or agent of any corporation who violates any other provision of this chapter or of any regulation issued hereunder shall, upon conviction hereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 nor more than \$500, and each day of such failure to comply with this chapter or regulation shall constitute a separate offense.

§ 7012. Civil actions.

If any employee is paid by his or her employer less than the minimum wages provided by section 7004 (relating to minimum wages) or by any regulation issued thereunder, such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer, together with costs and such reasonable attorney fees as may be allowed by the court, and any agreement between the employer and the worker to work for less than such minimum wage shall be no defense to such action. At the request of any employee paid less than the minimum wage to which such employee was entitled under this chapter and regulations issued hereunder, the secretary may take an assignment of such wage claim in trust for the assigning worker and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the cost and such reasonable attorney fees as may be allowed by the court.

Section 2. The definition of "local agency" in section 8501 of Title 42 is amended to read:

Amend Sec. 2, page 2, line 6, by striking out "2" and inserting
3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman from Philadelphia County is recognized, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, throughout the 1960s and 1970s, a minimum-wage job held a family of three above poverty. In inflation-adjusted dollars, today's minimum-wage worker makes less, 30 percent less, than a minimum-wage worker in 1968. A minimum-wage worker today makes less in real dollars than at any time from the late 1950s until 1984, when it became Federal policy to allow inflation to repeal the minimum wage over time.

Despite a modest increase in the Federal minimum wage in 1997, a minimum-wage worker today heading a small family of three falls \$3,168 below the poverty guideline set by the U.S. Department of Health and Human Services. Even the smallest family of two — one child and one working parent — falls \$348 below the poverty line.

It is a disgrace that we value work so little in our society that we permit the minimum wage to fall to a point where a full-time wage earner makes only 77 percent of the traditional family-of-three poverty line mark, and that is assuming that the worker can work 40 hours a week, 52 weeks a year, without a day off or a sick day.

Make no mistake, the minimum wage is now being repealed as we speak by time, inflation, and governmental indifference. This legislature must now act to protect its citizens by raising the Pennsylvania minimum wage.

Mr. Speaker, this amendment provides for an increase in the minimum wage to \$5.65, effective in 30 days, and an additional increase to \$6.15 on May 1, 2000. In May of the year 2001 and thereafter, the minimum wage would be indexed to allow a full-time worker to earn the poverty line for a family of three—

The SPEAKER pro tempore. Will the gentleman, Mr. Cohen, suspend.

Does the lady seek recognition now?

The Chair apologizes. The gentleman may continue.

Mr. COHEN. It would cap any one year increase at 50 cents. As a practical matter, this formula should produce a 50-cent increase in the year 2001 to \$6.65, followed by only small annual increases thereafter to adjust for inflation.

This amendment also removes the "tip credit" language inserted by the legislature last session which would have the effect of capping the minimum wage for restaurant workers at \$2.83. This amendment is about making the minimum wage a living wage for all workers.

Is it too much to ask for the year 2000 that we establish as the policy of this Commonwealth that families of full-time workers should not be impoverished? I ask members to support this amendment. Thank you.

The SPEAKER pro tempore. On the question, the lady from Luzerne County is recognized, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I support the Cohen amendment, and I would ask my colleagues to do the same.

I want to just reflect for a minute on the minimum wage and the issue of the rate of the minimum wage as a critical women's and

children's issue. When families break up or when one parent leaves or is not present, it is usually the mother who is left as both wage earner and caregiver for the children.

When we talk about poverty, we are all too often talking about women and children. A typical two- or three-person family living in poverty consists of a woman with one or two dependent children. It is no accident that 60 percent of minimum-wage earners are women, according to calculations by the Center for Budget and Policy Priorities and the Economic Policy Institute, both of Washington, D.C. The minimum wage is a women's and children's issue, especially at a time when we are talking about transitioning more families off of the welfare rolls and into the work environment that provides largely minimum-wage jobs, unfortunately without adequate support for child care and other necessities of life.

The minimum wage is not a living wage for even the smallest of Pennsylvania's families. It is disgraceful that today's minimum wage falls over \$3,100 short of the Federal poverty line for a family of three. Even a family of two cannot be supported by a wage earner who works a full-time job at the minimum wage. And that poverty line set by the Federal government does not adequately incorporate the real costs of child care that enables a parent to be employed full time.

Seventy-five dollars a week is probably a low average cost for child care for one child. Seventy-five dollars a week for 52 weeks a year equals almost \$4,000 in child-care costs for one child for 1 year. A minimum-wage earner today only makes \$10,712, assuming she can work 40 hours a week for 52 weeks a year, without being sick herself or having to take time off to care for a sick child.

We must support a minimum wage that meets some standard of decency for women and children and all families in Pennsylvania. It is a shame and horrible public policy to maintain a minimum wage that does not even allow a parent with one child to live decently above the poverty line. And if a two-person family cannot survive on the minimum wage, what hope does a three-person family have?

I urge all of my colleagues in the General Assembly to restore the minimum wage to its traditional level that will maintain a family of three above the Federal poverty line. All Pennsylvania families deserve no less but especially Pennsylvania's children.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the proposal by the Representative from Philadelphia attempts to create a "Chapter 70: Minimum Wages" in Title 42 of the Pennsylvania Consolidated Statutes. Mr. Speaker, Title 42 is related to the judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities, and liabilities related to the administration of justice.

Currently the minimum wage law of Pennsylvania is a freestanding act known as the Minimum Wage Act of 1968. Furthermore, Mr. Speaker, under this proposal, if adopted by this House and enacted into law, there could actually be two minimum wage statutes in the Commonwealth, because amendment 3233 fails to repeal the Minimum Wage Act of 1968, and therefore, we would have the freestanding act as well as the statute in Title 42.

GERMANENESS QUESTIONED

Mr. SNYDER. As a result, Mr. Speaker, I raise the motion that this amendment, 3233, which proposes to put a minimum wage law in our Judiciary Code, is not germane.

The SPEAKER pro tempore. The gentleman from Lehigh County, Mr. Snyder, has raised the question of whether amendment A3233 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Title 42, as Mr. Snyder says, deals with civil remedies and access to the courts, and this minimum-wage amendment deals with civil remedies and access to the courts. It is therefore germane.

Now, the House of Representatives has passed the minimum wage in the past as a Title 42 amendment. Why, back in 1996, our distinguished former colleague, Tom Stish, introduced this as an amendment to Title 42, and we supported it, Mr. Speaker. It passed the House overwhelmingly. At that time the germaneness of it was not challenged at all.

The germaneness of this amendment is not the real issue. The real question before the House is whether or not we should restore the purchasing power of the minimum wage so that a full-time worker can keep a small family above the poverty line.

The SPEAKER pro tempore. Will the gentleman suspend.

The gentleman is straying from the question of whether or not the amendment is germane. Please stay on point.

Mr. COHEN. Mr. Speaker, this amendment is germane. Title 42 deals with civil remedies and access to the courts, and the minimum-wage amendment deals with civil remedies and access to the courts. Whether it repeals a minimum-wage bill in another title is totally irrelevant to the question of whether it is germane. This is a germane amendment. The House has supported this and passed this as an amendment to Title 42 just 3 years ago under Republican sponsorship. I would urge that we hold the amendment to be germane today and do something worthwhile that hundreds of thousands of Pennsylvanians will approve of.

Mr. SURRA. Mr. Speaker?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to encourage the House to vote that this amendment is germane.

As my colleague from Philadelphia just mentioned, it was just 3 short years ago that a minimum-wage amendment was attached to the same title, so if it was germane then, it is germane now.

Mr. Speaker, we need to raise the minimum wage in Pennsylvania.

The SPEAKER pro tempore. Will the gentleman suspend. That is not part of the discussion of germaneness.

Mr. SURRA. I am talking on germaneness.

The SPEAKER pro tempore. You were.

Mr. SURRA. Thank you.

The SPEAKER pro tempore. You no longer are. Please stay on point.

Mr. SURRA. I will, sir.

We need to raise the minimum wage in Pennsylvania, Mr. Speaker, and now is a germane opportunity to do so, and to vote that it is not germane when we did so just 3 years ago, Mr. Speaker, is a way of ducking away of raising the minimum wage. Thank you.

The SPEAKER pro tempore. Those who believe that the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-93

Battisto	George	McCall	Solobay
Bebko-Jones	Gigliotti	McGeehan	Staback
Belardi	Gordner	Melio	Steelman
Belfanti	Grucela	Michlovic	Stetler
Blaum	Gruitza	Mundy	Sturla
Butkovitz	Haluska	Myers	Surra
Buxton	Hanna	Pesci	Tangretti
Caltagirone	Harhai	Petrarca	Thomas
Cappabianca	Horsey	Petrone	Tigue
Carn	James	Pistella	Travaglio
Casorio	Josephs	Preston	Trello
Cawley	Kaiser	Ramos	Trich
Cohen, M.	Keller	Readshaw	Van Horne
Corrigan	Kirkland	Roberts	Veon
Costa	Laughlin	Robinson	Vitali
Coy	Lederer	Roebuck	Walko
Curry	Lescovitz	Rooney	Washington
Daley	Levdansky	Ruffing	Waters
DeLuca	Lucyk	Sainato	Williams
Dermody	Manderino	Samuelson	Wojnaroski
Eachus	Mann	Santoni	Yewcic
Evans	Markosek	Scrimenti	Youngblood
Frankel	Mayemik	Shaner	Yudichak
Freeman			

NAYS-97

Adolph	Feese	Marsico	Schuler
Argall	Fichter	Masland	Semmel
Armstrong	Fleagle	McGill	Serafini
Baker	Flick	McIlhatten	Seyfert
Bard	Forcier	McNaughton	Smith, B.
Barley	Gannon	Metcalfe	Smith, S. H.
Barrar	Geist	Micozzie	Snyder
Bastian	Godshall	Miller, R.	Stairs
Birmelin	Habay	Miller, S.	Steil
Boyes	Harhart	Nailor	Stern
Browne	Hasay	Nickol	Stevenson
Bunt	Hennessey	O'Brien	Strittmatter
Chadwick	Herman	Orie	Taylor, J.
Clark	Hershey	Perzel	True
Clymer	Hess	Phillips	Tulli
Cohen, L. I.	Hutchinson	Pippy	Vance
Cornell	Jadlowiec	Platts	Wilt
Dailey	Kenney	Raymond	Wogan
Dally	Krebs	Reinard	Wright
Dempsey	Lawless	Rohrer	Zimmerman
DiGirolamo	Leh	Ross	Zug
Druce	Lynch	Rubley	
Egolf	Maher	Sather	Ryan,
Fairchild	Maitland	Saylor	Speaker
Fargo	Major	Schroder	

NOT VOTING-3

Bishop	Oliver	Rieger
--------	--------	--------

EXCUSED-10

Allen	Colafella	Gladeck	McIlhinney
Benninghoff	DeWeese	LaGrotta	Taylor, E. Z.
Civera	Donatucci		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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.

The following roll call was recorded:

YEAS-185

Adolph	Flick	McGeehan	Semmel
Argall	Forcier	McGill	Serafini
Armstrong	Frankel	McIlhatten	Seyfert
Baker	Freeman	McNaughton	Shaner
Bard	Gannon	Melio	Smith, B.
Barley	Geist	Metcalfe	Smith, S. H.
Barrar	George	Michlovic	Snyder
Bastian	Godshall	Micozzie	Solobay
Battisto	Gordner	Miller, R.	Staback
Bebko-Jones	Grucela	Miller, S.	Stairs
Belardi	Gruitza	Mundy	Steelman
Belfanti	Habay	Myers	Steil
Birmelin	Haluska	Nailor	Stern
Blaum	Hanna	Nickol	Stetler
Boyes	Harhai	O'Brien	Stevenson
Browne	Harhart	Oliver	Strittmatter
Bunt	Hasay	Orie	Sturla
Butkovitz	Hennessey	Perzel	Surra
Buxton	Herman	Pesci	Tangretti
Caltagirone	Hershey	Petrarca	Taylor, J.
Casorio	Hess	Petrone	Thomas
Cawley	Hutchinson	Phillips	Tigue
Chadwick	Jadlowiec	Pippy	Travaglio
Clark	James	Pistella	Trello
Clymer	Josephs	Platts	Trich
Cohen, L. I.	Kaiser	Preston	True
Cohen, M.	Keller	Ramos	Tulli
Cornell	Kenney	Raymond	Vance
Corrigan	Kirkland	Readshaw	Van Horne
Costa	Krebs	Reinard	Veon
Coy	Laughlin	Rieger	Walko
Dailey	Lawless	Roberts	Washington
Daley	Lederer	Robinson	Waters
Dally	Leh	Roebuck	Williams
DeLuca	Lescovitz	Rohrer	Wilt
Dempsey	Levdansky	Rooney	Wogan
Dermody	Lucyk	Ross	Wojnaroski
DiGirolamo	Lynch	Rubley	Wright
Druce	Maher	Ruffing	Yewcic
Eachus	Maitland	Sainato	Youngblood
Egolf	Major	Samuelson	Yudichak
Evans	Mann	Santoni	Zimmerman

Fairchild	Markosek	Sather	Zug
Fargo	Marsico	Saylor	
Feese	Masland	Schroder	Ryan,
Fichter	Mayernik	Schuler	Speaker
Fleagle	McCall	Scrimenti	

NAYS-6

Cappabianca	Curry	Manderino	Vitali
Carn	Horsey		

NOT VOTING-2

Bishop	Gigliotti
--------	-----------

EXCUSED-10

Allen	Colafella	Gladeck	McIlhinney
Benninghoff	DeWeese	LaGrotta	Taylor, E. Z.
Civera	Donatucci		

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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 963, PN 2310

By Rep. PERZEL

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

RULES.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests that the gentleman from Allegheny County, Mr. GIGLIOTTI, be placed on leave. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 963, PN 2310**, entitled:

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

On the question,
Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Gannon, that the House do concur in the amendments inserted by the Senate.

On the question recurring,
Will the House concur in Senate amendments?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-176

Adolph	Fargo	Masland	Schuler
Argall	Feese	Mayernik	Scrimenti
Armstrong	Fichter	McCall	Semmel
Baker	Fleagle	McGeehan	Serafini
Bard	Flick	McGill	Seyfert
Barley	Forcier	McIlhattan	Shaner
Barrar	Frankel	McNaughton	Smith, B.
Bastian	Freeman	Melio	Smith, S. H.
Battisto	Gannon	Metcalfe	Snyder
Bebko-Jones	Geist	Michlovic	Solobay
Belardi	George	Micozzie	Staback
Belfanti	Godshall	Miller, R.	Stairs
Birmelin	Gordner	Miller, S.	Steelman
Bishop	Grucela	Mundy	Steil
Blaum	Gruitza	Nailor	Stern
Boyes	Habay	Nickol	Stetler
Browne	Haluska	O'Brien	Stevenson
Bunt	Hanna	Oliver	Strittmatter
Butkovitz	Harhai	Orie	Sturla
Buxton	Harhart	Perzel	Surra
Caltagirone	Hasay	Pesci	Tangretti
Cappabianca	Hennessey	Petrarca	Taylor, J.
Casorio	Herman	Petrone	Tigue
Cawley	Hershey	Phillips	Travaglio
Chadwick	Hess	Pippy	Trello
Clark	Hutchinson	Pistella	Trich
Clymer	Jadlowiec	Platts	True
Cohen, L. I.	Kaiser	Preston	Tulli
Cohen, M.	Keller	Ramos	Vance
Cornell	Kenney	Raymond	Van Horne
Corrigan	Krebs	Readshaw	Veon
Costa	Laughlin	Reinard	Walko
Coy	Lawless	Roberts	Williams
Dailey	Lederer	Rohrer	Wilt
Daley	Leh	Rooney	Wogan
Dally	Lescovitz	Ross	Wojnarowski
DeLuca	Levdansky	Rubley	Wright
Dempsey	Lucyk	Ruffing	Yewcic
Dermody	Lynch	Sainato	Yudichak
DiGirolamo	Maher	Samuelson	Zimmerman
Druce	Maitland	Santoni	Zug
Eachus	Major	Sather	
Egolf	Mann	Saylor	Ryan,
Evans	Markosek	Schroder	Speaker
Fairchild	Marsico		

NAYS-15

Cam	Josephs	Robinson	Washington
Curry	Kirkland	Roebuck	Waters
Horsey	Manderino	Thomas	Youngblood
James	Myers	Vitali	

NOT VOTING—1

Rieger

EXCUSED—11

Allen	Colafella	Gigliotti	McIlhinney
Benninghoff	DeWeese	Gladeck	Taylor, E. Z.
Civera	Donatucci	LaGrotta	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise the members that he has given permission to Jeremy Diller of WGAL-TV to videotape with audio on the House floor.

STATEMENT BY MR. VITALI

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

Mr. VITALI. Just to speak very briefly on unanimous consent.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

I wanted to make a request. The request would be — and I will explain my reason in a second — when we are voting on a bill such as the bill we just passed or an amendment, that prior to its being voted on, just a very brief one-sentence description of what it is we are voting on be read.

Now, I ask that for two reasons. One, with regard to the previous bill, I voted on HB 963, and frankly, I did not know what I was voting on, and I know a lot of other members did not either, just by what I was hearing on the floor, so I think it would help members in certain situations and prevent them from blind voting. The second reason is, the House Select Committee on Rules is proposing that we make this change, and just as a way to see if this makes any sense, if we could just try this procedure out for a couple of session days.

So my request would be, if we could just, prior to bills or amendments being voted on, just a one- or two-sentence explanation by the maker of the bill or the amendment or the appropriate chairman in the case of Senate bills, what have you. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for his useful suggestion, although the Chair would point out that both caucuses did caucus on the legislation prior to the vote.

STATEMENT BY MR. GANNON

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

Mr. GANNON. Mr. Speaker, just briefly on unanimous consent.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GANNON. Mr. Speaker, two points.

Any member can interrogate a member with respect to any proposal, whether it is an amendment or a bill on Senate amendments that another member is offering before the House, so that if the gentleman had a question, he could have interrogated any member, including myself. Point two is, in light of the fact that any member can ask that question, there is no need for a rule change that requires that that be put forward. Members are at liberty to read the bills, ask questions, inform themselves, and then vote accordingly.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. TRAVAGLIO called up HR 252, PN 2345, entitled:

A Resolution designating the month of October as "Big Brothers and Big Sisters Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Adolph	Feese	Marsico	Schuler
Argall	Fichter	Masland	Scrimenti
Armstrong	Fleagle	Mayemik	Semmel
Baker	Flick	McCall	Serafini
Bard	Forcier	McGeehan	Seyfert
Barley	Frankel	McGill	Shaner
Barrar	Freeman	McIlhattan	Smith, B.
Bastian	Gannon	McNaughton	Smith, S. H.
Battisto	Geist	Melio	Snyder
Bebko-Jones	George	Metcalfe	Solobay
Belardi	Godshall	Michlovic	Staback
Belfanti	Gordner	Micozzie	Stairs
Birmelin	Grucela	Miller, R.	Steelman
Bishop	Gruitza	Miller, S.	Steil
Blaum	Habay	Mundy	Stern
Boyes	Haluska	Myers	Stetler
Browne	Hanna	Nailor	Stevenson
Bunt	Harhai	Nickol	Strittmatter
Butkovitz	Harhart	O'Brien	Snurla
Buxton	Hasay	Oliver	Surra
Caltagirone	Hennessey	Orie	Tangretti
Cappabianca	Herman	Perzel	Taylor, J.
Carn	Hershey	Pesci	Thomas
Casorio	Hess	Petrarca	Tigue
Cawley	Horsey	Petrone	Travaglio
Chadwick	Hutchinson	Phillips	Treilo
Clark	Jadlowiec	Pippy	Trich
Clymer	James	Pistella	True
Cohen, L. I.	Josephs	Platts	Tulli
Cohen, M.	Kaiser	Preston	Vance
Cornell	Keller	Ramos	Van Home
Corrigan	Kenney	Raymond	Veon
Costa	Kirkland	Readshaw	Vitali
Coy	Krebs	Reinard	Walko
Curry	Laughlin	Roberts	Washington
Dailey	Lawless	Robinson	Waters
Daley	Lederer	Roebuck	Williams
Dally	Leh	Rohrer	Wilt
DeLuca	Lescovitz	Rooney	Wogan
Dempsey	Levdansky	Ross	Wojnaroski
Dermody	Lucyk	Rubley	Wright
DiGiroliamo	Lynch	Ruffing	Yewcic
Druce	Maher	Sainato	Yudichak

Eachus	Maitland	Samuelson	Zimmerman
Egolf	Major	Santoni	Zug
Evans	Manderino	Sather	
Fairchild	Mann	Saylor	Ryan,
Fargo	Markosek	Schroder	Speaker

NAYS—0

NOT VOTING—2

Rieger Youngblood

EXCUSED—11

Allen	Colafella	Gigliotti	McIlhinney
Benninghoff	DeWeese	Gladeck	Taylor, E. Z.
Civera	Donatucci	LaGrotta	

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 761, PN 811**, entitled:

An Act repealing the act of April 4, 1870 (P.L.834, No.765), entitled "An act relative to contracts by county commissioners in certain counties of this commonwealth."

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

Ms. **JOSEPHS** offered the following amendment No. **A3289**:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Making repeals.

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. The following acts and parts of acts are repealed:

Act of April 4, 1870 (P.L.834, No.765), entitled "An act relative to contracts by county commissioners in certain counties of this Commonwealth.

18 Pa.C.S. § 6120.

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

The **SPEAKER pro tempore**. On that question, the Chair recognizes the lady from Philadelphia, Representative Josephs.

Ms. **JOSEPHS**. Thank you, Mr. Speaker.

The main bill before us is a repealer. My amendment is also a repealer. It repeals Title 18, section 6120, which is a section of our code that forbids municipalities, counties, townships, and other political subdivisions from having their own stricter than the State's standards on gun safety. It is something which unfortunately seems to be commonly applied to the urban areas, but based on my experience in Erie and Crawford Counties, to which I alluded this morning, I would expect that many municipalities, counties, and other political subdivisions who are

represented by you, Mr. Speaker, wherever you are in the State, would very much like to protect themselves and their citizens by having stricter standards for the owning and possessing, the selling, the buying, and the carrying of firearms that are dangerous to their citizens.

I would like to remind you again that a solid majority, 55 percent of voters in Pennsylvania, say that gun control or gun safety laws are not tough enough. Only 26 percent say the gun laws are too strict, while about a third only say that gun laws are about right. And the sense that gun laws are not tough enough cuts across all kinds of lines — gender, age, education level, race, religion, and partisanship — including strong majorities of women and older voters. Pennsylvania voters overwhelmingly support—

The **SPEAKER pro tempore**. Will the lady suspend.

I have had an indication from a couple of members that they cannot hear the lady. The House will come to order. Members will please take their conversations outside the hall of the House. Thank you.

The lady may continue.

Ms. **JOSEPHS**. Thank you, Mr. Speaker.

I want to just repeat that Pennsylvania voters overwhelmingly support stricter gun control laws — 71 percent. Seventy-one percent, those of us who were elected by those kinds of numbers — and there are a few of us — consider that a mandate. I consider that a mandate. Seventy-one percent of voters in this State want stricter gun control laws, and this amendment, which repeals the requirement that we all be controlled by State law, will be very satisfying to people who want to see in their municipalities, their counties, their townships, their boroughs, a stricter standard than we have given in the legislature. A majority, 54 percent, strongly favor stricter laws, and again, support extends across lines of gender, race, education level, religion, and party. Even majorities of gun owners and hunters favor stricter laws.

If you are concerned about the safety of your citizens, if you are concerned about local autonomy, something I remember the ladies and gentlemen on the other side of the aisle bringing up in many, many contexts over and over again, these are the people who are closest to the voters; these are the people who should know what the voters want — the officials who run our counties, our municipalities, our townships, and our boroughs. I urge you to vote for my amendment. Thank you, Mr. Speaker.

The **SPEAKER pro tempore**. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. **GODSHALL**. Thank you, Mr. Speaker.

First, on the argument of preemption, we passed I believe it was HB 110 a couple years ago. We said the State of Pennsylvania has the authority and the only authority to regulate firearms. Existing gun laws say that no county, municipality, or township may in any manner regulate the lawful ownership, possession, transfer, or transportation of firearms, ammunition, or ammunition components when carried or transported for the purposes not prohibited by the laws of this Commonwealth. Accordingly, under the existing law, any act of the Philadelphia City Council or any other council would be a blatant attempt to circumvent the constitutional and statutory law of Pennsylvania. It is the constitutional power of only this General Assembly to pass laws concerning guns. Because the ownership of firearms is constitutionally protected, its regulation is a matter of statewide concern.

Mr. Speaker, if I could have a little bit of order.

The SPEAKER pro tempore. The House will come to order.

Mr. GODSHALL. There is an important part here—

The SPEAKER pro tempore. Will the gentleman suspend while I get you some order.

Members will please take their seats. Please take your conversations outside the hall of the House. This is not an insignificant matter that we are debating.

Mr. Godshall.

Mr. GODSHALL. Thank you.

In 1996 the Supreme Court of Pennsylvania in the case of *Ortiz v. Commonwealth* issued an order compelling the city of Philadelphia to cease and desist all efforts to ban the so-called assault weapons within the city limits. In his majority opinion, Justice Flaherty held, quote, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned. Because the ownership of firearms is constitutionally protected, its regulation is a matter of statewide concern. The constitution does not provide that the right to bear arms shall not be questioned in any part of the commonwealth except Philadelphia and Pittsburgh, where it may be abridged at will, but that it shall not be questioned in any part of the commonwealth. Thus, regulation of firearms is a matter of concern in all of Pennsylvania, not merely in Philadelphia and Pittsburgh, and the General Assembly, not city councils, is the proper forum for the imposition of such regulation," end of quote.

In 1978 the Commonwealth Court in the case of *Schneck v. City of Philadelphia* suspended Philadelphia ordinance 10-814. The ordinance in this case required all firearm purchasers in Philadelphia and anyone who intended to bring a firearm into or through the city to obtain a license from the city's Department of Licenses and Inspections before they could possess the firearm. This act of the council was in blatant disregard of an existing State statute, and the court correctly so ruled.

To me this is a misguided attempt to weaken the constitutionally granted power of this General Assembly and all of us, its individual members, and to grant it to the City Council of Philadelphia.

Indeed, if Philadelphia City Council wants to really fight gun violence in the city, then it should review the city's criminal courts, which refuse to apply the strict penalties for illegal firearm sales and possession that were established in the Uniform Firearms Act of 1995.

The amendment can be defeated on constitutionality or it can be defeated on merit. I am asking that this amendment be defeated on merit. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, after just listening to that gentleman, the reality is that this General Assembly can give as well as taketh away, and the fact is that this General Assembly chose to change the law in 1994 and 1995. The lady from the city of Philadelphia is only recommending that not just in the case of the city of Philadelphia but that every local government have the ability to determine what is in their best interest relating to gun policy. I think that is a very sound position.

Let me just give you an example of what happened with the change of the law of 1994 and 1995. In the case of the city of Philadelphia, there were 5,000 licenses in the city of Philadelphia. Today there are 35,000 licenses in the city of Philadelphia. In the county of Montgomery County, there are 27,000 licensed gun

carriers in the county of Montgomery County. So just from the change of that particular law in 1994 to 1995 and what we did in this General Assembly, in my view, we did not allow the local governments to do what was necessary and appropriate for their particular situation. The only thing that the lady from the city of Philadelphia is expressing is that we should allow local governments to determine what is the best gun policy relating to their particular community. What is wrong with allowing local governments to make that determination? In my view, the best decisions are made at the local level. So we should allow local governments to determine what is in their best interest.

Obviously, Pittsburgh and Philadelphia and Erie and Harrisburg are different than Pike or Wayne County or Lackawanna County. No one tries to impose a type of different gun policy on those particular counties. So in my view, I think that the lady from the city of Philadelphia is trying to strike a balance and to allow every single local government to make a determination what works best for their particular community.

I support the Josephs amendment and ask all my other colleagues to also support that amendment. Thank you.

The SPEAKER pro tempore. On the question, the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, what the Josephs amendment does is essentially allow the city of Philadelphia and I believe Pittsburgh to implement its own gun laws.

I would like the members of the General Assembly to remember a couple of things. Yesterday in the Daily News, Russell Byers wrote an article, and I will capsule-summary it as best I can. First off, they cannot run the gas company. They cannot even get people their bills and you cannot even call in and find out how much you owe. They cannot run the water company. You cannot get a water company truck out to your home if the water breaks. The schools, 75 percent of the 10th and 11th graders do not test at grade level. You have got potholes all over the city of Philadelphia. The general government itself has the PICA (Pennsylvania Intergovernmental Cooperation Authority) Board to oversee their finances because they cannot run the finances in the city of Philadelphia. The housing authority on low-income homes spends \$100,000 per house when the average cost of a home in Philadelphia is \$50,000, and now they are telling you they are going to be able to run this properly.

Mr. Speaker, by any stretch of the imagination, they have not been able to run State government down there. We lost 150,000 people over the last 8 years and 100,000 jobs, the largest loss of any county in America. Mr. Speaker, if they cannot run those things, I am sure they cannot run anything dealing with guns. So I would strongly suggest we oppose the Josephs amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I think Representative Perzel hit the real key here, is management of these kinds of items for Pennsylvania.

It is interesting. In York County we have 72 municipalities, and if everyone would have a different rule or regulation administering gun laws that we have, we would have chaos. If a person from York County wants to fly to Wyoming and goes into the city of Philadelphia on his way hunting in Colorado, what does he have to know about Philadelphia and their gun laws, or if he is simply traveling from one township to another.

This law makes no sense at all. It is not even common sense. You cannot break down and have a different policy on guns in every municipality of this Commonwealth. We have over 2,600 townships and boroughs and cities in this State, and we are going to let them each have their different regulations and then we are going to expect people of this Commonwealth to know and not to break those laws? Let us be reasonable and let us use a little bit of common sense. Instead of trying to make political hay out of these issues, let us get to the real root of the problems that we are having with violence in schools and everything else today.

I ask for a "no" vote on this.

The SPEAKER pro tempore. On the amendment, the gentleman from Philadelphia, Mr. Horsey, is recognized.

Mr. HORSEY. Well, Mr. Speaker, I do not want to burst anyone's bubble, but the foundation of this country is local rule. This country was founded on the principle that people in their own communities judge and regulate themselves, Mr. Speaker. So when you talk about 2,900 municipalities or 2,300, whatever that number is, absolutely, sir. Those counties, those municipalities, those townships, they regulate themselves, and from one township to another, regulations and rules are different. There is nothing unusual about that, Mr. Speaker.

Guns are a major problem. It is not unreasonable, Mr. Speaker, for the lady, Ms. Josephs, to make the request of local control. That is all she is making the argument for, that we in the city of Philadelphia would like to be able to set the standards that govern us and not persons from Elk or Potter County when they may not ever come to Philadelphia nor have they ever been to Philadelphia.

So the argument for local control, Mr. Speaker, is consistent with Americanism which started the country. We argued against the British setting policy in our communities, and we are making the same argument with lady Josephs, speaker Josephs, when she says, let Philadelphia decide how and in what way they will regulate guns.

I ask for an affirmative vote on the lady's amendment. Thank you, Mr. Speaker.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the gentleman, Mr. Snyder, and the gentleman, Mr. Veon, respectively, who request leaves for the gentleman from Delaware County, Mr. ADOLPH, and the gentleman from Philadelphia County, Mr. OLIVER. Without objection, the leaves will be granted. The Chair hears no objection, and the leaves are granted.

CONSIDERATION OF HB 761 CONTINUED

The SPEAKER pro tempore. Returning to amendment 3289, the Chair recognizes the gentleman, Mr. McGeehan, from Philadelphia.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, we better pay attention to what is happening with this amendment, because it has the potential of turning normally law-abiding citizens into criminals in this Commonwealth, and I will tell you why. If, under this amendment, an off-duty police officer with a concealed weapon from a county that sits outside of the city of Philadelphia goes into the city of Philadelphia and the city of Philadelphia has a concealed weapons ban, that

police officer is in violation of Philadelphia law. If this amendment goes into effect, private investigators who have concealed weapons and go into a jurisdiction that passes such a law would be in criminal violation. Dealing with private detectives, dealing with a whole host of other situations where, as I said, normally law-abiding citizens who in their county that may be one block removed from another county and this county passes a law different from their home county, they have the potential of being criminally prosecuted if this amendment passes.

I would urge caution with this amendment. I think, as the Representative from York said, this is an amendment that bears watching, and I would recommend a "no" vote.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Once again the Chair returns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the gentleman from Dauphin County, Mr. TULLI. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF HB 761 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Northampton County, Mr. Rooney.

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

Mr. Speaker, we cannot have it both ways. We just simply cannot have it both ways. I had heard a previous speaker suggest that if the gentelady's amendment were adopted and placed into law, we would have chaos, and I would submit that there are areas in this Commonwealth where chaos exists today. When you consider the fact that children and seniors are needlessly dying as a result of senseless gun violence and the areas in which they live have no ability to control their own fate, to determine their own destiny, I think that would qualify by anybody's reasonable definition as chaos. We simply cannot have it both ways, and I think we need to be consistent.

There are many, many examples of the General Assembly coming together and saying to local governments and to local people that self-determination is the way to go. When you think about the Sterling Act that empowers cities, Philadelphia and Pittsburgh, to regulate issues relating to health and safety, when you consider the overall notion and ideal of home rule, when you consider that recently we allowed Allegheny County to change their form of government — and there will be an election in a few short days that will set a new course — when you consider that we have 501 local school districts in this Commonwealth, we do so and those who defend that suggest it is appropriate because the best decisions are made at the local level. And I agree with that. I fundamentally believe that the people that we serve are equally as capable of making decisions that are in their best interests and more capable of making those decisions than we are attempting to micromanage their affairs from Harrisburg.

Well, Chairman Evans referred to the law that was passed in 1994 that micromanaged the affairs of local governments as it relates to the regulation of firearms, and I believe that was wrong, and I believe Representative Joseph's amendment offers us the prospect of correcting that. We simply cannot have it both ways. If we are consistent in that we believe local government and those men and women who are elected to serve have the capacity to

make good decisions, informed decisions, decisions that are in the best interests of the people they serve, then why, why in God's name would we limit their ability to apply that same logic when it comes to the regulation of firearms in their locales?

I vigorously support amendment A3289, and I would respectfully suggest my colleagues join me.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Delaware County, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. Interestingly enough, one of the prior speakers who supports this amendment pointed out that since we have a uniform firearms law throughout the Commonwealth of Pennsylvania, 35,000 permits have been issued in the city of Philadelphia to carry a weapon. That means that 35,000 citizens who live in the city of Philadelphia can now exercise their right to defend themselves, a right which is guaranteed to them under our Constitution, which, as was pointed out earlier, applies from the Delaware River uniformly to the Ohio boundary.

What the proponents of this amendment would like us to have is not one uniform firearm law that can be enforced by every jurisdiction in the Commonwealth; they would like to have 67 different firearm laws, that somebody traveling from one end of the State to the other would be in a quandary as to whether or not they were violating the law or not violating the law as they traveled our highways.

A prior speaker said, well, you cannot have it both ways. What they want is they want us to have it 67 different ways. Mr. Speaker, we cannot have a patchwork of laws across this Commonwealth dealing with such an important issue as a constitutional right to keep and bear arms. We should have one law that we have in place now, and if changes in that one law should be made, they should be made here in this General Assembly.

And finally, the problem in Philadelphia is not that they do not have their own little gun law that makes them feel good and does nothing; the problem in Philadelphia is they are not enforcing the existing law. Now, if they put their nose to the grindstone and rolled up their sleeves and began to put some of those criminals behind bars and began to enforce existing laws, then maybe we would see the results that everyone would like to see with respect to criminal conduct in this Commonwealth, and that is criminals behind bars and our citizens being able to walk the streets safely day or night.

I urge a "no" vote on this amendment.

The SPEAKER pro tempore. On the amendment, the gentleman from Bucks County, Mr. Clymer, is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I do not know if anyone was watching the program last night called "Hardball," but Chris Matthews had the superintendent of police on of New York City and they were talking about the amazing miracle that was happening not on 34th Street but throughout the city. Mayor Rudy Giuliani had done a remarkable job in controlling crime; what were the keys of success that he was using? And Representative Gannon just mentioned one. The superintendent of police said, we enforce the laws; we took the laws that were on the books and we enforce them and we have strong leadership from the mayor, and he said with everyone working together, pulling together, the communities, the neighborhoods, understanding what their mission was, what their role was, they have had a major success in reducing crime. They

did not have to have a new listing of the laws but they enforced those that they already had, so maybe someone should contact the mayor and the superintendent of police in New York City, which has a population of around 7 million people, and find out just exactly their formula for success in reducing crime.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey, for the second time on the amendment.

Mr. HORSEY. Thank you, Mr. Speaker.

I do not know what Philadelphia that the chairman of the Judiciary Committee goes to, but the Philadelphia that I know, Mr. Speaker, does need some work, but no more work than any other small town or municipality in this State.

One of our problems that we do have that I do not hear many people talking about is the number of illegal guns, Mr. Speaker, that are on the street that are being used to commit crimes in the city of Philadelphia. Let us talk about those guns, Mr. Speaker, and when you talk about enforcement in law, it is almost impossible until an act or a criminal act is committed to catch the illegal guns. No one wants to discuss the illegal guns that are wandering throughout the street, Mr. Speaker. No one wants to talk about those guns, but those are the guns being used by the criminals to primarily commit the crimes against the law-abiding citizens in the city of Philadelphia, and I resent the gentleman for seeming to be suggesting that there is no enforcement in the city of Philadelphia.

The other thing, Mr. Speaker, is the great job that the gentleman in New York is doing and yada, yada, yada, yada, yada, ya. Mr. Speaker, I am here to tell you that no one can control 10 million people, at least 20,000 policemen, if 10 million people do not want to be controlled, Mr. Speaker. And I am here to tell you that it probably has very little to do with police activity as much as the public has subdued and mellowed a little bit in the city of Philadelphia and New York and every major city in this country. Crime statistics are down in every major city, in every major city in this country, Mr. Speaker. So to make one person — and it happened on his watch so he gets the credit — but to make it seem as if he did something major to bring the rate of crime down is ludicrous, Mr. Speaker, especially in a city that has 10 million people. If those people wanted to break the law, I am here to tell you that the police, the Army, tanks, missiles, nothing would stop 10 million people from committing crimes if that is what they chose to do. There has been a conscious effort by the citizenry of New York, as Philadelphia, to commit less crimes.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to speak on the issue, but I cannot resist following up the comments of my colleague, Mr. Clymer, who earlier talked about the TV show that he watched last night and how the city of New York and the mayor there have seen a dramatic drop in crime and seen a dramatic drop in gun violence. The reason for that is because New York City has one of the strongest gun laws in the nation. If you give us that same kind of right in the city of Philadelphia which the Josephs amendment is trying to do and in the city of Pittsburgh, we may have the same kind of results. We might have our mayors and our police chiefs on TV at night talking about how we have reduced gun deaths and gun violence across our cities. That is what the whole amendment is about.

So I urge my colleagues, if they do want to see the same kind of success that New York City has, let us start registration of guns in those cities; let us start doing things that are common sense that the American public wants to do, and we will see the same kind of drop in crime in our cities and we will be on that TV program, too.

I urge adoption of the Josephs amendment. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

The Chair recognizes the sponsor of the amendment, the lady from Philadelphia, for the second time, Representative Josephs. Ms. JOSEPHS. Thank you, Mr. Speaker.

I would like to respond to a few things. Yes, I believe the city of New York, a place where I grew up and that I am very familiar with, has less than half the number of permits to carry than we have in Philadelphia, a city which is much smaller, and I think that has something to do with the fact that they have had some success in combating gun violence. I would like also to say that in Montgomery County — and those ladies and gentlemen from Montgomery County do know this — the law enforcement people are trying to encourage folks to use trigger locks. They are giving them out free with new purchases. Are we going to forbid them from doing that? Clearly people understand that we need local initiatives.

I would also like to say that our chief of police, Commissioner Timoney, has an entire unit devoted to depriving irresponsible citizens of a permit to carry because he sees it as such a danger to the health and welfare and safety of the people that he is dedicated to protecting.

And I would also like to say that this goes well beyond Philadelphia and Pittsburgh. This would allow not 67 counties but many more local municipalities to have local control, and yes, yes, it will be inconvenient for people who take weapons from county to county and municipality to municipality. But you want to know something, Mr. Speaker? I do not think that is improper. These kinds of machines have caused so much death and suffering, have caused so much for us in terms of money and human misery that if someone owns one of these firearms, he or she should be reminded every moment that there is a whole structure of statutes that limit him or her, that charge him and her to be absolutely 100 percent entirely responsible, and if it means that he has got to or she has got to call ahead and find out whether the municipality, the county, the township, or the borough that he or she is carrying his or her gun through means that he or she has to take different kinds of precautions, I think that is good. I am for that. And I think anybody who claims to be for gun responsibility has also got to be for that, and the majority of Pennsylvania voters agree. If you want to reflect what your voters think, some of you folks in rural counties, I suppose, do not think that your municipalities and your boroughs and your townships want to have local control, and maybe you are afraid to find out, because I think they do.

Thank you, Mr. Speaker.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—36

Bard	Evans	Levdansky	Roebuck
Bebko-Jones	Frankel	Manderino	Rooney
Bishop	Horsey	Michiovic	Stetler
Butkovitz	James	Myers	Thomas
Cappabianca	Josephs	Pistella	Vitali
Carr	Kaiser	Preston	Washington
Cohen, L. I.	Keller	Ramos	Waters
Cohen, M.	Kirkland	Rieger	Williams
Curry	Lederer	Robinson	Youngblood

NAYS—153

Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Barley	Freeman	McIlhattan	Smith, B.
Barrar	Gannon	McNaughton	Smith, S. H.
Bastian	Geist	Melio	Snyder
Battisto	George	Metcalfe	Solobay
Belardi	Godshall	Micozzie	Staback
Belfanti	Gordner	Miller, R.	Stairs
Birmelin	Grucela	Miller, S.	Steelman
Blaum	Gruitza	Mundy	Steil
Boyes	Habay	Nailor	Stern
Browne	Haluska	Nickol	Stevenson
Bunt	Hanna	O'Brien	Strittmatter
Buxton	Harhai	Orie	Sturla
Caltagirone	Harhart	Perzel	Surra
Casorio	Hasay	Pesci	Tangretti
Cawley	Hennessey	Petrarca	Taylor, J.
Chadwick	Herman	Petrone	Tigue
Clark	Hershey	Phillips	Travaglio
Clymer	Hess	Pippy	Trello
Cornell	Hutchinson	Platts	Trich
Corrigan	Jadlowiec	Raymond	True
Costa	Kenney	Readshaw	Vance
Coy	Krebs	Reinard	Van Horne
Dailey	Laughlin	Roberts	Veon
Daley	Lawless	Rohrer	Walko
Dally	Leh	Ross	Wilt
DeLuca	Lescovitz	Rublely	Wogan
Dempsey	Lucyk	Ruffing	Wojnaroski
Dermody	Lynch	Sainato	Wright
DiGirolamo	Maher	Samuelson	Yewcic
Druce	Maitland	Santoni	Yudichak
Eachus	Major	Sather	Zimmerman
Egolf	Mann	Saylor	Zug
Fairchild	Markosek	Schroder	
Fargo	Marsico	Schuler	Ryan,
Feese	Masland	Scrimenti	Speaker
Fichter	Mayemik	Semmel	

NOT VOTING—0

EXCUSED—14

Adolph	Colaifella	Gladeck	Oliver
Allen	DeWeese	LaGrotta	Taylor, E. Z.
Benninghoff	Donatucci	McIlhinney	Tulli
Civera	Gigliotti		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. 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.

The following roll call was recorded:

YEAS—177

Argall	Fleagle	Mayernik	Semmel
Armstrong	Flick	McCall	Serafini
Baker	Forcier	McGeehan	Seyfert
Bard	Frankel	McGill	Shaner
Barley	Freeman	McIlhattan	Smith, B.
Barrar	Gannon	McNaughton	Smith, S. H.
Bastian	Geist	Melio	Snyder
Battisto	George	Metcalfe	Solobay
Bebko-Jones	Godshall	Micozzie	Staback
Belardi	Gordner	Miller, R.	Stairs
Belfanti	Grucela	Miller, S.	Steelman
Birmelin	Gruitza	Mundy	Steil
Blaum	Habay	Nailor	Stern
Boyes	Haluska	Nickol	Stetler
Browne	Hanna	O'Brien	Stevenson
Bunt	Harhai	Orie	Strittmatter
Butkovitz	Harhart	Perzel	Sturla
Buxton	Hasay	Pesci	Surra
Caltagirone	Hennessey	Petrarca	Tangretti
Cappabianca	Herman	Petrone	Taylor, J.
Cawley	Hershey	Phillips	Thomas
Chadwick	Hess	Pippy	Tigue
Clark	Hutchinson	Pistella	Travaglio
Clymer	Jadlowiec	Platts	Trello
Cohen, L. I.	Kaiser	Preston	Trich
Cohen, M.	Keller	Ramos	True
Cornell	Kenney	Raymond	Vance
Corrigan	Kirkland	Readshaw	Van Horne
Costa	Krebs	Reinard	Veon
Coy	Laughlin	Rieger	Vitali
Dailey	Lawless	Roberts	Walko
Daley	Lederer	Robinson	Williams
Dally	Leh	Roebuck	Wilt
DeLuca	Lescovitz	Rohrer	Wogan
Dempsey	Levdansky	Rooney	Wojnaroski
Dermody	Lucyk	Ross	Wright
DiGirolamo	Lynch	Rubley	Yewcic
Druce	Maher	Ruffing	Youngblood
Eachus	Maitland	Sainato	Yudichak
Egolf	Major	Samuelson	Zimmerman
Evans	Manderino	Santoni	Zug
Fairchild	Mann	Sather	
Fargo	Markosek	Saylor	Ryan,
Feese	Marsico	Schroder	Speaker
Fichter	Masland	Schuler	

NAYS—11

Cam	Horsey	Michlovic	Washington
Casorio	James	Myers	Waters
Curry	Josephs	Scrimanti	

NOT VOTING—1

Bishop

EXCUSED—14

Adolph	Colafella	Gladeck	Oliver
Allen	DeWeese	LaGrotta	Taylor, E. Z.
Benninghoff	Donatucci	McIlhinney	Tulli
Civera	Gigliotti		

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 764, PN 814**, entitled:

An Act repealing the act of May 20, 1921 (P.L.976, No.347), entitled "An act fixing the salary of the jury commissioners of the counties of the third class."

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

The SPEAKER. Ms. Josephs, you are not offering amendments to these others, are you?

Ms. JOSEPHS. You know, I would really like to, but I am not going to make a speech. Let us just vote it.

The SPEAKER. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of Mr. DeWeese. He shall be taken from the leave list.

CONSIDERATION OF HB 764 CONTINUED

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

The SPEAKER. 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.

The following roll call was recorded:

YEAS—184

Argall	Feese	Mann	Saylor
Armstrong	Fichter	Markosek	Schroder
Baker	Fleagle	Marsico	Schuler
Barley	Flick	Masland	Scrimanti
Barrar	Forcier	Mayernik	Semmel
Bastian	Frankel	McCall	Serafini
Battisto	Freeman	McGeehan	Seyfert
Bebko-Jones	Gannon	McGill	Shaner
Belardi	Geist	McIlhattan	Smith, B.
Belfanti	George	McNaughton	Smith, S. H.
Birmelin	Godshall	Melio	Snyder
Blaum	Gordner	Metcalfe	Solobay

Boyes	Grucela	Micozzie	Staback
Browne	Gruitza	Miller, R.	Steelman
Bunt	Habay	Miller, S.	Steil
Butkovitz	Haluska	Mundy	Stern
Buxton	Hanna	Myers	Stetler
Caltagirone	Harhai	Nailor	Stevenson
Cappabianca	Harhart	Nickol	Strittmatter
Cam	Hasay	O'Brien	Sturla
Casorio	Hennessey	Orie	Surra
Cawley	Herman	Perzel	Tangretti
Chadwick	Hershey	Pesci	Taylor, J.
Clark	Hess	Petrarca	Thomas
Clymer	Horsey	Petrone	Tigue
Cohen, L. I.	Hutchinson	Phillips	Travaglio
Cohen, M.	Jadlowiec	Pippy	Trelio
Cornell	James	Pistella	Trich
Corrigan	Josephs	Platts	True
Costa	Kaiser	Preston	Vance
Coy	Keller	Ramos	Van Home
Curry	Kenney	Raymond	Veon
Dailey	Kirkland	Readshaw	Vitali
Daley	Krebs	Reinard	Waiko
Dally	Laughlin	Rieger	Washington
DeLuca	Lawless	Roberts	Waters
Dempsey	Lederer	Robinson	Williams
Dermody	Leh	Roebuck	Wilt
DeWeese	Lescovitz	Rohrer	Wogan
DiGirolamo	Levdansky	Rooney	Wojnaroski
Druce	Lucyk	Ross	Wright
Eachus	Lynch	Ruffing	Yewcic
Egolf	Maher	Sainato	Youngblood
Evans	Maitland	Samuelson	Yudichak
Fairchild	Major	Santoni	Zimmerman
Fargo	Manderino	Sather	Zug

NAYS-1

Michlovic

NOT VOTING-5

Bard	Rubley	Ryan,
Bishop	Stairs	Speaker

EXCUSED-13

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

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 763, PN 813**, entitled:

An Act repealing the act of May 8, 1919 (P.L.130, No.96), entitled "An act authorizing any county and city in any county in which the county-seat is within the limits of such city, to erect a joint county and municipal building or buildings; providing for the conditions and agreements under which such building or buildings may be erected and occupied, and for the ownership thereof; providing for the selection of a site for said building or buildings, and authorizing said county and city to make a sale or exchange of properties under certain conditions for the purpose of securing such site; authorizing the acquisition of property for such building or buildings by purchase or condemnation; and authorizing

the county to issue bonds in payment of any indebtedness incurred for its share of the cost of such building, or buildings, and land."

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

Ms. JOSEPHS. Mr. Speaker?
The SPEAKER. Ms. Josephs.

Ms. JOSEPHS. I am sorry. I was not clear when I spoke last. I would like to offer my amendment. It does the same thing. It allows local control. I just want to make that clear. I will not make a speech about it, but I do want to offer it.

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

Ms. JOSEPHS offered the following amendment No. **A3288**:

Amend Title, page 1, lines 1 through 14, by striking out all of said lines and inserting

Making repeals.

Amend Bill, page 1, lines 17 through 22; page 2, lines 1 through 8, by striking out all of said lines on said pages and inserting

Section 1. The following acts and parts of acts are repealed: Act of May 8, 1919 (P.L.130, No.96), entitled "An act authorizing any county and city in any county in which the county-seat is within the limits of such city, to erect a joint county and municipal building or buildings; providing for the conditions and agreements under which such building or buildings may be erected and occupied, and for the ownership thereof; providing for the selection of a site for said building or buildings, and authorizing said county and city to make a sale or exchange of properties under certain conditions for the purpose of securing such site; authorizing the acquisition of property for such building or buildings by purchase or condemnation; and authorizing the county to issue bonds in payment of any indebtedness incurred for its share of the cost of such building, or buildings, and land."

18 Pa.C.S. § 6120.

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

The following roll call was recorded:

YEAS-37

Bard	Evans	Levdansky	Roebuck
Bebko-Jones	Frankel	Manderino	Rooney
Bishop	Horsey	Michlovic	Stetler
Butkovitz	James	Myers	Thomas
Cappabianca	Josephs	Pistella	Vitali
Cam	Kaiser	Preston	Washington
Cohen, L. I.	Keller	Ramos	Waters
Cohen, M.	Kirkland	Rieger	Williams
Curry	Lederer	Robinson	Youngblood
Druce			

NAYS-153

Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Barley	Freeman	McIlhatten	Smith, B.
Barrar	Gannon	McNaughton	Smith, S. H.
Bastian	Geist	Melio	Snyder
Battisto	George	Metcalfe	Solobay
Belardi	Godshall	Micozzie	Staback
Belfanti	Gordner	Miller, R.	Stairs
Birmelin	Grucela	Miller, S.	Steelman

Blaum	Gruitza	Mundy	Steil
Boyes	Habay	Nailor	Stern
Browne	Haluska	Nickol	Stevenson
Bunt	Hanna	O'Brien	Strittmatter
Buxton	Harhai	Orie	Sturla
Caltagirone	Harhart	Perzel	Surra
Casorio	Hasay	Pesci	Tangretti
Cawley	Hennessey	Petrarca	Taylor, J.
Chadwick	Herman	Petrone	Tigue
Clark	Hershey	Phillips	Travaglio
Clymer	Hess	Pippy	Trello
Cornell	Hutchinson	Platts	Trich
Corrigan	Jadlowiec	Raymond	True
Costa	Kenney	Readshaw	Vance
Coy	Krebs	Reinard	Van Horne
Dailey	Laughlin	Roberts	Veon
Daley	Lawless	Rohrer	Walko
Dally	Leh	Ross	Wilt
DeLuca	Lescovitz	Rubley	Wogan
Dempsey	Lucyk	Ruffing	Wojnaroski
Dermody	Lynch	Sainato	Wright
DeWeese	Maher	Samuelson	Yewcic
DiGirolamo	Maitland	Santoni	Yudichak
Eachus	Major	Sather	Zimmerman
Egolf	Mann	Saylor	Zug
Fairchild	Markosek	Schroder	
Fargo	Marsico	Schuler	Ryan,
Feese	Masland	Scrimenti	Speaker
Fichter	Mayernik	Semmel	

NOT VOTING—0

EXCUSED—13

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. 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.

The following roll call was recorded:

YEAS—186

Argall	Feese	Marsico	Schroder
Armstrong	Fichter	Masland	Schuler
Baker	Fleagle	Mayernik	Scrimenti
Bard	Flick	McCall	Semmel
Barley	Forcier	McGeehan	Serafini
Barrar	Frankel	McGill	Seyfert
Bastian	Freeman	McIlhattan	Shaner
Battisto	Gannon	McNaughton	Smith, B.
Bebko-Jones	Geist	Melio	Smith, S. H.
Belardi	George	Metcalfe	Snyder
Belfanti	Godshall	Michlovic	Solobay
Birmelin	Gordner	Micozzie	Staback
Bishop	Grucela	Miller, R.	Stairs

Blaum	Gruitza	Miller, S.	Steelman
Boyes	Habay	Mundy	Steil
Browne	Haluska	Myers	Stern
Bunt	Hanna	Nailor	Stetler
Butkovitz	Harhai	Nickol	Stevenson
Buxton	Harhart	O'Brien	Strittmatter
Caltagirone	Hasay	Orie	Sturla
Cappabianca	Hennessey	Perzel	Surra
Carn	Herman	Pesci	Tangretti
Casorio	Hershey	Petrarca	Taylor, J.
Cawley	Hess	Petrone	Thomas
Chadwick	Horshey	Phillips	Tigue
Clark	Hutchinson	Pippy	Travaglio
Clymer	Jadlowiec	Pistella	Trello
Cohen, L. I.	James	Platts	Trich
Cornell	Kaiser	Preston	True
Corrigan	Keller	Ramos	Vance
Costa	Kenney	Raymond	Van Horne
Coy	Kirkland	Readshaw	Vitali
Curry	Krebs	Reinard	Walko
Dailey	Laughlin	Rieger	Washington
Daley	Lawless	Roberts	Waters
Dally	Lederer	Robinson	Williams
DeLuca	Leh	Roebuck	Wilt
Dempsey	Lescovitz	Rohrer	Wogan
Dermody	Levdansky	Rooney	Wojnaroski
DeWeese	Lucyk	Ross	Wright
DiGirolamo	Lynch	Rubley	Yewcic
Druce	Maher	Ruffing	Youngblood
Eachus	Maitland	Sainato	Yudichak
Egolf	Major	Samuelson	Zug
Evans	Manderino	Santoni	
Fairchild	Mann	Sather	Ryan,
Fargo	Markosek	Saylor	Speaker

NAYS—0

NOT VOTING—4

Cohen, M.	Josephs	Veon	Zimmerman
-----------	---------	------	-----------

EXCUSED—13

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

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 766, PN 816**, entitled:

An Act repealing the act of September 28, 1965 (P.L.543, No.282), entitled "An act authorizing incorporated towns to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land."

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

Ms. JOSEPHS offered the following amendment No. A3290:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Making repeals.

Amend Bill, page 1, lines 8 through 12, by striking out all of said lines and inserting

Section 1. The following acts and parts of acts are repealed:

Act of September 28, 1965 (P.L.543, No.282), entitled "An act authorizing incorporated towns to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land."

18 Pa.C.S. § 6120.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment— Ms. Josephs?

Ms. JOSEPHS. Yes. I just want to explain that this is again an amendment which repeals the bill that took away local control from municipalities, counties, and cities, and boroughs, and townships, and I am giving the General Assembly just one more chance, each member of you, to come to your sanity and vote the way your voters would like you to vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Mr. Corrigan.

Mr. CORRIGAN. Can I ask the lady a question?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. CORRIGAN. With all due respect, I did not want to get up and talk about this issue. There is just something I need to clarify and get straight in my mind.

One of the previous speakers said that there was an increase in the city of Philadelphia of thousands of gun permits. So the city of Philadelphia has 26,000 people who went into the sheriff's office, they submitted to a background check, they are law-abiding citizens, and they were issued a permit to carry a gun or whatever they do. You know who they are; the city council knows who they are. So you pass a law; you say that you cannot carry a gun, so the first thing you do is you go to those 26,000 people and you take their guns. What did you accomplish?

Ms. JOSEPHS. Well, actually, if I can be a little bit of background, I alluded to what our police commissioner is doing, and he is on a one-to-one basis at about 12 a week trying to do that actually by revoking these permits from people who exhibit irresponsible behavior with the weapon that they are carrying. It is his opinion, it is my opinion that people who flash their weapon around, people who brandish it, people who threaten people, others, with it either verbally or actually do not deserve the privilege of — because I do not believe any of this constitutional stuff and neither does the Supreme Court — do not deserve the privilege of holding a permit to carry. What we are looking for in many local municipalities aside from Philadelphia and townships and boroughs and so on is a standard that we, that local people, feel is more appropriate to their local area, and the standard that has been imposed on us in Philadelphia and perhaps in Crawford County or Erie County or Montgomery County is just too loose. We want a more stringent standard. We do not think that 35,000 citizens ought to have the privilege of carrying a concealed weapon. It is too dangerous.

Mr. CORRIGAN. If I may, how are you going to get the weapons from the criminals? The people that took out a gun permit are protecting themselves against the people that have the guns illegally. So you want to take them off the people that have them legally, who need them to protect themselves in the city of Philadelphia, and leave them in the hands of the people that are the criminals. I support your effort, but I do not think that you are accomplishing a darn thing, and I think, you know, if you have a plan that will attack the gun problem in Philadelphia, I think you just, you know, I will support it. I think that you just put those people at risk who went in and submitted themselves to a background check. They said, I need a gun; check me out; do the FBI (Federal Bureau of Investigation) checks; do all of that. They are the people that you are going to take the gun from.

I cannot support this. I ask—

Ms. JOSEPHS. Is that a question?

Mr. CORRIGAN. I would ask everybody to vote "no" until we come up with a plan. Excuse me for making a speech. That is not a question. I apologize. I am finished. That is not a question.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Gordner is recognized.

A close reading of these amendments would seem to indicate that once defeated, we cannot keep bringing them up, and in fact, these substantially are the same. So I have let it go, but I would ask you to keep it short.

Mr. GORDNER. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDNER. I am looking at the amendment and I am looking at the bill, and if you look at this particular amendment, it seems to take out lines 8 through 12 of the bill and then put them right back in. This amendment contains nothing about firearms that I can tell. It looks like it simply takes the language out of the bill and then puts it back in.

The SPEAKER. I am inclined — now, I have not studied this closely — I am inclined to agree with you. That is what prompted my comment that we not keep going through amendments, and the lady indicated that she was not going to debate it. The time that was just spent, though, was really more in response to the gentleman, Mr. Corrigan, than it was the lady as a proponent.

Mr. GORDNER. Thank you, Mr. Speaker.

The SPEAKER. I would be glad to look into that.

Mr. GORDNER. I would ask the sponsor of the amendment to look at this amendment. All it simply does is take out the language of the bill and then the amendment puts it right back in. It has nothing to do with firearms.

The SPEAKER. The firearms provision is the last line.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—36

Bard	Evans	Manderino	Roebuck
Bebko-Jones	Frankel	Michlovic	Rooney
Bishop	Horsey	Myers	Stetler
Butkovitz	James	Pistella	Thomas
Cappabianca	Josephs	Preston	Vitali
Carn	Keller	Ramos	Washington

Cohen, L. I.	Kirkland	Rieger	Waters
Cohen, M.	Lederer	Roberts	Williams
Curry	Levdansky	Robinson	Youngblood

NAYS—151

Argall	Fichter	Mayernik	Semmel
Armstrong	Fleagle	McCall	Serafini
Baker	Flick	McGeehan	Seyfert
Barley	Forcier	McGill	Shaner
Barrar	Freeman	McIlhattan	Smith, B.
Bastian	Gannon	McNaughton	Smith, S. H.
Battisto	Geist	Melio	Snyder
Belardi	George	Metcalfe	Solobay
Belfanti	Godshall	Micozzie	Staback
Birmelin	Gordner	Miller, R.	Stairs
Blaum	Grucela	Miller, S.	Steelman
Boyes	Habay	Mundy	Steil
Browne	Haluska	Nailor	Stern
Bunt	Hanna	Nickol	Stevenson
Buxton	Harhai	O'Brien	Strittmatter
Caltagirone	Harhart	Orie	Sturla
Casorio	Hasay	Perzel	Surra
Cawley	Hennessey	Pesci	Taylor, J.
Chadwick	Herman	Petrarca	Tigue
Clark	Hershey	Petrone	Travaglio
Clymer	Hess	Phillips	Trello
Cornell	Hutchinson	Pippy	Trich
Corrigan	Kaiser	Platts	True
Costa	Kenney	Raymond	Vance
Coy	Krebs	Readshaw	Van Home
Dailey	Laughlin	Reinard	Veon
Daley	Lawless	Rohrer	Walko
Dally	Leh	Ross	Wilt
DeLuca	Lescovitz	Rubley	Wogan
Dempsey	Lucyk	Ruffing	Wojnaroski
Dermody	Lynch	Sainato	Wright
DeWeese	Maher	Samuelson	Yewcic
DiGirolamo	Maitland	Santoni	Yudichak
Druce	Major	Sather	Zimmerman
Eachus	Mann	Saylor	Zug
Egolf	Markosek	Schroder	
Fairchild	Marsico	Schuler	Ryan,
Fargo	Masland	Scrimenti	Speaker
Feese			

NOT VOTING—3

Gruitza	Jadlowiec	Tangretti
---------	-----------	-----------

EXCUSED—13

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

The SPEAKER. 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.

The following roll call was recorded:

YEAS—183

Argall	Feese	Masland	Schroder
Armstrong	Fichter	Mayernik	Schuler
Baker	Fleagle	McCall	Scrimenti
Bard	Flick	McGeehan	Semmel
Barley	Forcier	McGill	Serafini
Barrar	Frankel	McIlhattan	Seyfert
Bastian	Freeman	McNaughton	Shaner
Battisto	Gannon	Melio	Smith, B.
Bebko-Jones	Geist	Metcalfe	Smith, S. H.
Belardi	George	Michlovic	Snyder
Belfanti	Godshall	Micozzie	Soibay
Birmelin	Gordner	Miller, R.	Staback
Bishop	Grucela	Miller, S.	Stairs
Blaum	Habay	Mundy	Steelman
Boyes	Haluska	Myers	Steil
Browne	Hanna	Nailor	Stern
Bunt	Harhai	Nickol	Stetler
Butkovitz	Hasay	O'Brien	Stevenson
Buxton	Hennessey	Orie	Strittmatter
Caltagirone	Herman	Perzel	Sturla
Carn	Hershey	Pesci	Surra
Casorio	Hess	Petrarca	Tangretti
Cawley	Horsely	Petrone	Taylor, J.
Chadwick	Hutchinson	Phillips	Tigue
Clark	Jadlowiec	Pippy	Travaglio
Clymer	James	Pistella	Trello
Cohen, L. I.	Kaiser	Platts	Trich
Cohen, M.	Keller	Preston	True
Cornell	Kenney	Ramos	Vance
Corrigan	Kirkland	Raymond	Van Home
Costa	Krebs	Readshaw	Veon
Coy	Laughlin	Reinard	Vitali
Curry	Lawless	Rieger	Walko
Dailey	Lederer	Roberts	Washington
Daley	Leh	Robinson	Williams
Dally	Lescovitz	Roebuck	Wilt
DeLuca	Levdansky	Rohrer	Wogan
Dempsey	Lucyk	Rooney	Wright
Dermody	Lynch	Ross	Yewcic
DeWeese	Maher	Rubley	Youngblood
DiGirolamo	Maitland	Ruffing	Yudichak
Druce	Major	Sainato	Zimmerman
Eachus	Manderino	Samuelson	Zug
Egolf	Mann	Santoni	
Evans	Markosek	Sather	Ryan,
Fairchild	Marsico	Saylor	Speaker
Fargo			

NAYS—3

Cappabianca	Josephs	Thomas
-------------	---------	--------

NOT VOTING—4

Gruitza	Harhart	Waters	Wojnaroski
---------	---------	--------	------------

EXCUSED—13

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

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.

RESOLUTION

Mrs. HARHART called up **HR 228, PN 2209**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a task force to study issues relating to the Commonwealth's children and youth services delivery system on an ongoing basis and to make recommendations to the General Assembly.

On the question,
Will the House adopt the resolution?

Mr. DeWEESE offered the following amendment No. **A3259**:

Amend Bill, page 1, before line 1, by striking out "CONCURRENT"

Amend Title, page 1, line 1, by striking out "Joint State Government Commission" and inserting

Health and Human Services Committee

Amend Seventh Whereas Clause, page 2, line 23, by striking out "bicameral and"

Amend First Resolve Clause, page 2, lines 27 through 30, by striking out all of said lines and inserting

RESOLVED, That the House of Representatives direct the Health and Human Services Committee to undertake a comprehensive study of the

Amend Resolution, page 3, lines 5 through 21, by striking out all of said lines and inserting

RESOLVED, That the Health and Human Services Committee shall make a report to the House of Representatives of its findings no later than June 30, 2000.

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

The SPEAKER. On the question, the Chair recognizes the Democratic floor leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

This is simply an effort on my part to send this topic for discussion – children and families at risk – to our standing committee. The Health and Human Services Committee seems to be an appropriate repository for this kind of study, this kind of action. And I think I am echoing the perspective of former Republican floor leaders historically when we are trying to focus on standing committees.

Essentially I do not think we need any more task forces. I think we are loaded to the gills with task forces. I just think we should use our inherent standing committees of the House to do this kind of work. And obviously the will of the House will be manifest shortly, but if we are going to have active chairmen and chairwomen, if we are going to have active standing committees, this is a very opportune time for us to say, no, we are not going to do it with just one more task force; we are going to do it from within our organizational framework.

So I would ask for a favorable vote on the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.
Mrs. Harhart.

Mrs. HARHART. Thank you, Mr. Speaker.

I believe the Health and Human Services Committee that Representative DeWeese wants to put my House resolution in for this ongoing study, they do not oversee county children and youth, and the issue that is before us would be examined and is such concern of statewide bicameral, bipartisan effort that it must be addressed, and the Joint State Advisory Committee would do just that.

So I oppose Mr. DeWeese's amendment, and I would ask for you to please vote "no" on that amendment.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I also oppose this amendment as chairman of the Aging and Youth Committee. I know what the gentleman is trying to do, and I take it— Actually he is putting it to the wrong committee. I would rather see it go to a committee. However, if you look on page 2, lines 23 through 26, I think the State Government Commission would be the best organization to meet the goals of what is stated in those four or five lines.

So therefore, I oppose this amendment and hope that the members of our side and some of the members of the other side would support opposition to this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question for the second time, the gentleman, Mr. DeWeese.

Mr. DeWEESE. If the gentleman were at all interested in amending my amendment, I would certainly subscribe to the wisdom of his suggestion. It would probably be better to put it in Aging and Youth.

Again, I do not anticipate that we will carry the day on this amendment, but I am anxious that my Republican colleagues, who for years and years and years have caterwauled about big government, about making certain that we try to reduce government, that we are less efficient by having all of these contraptions and additional organizations set up for studies and for prolonged views on this issue or that issue— All I am saying is, I think and other people who have been in that well on your side of the aisle historically over the last 10 or 15 years have said that we do not need to create all these extra things.

I am probably going to be in support of Mrs. Harhart's efforts eventually. I am not trying to be antagonistic. I am trying to be helpful. In fact, for a man from Mennonite country, I am sure you will appreciate that wonderful dictum from Isaiah: Come, let us reason together. I want to reason together, but I would rather do it in a standing committee. And I think you do have a good idea. I would prefer to do it in your committee. We drafted an amendment that would make it Aging and Youth, but we were not timely in that draftsmanship. Therefore, we decided to go with the other committee.

Again, this is certainly not an area that we need to cavil about any longer. I would like to leave a firm impression with the members of the chamber, however, that our standing committee chairmen and our standing committees need to be more aggressive, more involved. Quite frankly, some of your committees, sir, are not very involved. The traffic, the traffic in some of the Republican-dominated committees right now is so meager—

The SPEAKER. Mr. DeWeese—

Mr. DeWEESE. —that I thought it might be helpful.

The SPEAKER. Mr. DeWeese, we are talking about your amendment now.

Mr. DeWEESE. I am very happy to conclude my remarks on my amendment. Thank you.

The SPEAKER. On the question, Mr. Schuler, for the second time.

Mr. SCHULER. Thank you, Mr. Speaker.

It was not my intent to mislead the Democratic leader. I was implying that if you were going to send it to committee, it would be proper to send it to Aging and Youth. I do not support that motion. Simply, one of the factors in the bill or the resolution itself says that this shall be an ongoing report. Really, I do not believe either Human Services or the Aging and Youth have the staff to do something like that, and I think it is more appropriate to go to the Joint State Government Commission where they have the staff and the time to do it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mrs. Harhart.

Mrs. HARHART. Again I would like to reiterate that this is a very important resolution and it is statewide, and we need to have the Joint State Government do this because of it being ongoing, as Representative Schuler said, and also we want it as a bipartisan, bicameral effort. So it is important that the State Government – I believe it is important – that the State Government Advisory Committee would just do that. Thank you.

I would appreciate your support.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-96

Battisto	Frankel	McCall	Solobay
Bebko-Jones	Freeman	McGeehan	Staback
Belardi	George	Melio	Steelman
Belfanti	Gordner	Michlovic	Stetler
Bishop	Grucela	Mundy	Sturia
Blaum	Gruitza	Myers	Surra
Butkovitz	Haluska	Pesci	Tangretti
Buxton	Hanna	Petrarca	Thomas
Caltagirone	Harhai	Petrone	Tigue
Cappabianca	Horsey	Pistella	Travaglio
Carn	James	Preston	Trello
Casorio	Josephs	Ramos	Trich
Cawley	Kaiser	Readshaw	True
Cohen, M.	Keller	Rieger	Van Horne
Corrigan	Kirkland	Roberts	Veon
Costa	Laughlin	Robinson	Vitali
Coy	Lederer	Roebuck	Walko
Curry	Lescovitz	Rooney	Washington
Daley	Levdansky	Ruffing	Waters
DeLuca	Lucyk	Sainato	Williams
Dermody	Manderino	Samuelson	Wojnaroski
DeWeese	Mann	Santoni	Yewcic
Eachus	Markosek	Scrimenti	Youngblood
Evans	Mayernik	Shaner	Yudichak

NAYS-94

Argall	Feese	Major	Saylor
Armstrong	Fichter	Marsico	Schroder
Baker	Fleagle	Masland	Schuler
Bard	Flick	McGill	Semmel
Barley	Forcier	McIlhatten	Serafini

Barrar	Gannon	McNaughton	Seyfert
Bastian	Geist	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S. H.
Boyes	Habay	Miller, R.	Snyder
Browne	Harhart	Miller, S.	Stairs
Bunt	Hasay	Nailor	Steil
Chadwick	Hennessey	Nickol	Stern
Clark	Herman	O'Brien	Stevenson
Clymer	Hershey	Orie	Strittmatter
Cohen, L. I.	Hess	Perzel	Taylor, J.
Cornell	Hutchinson	Phillips	Vance
Dailey	Jadlowiec	Pippy	Wilt
Dally	Kenney	Platts	Wogan
Dempsey	Krebs	Raymond	Wright
DiGirolamo	Lawless	Reinard	Zimmerman
Druce	Leh	Rohrer	Zug
Egolf	Lynch	Ross	
Fairchild	Maher	*Rubley	Ryan,
Fargo	Maitland	Sather	Speaker

NOT VOTING-0

EXCUSED-13

Adolph	Colafella	Gladeck	Oliver
Ailen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House adopt the resolution as amended?

The SPEAKER. The question recurs, will the House adopt the concurrent resolution, being HR 228?

The Chair is in error. As a result of the amendment offered by the gentleman, Mr. DeWeese, this is no longer a concurrent resolution but a simple resolution.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS-190

Argall	Feese	Marsico	Schuler
Armstrong	Fichter	Masland	Scrimenti
Baker	Fleagle	Mayernik	Semmel
Bard	Flick	McCall	Serafini
Barley	Forcier	McGeehan	Seyfert
Barrar	Frankel	McGill	Shaner
Bastian	Freeman	McIlhatten	Smith, B.
Battisto	Gannon	McNaughton	Smith, S. H.
Bebko-Jones	Geist	Melio	Snyder
Belardi	George	Metcalfe	Solobay
Belfanti	Godshall	Michlovic	Staback
Birmelin	Gordner	Micozzie	Stairs
Bishop	Grucela	Miller, R.	Steelman
Blaum	Gruitza	Miller, S.	Steil
Boyes	Habay	Mundy	Stern
Browne	Haluska	Myers	Stetler
Bunt	Hanna	Nailor	Stevenson
Butkovitz	Harhai	Nickol	Strittmatter
Buxton	Harhart	O'Brien	Sturla
Caltagirone	Hasay	Orie	Surra
Cappabianca	Hennessey	Perzel	Tangretti
Carn	Herman	Pesci	Taylor, J.

Casorio	Hershey	Petrarca	Thomas
Cawley	Hess	Petrone	Tigue
Chadwick	Horsey	Phillips	Travaglio
Clark	Hutchinson	Pippy	Trello
Clymer	Jadlowiec	Pistella	Trich
Cohen, L. I.	James	Platts	True
Cohen, M.	Josephs	Preston	Vance
Cornell	Kaiser	Ramos	Van Horne
Corrigan	Keller	Raymond	Veon
Costa	Kenney	Readshaw	Vitali
Coy	Kirkland	Reinard	Walko
Curry	Krebs	Rieger	Washington
Dailey	Laughlin	Roberts	Waters
Daey	Lawless	Robinson	Williams
Dally	Lederer	Roebuck	Witt
DeLuca	Leh	Rohrer	Wogan
Dempsey	Lescovitz	Rooney	Wojnaroski
Dermody	Levdansky	Ross	Wright
DeWeese	Lucyk	Rubley	Yewcic
DiGirolamo	Lynch	Ruffing	Youngblood
Druce	Maher	Sainato	Yudichak
Eachus	Maitland	Samuelson	Zimmerman
Egolf	Major	Santoni	Zug
Evans	Manderino	Sather	
Fairchild	Mann	Saylor	Ryan,
Fargo	Markosek	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Adolph	Colafella	Gladeck	Oliver
Allen	Donatucci	LaGrotta	Taylor, E. Z.
Benninghoff	Gigliotti	McIlhinney	Tulli
Civera			

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 963, PN 2310

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

Whereupon, the Speaker, in the presence of the House, signed the same.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 295, PN 2346 (Amended) By Rep. CLYMER

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for contributions for creditable State service, for nonschool service, for incomplete payments, for annuity termination, for membership of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for

regulations and procedures, for member contributions, for payroll deductions, for elections of members, for multiple service status, for management of fund and accounts, for duties of employers, for creditable non-State service, for purchase of credit, for incomplete payments, for termination of annuities, for regulations and procedures, for member contributions, for duties of board and heads of departments and for election as multiple service member.

STATE GOVERNMENT.

The SPEAKER. There will be no further votes.

Does the majority leader or minority leader have any further business? Any reports of committees? Corrections of the record?

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Wojnaroski.

Mr. WOJNAROSKI. Yes, Mr. Speaker, to correct the record, please.

The SPEAKER. The gentleman is in order.

Mr. WOJNAROSKI. Mr. Speaker, for final passage on HB 766, I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Dr. Bastian, of Somerset County.

Mr. BASTIAN. Mr. Speaker, I move that this House do now adjourn until Monday, October 4, 1999, at 1 p.m., e.d.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:45 p.m., e.d.t., the House adjourned.