

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 9, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 54

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

LT. COL. DOUGLAS McCREADY, guest Chaplain of the House of Representatives and State Chaplain of the Pennsylvania Army National Guard, offered the following prayer:

Let us pray:

Heavenly Father, we are thankful this day for our free land and for the many gifts You have bestowed upon us. We thank You, Lord, for those who have dedicated themselves to government service, and we pray that You might bless them in this service.

We ask that You be with the members of this House today as they carry out their duties, that You grant them the wisdom, the courage, integrity, strength, and perseverance that they need to fulfill the call to which You have called them.

We ask this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, November 8, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2044 By Representatives LEH, ALLEN, ARGALL, BAKER, BASTIAN, BATTISTO, BELARDI, BELFANTI, BENNINGHOFF, BROWNE, COSTA, DALLY, DeLUCA, DEMPSEY, EGOLF, FAIRCHILD, FARGO, FICHTER, FLEAGLE, FORCIER, FRANKEL, GEIST, GLADECK, HARHAI, HERMAN, KENNEY, KIRKLAND, MARSICO, METCALFE, S. MILLER, NAILOR, PLATTS, RAMOS, ROHRER, ROSS, RUBLEY, SANTONI, SATHER, SCHRODER, SCHULER, SEYFERT, SHANER, B. SMITH, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, TIGUE, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for forcing a person into a motor vehicle.

Referred to Committee on JUDICIARY, November 9, 1999.

No. 2045 By Representatives LEH, FREEMAN, HENNESSEY, JOSEPHS, LAUGHLIN, ROBERTS, RUBLEY, SAYLOR, SOLOBAY, STEELMAN, SURRA, TIGUE, WILT and WOJNAROSKI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for protection of employment.

Referred to Committee on STATE GOVERNMENT, November 9, 1999.

No. 2046 By Representatives LEH, BEBKO-JONES, BELFANTI, COSTA, EGOLF, FARGO, GEIST, HALUSKA, LYNCH, McGILL, MELIO, R. MILLER, SEMMEL, STERN, J. TAYLOR, TIGUE, WILT and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties for drivers required to be licensed.

Referred to Committee on TRANSPORTATION, November 9, 1999.

No. 2047 By Representatives VEON, STURLA, SURRA, STABACK, BELARDI, EVANS, DeWEESE, DALEY, DERMODY, DeLUCA, BATTISTO, CAWLEY, CAPPABIANCA, BELFANTI, CARN, VAN HORNE, SEYFERT, PRESTON, STEELMAN, RAMOS, THOMAS, COLAFELLA, BISHOP, GIGLIOTTI, BROWNE, TRAVAGLIO, M. COHEN, GEIST, McGILL, BARD and ROONEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for gifted and talented education professional requirements; further providing for special temporary or special certificates; providing for standards for gifted and talented students, for an advisory council on gifted and talented education and for a matching grant program; making an appropriation; and making an editorial change.

Referred to Committee on EDUCATION, November 9, 1999.

No. 2048 By Representatives DALEY, DeWEESE, GEORGE, BELARDI, GEIST, ARMSTRONG, BEBKO-JONES, SEYFERT, RUFFING, EGOLF, LAUGHLIN, McILHINNEY, WOJNAROSKI, SHANER, STABACK, GRUCELA,

YOUNGBLOOD, READSHAW, WILLIAMS, LEH, BELFANTI, ROBERTS, CORRIGAN, VAN HORNE, MAITLAND, McCALL, DALLY, DeLUCA, HUTCHINSON, FARGO, HARHAI, HESS and COLAFELLA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for inheritance tax exemptions.

Referred to Committee on FINANCE, November 9, 1999.

No. 2049 By Representatives DALEY, GEORGE, COY, E. Z. TAYLOR, SOLOBAY, TRELLO, BARRAR, HENNESSEY, RUFFING, PETRARCA, PETRONE, YOUNGBLOOD, SCHULER, YUDICHAK, BENNINGHOFF, BEBKO-JONES, WILT, GRUCELA, BELFANTI, MARKOSEK, LAUGHLIN, BUNT, SHANER, ROONEY, HARHAI, MELIO and SEYFERT

An Act amending Titles 30 (Fish) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing license fee reductions for individuals with disabilities.

Referred to Committee on GAME AND FISHERIES, November 9, 1999.

No. 2050 By Representatives VITALI, HENNESSEY, ROEBUCK, MICHLOVIC, BENNINGHOFF, HANNA and STEELMAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for declarations of intent for certain incumbents; further providing for place and time of filing nomination petitions; and imposing a penalty.

Referred to Committee on STATE GOVERNMENT, November 9, 1999.

No. 2051 By Representative PIPPY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for depositing waste and other material on highway, property or waters.

Referred to Committee on TRANSPORTATION, November 9, 1999.

No. 2052 By Representatives McILHINNEY, BARRAR, BROWNE, L. I. COHEN, DiGIROLAMO, DRUCE, FEESE, FRANKEL, HARHAI, HERMAN, RUBLEY, SAYLOR, SOLOBAY, STEIL, STEVENSON, E. Z. TAYLOR, J. TAYLOR, THOMAS, WILT and WRIGHT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a penalty for persons not to possess, use, manufacture, control, sell or transfer firearms.

Referred to Committee on JUDICIARY, November 9, 1999.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
November 8, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, November 15, 1999, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, November 15, 1999, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?
Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 647, PN 1446**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1692, PN 2613**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as guests of Representative Jane Orie, Aisha Stroop and Michael Ripshinski, who are students from Pennsylvania State University College of Medicine for their health policy and legislative awareness initiative class, and they are seated in the rear of the hall. Would the guests please stand.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who moves that the gentleman from Montgomery County, Mr. LAWLESS, be excused for the day. Without objection, the leave is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

LEAVES ADDED—6

Blaum	Lawless	Rohrer	Trich
Cornell	McGill		

LEAVES CANCELED—1

Lawless

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. COHEN called up **HR 259, PN 2355**, entitled:

A Resolution joining in the observance of the Great American Smokeout on November 18, 1999.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Evans	Manderino	Sather
Allen	Fairchild	Mann	Saylor
Argall	Fargo	Markosek	Schroder
Armstrong	Feese	Marsico	Schuler
Baker	Fichter	Masland	Scrimenti
Bard	Fleagle	Mayernik	Semmel
Barley	Flick	McCall	Serafini
Barrar	Forcier	McGeehan	Seyfert
Bastian	Frankel	McGill	Shaner
Battisto	Freeman	McIlhattan	Smith, B.
Bebko-Jones	Gannon	McIlhinney	Smith, S. H.
Belardi	Geist	McNaughton	Snyder
Belfanti	George	Melio	Solobay
Benninghoff	Gigliotti	Metcalfe	Staback
Birmelin	Gladeck	Michlovic	Stairs
Bishop	Godshall	Micozzie	Steelman
Blaum	Gordner	Miller, R.	Steil
Boyes	Grucela	Miller, S.	Stern
Browne	Habay	Mundy	Stetler
Buxton	Haluska	Myers	Stevenson
Caltagirone	Hanna	Nailor	Strittmatter
Cappabianca	Harhai	Nickol	Sturla
Carn	Harhart	O'Brien	Surra
Casorio	Hasay	Oliver	Tangretti
Cawley	Hennessey	Orie	Taylor, E. Z.
Chadwick	Herman	Perzel	Taylor, J.
Civera	Hershey	Pesci	Thomas
Clark	Hess	Petrarca	Tigue
Clymer	Horsley	Petrone	Travaglio
Cohen, L. I.	Hutchinson	Phillips	Trello
Cohen, M.	Jadlowiec	Pippy	Trich
Colafella	James	Platts	True
Cornell	Josephs	Preston	Tulli
Corrigan	Kaiser	Ramos	Vance
Costa	Keller	Raymond	Veon
Coy	Kenney	Readshaw	Vitali
Curry	Kirkland	Reinard	Walko
Dailey	Krebs	Rieger	Washington
Daley	LaGrotta	Roberts	Waters
Dally	Laughlin	Robinson	Williams

DeLuca	Lederer	Roebuck	Wogan
Dempsey	Leh	Rohrer	Wojnaroski
Dermody	Lescovitz	Rooney	Wright
DeWeese	Levdansky	Ross	Yewcic
DiGirolamo	Lucy	Rubley	Youngblood
Donatucci	Lynch	Ruffing	Yudichak
Druce	Maher	Sainato	Zimmerman
Eachus	Maitland	Samuelson	Zug
Egolf	Major	Santoni	

NAYS-0

NOT VOTING-3

Bunt	Butkovitz	Van Horne
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EXCUSED-5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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

* * *

Mrs. RUBLEY called up **HR 293, PN 2507**, entitled:

A Resolution proclaiming November 15, 1999, as "America Recycles Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Manderino	Sather
Allen	Evans	Mann	Saylor
Argall	Fairchild	Markosek	Schroder
Armstrong	Fargo	Marsico	Schuler
Baker	Feese	Masland	Scrimenti
Bard	Fichter	Mayernik	Semmel
Barley	Fleagle	McCall	Serafini
Barrar	Flick	McGeehan	Seyfert
Bastian	Forcier	McGill	Shaner
Battisto	Frankel	McIlhattan	Smith, B.
Bebko-Jones	Freeman	McIlhinney	Smith, S. H.
Belardi	Gannon	McNaughton	Snyder
Belfanti	Geist	Melio	Solobay
Benninghoff	George	Metcalfe	Staback
Birmelin	Gigliotti	Michlovic	Stairs
Bishop	Gladeck	Micozzie	Steelman
Blaum	Godshall	Miller, R.	Steil
Boyes	Gordner	Miller, S.	Stern
Browne	Grucela	Mundy	Stetler
Bunt	Habay	Myers	Stevenson
Butkovitz	Haluska	Nailor	Strittmatter
Buxton	Hanna	Nickol	Sturla
Caltagirone	Harhai	O'Brien	Surra
Cappabianca	Harhart	Oliver	Tangretti
Carn	Hasay	Orie	Taylor, E. Z.
Casorio	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Pesci	Thomas
Chadwick	Hershey	Petrarca	Tigue
Civera	Hess	Petrone	Travaglio
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Pippy	Trich
Cohen, L. I.	Jadlowiec	Platts	True
Cohen, M.	James	Preston	Tulli
Colafella	Josephs	Ramos	Vance

Cornell	Kaiser	Raymond	Van Horne
Corrigan	Keller	Readshaw	Veon
Costa	Kenney	Reinard	Vitali
Coy	Kirkland	Rieger	Walko
Curry	Krebs	Roberts	Washington
Dailey	LaGrona	Robinson	Waters
Daley	Laughlin	Roebuck	Williams
Dally	Lederer	Rohrer	Wogan
DeLuca	Leh	Rooney	Wojnaroski
Dempsey	Lescovitz	Ross	Wright
Dermody	Levdansky	Rubley	Yewcic
DeWeese	Lucy	Ruffing	Youngblood
DiGirolamo	Lynch	Sainato	Yudichak
Donatucci	Maher	Samuelson	Zimmerman
Druce	Maitland	Santoni	Zug
Eachus	Major		

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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

* * *

Ms. BISHOP called up **HR 300, PN 2567**, entitled:

A Resolution recognizing the achievements and honoring the legacy of Wilt Chamberlain.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Egolf	Major	Sather
Allen	Evans	Manderino	Saylor
Armstrong	Fairchild	Mann	Schroder
Baker	Fargo	Markosek	Schuler
Bard	Feese	Marsico	Scrimenti
Barley	Fichter	Masland	Semmel
Barrar	Fleagle	Mayernik	Serafini
Bastian	Flick	McCall	Seyfert
Battisto	Forcier	McGeehan	Shaner
Bebko-Jones	Frankel	McGill	Smith, B.
Belardi	Freeman	McIlhattan	Smith, S. H.
Belfanti	Gannon	McIlhinney	Snyder
Benninghoff	Geist	McNaughton	Solobay
Birmelin	George	Melio	Staback
Bishop	Gigliotti	Metcalfe	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boyes	Godshall	Micozzie	Steil
Browne	Gordner	Miller, R.	Stern
Bunt	Grucela	Miller, S.	Stetler
Butkovitz	Habay	Mundy	Stevenson
Buxton	Haluska	Myers	Sturla
Caltagirone	Hanna	Nailor	Surra
Cappabianca	Harhai	Nickol	Tangretti
Carn	Harhart	O'Brien	Taylor, E. Z.
Casorio	Hasay	Oliver	Taylor, J.
Cawley	Hennessey	Orie	Thomas
Chadwick	Herman	Perzel	Tigue
Civera	Hershey	Pesci	Travaglio
Clark	Hess	Petrarca	Trello

Clymer	Horsey	Petrone	Trich
Cohen, L. I.	Hutchinson	Phillips	True
Cohen, M.	Jadlowiec	Pippy	Tulli
Colafella	James	Platts	Vance
Cornell	Josephs	Preston	Van Horne
Corrigan	Kaiser	Ramos	Veon
Costa	Keller	Raymond	Vitali
Coy	Kenney	Readshaw	Walko
Curry	Kirkland	Reinard	Washington
Dailey	Krebs	Rieger	Waters
Daley	LaGrotta	Roberts	Williams
Dally	Laughlin	Robinson	Wogan
DeLuca	Lederer	Roebuck	Wojnaroski
Dempsey	Leh	Rohrer	Wright
Demody	Lescovitz	Rooney	Yewcic
DeWeese	Levdansky	Ross	Youngblood
DiGirolamo	Lucyk	Rubley	Yudichak
Donatucci	Lynch	Ruffing	Zimmerman
Druce	Maher	Sainato	Zug
Eachus	Maitland	Santoni	

NAYS—1

Samuelson

NOT VOTING—2

Argall Strittmatter

EXCUSED—5

Gruitza Pistella Wilt Ryan,
Lawless Speaker

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

* * *

Mr. DeLUCA called up **HR 301, PN 2568**, entitled:

A Resolution observing the week of November 21 through 27, 1999, as "National Family Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Manderino	Sather
Allen	Evans	Mann	Saylor
Armstrong	Fairchild	Markosek	Schroder
Baker	Fargo	Marsico	Schuler
Bard	Feese	Masland	Scrimenti
Barley	Fichter	Mayernik	Semmel
Barrar	Fleagle	McCall	Seyfert
Bastian	Flick	McGeehan	Shaner
Battisto	Forcier	McGill	Smith, B.
Bebko-Jones	Frankel	McIlhatten	Smith, S. H.
Belardi	Freeman	McIlhinney	Snyder
Belfanti	Gannon	McNaughton	Solobay
Benninghoff	Geist	Melio	Staback
Birmelin	George	Metcalfe	Stairs
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller, R.	Stern
Browne	Gordner	Miller, S.	Stetler
Bunt	Grucela	Mundy	Stevenson
Butkovitz	Habay	Myers	Strittmatter

Buxton	Haluska	Nailor	Surla
Caltagirone	Hanna	Nickol	Surra
Cappabianca	Harhai	O'Brien	Tangretti
Cam	Harhart	Oliver	Taylor, E. Z.
Casorio	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsey	Petrone	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Jadlowiec	Pippy	True
Cohen, M.	James	Platts	Tulli
Colafella	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	LaGrotta	Roberts	Waters
Daley	Laughlin	Robinson	Williams
Dally	Lederer	Roebuck	Wogan
DeLuca	Leh	Rohrer	Wojnaroski
Dempsey	Lescovitz	Rooney	Wright
Demody	Levdansky	Ross	Yewcic
DeWeese	Lucyk	Rubley	Youngblood
DiGirolamo	Lynch	Ruffing	Yudichak
Donatucci	Maher	Sainato	Zimmerman
Druce	Maitland	Samuelson	Zug
Eachus	Major	Santoni	

NAYS—0

NOT VOTING—3

Argall Hasay Serafini

EXCUSED—5

Gruitza Pistella Wilt Ryan,
Lawless Speaker

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

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Mr. SEMMEL called up **HR 302, PN 2569**, entitled:

A Resolution honoring all Pennsylvania veterans, on the occasion of Veterans' Day, November 11, 1999, who served during war and peace.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Major	Santoni
Allen	Evans	Manderino	Sather
Armstrong	Fairchild	Mann	Saylor
Baker	Fargo	Markosek	Schroder
Bard	Feese	Marsico	Schuler
Barley	Fichter	Masland	Scrimenti
Barrar	Fleagle	Mayernik	Semmel
Bastian	Flick	McCall	Serafini
Battisto	Forcier	McGeehan	Seyfert
Bebko-Jones	Frankel	McGill	Shaner
Belardi	Freeman	McIlhatten	Smith, B.
Belfanti	Gannon	McIlhinney	Smith, S. H.
Benninghoff	Geist	McNaughton	Snyder
Birmelin	George	Melio	Solobay

Bishop	Gigliotti	Metcalf	Staback
Blaum	Gladeck	Michlovic	Stairs
Boyes	Godshall	Micozzie	Steelman
Browne	Gordner	Miller, R.	Steil
Bunt	Grucela	Miller, S.	Stern
Butkowitz	Habay	Mundy	Stevenson
Buxton	Haluska	Myers	Strittmatter
Caltagirone	Hanna	Nailor	Sturla
Cappabianca	Harhai	Nickol	Surra
Carn	Harhart	O'Brien	Tangretti
Casorio	Hasay	Oliver	Taylor, E. Z.
Cawley	Hennessey	Orie	Taylor, J.
Chadwick	Herman	Perzel	Thomas
Civera	Hershey	Pesci	Tigue
Clark	Hess	Petrarca	Travaglio
Clymer	Horsy	Petrone	Trello
Cohen, L. I.	Hutchinson	Phillips	Trich
Cohen, M.	Jadlowiec	Pippy	True
Colafella	James	Platts	Tulli
Cornell	Josephs	Preston	Vance
Corrigan	Kaiser	Ramos	Van Horne
Costa	Keller	Raymond	Veon
Coy	Kenney	Readshaw	Vitali
Curry	Kirkland	Reinard	Walko
Dailey	Krebs	Rieger	Washington
Daley	LaGrotta	Roberts	Waters
Dally	Laughlin	Robinson	Williams
DeLuca	Lederer	Roebuck	Wogan
Dempsey	Leh	Rohrer	Wojnaroski
Dermody	Lescovitz	Rooney	Wright
DeWeese	Levdansk	Ross	Yewwic
DiGirolamo	Lucyk	Rubley	Youngblood
Donatucci	Lynch	Ruffing	Yudichak
Druce	Maher	Sainato	Zimmerman
Eachus	Maitland	Samuelson	Zug

NAYS-0

NOT VOTING-2

Argall	Stetler
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EXCUSED-5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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

Mr. SAYLOR called up **HR 307, PN 2601**, entitled:

A Resolution designating November 15, 1999, as "Volunteer Firefighter, Emergency Medical Services, Rescue Squad and Fire Police Recognition Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Evans	Manderino	Sather
Allen	Fairchild	Mann	Saylor
Armstrong	Fargo	Markosek	Schroder
Baker	Feese	Marsico	Schuler
Bard	Fichter	Masland	Scrimenti
Barley	Fleagle	Mayemik	Semmel

Barrar	Flick	McCall	Serafini
Bastian	Forcier	McGeehan	Seyfert
Battisto	Frankel	McGill	Shaner
Bebko-Jones	Freeman	McIlhattan	Smith, B.
Belardi	Gannon	McIlhinney	Smith, S. H.
Belfanti	Geist	McNaughton	Snyder
Benninghoff	George	Melio	Solobay
Birmelin	Gigliotti	Metcalf	Staback
Bishop	Gladeck	Michlovic	Stairs
Blaum	Godshall	Micozzie	Steelman
Boyes	Gordner	Miller, R.	Steil
Browne	Grucela	Miller, S.	Stern
Bunt	Habay	Mundy	Stetler
Butkowitz	Haluska	Myers	Stevenson
Buxton	Hanna	Nailor	Strittmatter
Caltagirone	Harhai	Nickol	Sturla
Cappabianca	Harhart	O'Brien	Surra
Carn	Hasay	Oliver	Tangretti
Casorio	Hennessey	Orie	Taylor, E. Z.
Chadwick	Herman	Perzel	Taylor, J.
Civera	Hershey	Pesci	Thomas
Clark	Horsy	Petrarca	Tigue
Clymer	Hutchinson	Petrone	Travaglio
Cohen, L. I.	Jadlowiec	Phillips	Trello
Cohen, M.	James	Pippy	Trich
Colafella	Josephs	Platts	True
Cornell	Kaiser	Preston	Tulli
Corrigan	Keller	Ramos	Vance
Costa	Kenney	Raymond	Van Horne
Coy	Kirkland	Readshaw	Veon
Curry	Krebs	Reinard	Vitali
Dailey	LaGrotta	Rieger	Walko
Daley	Laughlin	Roberts	Washington
Dally	Lederer	Robinson	Waters
DeLuca	Leh	Roebuck	Williams
Dempsey	Lescovitz	Rohrer	Wogan
Dermody	Levdansk	Rooney	Wojnaroski
DeWeese	Lucyk	Ross	Wright
DiGirolamo	Lynch	Rubley	Yewwic
Donatucci	Maher	Ruffing	Youngblood
Druce	Maitland	Sainato	Yudichak
Eachus	Major	Samuelson	Zimmerman
Egolf		Santoni	Zug

NAYS-0

NOT VOTING-1

Argall

EXCUSED-5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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

The SPEAKER pro tempore. Would the gentleman, Mr. Tigue, please come to the podium.

VETERANS DAY OBSERVANCE

**THE SPEAKER PRO TEMPORE
(THOMAS M. TIGUE) PRESIDING**

The SPEAKER pro tempore. Thank you, Madam Speaker. Would the members please take their seats. Several weeks ago Representative Paul Clymer wrote to Speaker Ryan suggesting that we pay tribute to our veterans.

The Speaker agreed, and today we will take a few minutes to honor those who have so freely given of themselves to defend our freedoms. Accordingly, we will now begin our Veterans Day program.

INVOCATION

The SPEAKER pro tempore. The invocation will be offered by Lt. Col. Douglas McCready, State Chaplain, Pennsylvania Army National Guard.

Upon completion of the invocation we will remain standing for the presenting and posting of the colors, for the national anthem, and the Pledge of Allegiance.

Members and guests will please rise.

LT. COL. DOUGLAS McCREADY offered the following prayer:

Let us pray:

Lord God, our Heavenly Father, this morning we pause to honor those who have served in defense of our nation and our Commonwealth. We are grateful for the sacrifices these Pennsylvania veterans have made and continue to make for our liberty and security. We thank You, Lord, for men and women who have willingly given of themselves — their time and even their freedom and their lives — for the sake of the common good.

We remember, too, this morning the members of Pennsylvania's Army and Air National Guard who are helping even now to defend freedom, preserve order, and save lives here in Pennsylvania and around the world. Watch over and protect their families and loved ones when they are absent, and keep them safe and healthy as they go about their work.

We pray all these things in Your holy name. Amen.

PRESENTING AND POSTING OF COLORS

The SPEAKER pro tempore. Technical Sergeant Simmons, please present and post the colors.

(The colors were presented and posted by the Pennsylvania Air National Guard 193d Base Honor Guard.)

NATIONAL ANTHEM

(“The Star-Spangled Banner” was sung by the Cumberland Valley High School Ensemble.)

PLEDGE OF ALLEGIANCE

Mr. MERLI. Would you please join me in saying the Pledge.

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

WELCOMING REMARKS

The SPEAKER pro tempore. Please take your seats. Congressional Medal of Honor recipient and Lackawanna County native who just led us in the Pledge of Allegiance,

Gino Merli, Major General Lynch, Chaplain McCready, members of the House of Representatives, especially those 50 veterans who serve here, and distinguished guests:

Welcome to the Pennsylvania House of Representatives, a place where we honor the courage and kind of heroism exemplified by Pfc. Gino Merli, who on September 4, 1944, surrounded by the enemy after covering the withdrawal of his comrades, remained alone at his post throughout the night with his machine gun firing, firing upon and confusing the enemy into submission. The following morning, as Gino Merli sat there by himself and daylight came, there were 52 enemy dead, and the Americans were able to withdraw safely.

We honor the accomplishments and sacrifices like this, we admire the dedication to the principles of freedom and justice, and we cherish the traditions of our forefathers. The tradition of honoring American veterans began a year after World War I when President Wilson declared that Armistice Day would be held every November 11. In 1954, as we know, it was changed to Veterans Day, a day we set aside to honor all veterans.

Today we continue this tradition by honoring all veterans who have served to defend the democratic principles of the United States. Many veterans have witnessed the effects war had on their comrades. Let us today remember those who gave their lives in the service to our nation. Let us remember the service men and women who were maimed both physically and mentally by the horrors of war. Let us remember those who survived combat. Let us remember also those who served on foreign soil and at desolate outposts throughout the globe. Let us remember every serviceman and every servicewoman who has sacrificed the comforts of home and endured the separation of family to provide humanitarian assistance and peacekeeping efforts throughout the world. For this we are truly grateful.

Please join me in thanking our veterans both living and dead. Let us now observe a moment of silence and offer a prayer of gratitude to our veterans, all who have made immeasurable contributions to the history of mankind and the freedom we enjoy today. Let us bow our heads.

(Whereupon, the members of the House and all visitors observed a moment of silence.)

INTRODUCTION OF VETERANS

Mr. MICHLOVIC. It is my distinct pleasure and honor this morning to introduce our special guests, veterans of foreign wars. I would ask that the members hold their applause until all the guests are introduced, and as I call their name, would they please rise: Kenneth Cahill, Vietnam; Richard Coccimiglio, Vietnam; Ed Comly, World War II; Dominic DiFrancesco, Korea; Harold Fisher, World War II and Korea; Paul Hastings, Vietnam; Frank Lopes, Korea; Vince Malatesta, World War II; Gino Merli, World War II, Medal of Honor recipient; Ralph Mahaffie, World War I; John Neeves, Vietnam; Thomas O'Connor, Korea; John Patten, Korea and Vietnam; Ike Recife, World War II; Larry Reece, Vietnam; Stanley Reinhard, Korea; Gary Reph, Vietnam; Joe Stivala, National Guard.

Let us please welcome them with a great round of applause.

Please be seated.

I would also like to make note on the back of your program today, and I would ask all of the members and the staff who are

veterans to please rise, and give them a round of applause. Veterans, please rise.

Thank you.

MUSICAL INTERLUDE

("America the Beautiful" was played by the Cumberland Valley High School Brass Quintet.)

INTRODUCTION OF MAJ. GEN. WILLIAM B. LYNCH

Mr. SEMMEL. Colleagues, ladies and gentlemen, young women and men, Major General William Berger Lynch was appointed by Governor Tom Ridge as the 49th Adjutant General and commander of the Pennsylvania National Guard, headquartered at Fort Indiantown Gap.

In this Cabinet position he is responsible for command, control, and supervision of all Air and Army National Guard units allocated to the State of Pennsylvania, five State-owned veterans' homes, the Scotland School for Veterans' Children, and programs for Pennsylvania's 1.3 million veterans.

In view of General Lynch's direct oversight for the various State-administered programs for our Commonwealth's veteran population, we found it befitting to invite Adjutant General Lynch here today to offer some remarks on the importance of our veterans community and the true need to honor these men and women for their heroic service to our country and Commonwealth. General Lynch is indeed a key leader of our veterans community. Thus we feel that it is appropriate for him to address this body today as we celebrate the last Veterans Day of the 1900s.

Accompanying Adjutant General Lynch is the Deputy Adjutant General for Veterans Affairs, Deputy Adjutant General John Patten, who had been introduced a little earlier. He is indeed a true friend of the veterans community, and we are pleased as well that he could be here today.

Adjutant General Lynch, welcome to the hall of the House, and we would now welcome you to address our ranks on this celebrated occasion.

KEYNOTE ADDRESS BY MAJ. GEN. WILLIAM B. LYNCH

MAJOR GENERAL LYNCH. Thank you. Thank you very much. Thank you, sir.

Before I start, I would like to, if it is appropriate, thank the Honor Guard from the Pennsylvania National Guard — you look great today — and the young people from Cumberland Valley High School. I thought you did a magnificent job presenting the colors, and I am very proud, and I think one of the things that today is all about is this mixing of the generations and the obligations of service that we all have.

Mr. Speaker, Chairman Semmel, Representative Clymer, Chairman Michlovic, members of the House:

Thank you very much for giving me this opportunity to speak to you today. I believe it is indicative of the longstanding support this body has provided to the work of my department on behalf of veterans and citizen-soldiers in the Commonwealth. For that I am deeply grateful. On behalf of the Commonwealth's chief veteran

and strongest supporter of veterans' issues, my boss, Governor Tom Ridge, I acknowledge the many veterans in attendance, those among your body as well as our distinguished guests.

To Mr. Merli, sir, your Medal of Honor symbolizes the valor and patriotism of all veterans. One awful night in Belgium in 1944, overrun and alone, you stood your ground against repeated enemy attacks. You came back again and again, your machine gun inflicting heavy losses and ensuring the next morning's victory. Thank you for your deeds that night and for a lifetime of devoted service to America and her veterans.

And Mr. Mahaffie, God bless you, sir, and thank you for being there as you were for our nation so many long years ago during World War I, and I might note that Mr. Mahaffie is closing in on 100 years.

To all my fellow veterans here today, I say your service over the years has helped preserve the very principles of freedom and democracy which this seat of government represents. It has always been that way in America. Since the time the Declaration of Independence was signed, there have always been men and women among us who have been willing to step forward to pledge their lives, their fortunes, and their sacred honor to assure the survival of our liberties. It is these men and women whom we honor each year at Veterans Day.

The justice of their cause was crystal clear to our nation's first veterans. The founders of the new republic had proclaimed that all men were free and endowed with inalienable rights; that people of all races, colors, and creed could live at peace with each other in one nation; that people could worship their own God without fear of interference; that anyone, no matter how humbly born, could rise to the highest positions in government, society, and commerce; and most of all, that people could govern themselves without the need to be told by kings or princes how to lead their lives.

That was a powerful message sent from the New World to the Old. The revolution was won, and its revolutionary ideas set in motion a worldwide struggle between two competing value systems: one founded on the worth and dignity of the individual; the other based on submission to the power and tyranny of the state.

Begun in the 18th century, that struggle continued into the 20th, and now, as the last Veterans Day of the century approaches, we honor once again that long line of patriots who fought to preserve the ideals we cherish and to extend the blessings of freedom and peace throughout the world.

Ours was a turbulent century, shaped by conflict and war, and veterans played a pivotal role in determining the final outcome. When evil threatened or good intentions failed, they forced the issue. What motivated them? An inscription at Arlington Cemetery seems to say it all: "Not for fame or reward...not for place or rank...not lured by ambition or goaded by necessity...but in simple obedience to duty as they understood it, these men suffered all — sacrificed all — dared all."

In the dank trenches of France, the deadly beaches of Normandy, the frozen hills of the Ch'osan Reservoir, the foul swamps of the Mekong Delta, the desert wastes of the Persian Gulf — wherever our veterans were called to serve, they took a stand and they made a difference, and they still make a difference. At this very moment, citizen-soldiers from your Pennsylvania National Guard are serving on duty in Bosnia, the same land where an anarchist bullet triggered the first great war of the 20th century.

Your sons and daughters are striving at century's end to build a final, lasting peace.

These guardsmen are veterans no less than combat-tested heroes like Gino Merli and so many others in this room. Everyone who wears America's uniform can proudly claim the title "veteran." Like their comrades of earlier generations, they stand ready, with selfless courage, to answer the nation's call. And they are a breed apart. Today, fewer and fewer people have any understanding of the military, let alone military experience. A booming economy and a culture of instant gratification are making it harder and harder to fill the ranks of America's Armed Forces.

At a time when the notion of serving one's nation has become almost quaint, our veterans, young and old, set a shining example. They are the keepers of the flame, the bearers of our national ideals. They know more than anyone else that freedom is not free, for they have paid the price. Some bear the wounds of war; some still mourn their fallen comrades; all gave, if not their lives, then a lifetime of dedicated service. Renewed by generations to come, that commitment will keep America free and spread the fruits of democracy around the globe.

The famous poem often cited at Veterans Day opens with a poignant image of death on the battlefields of World War I:

In Flanders fields the poppies blow,
Between the crosses, row on row....

Yet later on the poem speaks very much to us, the living, with words of hope and faith:

To you from failing hands we throw
The torch; be yours to hold it high.

To those who serve today, those words link the sacrifice of the past with the promise of the future. Thank you for keeping America's torch held high. God bless you. God bless America.

MUSICAL PATRIOTIC TRIBUTE

("God Bless America" was sung by the Cumberland Valley High School Ensemble.)

BENEDICTION

LIEUTENANT COLONEL McCREADY. Receive now the benediction.

Now may the Lord bless you and keep you. May the Lord make His face to shine upon you. May the Lord turn His face toward you and be gracious to you, and may He grant you His grace and His peace, now and always. Amen.

The SPEAKER pro tempore. This concludes the service, and let me thank the Cumberland Valley Ensemble and the Air National Guard Color Guard for participating today, and I think it is most appropriate that today we stand here honoring veterans on the 10th anniversary of the tearing down of the Berlin Wall, the symbol of oppression and tyranny. So those who served, who stand the diligent watch, brought about the crumbling of the Soviet Union, and it is appropriate today.

That concludes the ceremonies.

DEMOCRATIC CAUCUS

Mr. COHEN. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes Representative Cohen.

Mr. COHEN. Mr. Speaker, there will be a Democratic caucus immediately upon the recess.

The SPEAKER pro tempore. Thank you, Mr. Cohen.

RECESS

The SPEAKER pro tempore. The House will be in recess until 1 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 603, PN 631

By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for personal income tax definitions; and providing for a higher education credit against personal income tax.

FINANCE.

HB 916, PN 1016

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of witnesses under subpoena.

JUDICIARY.

HB 1294, PN 1484

By Rep. GANNON

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

JUDICIARY.

HB 1588, PN 1932

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for inquiry as to the source of security for bail in drug offenses.

JUDICIARY.

HB 1846, PN 2277

By Rep. BOYES

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales and use tax.

FINANCE.

SB 824, PN 901

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages by minors.

JUDICIARY.

BILL REPORTED AND REREFERRED TO COMMITTEE ON TRANSPORTATION

HB 1256, PN 1433

By Rep. BOYES

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

FINANCE.

HOUSE BILL INTRODUCED AND REFERRED

No. 2053 By Representatives SCHRODER, SOLOBAY, HUTCHINSON, FARGO, E. Z. TAYLOR, FLICK, HENNESSEY, ROSS, RUBLEY, ARGALL, BARD, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, COSTA, CURRY, DAILEY, DALEY, DALLY, FICHTER, FORCIER, GEORGE, HARHAI, HERSHEY, HORSEY, KENNEY, LEH, LYNCH, R. MILLER, S. MILLER, MUNDY, NICKOL, PLATTS, READSHAW, ROONEY, SANTONI, STABACK, STERN, SURRA, TANGRETTI, TRUE, VAN HORNE, WILLIAMS, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for payments to special funds; and providing for driver duties in emergency response areas.

Referred to Committee on TRANSPORTATION, November 9, 1999.

BILL SIGNED BY SPEAKER PRO TEMPORE

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:

SB 647, PN 1446

An Act establishing a Uniform Construction Code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

Whereupon, the Speaker pro tempore, in the presence of the House, signed the same.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome two young people who are serving today as guest pages as the guests of Representative Chris Ross. They are Nichole Davis and Alexandra Quig, and they are down in the front. Would they please stand. Welcome to the hall of the House. Please also welcome their parents, Mr. John Davis and Mrs. Leah Quig, who are seated to the left of the Speaker. Would they please rise. Welcome to the hall of the House.

Representative Pat Vance from Cumberland County has some guests here with her today. Brandi Beers and Jason Grob are students at East Pennsboro High School, and they are seated in the gallery. Would they please rise. Welcome to the hall of the House.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 1050, PN 1385; and HB 2035, PN 2598.

BILL ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER pro tempore. HB 1152 will be over for the day.

GUESTS INTRODUCED

The SPEAKER pro tempore. The lady from Beaver County, Representative Laughlin, has some special guests with her today. Up in the gallery, I believe, is Cub Scout Pack 498 from Ambridge with their Cub master and pack leaders. Would they please rise. Welcome to the hall of the House.

We have another guest today serving as a guest page. Abby Shiffler, a junior at Lower Dauphin High School, is here as the guest of Representative Ron Marsico. Would she please rise. Welcome to the hall of the House.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the gentleman from Montgomery County, Mr. Lawless, and directs that the clerk add his name to the master roll.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1970, PN 2457**, entitled:

An Act amending the act of February 14, 1990 (P.L.62, No.11), known as the Noncontrolled Substances Reporting and Registration Act, further providing for chemicals subject to registration and for penalties.

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

The **SPEAKER pro tempore**. The Chair understands that the gentleman, Mr. George, has withdrawn his amendment to this bill. The Chair thanks the gentleman.

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

The **SPEAKER pro tempore**. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

Mr. Dermody, on final passage? The gentleman is recognized. Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, this is the first in a package of bills – three bills, I think, that we will do today – dealing with GHB (gamma hydroxybutyric acid) and GBL (gamma butyrolactone), the date-rape drug. We have a serious problem in Pennsylvania, indeed across the country, with abuse of GHB and GBL being used by sexual predators on our college campuses and in bars throughout our State. We have three bills today to answer that problem and give law enforcement the tools they need to regulate and criminalize the use of GHB and GBL.

My House bill, 1971, is necessary because the main component of GHB, GBL, is commonly used as a floor cleaner. It is available at most hardware stores throughout the Commonwealth. However, when GBL is ingested, the body converts it to GHB with the same effect and the same results, and it is being used as such throughout the Commonwealth today.

What this bill does is it changes the definition of a designer drug to allow GBL, when used—

The **SPEAKER pro tempore**. Will the gentleman suspend.
Mr. **DERMODY**. Sure.

The **SPEAKER pro tempore**. I believe you may be referring to HB 1971. Would you doublecheck, please?

Mr. **DERMODY**. I am. I am sorry.

The **SPEAKER pro tempore**. Do you wish recognition on 1970? We are on 1970.

Mr. **DERMODY**. Is that Representative Benninghoff's bill? I apologize.

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Major	Sather
Allen	Evans	Manderino	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Scrimenti
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayemik	Serafini
Barrar	Flick	McCall	Seyfert
Bastian	Forcier	McGeehan	Shaner
Battisto	Frankel	McGill	Smith, B.
Bebko-Jones	Freeman	McIlhattan	Smith, S. H.
Belardi	Gannon	McIlhinney	Snyder
Belfanti	Geist	McNaughton	Solobay
Benninghoff	George	Melio	Staback
Birmelin	Gigliotti	Metcalfe	Stairs
Bishop	Gladeck	Michlovic	Steelman
Blaum	Godshall	Micozzie	Steil
Boyes	Gordner	Miller, R.	Stern
Browne	Grucela	Miller, S.	Stetler
Bunt	Habay	Mundy	Stevenson
Butkowitz	Haluska	Myers	Strittmatter
Buxton	Hanna	Nailor	Sturla
Caltagirone	Harhai	Nickol	Surra
Cappabianca	Harhart	O'Brien	Tangretti
Cam	Hasay	Oliver	Taylor, E. Z.
Casorio	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsey	Petrone	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Jadiowiec	Pippy	True
Cohen, M.	James	Platts	Tulli
Colafella	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	LaGrotta	Roberts	Waters
Daley	Laughlin	Robinson	Williams
Dally	Lawless	Roebuck	Wogan
DeLuca	Lederer	Rohrer	Wojnaroski
Dempsey	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolo	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Druce	Maher	Samuelson	Zug
Eachus	Maitland	Santoni	

NAYS—0

NOT VOTING—0

EXCUSED—4

Gruitza	Pistella	Wilt	Ryan, Speaker
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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 1971, PN 2458**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further defining "designer drug"; further providing for prohibited acts; and making an editorial change.

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

The **SPEAKER pro tempore**. The Chair understands that the gentleman, Mr. George, has withdrawn his amendment to this bill as well, and the Chair thanks the gentleman.

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

The **SPEAKER pro tempore**. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. **DERMODY**. Thank you, Mr. Speaker.

Mr. Speaker, I would like to incorporate by reference my previous comments on this bill and take the opportunity to thank Representative Benninghoff for the hard work he has done on his bill and the package we have put together to control this date-rape drug and ask the members' support for all three bills so that we can finally give law enforcement the tools they need to stop the abuse of these drugs.

Thank you, Mr. Speaker.

The **SPEAKER pro tempore**. On final passage, the Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. **BENNINGHOFF**. Thank you, Mr. Speaker.

I would like to also echo the comments of Representative Dermody. We would be remiss to not also recognize Representative Steelman, who was very instrumental early on, as well as the Judiciary Committee. We often talk in this Assembly about protecting our young people. Well, here is an opportunity to do that.

I compliment Representative Dermody on his diligence toward this bill and allowing us to be able to do what we need to medically with this substance but still protect our young people and allow us to prosecute those who want to subdue individuals against their will. Thank you very much.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Egolf	Major	Sather
Allen	Evans	Manderino	Saylor

Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Scrimenti
Bard	Fichter	Masland	Semmel
Barley	Feagle	Mayemik	Serafini
Barrar	Flick	McCall	Seyfert
Bastian	Forcier	McGeehan	Shaner
Battisto	Frankel	McGill	Smith, B.
Bebko-Jones	Freeman	McIlhattan	Smith, S. H.
Belardi	Gannon	McIlhinney	Snyder
Belfanti	Geist	McNaughton	Solobay
Benninghoff	George	Melio	Staback
Birmelin	Gigliotti	Metcalf	Stairs
Bishop	Gladeck	Michlovic	Steelman
Blaum	Godshall	Micozzie	Steil
Boyce	Gordner	Miller, R.	Stern
Browne	Gruclera	Miller, S.	Stetler
Bunt	Habay	Mundy	Stevenson
Butkovitz	Haluska	Myers	Strittmatter
Buxton	Hanna	Nailor	Sturla
Caltagirone	Harhai	Nickol	Surra
Cappabianca	Harhart	O'Brien	Tangretti
Cam	Hasay	Oliver	Taylor, E. Z.
Casorio	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsey	Petrone	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Jadlowiec	Pippy	True
Cohen, M.	James	Platts	Tulli
Colafella	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	LaGrotta	Roberts	Waters
Daley	Laughlin	Robinson	Williams
Daily	Lawless	Roebuck	Wogan
DeLuca	Lederer	Rohrer	Wojnaroski
Dempsey	Leh	Rooney	Wright
Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rublely	Youngblood
DiGirolamo	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Druce	Maher	Samuelson	Zug
Eachus	Maitland	Santoni	

NAYS—0

NOT VOTING—0

EXCUSED—4

Gruitza	Pistella	Wilt	Ryan, Speaker
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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.

GUESTS INTRODUCED

The **SPEAKER pro tempore**. The gentleman from Bucks County, Representative Gene DiGirolamo, has with him today as guests students from the St. Charles School in Bensalem. They are in the balcony. Would they please rise. Welcome to the hall of the House.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 798, PN 1415**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), entitled The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances; and providing for penalties.

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

The **SPEAKER pro tempore**. The Chair understands that the gentleman, Mr. George, has withdrawn his amendment to this bill. The Chair thanks the gentleman.

RULES SUSPENDED

The **SPEAKER pro tempore**. The Chair understands the gentleman, Mr. Gannon, wishes to make a motion to suspend the rules to offer an amendment. The gentleman is recognized for that purpose.

Mr. **GANNON**. Thank you, Mr. Speaker.
I would like to move to suspend the rules to offer amendment A4130 to SB 798.

The **SPEAKER pro tempore**. Moved by the gentleman, Mr. Gannon, that the rules of the House be suspended so that he may immediately offer amendment A4130 to SB 798.

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

The **SPEAKER pro tempore**. On that question, the Chair recognizes the gentleman, Mr. Dermody.

Mr. **DERMODY**. Thank you, Mr. Speaker.
Mr. Speaker, I would like to say that this is an agreed-to amendment. We all support the amendment, and it is very important to the bill—

The **SPEAKER pro tempore**. Mr. Dermody, we are on the motion to suspend, not on the merits.

Mr. **DERMODY**. Well, we support the motion to suspend. I cannot get anything right yet, but yes, we support this motion to suspend.

The **SPEAKER pro tempore**. Those in favor of the motion to suspend the rules will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—195

Adolph	Egolf	Manderino	Sather
Allen	Evans	Mann	Saylor
Argall	Fairchild	Markosek	Schroder
Armstrong	Fargo	Marsico	Schuler
Baker	Feese	Masland	Scrimenti
Bard	Fichter	Mayernik	Semmel
Barley	Fleagle	McCall	Serafini
Barrar	Flick	McGeehan	Seyfert
Bastian	Forcier	McGill	Shaner

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

NAYS—4

Daley	Hanna	Krebs	Steelman
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NOT VOTING—0

EXCUSED—4

Gruitza	Pistella	Wilt	Ryan, Speaker
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A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. **GANNON** offered the following amendment No. **A4130**:

Amend Sec. 1, page 1, line 15, by striking out "Section 4(3)" and inserting

Section 4(1) and (3)

Amend Sec. 1, page 1, line 18, by striking out "and" and inserting , December 22, 1989 (P.L.700, No.91) and

Amend Sec. 1, page 1, line 18, by striking out "is" and inserting are

Amend Sec. 1 (Sec. 4), page 2, by inserting between lines 2 and 3 (1) Schedule I—In determining that a substance comes within this schedule, the secretary shall find: a high potential for abuse, no currently

accepted medical use in the United States, and a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

(i) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

1. Acetylmethadol.
2. Allyprodine.
3. Alphacetylmethadol.
4. Alphameprodine.
5. Alphamethadol.
6. Benzethidine.
7. Betacetylmethadol.
8. Betameprodine.
9. Betamethadol.
10. Betaprodine.
11. Clonitazene.
12. Dextromoramide.
13. Dextrorphan (except its methylether).
14. Diampromide.
15. Diethylthiambutene.
16. Dimenoxadol.
17. Dimpheptanol.
18. Dimethylthiambutene.
19. Dioxaphetyl butyrate.
20. Dipipanone.
21. Ethylmethylthiambutene.
22. Etonitazene.
23. Etoxidine.
24. Furethidine.
25. Hydroxypethidine.
26. Ketobemidone.
27. Levomoramide.
28. Levophenacymorphan.
29. Morpheridine.
30. Noracymethadol.
31. Norlevorphanol.
32. Normethadone.
33. Norpipanone.
34. Phenadoxone.
35. Phenampromide.
36. Phenomorphan.
37. Phenoperidine.
38. Pirtramide.
39. Proheptazine.
40. Properidine.
41. Racemoramide.
42. Trimeperidine.

(ii) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

1. Acetorphine.
2. Acetyldihydrocodeine.
3. Benzylmorphine.
4. Codeine methylbromide.
5. Codeine-N-Oxide.
6. Cyrenorphine.
7. Desomorphine.
8. Dihydromorphine.
9. Etorphine.
10. Heroin.
11. Hydromorphanol.
12. Methyl-desorphine.
13. Methylhydromorphine.
14. Morphine methylbromide.

15. Morphine methylsulfonate.
16. Morphine-N-Oxide.
17. Myrophine.
18. Nicocodeine.
19. Nicomorphine.
20. Normorphine.
21. Pholcodine.
22. Thebacon.

(iii) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4-methylenedioxy amphetamine.
2. 5-methoxy-3,4-methylenedioxy amphetamine.
3. 3,4,5-trimethoxy amphetamine.
4. Bufotenine.
5. Diethyltryptamine.
6. Dimethyltryptamine.
7. 4-methyl-2,5-dimethoxyamphetamine.
8. Ibogaine.
9. Lysergic acid diethylamide.
10. Mescaline.
11. Peyote.
12. N-ethyl-3-piperidyl benzilate.
13. N-methyl-3-piperidyl benzilate.
14. Psilocybin.
15. Psilocyn.
16. Tetrahydrocannabinols.

(iv) Marihuana.

(v) Any material, compound, mixture or preparation which contains any quantity of the following substances, including the salts, isomers and salts of isomers:

1. Methaqualone.

(vi) Gamma hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma hydroxybutyric acid, including any isomers, esters and ethers and salts of isomers, esters and ethers of gamma hydroxybutyric acid, except gamma-butyrolactone (GBL), whenever the existence of such isomers, esters and salts is possible within the specific chemical designation. For purposes of security requirements imposed by law or regulation upon registered distributors and registered manufacturers, this substance when manufactured, distributed or possessed in accordance with an exemption approved under section 505(i) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) shall, notwithstanding any other provision of this act, be classified as a controlled substance in Schedule III of this section.

Amend Sec. 1 (Sec. 4), page 5, lines 26 through 28, by striking out "whenever the existence of such" in line 26, all of lines 27 and 28 and inserting

contained in a drug product for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act.

On the question,

Will the House agree to the amendment?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. It essentially lets a company in Pennsylvania continue to manufacture GHB to be provided to those patients who have serious illnesses which GHB provides a satisfactory remedy. Any other use of the drug would be a schedule I, and I ask for a "yes" vote on the amendment.

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

Ms. MANDERINO. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Gannon, indicates that he is willing to stand for interrogation, but before you begin, let me try to get some quiet.

The House will come to order. Members will please take their conversations outside the hall of the House.

Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Actually, during that brief break I got an explanation to the concern that I had, and so I do not need to interrogate the maker. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Gruitza	Pistella	Wilt	Ryan, Speaker
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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 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—199

Adolph	Egolf	Major	Sather
Allen	Evans	Manderino	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Scrimenti
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayernik	Serafini
Barrar	Flick	McCall	Seyfert
Bastian	Forcier	McGeehan	Shaner
Battisto	Frankel	McGill	Smith, B.
Bebko-Jones	Freeman	McIlhattan	Smith, S. H.
Belardi	Gannon	McIlhinney	Snyder
Belfanti	Geist	McNaughton	Solobay
Benninghoff	George	Melio	Staback
Birmelin	Gigliotti	Metcalfe	Stairs
Bishop	Gladeck	Michlovic	Steelman
Blaum	Godshall	Micozzie	Steil
Boyes	Gordner	Miller, R.	Stern
Browne	Grucela	Miller, S.	Stetler
Bunt	Habay	Mundy	Stevenson
Butkovitz	Haluska	Myers	Strittmatter
Buxton	Hanna	Nailor	Sturla
Caltagirone	Harhai	Nickol	Surra
Cappabianca	Harhart	O'Brien	Tangretti
Carn	Hasay	Oliver	Taylor, E. Z.
Casorio	Hennessey	Orie	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsey	Petrone	Trello
Clymer	Hutchinson	Phillips	Trich
Cohen, L. I.	Jadlowiec	Pippy	True
Cohen, M.	James	Platts	Tulli
Colafella	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	LaGrotta	Roberts	Waters
Daley	Laughlin	Robinson	Williams
Dally	Lawless	Roebuck	Wogan
DeLuca	Lederer	Rohrer	Wojnaroski
Dempsey	Leh	Rooney	Wright

Dermody	Lescovitz	Ross	Yewcic
DeWeese	Levdansky	Rubley	Youngblood
DiGirolamo	Lucyk	Ruffing	Yudichak
Donatucci	Lynch	Sainato	Zimmerman
Druce	Maher	Samuelson	Zug
Eachus	Maitland	Santoni	

NAYS—0

NOT VOTING—0

EXCUSED—4

Gruitza	Pistella	Wilt	Ryan, Speaker
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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.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Greg Whitecomb, the owner of Whitecomb's Farm Market in York County. He is here today as the guest of Representative Todd Platts as part of the York Chamber's Agriculture Exchange Program. He is seated to the left of the Speaker. Would he please rise. Welcome to the hall of the House.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 167, PN 1338**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for terroristic threats, for harassment and stalking and for harassment by communication or address, for offenses relating to weapons or implements for escape; and providing for stalking by communication or address.

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

Mr. GANNON offered the following amendment No. **A4099**:

Amend Title, page 1, line 2, by inserting after "for"
possession of firearm or other dangerous weapon
in court facility, for

Amend Title, page 1, line 5, by striking out "and"

Amend Title, page 1, line 6, by removing the period after "address"
and inserting
, for persons not to possess, use, manufacture, control, sell or transfer
firearms; providing for possession of firearms with altered manufacturer's
number; further providing for the sale or transfer of firearms and for
registration of firearms; and providing for failure to report lost or stolen
firearms and notice of multiple purchase reporting and for locking device
for firearms.

Amend Bill, page 1, lines 9 through 11, by striking out all of said
lines and inserting

Section 1. Section 913(e) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 913. Possession of firearm or other dangerous weapon in court facility.
* * *

(e) Facilities for checking firearms or other dangerous weapons.—Each county shall make available at or within the building containing a court facility by July 1, 1996, lockers or similar facilities at no charge or cost for the temporary checking of firearms by persons carrying firearms under section 6106(b) or 6109 or for the checking of other dangerous weapons that are not otherwise prohibited by law. Any individual checking a firearm, dangerous weapon or an item deemed to be a dangerous weapon at a court facility must be issued a receipt. Notice of the location of the facility shall be posted as required under subsection (d).
* * *

Section 2. Section 2706(a) of Title 18 is amended and the section is amended by adding subsections to read:

Amend Sec. 2, page 2, line 13, by striking out "2" and inserting
3

Amend Bill, page 6, by inserting after line 30

Section 4. Section 6105(c)(2) of Title 18 is amended and the section is amended by adding a subsection to read:

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

(a.1) Penalty.—Any person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.
* * *

(c) Other persons.—In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):
* * *

(2) A person who has been convicted of an offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years.
* * *

Section 5. Title 18 is amended by adding sections to read:

§ 6110.2. Possession of firearm with altered manufacturer's number.

(a) General rule.—No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

(b) Penalty.—A person who violates this section commits a misdemeanor of the first degree.

(c) Definition.—As used in this section, the term "firearm" shall have the same meaning as that term is defined in section 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

§ 6142. Locking device for firearms.

(a) Offense defined.—It shall be unlawful for any licensee to sell, deliver or transfer any firearm as defined in section 6102 (relating to definitions) to any other person, other than another licensee, unless the transferee is provided with or purchases a locking device for that firearm or the design of the firearm incorporates a locking device.

(b) Exceptions.—Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to the provisions of this section.

(c) Penalties.—A violation of the provisions of this section shall be a summary offense.

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

“Licensee.” Any licensed manufacturer, importer or dealer of firearms.

“Locking device.” Either of the following:

(1) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(2) A device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

Amend Sec. 3, page 7, line 1, by striking out “3” and inserting

6

On the question,

Will the House agree to the amendment?

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has several parts to it, and I will briefly explain those to the members.

The first section deals with bringing a firearm into a court facility, and this makes certain that the facility will issue a receipt and have a place to keep the weapons securely. The other section of the amendment increases the penalty for a felon who would have a firearm.

The next section of the amendment strengthens the loophole in Pennsylvania law where a firearm serial number has been obliterated or filed off. It does provide safeguards for an individual who legally assembles a firearm from different components and gives them the option of which serial number that they would designate as being the serial number for that particular weapon. But under current law, if a person has a firearm that has a serial number that has been obliterated, if they did not do it themselves, then they can escape the law. This provides that whether or not that person obliterates the serial number themselves, they are subject to penalties.

And finally, the amendment provides an innovation in Pennsylvania firearm safety, and that is that handguns now sold in the Commonwealth would be required to have some type of a locking mechanism. That could be a trigger lock. There has been a lot of concern about weapons getting into the hands of young children at home or some other place, and the view is that the trigger lock mechanism would provide that extra margin of safety for firearms that are sold in Pennsylvania.

I would ask for a “yes” vote on this amendment.

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Gannon, stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Gannon, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I have ostensibly three questions that I hope you can clarify for me.

The first question deals with the checking of dangerous weapons in court facilities. Why, Mr. Speaker, should counties be required to provide check-in facilities for bombs and grenades and other dangerous weapons? These weapons, as defined in current statute, serve no lawful purpose, and I am trying to determine the intent of what you are venturing to do here.

Mr. GANNON. Mr. Speaker, this language originally was developed by Representative Godshall, and I am going to defer it to him to answer the question. I think he could probably do a better job than I could on this particular aspect of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Godshall, to answer the gentleman, Mr. Rooney’s interrogation questions.

Mr. GODSHALL. Thank you, Mr. Speaker.

What we are looking at here is, the original law passed in 1995 was specific. It said that a receipt had to be given for a firearm and firearm really only. What has happened is, when people go into courtrooms or go into a court facility, they have gone through metal detectors and so forth, had to hand over like a Swiss Army knife or whatever, and those objects in many cases, instead of having been given a receipt for in return, are confiscated. So what we are trying to say with this language is that if something, some legal device – if it is an illegal device, that is something that is not material to this bill – but if it is something legal that is taken from me that a deputy sheriff or whoever determines to be a weapon of some sort, they give you a receipt and it is returned when you leave the courthouse.

Mr. ROONEY. Thank you, Mr. Speaker.

If I may continue with my interrogation.

I guess what I am getting at is, the current definition describes dangerous weapons as those weapons that serve no lawful or useful purpose. My question is, what is the need to include this language in amendment 4099?

Mr. GODSHALL. The need for it is that you can get a receipt for what they determine at that individual courthouse to be a dangerous weapon; you can get a receipt so you can get it returned.

Mr. ROONEY. Again, if the gentleman, Mr. Gannon, would resume interrogation.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ROONEY. Mr. Speaker, again, I am trying to establish the legislative intent of one aspect of your amendment that deals with trigger locks, and the language dealing with “Locking device for firearms” includes the phrase “...or the design of the firearm incorporates a locking device.” Now, this definition would appear to clarify that a gun safety, something that is commonly known as the gun’s safety, would not qualify as a locking device or a trigger lock, as you are proposing to do. I just want to clarify that the gun safety would not suffice, that a trigger lock would need to accompany the purchase of all handguns.

Mr. GANNON. Mr. Speaker, the answer is yes.

Mr. ROONEY. Mr. Speaker, if I may suspend for one moment while staff confers on another matter.

LEAVE OF ABSENCE

The SPEAKER pro tempore. While that consultation is going on, the Chair will return to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave for the gentleman from Montgomery County, Mr. LAWLESS. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF SB 167 CONTINUED

Mr. GANNON. Mr. Speaker?

The SPEAKER pro tempore. Are you ready to continue with the interrogation, Mr. Gannon?

Mr. GANNON. Oh, yes; yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Rooney, may continue.

Mr. GANNON. Thank you.

Mr. ROONEY. Mr. Speaker, we are waiting on a decision relating to the issue of illegal possession, and really, that is what is holding up the interrogation at this point. I am told that we will have an answer in a minute. I do not want to proceed with the interrogation if we resolve this in a minute.

The SPEAKER pro tempore. The House will be at ease momentarily.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, while the debate is at ease at the moment, could I submit some comments for a matter of record, please?

The SPEAKER pro tempore. The gentleman will submit the comments.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Matthew J. Heiple, who has recently been awarded Scouting's highest honor — Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Matthew J. Heiple.

Whereas, Matthew J. Heiple earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 155.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Matthew J. Heiple.

CONSIDERATION OF SB 167 CONTINUED

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

Mr. TANGRETTI. Mr. Speaker, I was wondering if I could interrogate very briefly the maker of the amendment on a matter—

The SPEAKER pro tempore. Mr. Tangretti, we are in the middle of a previous interrogation, and we are temporarily at ease, awaiting the conclusion of that interrogation, but you can be next.

Mr. TANGRETTI. Thank you, sir.

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

HB 1314, PN 2624 (Amended)

By Rep. GLADECK

An Act regulating the leasing of employees; providing for licensing of professional employer organizations, for unemployment and workers' compensation for leased employees, for responsibilities of professional employer organizations and for criminal penalties and remedies; and imposing powers and duties upon the Department of Labor and Industry.

LABOR RELATIONS.

CONSIDERATION OF SB 167 CONTINUED

The SPEAKER pro tempore. Mr. Rooney, where are we at this point?

Mr. ROONEY. I would like to resume my interrogation, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Gannon, are you prepared to resume interrogation? The gentleman indicates he is. You may continue.

Mr. ROONEY. Mr. Speaker, I would like to thank the gentleman, Mr. Gannon. During the course of our study of this amendment, we found that some very important crimes that would otherwise be considered misdemeanors would not preclude somebody from possessing a weapon. This would be under the Operation Hard Time aspect of the amendment the gentleman has offered. So in other words, possessing a weapon on school property, luring a child into a motor vehicle, providing a weapon to a prisoner, and stalking are all offenses that would not otherwise be covered. I have an agreement with the gentleman to offer an amendment after this is considered, 4099, that would offer that corrective language. So I thank him for that, and that concludes my interrogation.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation, please?

The SPEAKER pro tempore. The gentleman, Mr. Gannon, indicates that he is willing to stand for interrogation. You may proceed.

Mr. CARN. Thank you, Mr. Speaker.

Under this amendment, if someone is properly utilizing a trigger lock and that gun is subsequently taken and used in a crime, is the owner of that gun exempt from being sued? What is his liability?

Mr. GANNON. Mr. Speaker, I would have to say that, in my view, the owner would not be exempt from a lawsuit, but I do not believe the owner would be held liable if he was exercising prudent and reasonable care in use of the trigger lock. If a case or a lawsuit was filed against the owner on a theory of negligence, I do not believe the owner would be negligent and therefore responsible.

Mr. CARN. But is there any language that exempts the owner from liability under those conditions?

Mr. GANNON. There is not any language that would exempt the owner, but certainly in a court, that would be a defense to any claim, and I believe that it would be an absolute defense if the owner established that he was using a trigger lock and was exercising the care required.

Mr. CARN. Mr. Speaker, what does your amendment say as it relates to antique guns? Do owners of antique guns have to also have trigger locks for their antique guns?

Mr. GANNON. No, Mr. Speaker.

Mr. CARN. Where is that language that states that, Mr. Speaker?

Mr. GANNON. Only if the person is purchasing an antique gun from a dealer; that would require a trigger lock.

Mr. CARN. I was looking for language to that effect. Could you point it out to me, please?

Mr. GANNON. Yes. The rule, as set out in the amendment, is that when a licensee transfers a handgun, it has to have a trigger lock, so it does not matter whether or not it was an antique weapon or not. It requires it.

Mr. CARN. Oh. So you are saying that all antique weapons, under this amendment, would also, under this law, if this became law, be required to have a locking device?

Mr. GANNON. Antique weapons would not be exempt.

Mr. CARN. Okay. Thank you.

Another question, please. What happens if someone goes into a dealer's shop to purchase a gun and at that particular time the dealer does not have safety locks to sell? Is that dealer, if this was law, able to sell that gun at that time?

Mr. GANNON. No.

Mr. CARN. Thank you, Mr. Speaker.

Mr. GANNON. Mr. Speaker, if I may, I want to make it clear, because there was some confusion, that this amendment, this trigger locking device, only applies to handguns, not to long guns or rifles. I think you are aware of that, but I wanted to make it clear on the record.

Mr. CARN. Thank you, Mr. Speaker.

Mr. Speaker, I have finished my interrogation. I would like to speak on the amendment.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. CARN. Thank you, Mr. Speaker.

First, I would like to thank this House for taking this time to debate what I consider to be a very serious issue in Pennsylvania, the access of handguns, and I am concerned that when we take action such as to require trigger locks, I think we need to offer an incentive such as exemption from liability to those who comply with our laws. I have an amendment that hopefully, when we go further, we will get a chance to consider that.

Also, I think that it is important because of the tremendous number of antique guns that exist in this State that are not being used or not fired, that they should also have an exemption, since they are not necessarily a threat, and hopefully through a future amendment, we can address that.

Also, I am concerned that dealers, if this became law, if they run out of trigger locks, I am concerned that they still might sell this gun and be in violation of the law, and I think that is an issue that we need to address.

Now, one of the other concerns that bothered me with this particular amendment is that it does not exempt law enforcement officers, and I think that is a provision that we need to include in any law, because there are many law enforcement officers who need their handguns at a moment's notice, and I think that we need to be clear in that they have the opportunity to be exempt from such a trigger lock provision. For that reason I am hoping that we shall consider a future amendment that would address these concerns as well.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Westmoreland County, Mr. Tangretti. The gentleman waives off.

Does the lady from Crawford County, Representative Forcier, seek recognition on the amendment?

The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas, on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support amendment 4099.

Amendment 4099 finally drives home some issues that have been raised for some time now. I know in 1995, when I called for a special session on crime, trigger locks, guns in courtrooms, guns in schools, were all part of a comprehensive package that was advanced at that time, and so I am thankful that Representative Gannon is stepping up, and I am hoping that both sides of the aisle support this amendment and also support other amendments that finally bring this issue front and center. Thank you.

The SPEAKER pro tempore. The gentleman from Blair County, Mr. Geist, is recognized on the amendment.

Mr. GEIST. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation, please?

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order and may proceed.

Mr. GEIST. Mr. Speaker, in the amendment there is no place that I read where if you are a serious collector of handguns and you keep all your weapons in a weapons safe, what in the world are you going to buy a trigger lock for a gun that you keep in a gun safe for? There is no provision in there for those of us who have multiple guns, collect multiple guns, and when we buy them, if I go and buy three handguns at one time and I have to buy three trigger locks for that, then I am going to put it in a gun safe, what, do I come back, sell the trigger locks in a trade show or something?

Mr. GANNON. Mr. Speaker, under the amendment, there is not any requirement that anybody run out and buy trigger locks for weapons that they have at home or in a safe at home. So the issue that you are raising is not relevant to this amendment.

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

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GEIST. For those of us who believe you lock up criminals rather than guns — and I have listened to members of this General Assembly, one of them Representative Rooney over here, who has publicly, I listened to him on 580 radio one day beating up on legitimate gun owners over and over and over again — our emphasis now should be on locking up criminals and not guns.

The legitimate gun owner is somebody who uses weapons and uses them very prudently, and we should be about that business. If you commit a crime with a gun or if you are a felon and you possess a gun, then you should be locked up and put away. When we start fooling around all the time and constantly paint everybody with the same brush, I think that is wrong. There are too many citizens of Pennsylvania, whether it be a long gun or a handgun, that deserve the right to own those without malice, and, Mr. Speaker, we need to make sure on the record that no matter how we vote on this, unlike other members of this General Assembly who paint all gun owners as being criminals, it is the true criminals who use and possess guns who need locked up.

I want to thank you for allowing me to put those remarks on the record.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER pro tempore. Does the lady from Crawford County seek recognition? The Chair recognizes the lady, Representative Forcier.

Mrs. FORCIER. Thank you, Mr. Speaker.

I understand on this one amendment there is some confusion. I have had the opportunity to speak to the NRA (National Rifle Association) yesterday and today. I believe that the NRA supports this amendment except for a provision that deals with trigger locks. I have an amendment that will correct this problem, and I would like to ask the Parliamentarian if he would suggest that the amendment be divided or if I should offer my amendment at this time.

The SPEAKER pro tempore. Would the lady advise the Chair where she wishes to divide the amendment.

Mrs. FORCIER. It would be section 6142, and it would be the section dealing with the trigger locks, the locking devices.

The SPEAKER pro tempore. Can you give me the line and page?

Mrs. FORCIER. Now that we have our laptop desk, it makes it a little more difficult, but I am getting the line for you. Page 2, line 3.

The SPEAKER pro tempore. It is the Chair's understanding that you would like to divide the amendment between lines 39 and 40 on page 2. Is that correct?

Mrs. FORCIER. 39 and 40, Mr. Speaker.

The SPEAKER pro tempore. That would divide section 6142 from the rest of the amendment. Is that your intent?

Mrs. FORCIER. Yes, it is.

The SPEAKER pro tempore. Will you suspend while we check.

The Chair regrets to advise the lady that it cannot be done that way.

Mrs. FORCIER. Mr. Speaker?

The SPEAKER pro tempore. You may proceed.

Mrs. FORCIER. Because it is not divisible, could I ask the Parliamentarian whether the amendment is still in order if this amendment passes?

The SPEAKER pro tempore. Are you asking if your amendment will be in order if this amendment passes?

Mrs. FORCIER. Yes; 4112.

The SPEAKER pro tempore. What is your amendment number?

Mrs. FORCIER. 4112.

The SPEAKER pro tempore. Would the lady please come to the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. Does the lady wish to continue with her remarks on the amendment?

Mrs. FORCIER. Yes. Thank you, Mr. Speaker.

I have just been told by the Parliamentarian that my amendment, 4112, would still be in order after this amendment passes. That will correct the language that is requested by the NRA. I would appreciate an affirmative vote on the amendment for

Representative Gannon, and then when it is my opportunity to put in my amendment, that will correct the language for trigger locks. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Cambria County, Mr. Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman suspend.

I could not hear you, and if I cannot hear you, that means there is entirely too much noise on the floor of the House. The House will come to order. Conversations in the aisles will please break up.

Mr. Yewcic, would you repeat that?

Mr. YEWIC. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. YEWIC. I would like to divide the amendment on page 1, after line 32.

The SPEAKER pro tempore. Page 1, after line 32.

Mr. YEWIC. Correct.

The SPEAKER pro tempore. Thank you.

The amendment is divisible at that point.

Mr. YEWIC. Thank you, Mr. Speaker.

I would propose then that we divide the amendment to separate the confusing language on gun locks, on the second part of the amendment, to vote these two issues separately and divide it at this point. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House now has before it, pursuant to the request of the gentleman, Mr. Yewcic, amendment A4099-A, which is lines 1 through 32 of amendment A4099.

On the question,

Will the House agree to part 1 of the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Yewcic.

Mr. YEWIC. I support the first page, the first 32 lines, to vote for this amendment.

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

Mr. GEIST. Thank you, Mr. Speaker.

I was trying to get your attention earlier.

On the Forcier amendment, it is our understanding that you have to pass this amendment first before you can offer an amendment to the amendment that is offered.

The SPEAKER pro tempore. No; we do not have to pass this first in order to consider the lady's amendment.

Mr. GEIST. And it is my understanding that this amendment cannot be divided and then have this language inserted in.

The SPEAKER pro tempore. The amendment was not divisible in the spot that the lady requested it be divided. It is divisible at the spot that the gentleman, Mr. Yewcic, requested that it be divided.

Mr. GEIST. Mr. Speaker, the language in the bill that I had questioned on the mandatory, even for those who buy and lock up

in safes, the concern there is that if the good parts of this amendment can stand alone, then that changes the complexion of a lot of our votes. So that is the question that we want to know: Can it be divided in more than one part?

The SPEAKER pro tempore. If the gentleman has a specific spot in the amendment that he would like to see it divided and he brings that to the attention of the Chair, we will rule.

Mr. GEIST. Mr. Speaker, would it be possible to divide the amendment into three parts, based upon the three specific lines of intent?

The SPEAKER pro tempore. Mr. Geist, you are going to have to give me a line and a page number before I can give you an answer to that.

Mr. GEIST. I do not have the printed amendment in front of me. I only have the screen.

But what I would like to do is, if possible, would be to make a motion to divide the amendment into three parts, wherever staff tells me it can be broken, and let us vote on each of those parts individually. And staff is scrambling on my right here to mark—

The SPEAKER pro tempore. Mr. Geist, we now have amendment A4099 before us.

Mr. GEIST. And that is correct.

The SPEAKER pro tempore. That is what the House is going to consider.

Mr. GEIST. And Representative Yewcic has asked to divide.

The SPEAKER pro tempore. And the Chair has granted that request. We are now considering amendment A4099.

Mr. GEIST. Okay.

The SPEAKER pro tempore. We are not considering further divisions of the amendment at this time.

Mr. GEIST. When would that motion be in order, Mr. Speaker?

The SPEAKER pro tempore. If the gentleman would like to further divide amendment A4099-A between lines 1 and 32, he may do that, because that is all that is before us at this time.

Mr. GEIST. Okay. Mr. Speaker, I am going to withdraw until after we do this, and then I will question the Chair as to dividing out other parts of this amendment to make it compatible.

The SPEAKER pro tempore. Would the gentleman, Mr. Geist, come to the rostrum. Are there any other members seeking recognition on amendment A4099-A?

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. Those in favor of the amendment, which is lines 1 through 32 of amendment A4099, will vote "aye"; those opposed, "no."

On the question recurring,
Will the House agree to part 1 of the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

Mr. EVANS. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. The clerk will strike the board. For what purpose does the gentleman, Mr. Evans, rise?

Mr. EVANS. Mr. Speaker, I just wanted, really, a little clarity on this issue again so members can understand clearly what is occurring. Can you repeat this again, please.

The SPEAKER pro tempore. Yes. I thought I had done that, but that is probably a good suggestion.

Mr. EVANS. Can you get a little order and then repeat it, Mr. Speaker.

The SPEAKER pro tempore. What is before the House is lines 1 through 32 of amendment A4099. They are now known as 4099-A, so you are only voting on the first 32 lines on page 1 of that amendment.

Those in favor of the amendment will vote "aye"; those opposed, "no."

On the question recurring,
Will the House agree to part 1 of the amendment?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the board.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. For the information of the members, we were revisiting the question of whether or not amendment A4099 is divisible, and upon further reflection, the Chair has concluded that it is not divisible anywhere because of the language between lines 7 and 13, the title language. Once you strip that out by dividing the amendment anywhere, the amendment cannot stand on its own.

Therefore, the Chair rules that amendment A4099 may not be divided in any place.

Mr. Yewcic, you waive off.

Mr. Rooney, do you seek recognition for the second time? The gentleman waives off.

The Chair recognizes the gentleman from Montgomery County, Representative Godshall, on amendment A4099 in its entirety.

Mr. GODSHALL. Thank you, Mr. Speaker.

Now, this is only the part from line 1 through line 32, Mr. Speaker. Is that correct?

The SPEAKER pro tempore. We now have the entire amendment before us. It is not divisible. If you want to address any part of it, you are welcome to, but you have the whole amendment before you.

Mr. Godshall, we will come back to you.

Does the gentleman from Allegheny County, Mr. Pippy, seek recognition? The gentleman is recognized.

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

The SPEAKER pro tempore. Mr. Gannon, are you willing to stand for interrogation? The gentleman, Mr. Pippy, wants to interrogate you. The gentleman is in order and may proceed.

Mr. PIPPY. Thank you, Mr. Speaker.

Mr. Speaker, part of the amendment deals with the serial numbers on the firearms. In particular, it deals with the defacing of the firearms. I have had a couple of calls in my district office concerning custom-made handguns that are used for target practice and other times which may not have that readily available. What is the position on custom-made handguns, and how will that be affected?

Mr. GANNON. Since handguns that are custom made, like the ones you just described, never had a serial number in the first place, it would not apply to those types of handguns.

Mr. PIPPY. And also for the record, another issue is, people who do use their handguns many times and may have to get them resurfaced or reblued, refinished, will that be considered altering the serial number?

Mr. GANNON. No, it will not.

Mr. PIPPY. Okay. Thank you very much.

I am done, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Representative Godshall, on the amendment.

Mr. GODSHALL. Mr. Speaker, at this point we are on the Gannon amendment in its entirety?

The Gannon amendment addresses three or four very important and responsible issues. About 4 or 5 years ago, we passed in this chamber an instantaneous background check before you could purchase firearms. The language in Washington at that time dealt with an instantaneous background check for the purchase of handguns. It was a criminal background check. What we passed in Pennsylvania, by doing the responsible thing, is we passed an instantaneous background check that not only created a criminal background check, it created a mental health background check, and it also dealt with juvenile violent history background that went into that background check. At this point we probably have the most progressive law on the books in the country. No other State that I know of goes to the length that we have done in trying to be responsible.

As far as the Gannon amendment, I also think the Gannon amendment is doing the responsible thing. As far as the trigger lock portion of that amendment, as of right now, as of this time, from what I have seen in the research that I have done, approximately 90 percent of all handguns that are being shipped from the manufacturers contain trigger locks. Approximately 90 percent of handguns being shipped by manufacturers contain trigger locks, so we are talking about the remaining 10 percent. We are also talking about some guns that may be in some dealer's case. It is not a fact of whether you have to buy a trigger lock when you purchase one of those guns. You will be purchasing the trigger lock because it is already in the manufacturer's box.

I am supporting the Gannon amendment. I think it is the responsible thing to do, and I would ask for your support. Thank you.

The SPEAKER pro tempore. On the Gannon amendment, the gentleman from Philadelphia, Mr. Evans, is recognized.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to support the Gannon amendment.

The gentleman who just spoke from Montgomery County, he and I at times have debated this issue, and no, I do not think that the Gannon amendment is perfect, nor do I think it goes as far as I would like for it to go. It is clear to me there are some other things I would like to see happen, and we will debate that a little later. But I do think specifically, around the issue of the locking devices, that that is more than a reasonable approach. If we are talking about the concern of our children and young people in the Commonwealth of Pennsylvania, why should we not assure that there is some form of a locking device with these handguns? There are about four or five major States. New Jersey a couple weeks ago passed a law that made it mandatory to have locking devices.

I think it is only but reasonable, I think it does not do anything to take away someone's ability to purchase a firearm, but the fact is that we are trying to ensure that these locking devices are there with those handguns.

So I have said many times before that I do not think that this should be a partisan issue; this should be bipartisan. The gentleman from Montgomery County, who I clearly know does not agree with me a lot of times on the gun policy issue, has stepped up and said very clearly that this is about being responsible. So the issue around the locking devices, in my view, is an issue that should not be Democrat or Republican or rural or urban or suburban; we should stand up and do the responsible thing and support the Gannon amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Crawford County, Representative Forcier, for the second time.

Mrs. FORCIER. Thank you, Mr. Speaker.

Previously I had attempted to clarify some language in the Gannon amendment. What has happened is, there is a little confusion on the language of trigger locks. The NRA and I both agree that the language on trigger locks is not the way we want it to be. It is important to realize availability of trigger locks is what is very reasonable. What this amendment does is it makes it mandatory that there is a sale of trigger locks so that when you purchase a gun, whether it be a long gun or a handgun, whether it be new or used, there has to be a trigger device on that gun.

What I would like the opportunity to do is clarify what I had said the last time. I am hopeful that my amendment will clarify the language and correct trigger locks in this amendment. That would make the NRA very happy and all the members therefore. If that does not happen, if this amendment passes and you vote "yes" and my amendment fails, we will have a piece of legislation that is not going to be user friendly for the gun owners.

On behalf of the gun owners in my district, I would like to ask everyone to vote "no" on this amendment, because we are not certain the language will be corrected. Thank you very much.

The SPEAKER pro tempore. The gentleman, Mr. Carn, from Philadelphia is recognized for the second time.

Mr. CARN. Thank you, Mr. Speaker.

Before the tragedies at Columbine, Atlanta, and Seattle, there was 4-year-old Akeem Williams. Akeem Williams was a young Philadelphia boy who was accidentally shot by his 5-year-old sister nearly 3 years ago. Fortunately, Akeem survived his injuries, but too often we lose young people to accidental shootings. So I rise today to support the Gannon trigger lock amendment in honor of Akeem and other children who have been killed or injured by accidental gunfire.

Mr. Speaker, it is inexcusable for our children and innocent victims like Nafis Jefferson, Troy Tyler, and Akeem Williams to be killed or seriously injured when the capability exists to prevent accidental shootings. In 1997 Representative Rooney and I held hearings around the State on this topic. Four States — Connecticut, California, Massachusetts, and New Jersey — require safety locks with all gun purchases. In June the California State Assembly passed safety lock legislation. During the debate in Sacramento, one of our colleagues, Assemblyman Jack Scott, tearfully recalled the tragedy that befell his family. Assemblyman Scott's son, a toddler, found a gun and accidentally shot himself to death.

Mr. Speaker, the New Jersey legislature passed safety lock legislation this fall, and Governor Whitman signed the bill into law

on October 12. During the bill signing, Governor Whitman remarked, quote, "Trigger locks are designed to prevent accidental discharge of a loaded handgun. By adding this safety device to handguns, responsible gun owners can help ensure that their guns are not used by irresponsible parties — especially by children whose curiosity often exceeds their judgement..."

Although this amendment does not address all of the issues that I think need to be addressed, I stand today and offer support for this amendment in hopes that future amendments that will come before this House will also be supported to improve this legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Northampton County, Mr. Rooney, is recognized for the second time.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to support the gentleman, Mr. Gannon's amendment, and I do so particularly because of the provisions of the trigger lock.

As you know, there have been a great number of us, led by Representative Carn and others, who for many years have waited for this day, and I say with all sincerity that we are glad to be here debating this issue in this House on this day. But I caution us against getting too excited or overwhelmed about what I hope we are going to do, and that is, pass this amendment.

We have a mandate. There is no question that this issue has created a groundswell of support across Pennsylvania. Survey after survey indicates that the people of Pennsylvania want reasonable, rational gun safety measures as the law of this land. I believe in some small way the Gannon amendment offers or advances that prospect, but again, there is no cause for uncontained joy. This is a beginning. And those of you who choose to coin this as a beginning of something bad, I ask you to pay attention as you have respectfully to the issues as we go forward today and in the future.

The Gannon amendment is a good first step, but it is by no means the end of the process. I ask for an affirmative vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Warren County, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

I had not planned on saying anything, but inevitably, when we have discussions about guns, it gets around to gun control and about irresponsible behavior of the guns and not the people themselves. And you know, I used to see these bumper stickers around all the time and still do on occasion that say, when guns are outlawed, only the outlaws are going to have guns. Well, you know, it is kind of a funny little thing to say, but you know, we actually got some proof now, and if any of you who get that free subscription or a paid subscription to the Pennsylvania Game News had taken the time to read the last page in the last issue, this is what you would have found: "One year after gun owners were forced to surrender 640,381 personal firearms to be destroyed by the Australian government..." — in a program that cost the taxpayers one-half of a billion dollars — "...the crime rate" — surprise, surprise — "has dramatically increased. Homicides are up 3.2 percent nationwide (in the state of Victoria, homicides with firearms are up 300 percent), assaults are up 8.6 percent, and armed robberies are up 44 percent."

This is a message to Handgun Incorporated: Thank you for a job well done as you continue to kill more people because of your idiocy. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Gannon, the Chair believes you are the last speaker. The gentleman is recognized for the second time.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have a great deal of respect for the National Rifle Association, and I am deeply disappointed that they cannot see fit to support this amendment in its entirety. They are a national organization, and I think when we address concerns such as this here in the General Assembly in Harrisburg, that we should focus on the needs of the people of Pennsylvania. In that regard, I have received a letter from the Attorney General for the Commonwealth of Pennsylvania supporting this amendment. I have also received a letter from the Pennsylvania Fraternal Order of Police supporting this amendment, and I have received a letter from the Philadelphia, Pennsylvania, district attorney's office supporting this amendment. These are segments of the top law enforcement people in the Commonwealth of Pennsylvania, and they support this amendment.

I think for that reason alone, that we focus on the needs of the people of Pennsylvania — reasonable regulations of firearms to prevent what some have characterized as accidental injury and death to young children — that this amendment is needed. It is a reasonable approach. I do not believe it eliminates or impairs the right to own or carry a weapon, and I think that this amendment should be adopted by this General Assembly, and I would ask for every member to vote "yes" on this amendment and to vote "yes" for the needs of the people of Pennsylvania.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—113

Adolph	Evans	McGill	Schuler
Argall	Fichter	McIlhinney	Scrimenti
Bard	Flick	Melio	Semmel
Barley	Frankel	Michlovic	Serafini
Barrar	Freeman	Micozzie	Smith, B.
Battisto	Gannon	Miller, R.	Snyder
Bebko-Jones	Gladeck	Mundy	Steil
Bishop	Godshall	Myers	Stetler
Boyes	Harhart	Nailor	Sturla
Browne	Hennessey	Nickol	Tangretti
Bunt	Hershey	O'Brien	Taylor, E. Z.
Butkovitz	Horsey	Perzel	Taylor, J.
Buxton	James	Petrone	Thomas
Caltagirone	Josephs	Platts	Trello
Cappabianca	Kaiser	Preston	Trich
Carn	Keller	Ramos	Tulli
Civera	Kenney	Raymond	Vance
Cohen, L. I.	Kirkland	Reinard	Van Horne
Cohen, M.	Krebs	Rieger	Vitali
Cornell	Lederer	Robinson	Walko
Corrigan	Levdansky	Roebuck	Washington
Costa	Maher	Rooney	Waters
Curry	Maitland	Ross	Williams
Dailey	Manderino	Rubley	Wogan
DeLuca	Mann	Ruffing	Wright
Dermody	Marsico	Samuelson	Youngblood
DiGirolamo	Masland	Santoni	Yudichak
Donatucci	McGeehan	Schroder	Zug
Druce			

NAYS—85

Allen	Fairchild	Leh	Sainato
Armstrong	Fargo	Lescovitz	Sather
Baker	Feese	Lucyk	Saylor
Bastian	Fleagle	Lynch	Seyfert
Belardi	Forcier	Major	Shaner
Belfanti	Geist	Markosek	Smith, S. H.
Benninghoff	George	Mayernik	Solobay
Birmelin	Gigliotti	McCall	Staback
Blaum	Gordner	McIlhattan	Stairs
Casorio	Grucela	McNaughton	Steelman
Cawley	Habay	Metcalfe	Stern
Chadwick	Haluska	Miller, S.	Stevenson
Clark	Hanna	Oliver	Strittmatter
Clymer	Harhai	Orie	Surra
Colafella	Hasay	Pesci	Tigue
Coy	Herman	Petrarca	Travaglio
Daley	Hess	Phillips	True
Dally	Hutchinson	Pippy	Veon
Dempsey	Jadlowiec	Readshaw	Wojnaroski
DeWeese	LaGrotta	Roberts	Yewcic
Eachus	Laughlin	Rohrer	Zimmerman
Egolf			

NOT VOTING—0

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Rooney, for the purpose of making a motion to suspend the rules.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I move to suspend the rules for the purpose of offering amendment A4144, and again, this is an agreed-to amendment. The reason for this is a technical change that would include some very serious crimes under Attorney General Fisher's initiative, Operation Get Tough, that would, again, allow that possessing a weapon on school property, luring a child into a motor vehicle, or stalking are all offenses that would be covered under the amendment that we just passed.

The SPEAKER pro tempore. Moved by the gentleman, Mr. Rooney, that the rules of the House be suspended so that he may offer amendment A4144 to SB 167.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion, does the gentleman, Mr. Gannon, seek recognition? The gentleman is recognized.

Mr. GANNON. Thank you, Mr. Speaker.

I would ask for a "yes" vote on the motion to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—181

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

NAYS—17

Armstrong	Hanna	Leh	Rohrer
Benninghoff	Hutchinson	McIlhattan	Saylor
Clark	Jadlowiec	Metcalfe	Steelman
Forcier	Krebs	Piatts	Yewcic
Habay			

NOT VOTING—0

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

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

Mr. **ROONEY** offered the following amendment No. **A4144**:

Amend Title, page 1, lines 1 through 3 (A4099), by striking out all of said lines

Amend Title, page 1, lines 9 through 12, by striking out "for the sale or" in line 9, all of lines 10 and 11, and "notice of multiple purchase reporting and" in line 12

Amend Bill, page 1, lines 14 through 35; page 2, lines 1 and 2 (A4099), by striking out all of said lines on said pages

Amend Sec. 4, page 2, line 4 (A4099), by striking out "4" and inserting

3

Amend Sec. 4 (Sec. 6105), page 2, line 9 (A4099), by striking out "felony" and inserting

crime

Amend Sec. 5, page 2, line 28 (A4099), by striking out "5" and inserting

4

Amend Sec. 3, page 3, line 12 (A4099), by striking out "6" and inserting

5

On the question,

Will the House agree to the amendment?

POINT OF ORDER

The SPEAKER pro tempore. The gentleman, Mr. Tangretti, do you seek recognition?

Mr. TANGRETTI. Mr. Speaker, point of order.

I do not believe that that amendment has been distributed. It is not on the computer, and I do not believe it has been distributed in hard copy. It is? Thank you. Never mind, Mr. Speaker. It is there. I did not see it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Rooney, would you like to speak on the amendment? The gentleman is in order.

Mr. ROONEY. Thank you, Mr. Speaker.

Again, the purpose of this amendment is to tighten up some language that was recently adopted in the passage of amendment 4099.

There are certain crimes that are enumerated in the amendment that do not account for very serious offenses that one may commit. For example, it appears that the amendment does not include misdemeanors such as possessing a weapon on school property, luring a child into a motor vehicle, providing weapons or implements of escape to a prisoner, selling or leasing weapons or explosives to minors, and stalking. These are all areas that obviously need to be included in the amendment that was recently passed. It is certainly an initiative that would allow us to include very, very serious crimes in 4099.

The amendment is agreed to. I ask for your affirmative vote.

The SPEAKER pro tempore. Mr. Gannon, do you seek recognition on the amendment? The gentleman is in order.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, and I am asking for a "yes" vote.

The SPEAKER pro tempore. The gentleman from Columbia County, Mr. Gordner, on the amendment.

Mr. GORDNER. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Rooney, indicates that he is willing to stand for interrogation. You may proceed.

Mr. GORDNER. Thank you, Mr. Speaker.

I apologize. It is difficult through our new system to compare one amendment to another without having the paper form in front of me, but it appears with your amendment you are eliminating the entire section that was just added to deal with courthouse facilities and having a place where someone is able to check their gun. Is it true that you are removing that entire section?

Mr. ROONEY. Mr. Speaker, based upon existing law that was passed, I believe, in 1995, that is the case already. What we are attempting to do here is identify those offenses that would not otherwise be covered in the language that we just passed.

Mr. GORDNER. Mr. Speaker, if you could just answer the question. Are you removing the entire section in the amendment we just passed that deals with courthouse keeping of guns?

Mr. ROONEY. Yes.

Mr. GORDNER. Okay. Thank you.

On the amendment?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GORDNER. Thank you, Mr. Speaker.

This may be an agreed-to amendment between the maker of the amendment and Mr. Gannon, but for those of us who were supportive of the language that was just added in the Gannon amendment that would allow folks that legitimately have a carry permit to have a safe place to put their gun at a courthouse, I think we should be very concerned that we are now striking that language from the amendment we just passed. There was an attempt by some of us to divide the previous amendment, and we were very supportive of that first section. You should be aware that with this amendment, we are completely removing that section, we are completely gutting it from the amendment and from the bill, and there will no longer be any place that would provide for a safe place for someone who has a carry permit to store their gun while they are at a courthouse facility, and so I would urge a "no" vote on this amendment.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Mr. Speaker, is the amendment divisible in such a way that that section that the previous gentleman just spoke about could be divided out?

The SPEAKER pro tempore. The Chair anticipated that question and has asked the Parliamentarian to look into it. If you will just suspend for a moment, we will give you an answer.

Mr. STURLA. Thank you.

The SPEAKER pro tempore. Mr. Sturla, we are going to ask for some guidance from you. Can you give us a particular line where you would like to divide the amendment?

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. Mr. Sturla, we have an answer.

The amendment is divisible between lines 10 and 11 and lines 13 and 14. Lines 11, 12, and 13, those 3 lines in between, would be the section dealing with the crimes. The balance of the amendment, that appearing before line 10 and after line 13, would be a second half of the amendment, and that would deal with the courthouse check-in issue.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Would you like to have the amendment so divided?

Mr. STURLA. Mr. Speaker, no, I would not, because in ensuing discussions, it has come to my attention that the language that would be removed dealing with that does not remove the language in the current law which allows for storage of legal guns in a courthouse facility. The amendment as it is currently drafted would simply take out the language that would have allowed for storage of other dangerous weapons, which, you know, would constitute handgrenades and things like that, and I do not see why, as it was pointed out earlier, we need to have a facility to store handgrenades at a courthouse, so I will not move to divide the amendment at this point in time. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, Mr. Tangretti, do you seek recognition? The gentleman is recognized.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I just want to reiterate what the gentleman from Lancaster just said. As the author of this particular section in 1995, I had some discussions with the gentleman who had proposed the amendment that we just did, and in fact, what Mr. Rooney's amendment does only repeals the section of the amendment that was just accepted by this body. It does not repeal section 913, which allows for and provides for the storage of weapons in courthouse facilities. All of that language is still intact. Just so that the gentleman from Columbia County understands, that is not repealed; it is still in law and will remain in law. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Crawford County, Representative Forcier, on the amendment.

Mrs. FORCIER. Thank you, Mr. Speaker.

I would like to have permission to interrogate the maker of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Rooney, indicates that he is willing to stand for interrogation. The lady is in order and may proceed.

Mrs. FORCIER. Mr. Speaker, I am opposed to knives and other dangerous weapons in the courthouse, which has also been talked about by two previous Representatives. Your amendment would lead to individuals taking knives and other dangerous weapons into the courthouse. Could you tell me if that is your intent?

Mr. ROONEY. Mr. Speaker, I have six people talking to me at once. Would you be kind enough to repeat your question?

Mrs. FORCIER. I would be happy to.

Your amendment would lead to individuals taking knives and other dangerous weapons into the courthouse. Is that your intent?

Mr. ROONEY. No.

Mr. Speaker, let us be very clear: In the amendment that was just passed, there was a provision that would require there be storage areas for bombs and handgrenades and the like. That is unnecessary. My suspicion is that if some nitwit brings a bomb into a courthouse, he or she probably is not going to store it and want a receipt. That is what we are trying to get at in one respect. In another respect, what we are doing is increasing the penalties so that we do not leave out some very important offenses.

Let us be very clear: It is not our intention to strike dangerous weapons from the Gannon amendment. What we are trying to get at, again, is to remove some unnecessary language and increase the penalties for some very serious crimes that should prohibit somebody from possessing a firearm.

Mrs. FORCIER. Mr. Speaker, on the amendment?

The SPEAKER pro tempore. The lady is recognized.

Mrs. FORCIER. I understand what the Representative had just said. However, on line 21, it most certainly is written that it says, "Facilities for checking firearms or other dangerous weapons." That is taken out. So therefore, the way it is written, even though it may not be the intent, it most certainly will allow other dangerous weapons in the courthouse.

I therefore ask my colleagues on both sides of the aisle to oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Rooney, are you seeking recognition?

Mr. ROONEY. Mr. Speaker, I would like to be very clear. The gentlelady suggested that on line 21 we are taking out "firearms." That is simply not the case. I want to be very clear. I think we have made it clear what we are attempting to do, but to remove the word "firearms" is not, respectfully, is not what we are attempting to do nor is it what we are in fact doing.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Godshall, on the amendment.

Mr. GODSHALL. Thank you, Mr. Speaker.

I did not know that handgrenades were a dangerous weapon not prohibited by law. The Gannon amendment specifically says that firearms or other dangerous weapons which are not prohibited by law. All we are doing is expanding to some degree on the former Tangretti language which was placed in the Uniform Firearms Act in 1995.

All we are saying is that when somebody comes into a courthouse and/or a court facility and has an item confiscated that is not prohibited by law, such as a pocketknife, they get a receipt and get it back. We have done nothing to expand this language to make weapons that are prohibited by law, that they would be allowed to be put in a gun box or whatever that is located in the courthouse.

And, you know, I feel very strongly, as I think Representative Tangretti does, on this issue. You know, this law was to take effect in 1996. I know most courthouses have followed the letter of the law and most counties have followed the letter of the law; some have not, but it is a very important issue, and I oppose this amendment which would strip out this language from the Uniform Firearms Act, and therefore, I have to oppose the Rooney amendment. Thank you.

AMENDMENT DIVIDED

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Rooney, rise? You have spoken twice.

Mr. ROONEY. Mr. Speaker, there seems to be a great deal of confusion surrounding the provisions that deal with court facilities. What I would like to do is withdraw this amendment at this time and offer an amendment that deals just with adding the offenses to the Gannon amendment.

The SPEAKER pro tempore. That could be done through division. You could simply withdraw part of your amendment and offer the other part.

Mr. ROONEY. That is fine. We will do it. Just give us one second, Mr. Speaker.

The SPEAKER pro tempore. Mr. Rooney, the Chair had earlier advised Mr. Sturla that the amendment could be divided between lines 10 and 11 and lines 13 and 14, and the portion which you would like to retain is the section in between those two divisions.

Mr. ROONEY. That is correct, Mr. Speaker.

The SPEAKER pro tempore. Is that your request?

Mr. ROONEY. That is my request.

The SPEAKER pro tempore. The gentleman, Mr. Rooney, moves that amendment A4144 be divided between lines 10 and 11 and lines 13 and 14, and the Chair so orders.

The portion which the gentleman wishes to retain and which we will vote on first is contained in lines 11, 12, and 13 of the original amendment, which will be amendment A4144-A. The portion before the House would contain the crimes section, and the rest would not be before the House in this amendment.

Now, is there anyone seeking recognition on 4144-A?

On the question,

Will the House agree to part A of the amendment?

The following roll call was recorded:

YEAS—51

Bebko-Jones	Frankel	Mann	Rooney
Bishop	Freeman	Melio	Samuelson
Browne	Gannon	Michlovic	Stelman
Butkovitz	Horsey	Mundy	Stetler
Buxton	James	Myers	Sturla
Cappabianca	Josephs	O'Brien	Taylor, J.
Carn	Kaiser	Perzel	Thomas
Cohen, M.	Keller	Pesci	Washington
Corrigan	Kenney	Preston	Waters
Curry	Kirkland	Ramos	Williams
Donatucci	Lederer	Rieger	Wogan
Evans	Levdansky	Robinson	Youngblood
Fargo	Manderino	Roebuck	

NAYS—147

Adolph	Druce	Major	Schuler
Allen	Eachus	Markosek	Scrimenti
Argall	Egolf	Marsico	Semmel
Armstrong	Fairchild	Masland	Serafini
Baker	Feese	Mayernik	Seyfert
Bard	Fichter	McCall	Shaner
Barley	Fleagle	McGeehan	Smith, B.
Barrar	Flick	McGill	Smith, S. H.
Bastian	Forcier	McIlhattan	Snyder
Battisto	Geist	McIlhinney	Solobay
Belardi	George	McNaughton	Staback
Belfanti	Gigliotti	Metcalfe	Stairs

Benninghoff	Gladeck	Micozzie	Steil
Bimelin	Godshall	Miller, R.	Stern
Blaum	Gordner	Miller, S.	Stevenson
Boyes	Grucela	Nailor	Strittmatter
Bunt	Habay	Nickol	Surra
Caltagirone	Haluska	Oliver	Tangretti
Casorio	Hanna	Orie	Taylor, E. Z.
Cawley	Harhai	Petrarca	Tigue
Chadwick	Harhart	Petrone	Travaglio
Civera	Hasay	Phillips	Trello
Clark	Hennessey	Pippy	Trich
Clymer	Herman	Platts	True
Cohen, L. I.	Hershey	Raymond	Tulli
Colafella	Hess	Readshaw	Vance
Cornell	Hutchinson	Reinard	Van Home
Costa	Jadlowiec	Roberts	Veon
Coy	Krebs	Rohrer	Vitali
Dailey	LaGrotta	Ross	Walko
Daley	Laughlin	Rublely	Wojnaroski
Dally	Leh	Ruffing	Wright
DeLuca	Lescovitz	Sainato	Yewcic
Dempsey	Lucyk	Santoni	Yudichak
Dermody	Lynch	Sather	Zimmerman
DeWeese	Maher	Saylor	Zug
DiGirolamo	Maitland	Schroder	

NOT VOTING—0

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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

On the question,

Will the House agree to part B of the amendment?

PART B OF AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Mr. Rooney, are you withdrawing the second half of that amendment?

Mr. ROONEY. Yes.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

AMENDMENT A4099 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion. Moved by the gentleman, Mr. Yewcic, that the vote by which amendment No. A4099 was passed to SB 167 be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

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

NAYS—4

Buxton	Cappabianca	Casorio	Lucy
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NOT VOTING—1

Stairs

EXCUSED—5

Gruitza	Pistella	Will	Ryan,
Lawless			Speaker

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. A4099:

Amend Title, page 1, line 2, by inserting after "for"
possession of firearm or other dangerous weapon
in court facility, for

Amend Title, page 1, line 5, by striking out "and"

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

, for persons not to possess, use, manufacture, control, sell or transfer
firearms; providing for possession of firearms with altered manufacturer's
number; further providing for the sale or transfer of firearms and for
registration of firearms; and providing for failure to report lost or stolen
firearms and notice of multiple purchase reporting and for locking device
for firearms.

Amend Bill, page 1, lines 9 through 11, by striking out all of said
lines and inserting

Section 1. Section 913(e) of Title 18 of the Pennsylvania
Consolidated Statutes is amended to read:

§ 913. Possession of firearm or other dangerous weapon in court facility.

(e) Facilities for checking firearms or other dangerous
weapons.—Each county shall make available at or within the building
containing a court facility by July 1, 1996, lockers or similar facilities at
no charge or cost for the temporary checking of firearms by persons
carrying firearms under section 6106(b) or 6109 or for the checking of
other dangerous weapons that are not otherwise prohibited by law. Any
individual checking a firearm, dangerous weapon or an item deemed to be
a dangerous weapon at a court facility must be issued a receipt. Notice of
the location of the facility shall be posted as required under
subsection (d).

Section 2. Section 2706(a) of Title 18 is amended and the section
is amended by adding subsections to read:

Amend Sec. 2, page 2, line 13, by striking out "2" and inserting
3

Amend Bill, page 6, by inserting after line 30

Section 4. Section 6105(c)(2) of Title 18 is amended and the
section is amended by adding a subsection to read:

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

(a.1) Penalty.—Any person convicted of a felony enumerated under
subsection (b) or a felony under the act of April 14, 1972 (P.L.233,
No.64), known as The Controlled Substance, Drug, Device and Cosmetic
Act, or any equivalent Federal statute or equivalent statute of any other
state, who violates subsection (a) commits a felony of the second degree.

(c) Other persons.—In addition to any person who has been
convicted of any offense listed under subsection (b), the following
persons shall be subject to the prohibition of subsection (a):

(2) A person who has been convicted of an offense under
the act of April 14, 1972 (P.L.233, No.64), known as The
Controlled Substance, Drug, Device and Cosmetic Act, or any
equivalent Federal statute or equivalent statute of any other state,
that may be punishable by a term of imprisonment exceeding
two years.

Section 5. Title 18 is amended by adding sections to read:

§ 6110.2. Possession of firearm with altered manufacturer's number.

(a) General rule.—No person shall possess a firearm which has had
the manufacturer's number integral to the frame or receiver altered,
changed, removed or obliterated.

(b) Penalty.—A person who violates this section commits a
misdemeanor of the first degree.

(c) Definition.—As used in this section, the term "firearm" shall
have the same meaning as that term is defined in section 6105(i) (relating

to persons not to possess, use, manufacture, control, sell or transfer firearms).

§ 6142. Locking device for firearms.

(a) Offense defined.—It shall be unlawful for any licensee to sell, deliver or transfer any firearm as defined in section 6102 (relating to definitions) to any other person, other than another licensee, unless the transferee is provided with or purchases a locking device for that firearm or the design of the firearm incorporates a locking device.

(b) Exceptions.—Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to the provisions of this section.

(c) Penalties.—A violation of the provisions of this section shall be a summary offense.

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

“Licensee.” Any licensed manufacturer, importer or dealer of firearms.

“Locking device.” Either of the following:

(1) A device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(2) A device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

Amend Sec. 3, page 7, line 1, by striking out “3” and inserting

6

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. Mr. Gannon, do you seek recognition? The gentleman is recognized.

Mr. GANNON. Mr. Speaker, once again I ask for a “yes” vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, Mr. Metcalfe, on the amendment.

Mr. METCALFE. Regarding the reconsideration of this amendment, as was obvious from the agreement that was made with the previous amendment, it seems like there are some things going on here with this amendment, with this bill, that a lot of us have not been made privy to.

The attempt to take out the portion of the amendment that we just worked on and voted against is, I think, very telling for us as to what direction we are going to with this amendment and with these gun control and more gun control measures that are being voted on here today.

So I would ask that everyone would oppose this amendment. Thank you.

The SPEAKER pro tempore. Mr. Yewcic, on the amendment. Mr. YEWIC. Thank you, Mr. Speaker.

Mr. Speaker, it became obvious during the debate that the Gannon amendment was all about gun control, and it really caused a lot of confusion among the House members. Therefore, I would ask a “no” vote on the Gannon amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Gannon, for the second time.

Mr. GANNON. Mr. Speaker, there was not any confusion about this amendment when it was debated a short time ago. It has three very critical elements that I believe are needed with respect to gun safety for the people of Pennsylvania.

There was some confusion with respect to a subsequent amendment, but I do not think that should cloud our judgment and

deliberations and decisions with respect to this amendment. This is supported by a broad spectrum of law enforcement including the Attorney General of the Commonwealth of Pennsylvania, so there is not any reason to vote “no” on this amendment. There are a lot of reasons that have been enumerated by many members in the debate why we should vote “yes” on this amendment, and I would ask for a “yes” vote on the Gannon amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—104

Adolph	Druce	McGeehan	Samuelson
Argall	Evans	McGill	Santoni
Bard	Fichter	McIlhinney	Schroder
Barley	Flick	Melio	Schuler
Battisto	Frankel	Michlovic	Serafini
Bebko-Jones	Freeman	Micozzie	Snyder
Boyes	Gannon	Miller, R.	Steelman
Browne	Gladeck	Mundy	Steil
Bunt	Godshall	Myers	Stetler
Butkovitz	Harhart	Nailor	Sturla
Buxton	Hennessey	Nickol	Tangretti
Caltagirone	Horsey	O'Brien	Taylor, E. Z.
Cappabianca	James	Oliver	Taylor, J.
Carn	Josephs	Perzel	Thomas
Clymer	Kaiser	Pesci	Trello
Cohen, L. I.	Keller	Platts	Trich
Cohen, M.	Kenney	Preston	Tulli
Cornell	Kirkland	Ramos	Vance
Corrigan	Lederer	Raymond	Vitali
Costa	Levdansky	Reinard	Walko
Curry	Maher	Rieger	Washington
Dailey	Maitland	Robinson	Waters
Dempsey	Manderino	Roebuck	Williams
Dermoddy	Mann	Rooney	Wogan
DiGirolamo	Marsico	Ross	Wright
Donatucci	Masland	Rubley	Youngblood

NAYS—89

Allen	Feese	Lucyk	Semmel
Armstrong	Fleagle	Lynch	Seyfert
Baker	Forcier	Major	Shaner
Bastian	Geist	Markosek	Smith, B.
Belardi	George	Mayernik	Smith, S. H.
Belfanti	Gordner	McCall	Solobay
Benninghoff	Grucela	McIlhattan	Staback
Bishop	Habay	McNaughton	Stairs
Blaum	Haluska	Metcalfe	Stern
Casorio	Hanna	Miller, S.	Stevenson
Cawley	Harhai	Orie	Strittmatter
Chadwick	Hasay	Petrarca	Surra
Civera	Herman	Phillips	Tigue
Clark	Hershey	Pippy	Travaglio
Colafella	Hess	Readshaw	True
Coy	Hutchinson	Roberts	Van Home
Daley	Jadiowicz	Rohrer	Veon
Dally	Krebs	Ruffing	Wojnaroski
DeWeese	LaGrotta	Sainato	Yewcic
Eachus	Laughlin	Sather	Yudichak
Egolf	Leh	Saylor	Zimmerman
Fairchild	Lescovitz	Scrimenti	Zug
Fargo			

NOT VOTING—5

Barrar	DeLuca	Gigliotti	Petrone
Birmelin			

EXCUSED—5

Gruitza Pistella Wilt Ryan,
Lawless Speaker

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. GEORGE offered the following amendment No. A3266:

Amend Title, page 1, line 3, by removing the comma after "stalking" and inserting
and

Amend Title, page 1, line 4, by striking out "and" and inserting
; defining the offense of medical supply or drug price fraud; and further providing

Amend Sec. 2, page 2, lines 13 and 14, by striking out all of said lines and inserting

Section 2. Section 2709(a), (c)(1) and (f) of Title 18 are amended to read:

Amend Bill, page 3, by inserting between lines 9 and 10

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

§ 4121. Medical supply or drug price fraud.

(a) Offense defined.—A person commits an offense of medical supply or drug price fraud, a misdemeanor of the third degree, if he adds or surcharges the displayed or electronically stored price for a medical supply or drug to a consumer because of the consumer's medical condition or lack of health insurance.

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

"Drug." A drug as defined in the act of September 27, 1961 (P.L. 1700, No.699), known as the Pharmacy Act.

"Medical supply." A medical supply as defined in the act of September 27, 1961 (P.L. 1700, No.699), known as the Pharmacy Act.

Section 4. Sections 5122 and 5504 of Title 18 are amended to read:

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

5

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

I apologize, Mr. Speaker. Mr. Speaker, I have the right amendment at this time.

This is amendment A3266 that deals with fraud, and I believe that the amendment that we have prepared, it does not discriminate in any manner, and it basically says that a drugstore cannot raise the price on a drug or a medical supply because of the lack of insurance or a health condition. For example, if a drugstore is having a special advertised retail price, they could not raise the sale price of that product if they discover that a person does not have insurance.

This amendment does not prohibit an insurance discount or a drug benefit like copay. This also does not set the price for any drug or medical supply. As you have read recently, even in the large State of California, there have been many drugstores and

drug chains that have been taking advantage of their consumer by charging a different price.

I think we should accept this amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—186

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

NAYS—12

Armstrong	Fargo	Jadlowiec	Smith, B.
Bastian	Forcier	Metcalfe	True
Benninghoff	Gannon	Seyfert	Zimmerman

NOT VOTING—0

EXCUSED—5

Gruitza Pistella Wilt Ryan,
Lawless Speaker

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. A3310:

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

and for minimum wages.

Amend Bill, page 6, by inserting after line 30

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

CHAPTER 95

MINIMUM WAGES

Sec.

9501. Declaration of policy.

9502. Short title of chapter.

9503. Definitions.

9504. Minimum wages.

9505. Exemptions.

9506. Minimum Wage Advisory Board.

9507. Investigations.

9508. Duty of employer.

9509. Enforcement, rules and regulations.

9510. Unconstitutionality.

9511. Penalties.

9512. Civil actions.

§ 9501. 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.

§ 9502. Short title of chapter.

This chapter shall be known and may be cited as the Minimum Wage Act.

§ 9503. Definitions.

The following words and phrases when used in this chapter 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 9509 (relating to enforcement, rules and regulations).

§ 9504. 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.

§ 9505. 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).

§ 9506. 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.

§ 9507. 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.

§ 9508. 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.

§ 9509. 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.

§ 9510. 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.

§ 9511. 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.

§ 9512. Civil actions.

If any employee is paid by his or her employer less than the minimum wages provided by section 9504 (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.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

4

On the question,

Will the House agree to 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 18 deals with crimes and offenses. Today's minimum wage ought to be a crime. It is offensive to allow the payment of subpoverty wages to Pennsylvania workers in this day and age.

The treatment of workers by employers can be dealt with under the broad subjects contained within Title 18. In fact, Title 18, which is the title I am seeking to amend, already deals with the treatment of employees by employers in several instances. Section 7321 regulates the use of lie detectors, both in preemployment interviews and in the workplace with current employees. Section 9125 deals with the employers' use of criminal history checks in the hiring of new employees. I am sure closer examination of this large and diverse title would raise additional instances of intrusion into the employer-employee relationship. For better or for ill, Title 18 already deals with the broad subject matter of this amendment.

I submit that a Title 18 bill is not the ideal vehicle but it is constitutionally germane. I take this route because it is the policy of the majority not to give us an ideal legislative vehicle.

If the House has problems with this title as a vehicle for the minimum-wage amendments, the majority party can immediately remedy these problems by voting HB 713 from the Labor Relations Committee and scheduling a floor vote. Lacking a clean vote, we will use every constitutionally germane vehicle available to raise the minimum wage for Pennsylvania's working families.

Mr. Speaker, it seems it is the policy of the majority party to prevent a vote on the minimum wage. I do not want to rush to conclusions, but I think that is clear. It ought to be the policy of this Commonwealth and the nation that a minimum-wage job should keep a small family of three out of poverty.

I ask for a "yes" vote on this amendment and a "yes" vote if there is any challenge on germaneness.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Snyder, on the Cohen amendment.

Mr. SNYDER. Mr. Speaker. I apologize to the members that we need to keep coming before them on this issue, but here we go again.

We are now looking at the Crimes Code bill for minimum wage, and I am sure the maker of the amendment will argue that it is a crime that people are being paid such low wages in Pennsylvania. but I do not think that is enough to make this amendment germane to this title and to this piece of legislation.

Mr. Speaker, we have a long agenda of bills that are very important to this Crimes Code bill that I think the members need to concentrate on, and I would ask the members to vote that— And I move that this amendment is not germane to SB 167.

The SPEAKER pro tempore. The gentleman from Lehigh County, Mr. Snyder, has raised the question of whether amendment A3310 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, Mr. Cohen is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the relationship of employer and employee is a very heavily regulated subject of the law, and there are many criminal penalties for violation of it.

It is a crime to use lie detectors outside the scope of the law. It is a crime to use criminal history outside what is permissible. It is a crime to have underage workers. It is a crime to have unsafe working conditions for workers. It ought to be a crime to pay people low wages. Obviously, the amount of criminal prosecutions for violation of the labor laws are very, very few. Employers, with very, very rare exceptions, are honorable people who obey the law, but the fact that 99.999 percent of all employers obey the law does not mean that there should not be regulation within the law.

This is germane. As I have said before, we have other areas of the law that deal with employer-employee relationships, and I urge a vote for germaneness so we can get on to the business of raising the minimum wage in Pennsylvania. Thank you.

The SPEAKER pro tempore. Are there any other members seeking recognition on the question of germaneness?

Those who believe the amendment is germane — 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—97

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

NAYS—100

Adolph	Egolf	Maher	Rublej
Allen	Fairchild	Maitland	Sather
Argall	Fargo	Major	Saylor
Armstrong	Feese	Marsico	Schroder
Baker	Fichter	Masland	Schuler
Bard	Fleagle	McGill	Semmel
Barley	Flick	McIlhattan	Serafini
Barrar	Forcier	McIlhinney	Seyfert
Bastian	Gannon	McNaughton	Smith, B.
Benninghoff	Geist	Metcalfe	Smith, S. H.
Birmelin	Gladeck	Micozzie	Snyder

Boyes	Godshall	Miller, R.	Stairs
Browne	Habay	Miller, S.	Steil
Bunt	Harhart	Nailor	Stern
Chadwick	Hasay	Nickol	Stevenson
Civera	Hennessey	O'Brien	Strittmatter
Clark	Herman	Orie	Taylor, E. Z.
Clymer	Hershey	Perzel	Taylor, J.
Cohen, L. I.	Hess	Phillips	True
Cornell	Hutchinson	Pippy	Tulli
Dailey	Jadlowiec	Platts	Vance
Daily	Kenney	Raymond	Wogan
Dempsey	Krebs	Reinard	Wright
DiGirolamo	Leh	Rohrer	Zimmerman
Druce	Lynch	Ross	Zug

NOT VOTING—1

Yudichak

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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?

Mr. CARN offered the following amendment No. A3329:

Amend Title, page 1, line 5, by striking out "and"

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

; requiring safety devices for firearms; providing for minimum safety standards for firearms, for certification of laboratories, for fees, for warning labels, for enforcement by the Office of Attorney General; and imposing penalties.

Amend Bill, page 6, by inserting after line 30

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

SUBCHAPTER D

FIREARMS CONSUMER PROTECTION ACT

Sec.

- 6181. Short title of subchapter.
- 6182. Declaration of policy.
- 6183. Definitions.
- 6184. Testing of firearms and safety devices.
- 6185. Requirements for safety devices and warning labels.
- 6186. Minimum safety standards.
- 6187. Warning label or notice.
- 6188. Nonconformity with standards.
- 6189. Violations.
- 6190. Applicability.
- 6191. Safety program funding.

§ 6181. Short title of subchapter.

This subchapter shall be known and may be cited as the Firearms Consumer Protection Act.

§ 6182. Declaration of policy.

The General Assembly finds and declares as follows:

(1) In the years 1987 to 1996, nearly 2,200 children in the United States under 15 years of age died in unintentional shootings. In 1996 alone, 138 children were shot and killed unintentionally. Thus, more than 11 children every month, or one child every

three days, were shot or killed unintentionally in firearms-related incidents.

(2) The United States leads the industrialized world in the rates of children and youth lost to unintentional, firearms-related death. A 1997 study from the Centers for Disease Control and Prevention reveals that for unintentional firearm-related deaths for children under 15 years of age, the rate in the United States was nine times higher than in 25 other industrialized countries combined.

(3) While the number of unintentional deaths from firearms is an unacceptable toll on America's children, nearly eight times that number are treated in United States hospital emergency rooms each year for nonfatal unintentional gunshot wounds.

(4) The Government Accounting Office (GAO), in its March 1991 study, "Accidental Shootings: Many Deaths and Injuries Caused by Firearms Could be Prevented," estimates that 31% of accidental deaths caused by firearms might be prevented by the addition of two safety devices: a child-resistant safety device that automatically engages and a device that indicates whether the gun is loaded. According to the study results, of the 107 unintentional firearms-related fatalities the GAO examined for the calendar years 1988 and 1989, 8% could have been prevented had the firearm been equipped with a child-resistant safety device. This 8% represents instances in which children under six years of age unintentionally shot and killed themselves or other persons.

(5) Currently, firearms are the only products manufactured in the United States that are not subject to minimum safety standards.

§ 6183. Definitions.

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

"Firearm." Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable.

§ 6184. Testing of firearms and safety devices.

(a) Certification of laboratories.—The Office of Attorney General shall certify laboratories to verify compliance with standards for firearms and firearm safety devices set forth in section 6186 (relating to minimum safety standards). Laboratory certification shall be available within one year following the effective date of this subchapter.

(b) Fee.—The Office of Attorney General may charge any laboratory that is seeking certification to test firearms or firearm safety devices a fee not exceeding the costs of certification, including costs associated with the development and approval of regulations and standards pursuant to section 6186 (relating to minimum safety standards).

(c) Test report.—The certified laboratory shall, at a manufacturer's or dealer's expense, test a firearm or firearm safety device and submit a copy of the final test report directly to the Office of Attorney General along with the firearm and firearm safety device. The Office of Attorney General shall notify the manufacturer or dealer of its receipt of the final test report and its determination as to whether the firearm or firearm safety device tested may be sold in this Commonwealth.

(d) Publication and maintenance of roster.—The Office of Attorney General shall compile, publish and thereafter maintain a roster listing all firearms and firearm safety devices that have been tested by a certified testing laboratory, have been determined to meet the standards of the Office of Attorney General for firearms and firearm safety devices and may be sold in this Commonwealth.

(e) Roster information provided.—The roster shall list, for each firearm and firearm safety device, the manufacturer, model number and model name.

§ 6185. Requirements for safety devices and warning labels.

(a) Firearm safety device required.—Any firearm sold or transferred in this Commonwealth by a licensed firearms dealer, including a private transfer through a dealer, and any firearm manufactured in this Commonwealth, shall include or be accompanied by a firearms and firearm safety device that is listed on the Office of Attorney General's roster of approved firearms and firearm safety devices.

(b) Warning required.—Any firearm sold or transferred in this Commonwealth by a licensed firearms dealer, including a private transfer through a dealer, and any firearm manufactured in this Commonwealth shall be accompanied with warning language or label as described in section 6187 (relating to warning label or notice).

§ 6186. Minimum safety standards.

The Attorney General shall commence development of regulations to implement a minimum safety standard for firearms, firearm safety devices and gun safes to significantly reduce the risk of firearms-related injuries to children 18 years of age and younger. The final standard shall do all of the following:

- (1) Address the risk of injury from unintentional gunshot wounds.
- (2) Address the risk of injury from self-inflicted gunshot wounds by unauthorized users.
- (3) Include provisions to ensure that all firearms and firearm safety devices and gun safes are reusable and of adequate quality and construction to prevent children and unauthorized users from firing the firearm and to ensure that these devices cannot be readily removed from the firearm or that the firearm cannot be readily removed from the gun safe except by an authorized user utilizing the key, combination or other method of access intended by the manufacturer of the device.
- (4) Include additional provisions as appropriate.

§ 6187. Warning label or notice.

(a) Warning label.—The packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this Commonwealth, or delivered for sale in this Commonwealth, by any licensed manufacturer or licensed dealer shall bear a label containing the following warning statement:

WARNING

Children are attracted to and can operate firearms that can cause severe injuries or death. Prevent child access by always keeping guns locked away and unloaded when not in use. If you keep a loaded firearm where a child obtains and improperly uses it, you may be fined or sent to prison.

A yellow triangle containing an exclamation mark shall appear immediately before the word "Warning" on the label.

(b) Placement of warning label or notice.—If a firearm is sold or transferred without accompanying packaging, the warning label or notice shall be affixed to the firearm itself by a method to be prescribed by regulation of the Attorney General.

(c) Display of warning statement.—The warning statement required under subsections (a) and (b) shall be displayed in its entirety on the principal display panel of the firearm's package and on any descriptive materials that accompany the firearm.

§ 6188. Nonconformity with standards.

If at any time the Attorney General determines that a firearm, gun safe or firearm safety device subject to the provisions of this subchapter and sold two years following the effective date of this subchapter or thereafter does not conform with the standards required by section 6185(a) (relating to requirements for safety devices and warning labels) or 6186 (relating to minimum safety standards), the Attorney General may order the recall and replacement of the firearm, gun safe or firearm safety device or recall that the firearm, gun safe or firearm safety device be brought into conformity with those requirements. If the firearm safety device cannot be separated from the firearm without damaging the firearm, the Attorney General may order the recall and replacement of the firearm. If the firearms and firearm safety device can be separated and reattached to the firearm without damaging the firearm,

the licensed manufacturer or licensed firearm dealer shall immediately provide a conforming replacement as instructed by the Attorney General.

§ 6189. Violations.

A person who violates section 6185 (relating to requirements for safety devices and warning labels) or 6187 (relating to warning label or notice) shall be subject to a fine of \$1,000. On the second violation of any of those sections, the licensed firearm manufacturer shall be ineligible to manufacture or the licensed firearm dealer shall be ineligible to sell firearms in this Commonwealth for 30 days, and shall be subject to a fine of \$1,000. On the third violation of any of those sections, a firearm manufacturer shall be permanently ineligible to manufacture firearms in this Commonwealth. On the third violation of any of those sections, a licensed firearm dealer shall be permanently ineligible to sell firearms in this Commonwealth.

§ 6190. Applicability.

(a) Antique firearms.—This subchapter does not apply to the commerce of any firearm defined as an antique firearm in section 6118(c) (relating to antique firearms).

(b) Law enforcement use.—This act shall not apply to the commerce of any firearm intended to be used by a law enforcement officer. Nothing in this subchapter shall preclude any police department or organization of the Commonwealth or political subdivision thereof from requiring law enforcement offices to store their firearms in gun safes or attach firearms and firearm safety devices to those firearms.

§ 6191. Safety program funding.

The Office of Attorney General shall require each dealer to charge each firearm purchaser a fee not to exceed \$1 for each firearm purchased or transferred. The fee shall be for the purpose of supporting program costs related to providing for safe firearms and related registration activities, including the establishment, maintenance and upgrading of related data base systems and public rosters.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. CARN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would create the firearm consumer protection act. I am offering this amendment that would require the State Attorney General to adopt consumer protection regulations for firearms and gun safety locks.

In 1997, then Massachusetts Attorney General Scott Harshbarger instituted commonsense consumer protection regulations regarding the sale of handguns in his State. The regulations contained three basic provisions. First, every handgun sold in Massachusetts had to be accompanied with a consumer warning. The warning was required to contain written instructions urging the consumer to keep the weapon locked and stored in a secured place.

Second, all handguns in Massachusetts were required to meet minimum quality and safety standards. Approximately 30 common types of handguns and junk guns were barred from sale in Massachusetts for failing to win certification under these guidelines.

Finally, all handguns sold in Massachusetts were required to have a built-in or a detachable child safety mechanism that at a minimum would effectively preclude a 5-year-old from operating the weapon.

Consumer protection regulations make sense. We currently regulate items such as toothpaste, cars, bicycles, luggage, and

dishwashers. To me it just makes common sense to have safety guidelines for products that one of the basic functions is to cause injury or death.

The gun industry sued to block the implementation of these safety regulations but eventually agreed to the passage of Massachusetts' child safety lock law. In addition, the Massachusetts Supreme Court recently upheld the State's right to regulate firearms.

Other States have moved in this direction. California earlier this year provided its Attorney General with this authority. States such as South Carolina, Illinois, Hawaii, and Minnesota have imposed for many years safety testing on firearms before they are sold in their respective States. New York requires its State Police to regulate firearms manufactured within its borders, while Maryland has a roster board that consists of various firearm experts who establish guidelines for weapons to be sold in their State.

While being the State's top law enforcement officer, Pennsylvania's Attorney General also is authorized to investigate commercial and trade practices in the distribution, financing, and furnishing of goods and services for the use by consumers. Additionally, the Attorney General is charged with advising the legislature on matters affecting consumer interests, including the development of policies and the proposal of programs to protect consumers.

Under this amendment, law enforcement and antique guns are exempted. In addition, this legislation is fiscally responsible in that all costs associated with the development of this program will be paid by gun manufacturers, dealers, and users through reasonable fees. Fees on gun purchasers could not exceed \$1 while the costs to manufacturers and certification laboratories would only cover the costs associated with the development of the consumer protection regulations.

I would like to take a moment to address some of the concerns that have been raised about consumer protection regulations for firearms. On the question of preemption by Federal law, this is not an issue. Gun laws are traditionally the responsibility of the States, and several other States have already instituted these kinds of measures.

Second, it is true that the Consumer Product Safety Commission is barred from regulating guns. However, the Federal Consumer Protection Safety Act does not contain express language that would preempt States or another entity from imposing safety regulations.

The next issue is constitutionality. The commerce clause does not preclude States from requiring products to be safer. There would only be a problem if the regulations treated guns manufactured in other States differently than those in Pennsylvania.

In addition, this amendment is not burdensome to gun manufacturers because other States already have safety regulations. Furthermore, the Attorney General will be developing the regulations, and I have confidence in his ability and his successor's ability to be fair with the business community.

I look forward to working with the Attorney General and my colleagues in the General Assembly to make Pennsylvania a safer place as a result of this amendment and other measures being presented today.

I ask for a "yes" vote. Thank you, Mr. Speaker.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, we already make the consumer jump through enough hoops when they want to legally and lawfully purchase a firearm. We do not need any more pages to our Crimes Code or any more undue regulation with respect to the ownership and possession of firearms, and I would ask for a "no" vote on this amendment.

The SPEAKER pro tempore. On the amendment, the gentleman from Philadelphia County, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, if people listened to the gentleman from Philadelphia very clearly, he is really only stating that we should build in consumer protection around the issue of firearm safety. He also indicated very specifically that the Attorney General, who happens to be a Republican, would be the person who would be involved in this particular process.

I said earlier that I did not think that this needed to be partisan and I do not think that it also needs to be partisan, but the fact is that I think that this is a very commonsense approach to dealing with the issue of guns and fire safety. So I would say to you, Mr. Speaker, that we should give the gentleman from the city of Philadelphia, Representative Carn, an opportunity and support his particular amendment, because I think it is important that we have, as he has indicated with a number of other consumer products, the type of safety that is important with something that can be very dangerous to our children.

So I would ask that we support the Carn amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Thomas, on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

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

Now, the author of the amendment, along with other colleagues, has cited the underlying rationale to this amendment and why this amendment is necessary. I would like to complement that rationale by offering another rationale as to why this amendment should be supported, and the rationale I would offer is the one of education. By giving the Attorney General the authority to outline or provide some consumer regulations with respect to the use of handguns, we at the same time are empowering the Attorney General to provide some real education messages to families across Pennsylvania about the use of guns, and that education in and of itself is necessary. I think that it is something that we all can agree, whether we be Democrats or whether we be Republicans, that there are children all across Pennsylvania who have very little knowledge about the use and especially about the negative impact of guns on human life.

And so to that end, one, we need the consumer regulations because we need to define the environment in which handguns would be used, but secondly, we need to empower the Attorney General to provide some educational messages while defining those regulations which are extremely important throughout Pennsylvania. If I had my way, I would direct the Pennsylvania Department of Education to require as a part of the curriculum in all our schools some antiviolence messages and some education messages about handguns, but maybe we can deal with that at another time.

So I am asking members from both sides of the aisle that if you support consumer safety regulations, vote "yes." If you support

young people and people needing to be educated about the impact of firearms used illegally, then vote "yes," and if you care about what is happening to children and to young people throughout Pennsylvania, vote "yes." So, Mr. Speaker, I urge members from both sides to vote "yes" on this amendment overwhelmingly. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

What this amendment does is practically puts total control under the Attorney General for handguns sold in this State and including safety devices. He develops some kind of a laboratory certification process which shall be available within 1 year following the effective date of this subchapter. The Attorney General may charge any laboratory that is seeking certification to test firearms. The charge has to be whatever the cost of that certification is.

It also says, on page 4, the firearm safety devices, and it goes, the firearm safety devices, then the trigger locks. Then we talk about minimum safety standards, and it says, "The Attorney General shall commence development of regulations to implement a minimum safety standard for firearms, firearm safety devices and gun safes..." and then also it includes "additional provisions as appropriate," whatever that means.

And finally, we get into that a firearm gun safe or firearm safety device may be subject to recall — to recall — at the Attorney General's option.

I think we are going far, far afield in this amendment. I would ask for a negative vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. Habay.

Mr. HABAY. Thank you, Mr. Speaker.

Mr. Speaker, is there a fiscal note prepared for this amendment?

The SPEAKER pro tempore. Mr. Habay, the Chair apologizes for the delay.

Yes; there is a fiscal note available.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Carn, for the second time.

Will the gentleman suspend.

Does the gentleman, Mr. Cawley, seek recognition on the amendment? Let us let him go first. We will try to save you for the end, Mr. Carn.

Mr. Cawley, you are recognized.

Mr. CAWLEY. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Carn, indicates he is willing to stand for interrogation. You are in order and may proceed.

Mr. CAWLEY. Thank you.

Mr. Speaker, I did not quite finish the whole amendment, but is there something in this amendment that if a parent, the owner of the, say, rifle in a home, is negligent and leaves the home and there are only minors in the home and they do not have a safety device on this rifle, is there a fine against those parents or is there something that should be done if the parents are in violation of that? I have had a situation like that, exact situation happen in the area that I represent.

Mr. CARN. Mr. Speaker, there is no language in this amendment that addresses that.

Mr. CAWLEY. Okay. Thank you. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman, Mr. Myers? The gentleman is recognized.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, as I sat here today and listened to a lot of the talk around this amendment, the one thing that came to my mind is that in our society today, if a young person gets ahold of a weapon and discharges that weapon and kills someone, the first thing we want to do as a society is adjudicate them as an adult so they can be in jail for the rest of their life because of the nature of the crime.

And what I am sitting here thinking— I want to ask everybody in this chamber a question, and I would like for you to reach into your heart when you think about your answer. Would it not make more sense to lock up the guns than lock up the people? Would it not make more sense to lock up these guns with safety devices instead of us trying to find more efficient ways to lock up people because we left them unsafe? Now, if you answer that question thinking that we should not take a commonsense approach to have these weapons locked so when children get their hands on them, they cannot pull the trigger, it just to me makes more sense to be preactive and create a condition where they cannot pull the trigger instead of us pulling the trigger on them and certifying them as adults.

I ask that you vote "yes" on the Carn amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Carn, for the second time on the amendment.

Mr. CARN. Thank you, Mr. Speaker.

You know, as I think of the many children who have been accidentally killed, maimed, when I think about those adults who purchased a gun that was improperly manufactured and it mistriggered and killed or maimed them, when I think about the thousands of guns that are produced daily in America, I just do not understand why we do not see the importance of firearm consumer protection.

Clearly in this country and in this State we have passed laws to protect and to educate the consumer for products that could be damaging to their health and life.

Now, here we have a product, the gun. The whole purpose of this product is to injure and/or kill. Should we not have consumer protection, consumer education laws around this product? That is all we are asking today to do. Let us create regulations that will provide warnings to the consumers of Pennsylvania. Let us create regulations to assure that the guns that they purchase are safe. Let us create some standards in Pennsylvania so that lives can be saved, and that is what the firearm consumer protection act does. All it attempts to do is to educate and protect the consumer.

I ask for a "yes" vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—42

Bebko-Jones	Evans	Michlovic	Stetler
Butkovitz	Frankel	Mundy	Sturla
Buxton	Freeman	Myers	Taylor, J.
Cappabianca	Horsey	Oliiver	Thomas
Carn	James	Preston	Trich

Cawley	Josephs	Ramos	Vitali
Cohen, L. I.	Keller	Rieger	Washington
Cohen, M.	Kirkland	Robinson	Waters
Corrigan	Lederer	Roebuck	Williams
Curry	Manderino	Rooney	Youngblood
Donatucci	Melio		

NAYS—154

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

NOT VOTING—2

Bishop Stairs

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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 as amended?

Mr. CARN offered the following amendment No. A3714:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for locking devices for firearms;

Amend Bill, page 6, by inserting after line 30
Section 3. Title 18 is amended by adding a section to read:
§ 6142. Locking device for firearms.

(a) Offense defined.—It shall be unlawful for any licensee to sell, deliver or transfer any firearm to any person other than another licensee unless the transferee is provided with a locking device for that firearm.

(b) Exceptions.—The following firearms are not subject to the provisions of this section:

(1) Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer.

(2) Firearms for transfer to any person of a firearm which qualifies as an antique firearm under section 6118 (relating to antique firearms).

(3) Firearms for transfer to any person of a firearm for which a safety device is temporarily unavailable provided that the licensed manufacturer, licensed importer or licensed dealer delivers to the transferee within 14 calendar days from the date of the delivery of the firearm to the transferee a safety device for the firearm.

(c) Penalties.—Failure to comply with the provisions of this section may result in:

(1) Suspension or revocation of any license issued to a licensee.

(2) A civil penalty for any licensee in an amount equal to but not more than \$10,000.

(d) Civil immunity.—A person who has lawful possession and control of a firearm and who uses a safety device with the firearm shall be entitled to immunity from civil liability for damages resulting from the criminal or unlawful misuse of the firearm by a third party if:

(1) the firearm was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the firearm to have access to it; and

(2) at the time access was gained by the person not so authorized, the firearm had been made inoperable by use of a safety device.

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

"Licensee." Any licensed manufacturer, importer or dealer of firearms.

"Locking device." A device that, if installed on a firearm and secured by means of a key or a mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device or a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

GUESTS INTRODUCED

The SPEAKER pro tempore. Mr. Carn, before I recognize you, I have been remiss for some time in not recognizing a couple of guest pages who are serving with us today. Phillip, Christopher, and Matthew Warne are here as guests of Representative Stan Saylor of York County, and their parents are in the balcony — Sandra and Christopher Warne. Would they all please rise. Welcome to the hall of the House.

CONSIDERATION OF SB 167 CONTINUED

The SPEAKER pro tempore. Now, Mr. Carn, on the amendment, the Chair recognizes you.

Mr. CARN. Thank you, Mr. Speaker.

Not long ago we voted and passed the Gannon amendment which would require trigger locks on handguns. This amendment is a trigger lock amendment also, but this language mirrors the trigger lock amendment that was passed in May by the United States Senate by a vote of 78 to 20. Mr. Speaker, this language was supported by gun safety advocates as well as strong gun rights supporters such as Trent Lott, the Senate majority leader; Orrin Hatch, the Senate Judiciary chairman; John McCain, prominent conservative; and Strom Thurmond, the most senior Senator. Senators from gun States such as Louisiana, North Carolina, Texas, and Georgia voted in favor of this trigger lock amendment. In addition, Pennsylvania's two U.S. Senators also supported the measure.

Mr. Speaker, the Federal trigger lock legislation, which is similar to my amendment, received overwhelming bipartisan support because it is reasonable and fair. The language in my amendment was supported by the National Rifle Association and Handgun Control, Inc.

My amendment contains exemptions for law enforcement and antique firearms, something that the legislation we passed does not do.

This measure also gives gun dealers 14 days to provide a safety device to a consumer if the dealer is out of safety locks for some reason. In the amendment, in the Gannon amendment that we passed, if the dealer does not have safety locks, he is not able to sell the gun, but under this amendment, he can still sell the gun but he has 14 days under this amendment to provide that safety lock.

In addition, my amendment protects responsible gun owners because it provides civil immunity for individuals who properly utilize safety locks and safely store their weapons.

Mr. Speaker, in the language contained in my amendment, if it is good enough for Strom Thurmond and Orrin Hatch, Trent Lott and John McCain, then this language should be good enough for the Pennsylvania General Assembly.

In June the United States House passed this exact language 313 to 115. Eighty-five percent of the Pennsylvania congressional delegation voted in favor of this language. Of the widespread support for this trigger lock language, the United States House Republican whip, Tom DeLay, who is no gun control advocate, said that you cannot ignore a measure that garners over 300 votes.

Today it is my hope that the House sees the wisdom of this proposal and adopts this amendment to improve on the Gannon amendment. I ask for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Gannon, seek recognition on the amendment? The gentleman is recognized.

Mr. GANNON. Mr. Speaker, although I have some problems with some sections of this amendment, particularly with the immunity, the absolute immunity that it provides, this amendment does have some good points to it, and I would urge a "yes" vote.

The SPEAKER pro tempore. Are there any other members seeking recognition on the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—70

Adolph	Donatucci	Mann	Santoni
Battisto	Druce	McGeehan	Steil
Bebko-Jones	Evans	Melio	Stetler
Bishop	Flick	Michlovic	Sturla
Boyes	Frankel	Micozzie	Tangretti
Browne	Freeman	Mundy	Taylor, J.
Butkovitz	Gannon	Myers	Thomas
Buxton	Gladeck	O'Brien	Tigue
Caltagirone	Horsey	Oliver	Trello
Cappabianca	James	Perzel	Trich
Carn	Josephs	Ramos	Vitali
Cawley	Kaiser	Reinard	Walko
Civera	Keller	Rieger	Washington
Cohen, L. I.	Kenney	Robinson	Waters
Cohen, M.	Kirkland	Roebuck	Williams
Corrigan	Laughlin	Rooney	Wogan
Costa	Lederer	Samuelson	Youngblood
Curry	Manderino		

NAYS—126

Alien	Fargo	Major	Saylor
Argall	Feese	Markosek	Schroder
Armstrong	Fichter	Marsico	Schuler
Baker	Fleagle	Masland	Scrimenti
Bard	Forcier	Mayernik	Semmel
Barley	Geist	McCall	Serafini
Barrar	George	McGill	Seyfert
Bastian	Gigliotti	McIlhattan	Shaner
Belardi	Godshall	McIlhinney	Smith, B.
Belfanti	Gordner	McNaughton	Smith, S. H.
Benninghoff	Grucela	Metcalfe	Snyder
Birmelin	Habay	Miller, R.	Solobay
Blaum	Haluska	Miller, S.	Staback
Bunt	Hanna	Nailor	Steelman
Casorio	Harhai	Nickol	Stern
Chadwick	Harhart	Orie	Stevenson
Clark	Hasay	Pesci	Strittmatter
Clymer	Hennessey	Petrarca	Surra
Colafella	Herman	Petrone	Taylor, E. Z.
Cornell	Hershey	Phillips	Travaglio
Coy	Hess	Pippy	True
Dailey	Hutchinson	Platts	Tulli
Daley	Jadlowiec	Raymond	Vance
Dally	Krebs	Readshaw	Van Horne
DeLuca	LaGrotta	Roberts	Veon
Dempsey	Leh	Rohrer	Wojnaroski
Dermody	Lescovitz	Ross	Wright
DeWeese	Levdansky	Rubley	Yewcic
DiGirolamo	Lucyk	Ruffing	Yudichak
Eachus	Lynch	Sainato	Zimmerman
Egolf	Maher	Sather	Zug
Fairchild	Maitland		

NOT VOTING—2

Preston Stairs

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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 as amended?

Mr. VITALI offered the following amendment No. A3567:

Amend Title, page 1, line 5, by striking out "and"
Amend Title, page 1, line 6, by removing the period after "address" and inserting
; and defining the offense of excessive vehicle emission inspection fees.
Amend Bill, page 6, by inserting after line 30
Section 3. Title 18 is amended by adding a section to read:
§ 7330. Excessive vehicle emission inspection fees.
A person commits a misdemeanor of the third degree if he charges a fee for a vehicle emissions inspection to the owner of a vehicle subject to exception under 75 Pa.C.S. § 4702(g) (relating to requirement for periodic inspection of vehicles) and that fee exceeds the data transmission fee charged by the program manager plus \$10.
Amend Sec. 3, page 7, line 1, by striking out "3" and inserting
4

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment would do would make it a misdemeanor of the third degree for one charged with administering the automobile vehicle emission inspection program to charge a fee in excess of \$10 for the exemption. Mr. Speaker, we passed this program, and when we passed this program, we wanted to exempt certain people from the burden of having their vehicles undergo that extensive testing. In particular, we were focusing in on those who drive their vehicles less than 5,000 miles a year, and these were the senior citizens mainly, I think, that we had in mind, and we really wanted to save them the burden, those senior citizens, the burden of having to pay this high fee for situations where their vehicles really did not need to be inspected because they drive it so infrequently.

Well, Mr. Speaker, what is happening in practice is, even those people who do not drive their cars too often and thus do not qualify to take the test still are being socked by these inspection stations for a very high fee when in effect it only requires a very small amount of paperwork to do. I have spoken with test administrators, and it is only about a 5-minute paperwork job, and they are being charged \$30 and \$40 for this. It is essentially a rip-off.

So this amendment is a consumer protection amendment designed to cap, cap, what someone can be charged for that exemption, for that paperwork processing, at \$10 plus the \$3.70 fee to MCI which is involved. So I would ask for an affirmative vote.

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

Mr. SNYDER. Mr. Speaker, from our side of the aisle there was some question about this amendment. After talking to PennDOT, it is my understanding that what this amendment does, it applies to vehicles that are not required to have the emission inspection, and what Mr. Vitali is attempting to do with his

amendment is to put a cap of a \$10 fee that would go to the service station for putting the exempt certificate on the windshield plus whatever data transmission fee PennDOT would charge.

Perhaps if Mr. Vitali would stand for interrogation briefly.

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order and may proceed.

Mr. SNYDER. Mr. Speaker, is that explanation basically correct about what your amendment does?

Mr. VITALI. That is correct.

Mr. SNYDER. Okay.

Mr. Speaker, I think we should support this amendment.

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

The following roll call was recorded:

YEAS—185

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

NAYS—13

Bastian	Jadlowiec	Maitland	Stairs
Dailey	Leh	Schroder	Steil
Fargo	Lynch	Smith, S. H.	Tulli
Hutchinson			

NOT VOTING—0

EXCUSED—5

Gruitza
Lawless

Pistella

Wilt

Ryan,
Speaker

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. MAYERNIK offered the following amendment No. A3809:

Amend Title, page 1, line 3, by inserting after "stalking," for grading of theft offenses,

Amend Sec. 2, page 2, line 13, by inserting after "(f)," 3903(a) and (a.1),

Amend Sec. 2, page 3, by inserting between lines 9 and 10 § 3903. Grading of theft offenses.

(a) Felony of the second degree.—Theft constitutes a felony of the second degree if [the]:

(1) The offense is committed during a manmade disaster, a natural disaster or a war-caused disaster and constitutes a violation of section 3921 (relating to theft by unlawful taking or disposition), 3925 (relating to receiving stolen property), 3928 (relating to unauthorized use of automobiles and other vehicles) or 3929 (relating to retail theft).

(2) The property stolen is a firearm.

(3) In the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property.

(a.1) Felony of the third degree.—Except as provided in subsection (a), theft constitutes a felony of the third degree if the amount involved exceeds \$2,000, or if the property stolen is [a firearm,] an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle, or in the case of theft by receiving stolen property, if the receiver is in the business of buying or selling stolen property.

On the question,

Will the House agree to the amendment?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would, by this amendment, increase the grading of the offense from a third-degree felony to a second-degree felony for possession of a stolen firearm or theft by receiving stolen property if the property received, retained, or disposed of is a firearm and the receiver is in the business of buying and selling stolen property.

When drafting this amendment, I took a look to see if I could find some statistics of how many stolen firearms we have in this Commonwealth, and I looked at the Pennsylvania State Police Uniform Crime Report and found that they do not keep specific statistics on the number of stolen firearms, but in 1997 over 2 million dollars' worth of guns were stolen and only 14.6 percent were returned to the lawful owners. I submit to you that is

\$1.7 million in stolen firearms that have been unrecovered, and that is property of law-abiding citizens in this Commonwealth.

The other research I was able to find is more of a national research, and that is the Youth Crime Gun Interdiction Initiative, and that was by the ATF — Alcohol, Tobacco and Firearms — and the general findings were based on tracking information. In 67 cities of a population of 250,000 or more throughout this country, they traced 72,260 firearms, and they found that crime guns recovered from juveniles ages 17 and under account for 11.3 percent of the crime guns, and a crime gun is defined as any firearm that is illegally possessed or used in a crime or suspected to have been used in a crime. The number of crime guns increased from 300 for juveniles under age 14 to about 1,300 for individuals age 17. Crime guns were recovered more frequently from individuals age 16 and 17 than for individuals any age older than 26, and crime guns recovered from youth — that is age 18 to 24 — constituted 32.4 percent of all the trace requests. There are more crime guns recovered from this 7-year age group than any other 7-year age group in the juvenile or adult categories. And also, crime guns recovered from adults constituted 56.3 percent of all the traces required, and the statistics really boil down, Mr. Speaker, that 8.1 percent of every 10 crimes with handguns were traced to stolen firearms.

Again, Mr. Speaker, in 1996 law-abiding citizens of this Commonwealth, your constituents and my constituents, suffered a \$1.7-million financial loss due to stolen firearms. It was not only a financial loss but also a potential risk from the criminals, the criminals possessing stolen firearms of law-abiding citizens.

Mr. Speaker, I submit to you that it is time that this House of Representatives put forth a record and send a message to the criminals that we can no longer steal guns from law-abiding citizens or possess stolen guns, and I would ask for an affirmative vote on this measure.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, Mr. Gannon. Mr. GANNON. Thank you, Mr. Speaker.

I believe this is a good amendment, and I am asking for a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Manderino	Sather
Allen	Evans	Mann	Saylor
Argall	Fairchild	Markosek	Schroder
Armstrong	Fargo	Marsico	Schuler
Baker	Feese	Masland	Scrimenti
Bard	Fichter	Mayernik	Semmel
Barley	Fleagle	McCall	Serafini
Barrar	Flick	McGeehan	Seyfert
Bastian	Forcier	McGil	Shaner
Battisto	Frankel	McIlhattan	Smith, B.
Bebko-Jones	Freeman	McIlhinney	Smith, S. H.
Belardi	Gannon	McNaughton	Snyder
Belfanti	Geist	Melio	Solobay
Benninghoff	George	Metcalfe	Staback
Birmelin	Gigliotti	Michlovic	Stairs
Bishop	Gladeck	Micozzie	Steelman
Blaum	Godshall	Miller, R.	Steil
Boyes	Gordner	Miller, S.	Stern
Browne	Grucela	Mundy	Stetler

Bunt	Habay	Myers	Stevenson
Butkovitz	Haluska	Nailor	Strittmatter
Buxton	Hanna	Nickol	Sturla
Caltagirone	Harhai	O'Brien	Surra
Cappabianca	Harhart	Oliver	Tangretti
Carn	Hasay	Orie	Taylor, E. Z.
Casorio	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Pesci	Thomas
Chadwick	Hershey	Petrarca	Tigue
Civera	Hess	Petrone	Travaglio
Clark	Horsey	Phillips	Trelto
Clymer	Hutchinson	Pippy	Trich
Cohen, L. I.	Jadlowiec	Platts	True
Cohen, M.	James	Preston	Tulli
Colafranca	Josephs	Ramos	Vance
Cornell	Kaiser	Raymond	Van Horne
Corrigan	Keller	Readshaw	Veon
Costa	Kenney	Reinard	Vitali
Coy	Kirkland	Rieger	Walko
Curry	Krebs	Roberts	Washington
Dailey	LaGrotta	Robinson	Waters
Daley	Laughlin	Roebuck	Williams
Dally	Lederer	Rohrer	Wogan
DeLuca	Leh	Rooney	Wojnaroski
Dempsey	Lescovitz	Ross	Wright
Dermody	Levdansky	Rubley	Yewcic
DeWeese	Lucyk	Ruffing	Youngblood
DiGirolamo	Lynch	Sainato	Yudichak
Donatucci	Maher	Samuelson	Zimmerman
Druce	Maitland	Santoni	Zug
Eachus	Major		

NAYS-0

NOT VOTING-0

EXCUSED-5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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. FRANKEL offered the following amendment No. A3829:

Amend Title, page 1, line 5, by striking out "and"

Amend Title, page 1, line 6, by removing the period after "address" and inserting
; further providing for possession of firearm by minor; providing for a limit on handgun purchases and sales and for unlawful transfers of firearms; creating the Violence Prevention Fund; providing for locking devices for firearms; and further providing for the Firearms Background Check Advisory Committee and for the sale or lease of weapons and explosives.

Amend Bill, page 7, line 1, by striking out all of said line and inserting

Section 3. Section 6110.1 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6110.1. Possession of firearm by minor.

(a) Firearm.—Except as provided in subsection (b), a person under [18] 21 years of age shall not possess or transport a firearm anywhere in this Commonwealth.

(b) Exception.—Subsection (a) shall not apply to a person under [18] 21 years of age:

(1) who is under the supervision of a parent, grandparent, legal guardian or an adult acting with the expressed consent of the minor's custodial parent or legal guardian and the minor is engaged in lawful activity, including safety training, lawful target shooting, engaging in an organized competition involving the use of a firearm or the firearm is unloaded and the minor is transporting it for a lawful purpose; or

(2) who is lawfully hunting or trapping in accordance with 34 Pa.C.S. (relating to game).

(c) Responsibility of adult.—Any person who knowingly and intentionally delivers or provides to the minor a firearm in violation of subsection (a) commits a felony of the third degree.

(d) Forfeiture.—Any firearm in the possession of a person under [18] 21 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited or, if stolen, returned to the lawful owner.

Section 4. Title 18 is amended by adding sections to read:

§ 6111.6. Limit on handgun purchases.

(a) Purchase of handgun.—No person may purchase more than one handgun in this Commonwealth within any 30-day period.

(b) Sale of handgun.—No person may sell or cause to be sold to a person in this Commonwealth more than one handgun within any 30-day period.

(c) Exceptions.—This section shall not apply to purchases by or sales to the following:

(1) A licensed firearm dealer.

(2) A licensed firearm collector.

(3) A law enforcement agency or an agency authorized to perform law enforcement duties.

(4) State and local correctional facilities.

(5) A private security company licensed to do business within this Commonwealth.

(6) A purchaser or seller of antique firearms.

(7) A person whose handgun is stolen or irretrievably lost

if:

(i) the person provides the seller with a copy of the official police report of the lost or stolen handgun, or a summary thereof on a form provided by the Pennsylvania State Police;

(ii) the official police report or summary thereof contains the name and address of the handgun owner, the description of the handgun, the location of the loss or theft, the date of the loss or theft and the date the loss or theft was reported to the law enforcement agency; and

(iii) the date of the loss or theft as reflected on the official police report or summary thereof occurred within 30 days of the person's attempt to replace the handgun.

The seller shall attach a copy of the official police report or summary thereof to the original sales receipt or other document evidencing the original sale and retain it for the period prescribed by the Pennsylvania State Police.

(d) Penalty.—A person who violates subsection (a) or (b):

(1) For a first offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$300 per handgun purchased in violation of this section.

(2) For a second offense, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$1,000 per handgun purchased in violation of this section or to imprisonment for not more than 90 days, or both.

(3) For a third or subsequent offense, commits a felony of the third degree.

(e) Disposition of fines collected.—The court imposing and collecting a fine under subsection (d) shall transfer the fines thus collected to the State Treasurer for deposit in the Violence Prevention Fund under subsection (f).

(f) Violence Prevention Fund.—There is hereby created in the General Fund a nonlapsing restricted receipt account to be known as the Violence Prevention Fund. Moneys in the fund are hereby appropriated to the Pennsylvania Commission on Crime and Delinquency solely for purposes of violence prevention and youth violence prevention, including, but not limited to, youth education and activities designed to prevent violence and grants to law enforcement agencies for equipment and training designed to prevent gun-related injuries.

(g) Notice.—A seller shall notify each prospective purchaser that the purchase of more than one handgun in a 30-day period is prohibited under this section and of the applicable penalties.

(h) Handgun purchase history check.—In addition to any other duty prescribed by this section, a seller of a handgun shall request the Pennsylvania State Police to conduct a handgun purchase history check to investigate whether the prospective handgun purchaser is in compliance with this section. A handgun purchase history check shall be conducted in accordance with the procedures governing other background checks under this subchapter. A handgun purchase history shall be conducted at the same time any criminal history, juvenile delinquency or mental health records check is required for a firearm purchase under this subchapter. Information related to a handgun purchase provided to the Pennsylvania State Police by a seller may be retained by the Pennsylvania State Police as necessary to monitor compliance with this section.

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

“Handgun.” Either of the following:

(1) A firearm which has a short stock and is designed to be held and fired by the use of a single hand.

(2) Any combination of parts from which a firearm described under paragraph (1) can be assembled.

“Purchase.” The term does not include the exchange or replacement of a handgun by a seller for a handgun purchased from the seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement.

§ 6115.1. Making straw purchases.

(a) Offense defined.—No person, other than a licensed dealer, licensed manufacturer or licensed importer, may purchase a firearm knowing or intending that it will thereafter be transferred to another individual.

(b) Presumption.—In the absence of any report by the purchaser to law enforcement authorities that the firearm has been stolen and in the absence of any record of lawful sale of the firearm, possession of a firearm, on or after the date of its purchase, by a person other than the purchaser of the firearm gives rise to a rebuttable presumption that the purchaser, at the time of purchase, knew or intended that the firearm would thereafter be transferred to another person.

(c) Defense.—It is a defense that the defendant purchased the firearm knowing or intending that it would be transferred as a bona fide gift to another individual.

(d) Penalties.—A person that violates subsection (a) commits a felony of the third degree.

§ 6125.1. Locking device for firearms.

(a) General rule.—It shall be unlawful for any licensee to sell, deliver or transfer any firearm to any person other than another licensee unless the transferee is provided with or purchases a locking device for that firearm.

(b) Exceptions.—The following firearms are not subject to the provisions of this section:

(1) Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer whether on or off duty.

(2) Firearms for transfer to any person if the firearm qualifies as an antique firearm under section 6118 (relating to antique firearms).

(3) Firearms for transfer to any person for which a safety device is temporarily unavailable, provided that the licensee

delivers to the transferee within 14 calendar days from the date of the delivery of the firearm to the transferee a safety device for the firearm.

(c) Penalties.—Failure to comply with the provisions of this section may result in:

(1) Suspension or revocation of any license issued to a licensee.

(2) A civil penalty for any licensee in an amount equal to but not more than \$10,000.

(d) Civil immunity.—A person who has lawful possession and control of a firearm and who uses a safety device with the firearm shall be entitled to immunity from civil liability for damages resulting from the criminal or unlawful misuse of the firearm by a third party if:

(1) the firearm was accessed by another person without the permission or authorization of the person having lawful possession and control of the firearm; and

(2) at the time access was gained by the unauthorized person, the firearm had been made inoperable by use of a safety device.

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

“Licensee.” Any licensed manufacturer, importer or dealer of firearms.

“Locking device.” A device that, if installed on a firearm and secured by means of a key or a mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device or a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism.

Section 5. Sections 6126(b) and 6302 of Title 18 are amended to read:

§ 6126. Firearms Background Check Advisory Committee.

(b) Duties.—To facilitate compliance with this chapter and the intent thereof, the Firearms Background Check Advisory Committee shall, as follows:

(1) Review the operations and procedures of the Pennsylvania State Police relating to the implementation and administration of the criminal history, juvenile delinquency [and], mental health records and handgun purchase history background checks.

(2) Advise the Pennsylvania State Police relating to the development and maintenance of the instantaneous records check system.

(3) Provide annual reports to the Governor and the General Assembly on the advisory committee's findings and recommendations, including discussions concerning conformance with the preamble of the act of June 13, 1995 (1st Sp.Sess., P.L.1024, No.17), entitled, “An act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the possession of firearms; establishing a selected Statewide juvenile offender registry; and making an appropriation.”

§ 6302. Sale or lease of weapons and explosives.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under [18] 21 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) shall not prohibit hunting by minors under [18] 21 years of age permitted under Title 34 (relating to game).

Section 6. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 7. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 8. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to offer amendment 3829 today in the spirit that earlier today we passed, and I think historically, Representative Gannon's amendment, which I believe was a significant first step to dealing with the issues of gun safety in this Commonwealth.

My amendment today would provide three specific things, dealing with three different issues with respect to gun safety. One, trigger locks, mandatory trigger locks. The second issue deals with straw purchase transactions and eliminating and controlling straw purchase transactions.

The State of Pennsylvania currently treats a straw purchaser with kid gloves — a misdemeanor transaction — and the reason that this is important is because this is the way that guns currently fall into the hands of convicted felons and juveniles and gun traffickers. The Brady law was most effective in eliminating the ability of felons going into gun stores to purchase weapons. Today that transaction takes place through the straw purchaser. That is a person who can legally go into a gun store and obtain a weapon, purchase, and then resells it knowingly to somebody who could not legally purchase it. My amendment would raise this penalty from a misdemeanor to a felony.

In addition, the other aspect of straw purchase transactions that needs to be addressed, aside from creating a meaningful deterrent in the form of a penalty to the straw purchaser, is to eliminate the profit motive for that straw purchaser, and the only way to do that is to limit the number of weapons available to him, and that is why this amendment contains a one-gun-a-month provision. By limiting gun purchases to one gun a month and creating a significant deterrent, we take away any type of real motive for straw purchase transactions to take place, and we will do something extraordinarily meaningful to eliminate guns in the hands of felons, juveniles, and gun traffickers in this Commonwealth.

So with that, I hope that that is something that everybody here can support. It is reasonable. It may cause some minor inconvenience for the few people in this Commonwealth who need to buy more than 12 weapons a year, but there are exemptions in this provision for antique firearms and some other things.

The final part to this amendment deals with increasing the age that people are allowed to obtain and possess firearms from the age of 18 to 21, again I think something that sounds to me and many others throughout this State — certainly polling seems to indicate that this is reasonable — that the people in the Commonwealth would support — increasing the age limit from 18 to 21 for the possession of a firearm; very difficult to argue with. We are still going to allow children, teenagers, under the age of 21 under the supervision of a parent or a grandparent to go hunt. We are not going to eliminate that ability. We are just not going to allow 18-, 19-, and 20-year-olds to possess a firearm, particularly a handgun, because this is an age group that has been particularly vulnerable to crime, murder, throughout the streets of our cities and our communities.

So I think that these three aspects I hope we can all agree on as reasonable. I hope they are reasonable extensions of what we have already done here today and an amendment that everybody in this Assembly can support. Thank you.

The SPEAKER pro tempore. On the amendment, Mr. Gannon. Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment rips out the heart of the Second Amendment to the United States Constitution and the amendment of this Commonwealth that says the right of a citizen to keep and bear arms shall not be questioned. This has a registry. It has got the one-gun-a-month. It criminalizes what is legal conduct today. It does absolutely nothing to the criminals out there that are shooting people as we speak. It does absolutely nothing to them, but it takes law-abiding citizens and then turns them into felons. We have 18-year-olds; they go down to the recruiting station and join the Army. What do they do? They give them a weapon and teach them how to shoot it. Here we are saying, no, in this Commonwealth to own a handgun or to own a weapon you have to be 21 years of age or you are going to be a delinquent and they are going to confiscate the weapon. That borders on absurd and ridiculous.

Mr. Speaker, this is a bad amendment, and I ask for a "no" vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Northampton County, Mr. Rooney. Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Frankel amendment in that it would do four very specific things that the overwhelming majority of Pennsylvanians would like to see us do. It deals with the issue of straw purchases; it addresses the issue of one-gun-a-month, which obviously are linked. The issues of straw purchases and one-gun-a-month are very much linked. It raises the age requirement to possess a handgun in this State from 18 to 21, and it also, as we have dealt with earlier, addresses the issue of trigger locks.

Mr. Speaker, the vast majority of people in Pennsylvania feel that it is time to enact reasonable, rational gun safety measures that have proven to save lives in the States that have been thoughtful enough to enact them into law. What the gentleman, Mr. Frankel, is attempting to do is make Pennsylvania safer by addressing some issues that need very much to be addressed.

Now, while I understand that some folks who do not come from urban or suburban areas may have a hard time understanding what the issue is with straw purchases, for example, but when you consider the fact that an individual in this State may go and buy an unlimited number of firearms, take them to any street corner in Bethlehem or Philadelphia or Altoona or Pittsburgh, and sell them out of the trunk of his or her car, that poses a real threat to the public safety of all the people that we represent.

So, Mr. Speaker, I would ask for an affirmative vote of the Frankel amendment. It is very clear, based upon every survey of Pennsylvania voters that has been conducted in the last 18 months, that these are issues that Pennsylvanians care deeply about, and this is our opportunity to pass them into law.

I urge you to support the Frankel amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

As I read this amendment, actually it makes it illegal to sell any gun — that is long gun, handgun — to anyone under 21 years of age.

Presently, it is 18 except for handguns. Also, the fact that the straw-buyer penalties are weak insofar as the Uniform Firearms Act of today, it just plain is not so. But the Uniform Firearms Act does address straw buyers. The fact of the matter is, it is the courts that do not enforce the laws that are on the books.

The penalties that are in existing law today say, "Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser or transferee who is unqualified" — that means underage — "or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree...." Then it also goes on to say, "Notwithstanding section 306...or any other statute to the contrary, any person, licensed importer, licensed dealer or licensed manufacturer who knowingly and intentionally sells, delivers or transfers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be criminally liable for such crime or attempted crime." It further states, "Notwithstanding any act or statute to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who knowingly and intentionally sells or delivers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be liable in the amount of the civil judgment for injuries suffered by any person so injured by such crime or attempted crime." "A second or subsequent violation of this section shall be a felony of the second degree..." and so forth and so on.

You know, we have the penalties; the penalties are there, and just recently in my own county of Montgomery, there was a straw purchase made. A man purchased 10 handguns over a period of time, then sold them to a juvenile, who sold them to others. He was liable for someplace between 20 and 30 years in prison. He got a \$2,000 fine and probation. We pass the laws. We have the laws; they are tough laws. We do not need any more laws, but we do need some judges who are going to enforce the law.

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 wanted to address very briefly the issue of the military. We had a little ceremony here earlier today, and we introduced all the members that were veterans in this hall. And those of us that are veterans all know that in the military, there is no need for a trigger lock device, because once you are done using that weapon, that weapon is confiscated and placed in the armory. There are no guns lying around for 17-, 18-, 19-, 20-year-olds, 25-year-olds, or 35-year-olds to be playing around with. If we had a system that was as overriding and as thorough as the military, we would not even be discussing these issues. We would not see crime rates and we would not see accidental rates across this Commonwealth and this country that we see without that kind of restriction. So let us not use that as some sort of example of how 18- and 19-year-olds can be so accountable and so safe in their conduct with these weapons. That safety is required by the process the military uses. And all of us who are veterans probably in our training are aware of an incident or an accident that occurred where a bullet came flying down the line because some bozo up the line did not follow instructions, and we understand how dangerous that can be.

Let us not talk about and compare what we are dealing with on these issues with domestic weapons and their safeguarding and their trigger locks and the processes that we are using in our society and in our home with the military. It is a far different situation, and all of us that were in the military know and understand it and respect it. What we are asking, what the gentleman is asking in this amendment is some modicum of standards that would allow us to have a safer place in our home as well as when people are in the military.

I support the Frankel amendment, and I ask my colleagues to do the same. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

The gentleman, Mr. Speaker, who is chairman of the House Judiciary Committee made a statement that this would gut the Second Amendment. The gentleman also knows, Mr. Speaker, that even though we have the freedom of speech, we cannot go into a movie theater and scream or holler "fire." We as a General Assembly as well as the United States Congress have the ability, have the ability to set certain limits. So when the gentleman said it was going to gut the Second Amendment, I do not see anything in this particular amendment that would gut the Second Amendment. If the gentleman is referring to Representative Frankel's proposal about limiting the sale to one handgun a month, that basically says that you just, in a 30-day period, you can buy one handgun, you can get 12 for the year, but that does not prevent anyone in your family from purchasing a handgun — your cousin, your enemy, or anyone else. The only thing Mr. Frankel is saying, Mr. Speaker, is one person in a 30-day period, no more different than North Carolina, Virginia, South Carolina, and a number of other States. So in a period of time, not a rifle, not a shotgun, not a long gun, but a handgun.

So I do not know how it would gut the Second Amendment, because it does not say you cannot ever buy a handgun; it just says in a 30-day period, you can just purchase one. But that does not mean that if your husband can purchase one, your wife cannot purchase one. So it is clear to me that that does not prevent anybody from, obviously, ever purchasing a handgun. So I think we should be clear about that when the gentleman says, I just thought he was exaggerating a little bit when he said, it guts the Second Amendment.

The second aspect of this, Mr. Speaker, is when the gentleman talks about straw purchasing. That is a real serious problem. And the other gentleman from Montgomery County is correct. There are laws on the books. There is absolutely no debate about that. And there is an issue if there is better enforcement that just maybe, just maybe we could do something about this problem. But even with the enforcement, in my opinion, Mr. Speaker, the one-gun-a-month basically does a better job of attempting, of attempting to do something about the straw purchasing. No, nothing is absolute, but the limiting to at least one gun a month attempts to resolve it in some way. So I agree with the gentleman, yes, we must have better enforcement; yes, the judges must do a better job; but we also can help the judges by limiting the sales to one gun a month.

The gentleman also talks about raising the age, and obviously by raising the age around handguns to someone who is 21 years of age, that just basically, you know, you are looking at the maturity issue. You are hoping, by raising the age of an individual who is

purchasing a handgun, that there is some sense of maturity and understanding and use of this weapon, that they just will not carelessly run out and use it in a negative way.

So the gentleman is talking about raising the age, he is talking about limiting the sales, and he is talking about straw purchasing. I do not believe that any of the initiatives that the gentleman is talking about are anything that are unreasonable. I believe that they are clearly a sound way to at least attempt to deal with this issue.

One other thing I would like to deal with, Mr. Speaker: There are a lot of people who think for some reason that this is opening the door to eliminate people's rights to purchasing handguns. I do not believe, Mr. Speaker, in any way, in anything we have tried to discuss here today, that it is eliminating individuals' rights from owning guns. Even the gentleman from the House Judiciary Committee, the chairman, we passed an amendment, which I voted for, mandating trigger locks. Well, just because we mandate trigger locks, that does not in any way affect the person purchasing a handgun. It is no more different in terms of limiting the sale to one gun a month. I think that these are just reasonable approaches. I think that we have to get away from this aspect that we are trying to take away someone's gun.

Mr. Speaker, can I get some order, please? Mr. Speaker, get some order, please.

The SPEAKER pro tempore. The House will come to order. Members will please take their seats. Conversations in the back of the House will break up.

You may continue, Mr. Evans.

Mr. EVANS. Thank you.

Mr. Speaker, there appears to be a real concern about attacking individuals' rights. Well, let me make this very clear, Mr. Speaker. I am not and I do not believe Mr. Frankel or anyone else is trying to eliminate anyone's right, anyone's right to own a firearm. The gentleman is only attempting to limit the sale no more different than what four or five other States have done in the nation. At some point, Mr. Speaker, we have to bring some common sense to this entire culture around gun violence. It is something that is affecting us all. It is not just an issue in the city, it is not just an issue in the suburbs, and it is not just an issue in rural Pennsylvania. It is affecting every part of Pennsylvania as well as this nation.

We are at a crossroad, and that crossroad is that we need to find Democrats and Republicans, all of us working together. I believe that what Mr. Frankel is offering here is a commonsense approach, that he is basically saying that he wants to do something about the sale of handguns, he wants to do something about raising the age, and he wants to do something about straw purchasing.

So I would say to you, Mr. Speaker, that I hope just for once, just for once, Mr. Speaker, that we will give this amendment a chance and vote "yes" on the Frankel amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the lady, Ms. Manderino, seek recognition? The lady waives off.

The gentleman from Lancaster County, Mr. Sturla, is recognized on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Frankel, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on page 1 of your amendment, the section that deals with the age going from 18 to 21, it talks about firearms. It was alluded to earlier that this maybe only meant handguns. Does this mean handguns or long rifles also in the term "firearm" there?

Mr. FRANKEL. I am having a hard time hearing you.

Mr. STURLA. Mr. Speaker, could we have some order?

The SPEAKER pro tempore. Will the House come to order. Please take your conversations outside the hall of the House.

Go ahead.

Mr. STURLA. Mr. Speaker, on page 1 of your amendment, the section that deals with the age limitations, line 15, it talks about a firearm. Earlier some speakers alluded to this as simply applying to handguns. Does this just apply to handguns or does it apply to long rifles also?

Mr. FRANKEL. With respect to minors?

Mr. STURLA. Yes.

Mr. FRANKEL. It is handguns, but when you are dealing— With respect to the straw purchase, it is any weapon.

Mr. STURLA. I am talking about on page 1 of your amendment, section 3, that deals with the age of—

Mr. FRANKEL. Right. That is strictly handguns.

Mr. STURLA. So the term "firearm" means strictly handguns?

Mr. FRANKEL. Yes.

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

Mr. FRANKEL. That goes to the general definition of "firearms" in the firearms statute.

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

Is there any reason why then in the next section, section 4, you limit handguns, the purchase of handguns, instead of firearms?

Mr. FRANKEL. No; no.

Mr. STURLA. Okay. So handguns and firearms are synonymous in this—

Mr. FRANKEL. Correct; correct.

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

Mr. Speaker, one final question. Going to age 21, are you saying that, you know, someone graduates from high school, they get married, they go join the Army Reserves, they have a child, they are living in their own home, that they could not possess a firearm without a permission slip from their parent?

Mr. FRANKEL. Yes, and I think we do the same thing for the consumption of alcohol and the purchase of alcohol, so I do not know that that should be a problem when you are dealing with a lethal weapon.

Mr. STURLA. Okay.

Thank you, Mr. Speaker. That is all the questions I have.

The SPEAKER pro tempore. Does the gentleman, Mr. Lynch, seek recognition on the amendment? The Chair recognizes the gentleman from Warren County, Mr. Lynch, on the amendment.

Mr. LYNCH. Thank you, Mr. Speaker.

I would like to take a few minutes and read an editorial that I was just given written by a Joseph Perkins from the San Diego Union-Tribune, and it is entitled "We should control guns by controlling criminals," and it starts, and it is dated October 22 of this year:

Sammy "The Bull" Gravano has, by his own admission, sent 19 men to their graves. So it's safe to say that the former underboss of the Gambino crime

family knows a thing or two (or 19) about guns and violence.

That's why his recent remarks about gun control, published in *Vanity Fair*, have resonance.

"Gun control?" Sammy pondered. "It's the best thing you can do for crooks and gangsters. I want you to have nothing. If I'm a bad guy, I'm always going to have a gun.

"Safety locks?" The Bull continued. "You pull the trigger with a lock on, and I'll pull the trigger. We'll see who wins."

Gravano's insights came to mind this week as President Clinton reissued his challenge to Republican lawmakers on Capitol Hill to present him with a sweeping gun control bill that he can sign.

"We need Congress to help us keep guns out of the wrong hands," Clinton told a group of more than 300 high school students from around the country, who were in the nation's capital this week to attend a two-day youth violence conference sponsored by House Democrats.

But even those high schoolers had to wonder whether the gun-control bill President Clinton is trying to goad Republicans into approving will really keep guns out of "the wrong hands."

Indeed, even if the president got every provision he seeks — including mandatory trigger locks, new restrictions on possession of semi-automatic weapons by persons under 18 years of age, a ban on imported large-capacity ammunition clips and a requirement that all vendors at gun shows conduct mandatory background checks on customers — bad guys would continue to get guns.

So all this new law would do is make it that much more difficult for law-abiding citizens to obtain weapons to defend themselves, their families, their homes and their property from the criminals who, as Sammy the Bull attests, are always going to have a gun.

The president takes refuge in polls showing that a decided majority of Americans favor stricter gun-control laws. But while that is true, those same polls show that half of Americans also believe that new gun-control laws — such as the one for which the president is currently agitating — will do nothing to reduce violent crime.

In fact, there are already more than 20,000 gun-control laws on the books at the federal, state and local levels.

Twenty thousand laws already in existence—

Yet, these controls have failed—

and if they did not fail, we would not be here today trying to do this—

have failed to keep guns out of the hands of criminals; have failed to reduce the level of gun violence throughout the country.

And why is that? Because these gun-control laws are predicated on the notion that firearms are the root cause of gun violence when the real cause of gun violence is violent criminals.

So, it stands to reason that the most effective way to reduce gun violence is not by passing yet another symbolic gun control law, but adapting a one-strike approach to gun crimes.

In other words, if a person carries a gun while committing a crime, even if he or she does not brandish the weapon, even if the weapon is not used, that person should receive a mandatory minimum sentence of at least five years in prison with no parole. That will make the bad guys sit up and take notice.

As it is now, the courts are often lenient when it comes to gun crime. Indeed, Sammy the Bull whacked 19 victims and only spent five years behind bars. So you know that a two-bit criminal who merely uses a gun to knock over a liquor store is unlikely to do any hard time.

When the federal government and state and local governments start to target gun-related crime, rather than guns themselves, then the nation will see a meaningful reduction in gun violence. The real-life proof of this is Richmond, Va.

For the better part of the decade, the Virginia capital had one of the nation's worst per capita murder rates. Then, in 1997, the U.S. Attorney's Office in Richmond devised a strategy, under the title "Project Exile," to try local gun offenses in federal court where bond is less easily obtainable and sentencing guidelines are stiffer.

This approach yielded immediate results, with indictments against 404 armed suspects, a conviction rate of 86 percent and an average prison sentence of more than four and a half years. Meanwhile, Richmond posted a 36 percent decline in gun-related homicides last year.

These are the kinds of results that the American public really wants.... And they were achieved not by enactment of new gun-control laws,...

as some advocates want—

but by prosecuting armed criminals to the fullest extent of already-existing laws.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman from Northumberland County, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, the previous speaker made some very cogent remarks. I will therefore limit my comments to just asking the membership to oppose this amendment.

There are a number of problems I have with the amendment. However, just on the age reduction alone, lowering the age from 21 years old for possession or transportation of any firearm, not simply a handgun, causes me great problems. I owned weapons, both handguns and rifles, when I was less than 18 years old. When I was 18, I was being trained by the Marine Corps with a 45-caliber handgun. At age 19, I was in Vietnam. So we are telling the people of Pennsylvania that you are not mature enough to even transport or own a gun until you are 21 years old, and I think we better let Uncle Sam know that the draft age ought to be raised to 21 as well. I think the reduction in age alone presents a problem for me, and I do believe we have a registration for a draft at 18 years old.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the lady from Philadelphia, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I have been conflicted as to whether or not to speak in this whole debate, because quite frankly, I consider myself probably more moderate than most urban legislators on this gun issue. But I have to tell you, after listening to some of the rhetoric that has gone about the debate on this particular amendment, I just think there is room for some real commonsense thinking here.

The front page of today's Philadelphia Inquirer, on the front page there is an article about a new organization that is gaining momentum in the United States. Everyone knows about Mothers Against Drunk Driving. Well, I submit to you that it will not be long before everyone knows about a new mothers group — Mothers Against Senseless Shootings. The very fact that there is an initiative nationwide of Mothers Against Senseless Shootings says that we need to bring some reasonableness to this issue, and listen to what the leader of this group said, quote: " 'We're' " — meaning mothers — " 'We're the ones who are losing our children,'... 'We just decided we would join forces — moms across America — and make people realize that it's our children who are dying, and we want to stop it through sensible laws, not anything far out.' " Well, I have heard everything being proposed so far today as being far out, and I submit that it is time for us to quit labeling every reasonable, sensible proposal that comes down the line as something that is far out when as a matter of fact it is very mainstream.

The article goes on to tell us that "...voters are not simply worried about the recent spate of shootings..." at schools. They "want to restrict access to guns.

" 'Gun control registers on a list of problems people cite off the top of their heads,'..." without being asked.

"Consider...that 72 percent of Republican women now support more gun control, compared with 48 percent in 1993, according to a Pew" charitable trust "survey.

"And an internal GOP poll showed that fewer than one-third of the voters who responded said they would be inclined to support a candidate linked to the NRA.

"If one state" — this is the Inquirer article — "If one state is any indication of a shift in sentiment, Pennsylvania may provide insight. In a survey of gun issues in..." our "state, an important presidential battleground with a large number of gun owners, a majority of voters favored stricter laws, including majorities of gun owners and hunters.

"The findings cut across lines of gender, age, education, race, region and party affiliation, with strong support among female, minority and older voters...."

Moms Against Senseless Shootings. Do you believe that we need such an organization? It is a shame that we do, and I am going to give them a plug: Moms Against Senseless Shootings, 888-989-MOMS. Or go to their Website: www.millionmommarch.com. Let us bring some sense to this debate in Pennsylvania, and let us do it today.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER pro tempore. On the amendment, the Chair recognizes the Democratic leader, the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would like to be recognized under unanimous consent.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DeWEESE. I wish to give notice to the floor, to the Assembly, that on Monday, November 15, I intend to call up for consideration Discharge Resolutions 1, 2, 4, and 5. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSIDERATION OF SB 167 CONTINUED

The SPEAKER pro tempore. The gentleman from Montgomery County, Mr. Godshall, is recognized on the amendment.

Mr. GODSHALL. Very quickly, Mr. Speaker.

On this individual amendment, going from 18 to 21, it should be recognized that anyone under the age of 21 cannot get a right-to-carry permit. A right-to-carry permit is restricted to the age of 21. So anybody who is carrying a concealed weapon on the streets of Philadelphia or anyplace is committing a violation to start with. So changing the age from 18 to 21 is meaningless because it is already 21 for carrying a firearm on the streets.

Secondly, in previous interrogation of the maker of this amendment by the Representative, I believe from Lancaster, I read this differently from what was expressed. If you look at page 5 it says, "A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under..." the age of now 21 under this amendment "any deadly weapon, cartridge, gunpowder,..." and so forth. "Any deadly weapon" would mean long guns as well as handguns, is my interpretation of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I will keep these comments really brief.

I was sitting here thinking as we do all this debating on the gun laws and some changes, and especially this one, does anyone remember this morning's ceremony? We honored the veterans today. We honored what those people stood up for and so many of their brothers died for. One gentleman here was almost 100 years old; I can only imagine what he would think about this debate.

For months we have heard of people talking about Y2K and what is going to happen in the new millennium. Well, let me tell you, Mr. Speaker: Do not be worried about your electricity as much as how your rights have changed and are going to continue to change if we support this. When you think about the new millennium, I tell you, think about where your country is going and where we are going as a State and what we really stand for, but

most of all, what rights you think you have and what rights you may have left.

Think very serious about how you vote on this stuff. Those veterans that stood before us and died before us stood so that we had the right to bear arms and many other rights that will be infringed upon if we say "yes" to these kinds of amendments. Thank you.

The SPEAKER pro tempore. Mr. Frankel, it would appear there are no other members seeking to speak— Mr. Thomas. The Chair recognizes the gentleman from Philadelphia.

The Chair is trying to let you go last, Mr. Frankel.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I was going to remain. I thought that my colleague, Representative Manderino, kind of put things in the context in which we should be considering this amendment. But the last speaker moved me, and I have to say a couple things.

Number one, like the last speaker I applaud those men, and even though we did not see any women this morning, I applaud the men and women who went on the battle line for this country and sacrificed themselves so that we could be free. Mr. Speaker, I also am someone who strongly supports the Second Amendment. I believe that the right to bear arms is a very — it is almost like the foundation of our Constitution, and I strongly support that. But, Mr. Speaker, I stand for the right to life. I stand for the right to life of those innocent children and individuals who have either had their lives cut off because of either accidental or intentional use of a gun in the hands of someone who did not have, who should not have been permitted to have a gun in their hands. I stand for the right to life of those children and men and women who are either paralyzed or who have had a major portion of their lives cut off as a result of some individual being in possession of a weapon who had neither education nor concern for another human life. I stand for the right to life to those individuals, Mr. Speaker. And, Mr. Speaker, I fundamentally believe that the right to life is greater than, much greater than, some of the things that I have heard this afternoon, and I know deep in everyone's heart, I know that they care about what is going on, not just in urban Pennsylvania but in suburban Pennsylvania and in rural Pennsylvania.

Mr. Speaker, there are too many guns on the streets of Pennsylvania in the hands of people who should not have guns. It is ironic that it is cheaper to purchase a gun, to get a license and purchase a gun, than it is to get a license to drive a car. Mr. Speaker, it is unfortunate that we have kids who will not go to school out of fear that somebody in that school is able to bring a weapon illegally into the school. We have kids who cannot go to recreation centers. We have elderly people who have sacrificed their lives in many cases to make sure that we are able to stand here today, who are afraid to come out of their house and go shopping or go to the pharmacist down the street. Mr. Speaker, it is nonnegotiable as to whether or not we are empowered and should exercise the power to put some parameters on the accessibility of guns in the hands of individuals who neither should ever have a right or a privilege to have a firearm.

Mr. Speaker, yes, the proposal before us this afternoon is a strong proposal; yes, it provides a level of restrictiveness that we all might be concerned about, but, Mr. Speaker, the right to life of our children and of those people who have been cut down as a result of senseless killings outweighs the restrictiveness that we are attempting to argue for this afternoon. Mr. Speaker, I ask every man and woman, regardless of what side of the aisle you are on, to

stand up for the right to life, stand up and let us take a step forward in providing some parameters as to who should be able to possess a weapon and who should not be able to possess a weapon.

This bill talks about straw parties. Straw parties is real problematic in the Commonwealth of Pennsylvania. Too many people are using innocent children and other people to carry out their criminal behavior.

Secondly, Mr. Speaker, I am troubled by the fact that we are now saying that you should not be able to get a gun until you are 21. I was troubled by the restrictiveness that we put on young drivers in the Commonwealth of Pennsylvania. But, Mr. Speaker, when you put it next to the data, when you put it next to the facts, Mr. Speaker, we have to put our feelings about restrictiveness in our back pocket and think about saving lives, think about giving more people an opportunity to grow up and live out their life as they so desire.

Mr. Speaker, I urge every member of this House to put up an affirmative vote for the Frankel amendment. Put our feelings to the side; put our children and our families and the safety of our communities in the front and put our feelings in the back pocket. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Frankel, for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

A number of objections have been offered here today, and I would like to talk about them somewhat. We talk about enforcing existing laws. Well, as I said earlier, some of our laws are working. The Brady Law has worked. We have eliminated the ability of criminals to walk into gun stores and buy a weapon, but now we need a tool here in the State of Pennsylvania to make sure that those same criminals and juveniles and gun traffickers cannot go into a gun store or have somebody else go into a gun store and buy those weapons for them.

Now, this piece of legislation, the straw purchase aspect of this, contrary to prior speakers, is needed. The district attorney of Allegheny County, Steve Zappala, helped me draft this bill. The mayor of Pittsburgh and the mayor of Philadelphia both believe they need this straw purchase legislation in order to effectively prosecute straw purchase transactions. Now, we in this legislature have prohibited cities of the first and second class, Philadelphia and Pittsburgh, from legislating their own gun laws. Here we are asking that everybody allow us the opportunity here to enforce and prosecute straw purchase transactions.

Now, with respect to the one-gun-a-month law and the constitutionality issue, this is not something new; this is not something radical. We are emulating; we are not breaking a new path here. South Carolina, that den of radical politics, in 1975 passed a one-gun-a-month bill. So did another one of these very liberal States, the State of Virginia, and now we have California and Maryland as well. These have not been challenged successfully for constitutional bases at the Federal level. They have survived to this day. These are reasonable. They are reasonable for South Carolina; they are reasonable for Virginia; they are reasonable for Pennsylvania.

Now, have they been effective? Let us take a look. In Virginia, "Virginia's" — and I am quoting here from some statistics that we have seen — "Virginia's law has greatly disrupted the gun trafficking pattern from Virginia to states in the northeastern United States. For guns purchased after implementation of the new law..." that they passed there, "Virginia's share" of guns recovered

in other States “fell by 54% – to 16% of all guns traced back to the Southeast. Even more dramatically, the percentage of guns traced back to Virginia gun dealers fell by 61% for guns recovered in New York, 67% for guns recovered in Massachusetts, and 38% for guns recovered in New Jersey.” This is a law that works. It is proven, it is efficient, and it is something that is needed. It is something that is not unreasonable, and it is something that, my goodness, maybe inconveniences a dozen, a hundred, maybe a thousand people in Pennsylvania a year that cannot buy more than 12 guns a year. This is not unreasonable legislation.

Now, we, my colleagues who have been promoting some of these gun safety bills, have created, I believe, a set of principles by which we believe we ought to be considering gun legislation, gun safety legislation, in the future, and I just would like to have the opportunity to read those to you today. And these, I think, are good standards to measure the gun legislation that we take up here, and I believe that my amendment fills these principles: We want to protect our children from injury by limiting access to firearms. We want to limit handgun purchases to responsible adults. We want to promote firearm safety and education and training. We want to strengthen local control and law enforcement efforts by combating illegal firearm sales and trafficking, and we want to implement a fair and comprehensive background check system with appropriate safeguards designed to prevent firearm injury and violence. And finally, we want to enhance law enforcement safety by banning assault weapons and junk guns, and we will talk about some of these later. These, I think by the preponderance of public opinion in this country, it is a tidal-wave shifting. If we do not pass this amendment, we are going to be behind the times, we are going to be behind the curve, and we can continue to plug the dike that is coming with our fingers, with some meaningless half steps, small steps, that we might want to take to cover up our tracks. We may plug our finger in the dike, but it is coming, and Pennsylvania should be on track with the rest of the country in the forward thinking and dealing with reasonable, sound gun safety legislation.

With that, I would ask all my colleagues if they would please reconsider, if you are thinking of opposing this; please consider voting for this measure that I think by any standard fits a reasonable criteria for gun safety legislation in the State of Pennsylvania. Thank you.

On the question recurring.

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—45

Bard	Curry	Manderino	Rooney
Bebko-Jones	Evans	Melio	Rubley
Bishop	Flick	Michlovic	Stetler
Butkovitz	Frankel	Mundy	Taylor, J.
Buxton	Gladeck	Myers	Thomas
Cappabianca	Horsey	Perzel	Vitali
Carn	James	Preston	Washington
Cohen, L. I.	Josephs	Ramos	Waters
Cohen, M.	Keller	Rieger	Williams
Cornell	Kirkland	Robinson	Wogan
Corrigan	Lederer	Roebuck	Youngblood
Costa			

NAYS—152

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

NOT VOTING—1

Levdansky

EXCUSED—5

Gruitza	Pistella	Wilt	Ryan,
Lawless			Speaker

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 as amended?

Mrs. COHEN offered the following amendment No. A3836:

Amend Title, page 1, line 5, by striking out “and”

Amend Title, page 1, line 6, by removing the period after “address” and inserting
and for possession of firearms with altered manufacturer’s number; further providing for the sale or transfer of firearms; requiring the Pennsylvania State Police to maintain a registry of firearms reported lost or stolen; further providing for registration of firearms; and providing for failure to report lost or stolen firearms and notice of multiple purchase reporting and for locking device for firearms.

Amend Bill, page 6, by inserting after line 30

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

§ 6110.2. Possession of firearm with altered manufacturer's number.

(a) General rule.—No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

(b) Penalty.—A person who violates this section commits a misdemeanor of the first degree.

(c) Definition.—As used in this section, the term "firearm" shall have the same meaning as that term is defined in section 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

Section 4. Section 6111 (f) and (g) of Title 18 are amended and the section is amended by adding subsections to read:

§ 6111. Sale or transfer of firearms.

(c.1) Multiple purchases.—Each licensed importer, licensed manufacturer or licensed dealer of firearms shall prepare a report of multiple sales or other dispositions of firearms whenever that licensee sells or otherwise disposes of, at one time or during any 30 consecutive days, two or more firearms or any combination of firearms totaling two or more, to any person other than to another licensed importer, licensed manufacturer or licensed dealer. The report shall be prepared in duplicate and shall be forwarded to both the sheriff of the county in which the person resides and the Pennsylvania State Police not later than the close of business on the day that the multiple sale or other disposition occurs. The form for reporting multiple firearms sales or dispositions shall be specified by the Pennsylvania State Police with input from the Pennsylvania Sheriffs' Association.

(c.2) Notice.—Each licensed importer, licensed manufacturer or licensed dealer of firearms shall post, in a conspicuous place, a notice stating that multiple purchases of firearms within 30 business days will be reported to law enforcement under subsection (c.1).

(f) Application of section.—

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

(2) The provisions contained in subsections (a) [and], (c) and (c.1) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.

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

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

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

(iii) The statement issued under subparagraph (ii) shall be issued by the district attorney, or his designee, of the county of residence if the transferee or purchaser

resides in a municipality where there is no chief of police. Otherwise, the statement shall be issued by the chief of police in the municipality in which the purchaser or transferee resides.

(g) Penalties.—

(7) (i) Notwithstanding any other act to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who reports a firearm as stolen and subsequently sells or otherwise disposes of that firearm commits a felony of the third degree.

(ii) It shall be a defense to this paragraph that, prior to the sale or other disposition of a firearm which had been reported stolen, the person, licensed importer, licensed manufacturer or licensed dealer contacted the Pennsylvania State Police, and local law enforcement agency or the sheriff in either the county where the person resides or the county where the licensed importer, licensed manufacturer or licensed dealer conducts business, and reported that the firearm was recovered.

Section 5. Section 6111.1(b) of Title 18 is amended by adding a paragraph to read:

§ 6111.1. Pennsylvania State Police.

(b) Duty of Pennsylvania State Police.—

(5) The Pennsylvania State Police shall maintain a registry of all firearms reported lost or stolen in this Commonwealth. The registry shall contain, if available, the manufacturer, model, caliber, serial number and any other identifying information concerning any firearm reported lost or stolen, as well as the name of the lawful owner of the firearm. If a firearm is reported stolen to a local law enforcement agency, that agency shall collect the required information and shall submit it to the Pennsylvania State Police.

Section 6. Section 6111.4 of Title 18 is amended to read:

§ 6111.4. Registration of firearms.

Notwithstanding any section of this chapter to the contrary, nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership within this Commonwealth, other than a registry of firearms reported lost or stolen under section 6111.1(b)(5) (relating to Pennsylvania State Police). For the purposes of this section only, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Montgomery County, Representative Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I think most of the arguments for this amendment have been made quite eloquently by those that are proponents of some of the amendments that have been presented before us and, unfortunately, have been defeated. This amendment once again talks about the following: No person shall possess a firearm which has had the manufacturer's number obliterated or changed or removed. But again we are talking about multiple purchases and straw purchases.

This amendment, by the way, is supported by the District Attorneys Association and several law enforcement groups. Our problem is straw purchases and straw purchasers. The statistics are absolutely astounding and outrageous. The Uniform Crime Report for 1996 yields some startling statistics. There were 86,319 persons arrested for violent offenses, and these were offenses where guns were involved. The statistics about murders and murders committed in the Commonwealth, murders in the southeast region of Pennsylvania, are absolutely overwhelming. These statistics deal with gunrunning. People go legitimately or supposedly legitimately to licensed gun dealers and purchase guns. They then go into our cities, not just in Philadelphia but throughout the Commonwealth, and sell these guns in an illegal manner.

What this amendment does is require licensed manufacturers, dealers, et cetera, to report the multiple sales of firearms, more than one sale within any 30-day period. It also requires these dealers to prepare reports and report both to the sheriff in the county in which the purchaser resides and then also to the State Police. What we are trying to do is to keep track of these guns, to keep track of the purchasers and the sales. Additionally, the dealer must post in a conspicuous place a notice that this is exactly what he is doing.

Along with this proposal in this amendment is the requirement to report firearms as stolen. If the dealer subsequently sells or disposes of that firearm, he then commits a felony of the third degree. We are also requiring the State Police to maintain a registry of the firearms that are reported lost or stolen. Therefore, Mr. Speaker, what we are able to do by this amendment is to track these guns and these firearms that are purchased and used in an illegal manner.

I have to state, Mr. Speaker, that I will go to the mat for my constituents who are gun owners, who are legitimate hunters, collectors, and sportsmen. These are people that respect guns, that understand what guns are about. These are not the people that we are interested in. We are dealing now with criminals who shoot our children, who kill and maim our children, who are affecting the lives of innocent people. These are the people that we are after — the people in this Commonwealth who should not own or possess guns, who use guns for dangerous, illegal purposes. We are not — and I repeat — we are not after legitimate owners of guns who respect guns and know how to handle them.

I urge my fellow members to support this amendment, and please vote "yes" to protect the innocent people, especially the children of our Commonwealth. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Mr. Speaker, this is not on the amendment. I just have a special announcement I want to make — after the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton County, Mr. Rooney. The gentleman waives off.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I am not sure of everything that is in this amendment, but a couple of the points I do want to make. Presently, if a person purchases a handgun and purchases more than one gun in a 5-day period, a report must be sent to Alcohol, Tobacco and Firearms. It is a Federal form that is required today to be sent if somebody

purchases more than one handgun in a 5-day period. That is covered in here, but it is also Federal law already.

Another point here is, this creates a registry of lost and stolen guns, I believe by the State Police. That registry is already kept under the Federal system and is available to the State Police. Also, beyond that, there is a record of all handguns sold in this State, maintained by the State Police since the Uniform Firearms Act was established, which was 1934. So I would ask for a "no" vote on this legislation. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Delaware County, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I know that Representative Cohen has worked very long and hard on this very important issue of multiple gun purchases, and although I have the same problems that Representative Godshall does with the registry, looking at the other elements of the bill, I think this is a very fair and reasonable way to monitor multiple gun purchases without infringing on the rights of honest, law-abiding citizens to do so. This really uses existing infrastructure in law enforcement to track these purchases. It goes to the one individual who is the county law enforcement officer, which is the local sheriff. But more importantly, it tells the purchaser up front, at the dealer, that when he makes a multiple purchase, no matter where he does it in this Commonwealth, that his local sheriff is going to be made aware of that multiple gun purchase, and on top of that, if he starts reporting his guns stolen, no matter where he is in this State, his local sheriff is going to be told that he is reporting these weapons stolen.

This is a good tracking mechanism. I think it is really what we need, is a deterrent to this type of conduct. We do not want to stop law-abiding citizens from making these purchases, but we want to deter criminals or those with a criminal intent or a criminal motive from going out and purchasing weapons and then selling them out of the trunk of their car in one of our cities. I think this accomplishes it in a very fair and reasonable way. I do have trouble with the registry language, but considering the overall effect of this type of amendment, I am going to vote "yes."

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Washington County, Mr. TRICH. Without objection, the leave will be granted. The Chair hears no objection, and the leave is granted.

CONSIDERATION OF SB 167 CONTINUED

The SPEAKER pro tempore. On the amendment, the Chair recognizes the lady from Crawford County, Representative Forcier.

Mrs. FORCIER. Thank you, Mr. Speaker.

I respectfully rise in opposition to this amendment 3836.

At the present time, when there is a purchase of two or more handguns in 5 days, the dealer, according to Federal law, must report to the Bureau of Tobacco and Firearms. This amendment will change the law to be two or more long guns and handguns in 30 days the dealer must report to the BTF. There is the addition of the long guns. It could also be the local police and the BTF.

For example, if I purchase two hunting rifles, this creates a huge registry of multiple gun purchases for no reason, and I say no

reason because long guns are not used in a crime. We are going to waste money and create a registry on stolen guns. Every gun reported stolen in the nation is already available to every law enforcement officer in the Commonwealth on the Federal data base NCIC (National Crime Information Center).

I ask my colleagues on both sides of the aisle to please oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Are there any other members seeking recognition?

The Chair recognizes the lady from Montgomery County, Representative Cohen, for the second time.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it really boggles the mind to understand why people are opposing this amendment. If people indeed want to have legitimate uses of guns, why would they oppose the registry? The reason that we are asking for registration in Pennsylvania is to have a much more speedy access right here in our own State. I understand that there is a Federal registry, but we need instant access right here in Pennsylvania. If a person is legitimately purchasing a gun in Pennsylvania, why in the world would he or she object then to having it registered in Pennsylvania? It simply does not make sense.

Again, I must say that my sports enthusiasts are responsible adults. They are careful of their guns. They are well trained, and they are respectful of guns in general. But it is a known fact that a large percentage of violent deaths in this Commonwealth, not just in our city, are the result of these illegal guns. The streets of our cities are dangerous war zones in which innocent children and bystanders end up risking their lives, often becoming the tragic victims of senseless shootings. They get caught in the crossfire while trying to get to and from school, do their shopping, traveling to and from doctors' offices or the workplace.

The violence in our cities and urban areas around the State is being fed by rampant gunrunning schemes. These gunrunners are legally able to make high-volume purchases at Pennsylvania gun shops, only to travel around the State and resell these firearms on the streets to our young people at a 400- to 500-percent profit.

Additionally, unscrupulous purchasers who possess a license have become what is known as straw men for gangs and criminals. They avoid the criminal background checks, they make high-volume purchases, and then they claim, when they are questioned, that these guns were lost or stolen and somehow found their way into the hands of the wrong person. We are trying to accomplish the goals of stopping these straw purchasers.

I think it is really interesting, Mr. Speaker, that there are States in this country that were known as gunrunning States, and what has happened is, these States have adopted some of these laws to limit gunrunners. For example, South Carolina, a traditional gun-rights Southern State, became the first State to limit handgun purchases all the way back in 1975. Virginia passed a similar law in 1993, and Maryland adopted the limitation in 1996. In these two neighboring States, gunrunning is now virtually nonexistent. If we do not stop it here in Pennsylvania, we are inviting all the people that used to be in Virginia and Maryland and South Carolina into Pennsylvania to conduct their illegal activities here.

We all realize this is not the full answer to the horrendous problem of gun-toting children killing other children, as we so recently watched right here on our own streets here in this Commonwealth. Much more needs to be done. We need to teach gun safety, teach respect for guns, involve parents in the lives and

activities of our children, eliminate the violence on television and movies, and get it through to our children that guns really do kill. Additionally, we must enforce the laws we have, but we have to take a strong stand to eliminate one more way of illegal guns getting into the wrong hands.

I urge my fellow Representatives to vote "yes" on this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-67

Bard	Evans	Markosek	Ruffing
Bebko-Jones	Frankel	McGeehan	Samuelson
Bishop	Freeman	McGill	Santoni
Butkovitz	Gannon	Melio	Steil
Buxton	Gladeck	Michlovic	Stetler
Caltagirone	Hennessey	Mundy	Sturla
Cappabianca	Horsey	Myers	Taylor, J.
Carn	James	Perzel	Thomas
Cawley	Josephs	Petrone	Tigue
Cohen, L. I.	Kaiser	Preston	Van Horne
Cohen, M.	Keller	Ramos	Vitali
Cornell	Kenney	Reinard	Washington
Corrigan	Kirkland	Rieger	Waters
Curry	Lederer	Robinson	Williams
Dailey	Levdansky	Roebuck	Wogan
Donatucci	Manderino	Rooney	Youngblood
Druce	Mann	Ruble	

NAYS-129

Adolph	Egolf	Maher	Schuler
Allen	Fairchild	Maitland	Scrimenti
Argall	Fargo	Major	Semmel
Armstrong	Feese	Marsico	Serafini
Baker	Fichter	Masland	Seyfert
Barley	Fleagle	Mayernik	Shaner
Barrar	Flick	McCall	Smith, B.
Bastian	Forcier	McIlhattan	Smith, S. H.
Battisto	Geist	McIlhinney	Snyder
Belardi	George	McNaughton	Solobay
Belfanti	Gigliotti	Metcalfe	Staback
Benninghoff	Godshall	Micozzie	Stairs
Birmelin	Gordner	Miller, R.	Steelman
Blaum	Grucela	Miller, S.	Stern
Boyes	Habay	Nailor	Stevenson
Browne	Haluska	Nickol	Strittmatter
Bunt	Hanna	O'Brien	Surra
Casorio	Harhai	Orie	Tangretti
Chadwick	Harhart	Pesci	Taylor, E. Z.
Civera	Hasay	Petrarca	Travaglio
Clark	Herman	Phillips	Trello
Clymer	Hershey	Pippy	True
Colafella	Hess	Platts	Tulli
Costa	Hutchinson	Raymond	Vance
Coy	Jadlowiec	Readshaw	Veon
Daley	Krebs	Roberts	Walko
Dally	LaGrotta	Rohrer	Wojnaroski
DeLuca	Laughlin	Ross	Wright
Dempsey	Leh	Sainato	Yewcic
Dermody	Lescovitz	Sather	Yudichak
DeWeese	Lucyk	Saylor	Zimmerman
DiGirolamo	Lynch	Schroder	Zug
Eachus			

NOT VOTING-1

Oliver

EXCUSED—6

Gruitza
LawlessPistella
Trich

Wilt

Ryan,
Speaker

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

LEAVE OF ABSENCE

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

ANNOUNCEMENT BY MR. MELIO

The SPEAKER pro tempore. Mr. Melio, for what purpose do you seek recognition?

Mr. MELIO. Point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. Unanimous consent. The gentleman is recognized.

Mr. MELIO. Thank you, Mr. Speaker.

I have a pleasant announcement, Mr. Speaker.

At 3:30 this afternoon, in Representative Bard's district, in the Abington Hospital, the good Lord blessed my wife, Anna May, and me with our eighth grandchild. Thank you, Mr. Speaker. A tiny, 7-pound baby girl, Sarah Louise, was given to us by our daughter-in-law, Karen, and my son, Jay. I just wanted to share this happy, blessed event with my colleagues. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for that happy news.

CONSIDERATION OF SB 167 CONTINUED

On the question recurring,

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

Mr. MAITLAND offered the following amendment No. A4103:

Amend Sec. 2, page 2, line 13, by striking out “, (c)(1)”

Amend Sec. 2 (Sec. 2709), page 2, lines 27 through 30, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Adams County.

Mr. MAITLAND. Thank you, Mr. Speaker.

I am going to bring us back to the original intent of the bill after this lengthy debate over various gun control issues, and one of the underlying provisions of SB 167 is to raise the criminal offense of harassment from a summary offense to a third-degree misdemeanor, and this amendment would strike that language and

leave harassment as a summary offense, and I believe there are a number of good public policy reasons to do this.

First of all, the summary offense of harassment is a very valuable tool for our local police and our district magistrates. It is really a catchall offense that is used to slap the wrists of people creating nuisances of themselves — for example, a shoving match between a couple of kids at school that gets a little serious and the police are called in, and as long as harassment is a summary offense, they are brought before the magistrate, they are fined, they are told not to do it again, and they go on. But if we make this a third-degree misdemeanor, then they are going to have to be hauled into common pleas court an adjudicated delinquent, and I do not think that that is a wise use of our courts for an offense such as that.

A couple of other things. Maybe you have somebody that just wants to be annoying, so they are ringing a neighbor's doorbell and running away, and they do this habitually, and they are caught and they are warned, and they are caught again. You file a harassment charge, and they are fined, and the magistrate tells them, all right; continue your harassing behavior if you want to, but it is going to cost you more and more and more every time. If we make this offense a third-degree misdemeanor, it is going to call upon the resources of the district attorney's office, and you know it is going to be on the bottom of the pile as far as the prosecutor is concerned, and what you are going to end up having is that the police are not going to charge people, because they do not have a tool; they do not have a summary tool to do that, and these people are going to get away with some things that they probably should not get away with.

And one other point to remind you of is that a private citizen, a private individual, under the current Rules of Criminal Procedure, can file a harassment complaint with the district magistrate. If harassment is increased to a third-degree misdemeanor, you put this caseload, again, on the back of the district attorney. Now, they have their discretion, they have limited manpower in the D.A.'s office, and harassment complaints are going to go to the bottom of the pile, and private criminal complaints for offenses above summary level, according to the current Rules of Criminal Procedure, have to be approved by the D.A., so either way, you are squandering prosecutorial resources.

So I believe that increasing harassment to the misdemeanor of the third degree will make it all the more difficult for people to seek redress in the criminal courts for harassing behavior, and I would ask that you vote for this amendment to preserve this remedy for our citizens. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

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

CONSIDERATION OF SB 167 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—132

Adolph	Evans	Manderino	Schroder
Allen	Fairchild	Marsico	Schuler
Argall	Fargo	Masland	Semmel
Armstrong	Feese	McCall	Serafini
Baker	Fichter	McGeehan	Seyfert
Bard	Fleagle	McIlhattan	Smith, B.
Barley	Flick	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Michlovic	Staback
Bautisto	Gladeck	Micozzie	Stairs
Belardi	Godshall	Miller, R.	Steil
Birmelin	Gordner	Miller, S.	Stern
Bishop	Habay	Myers	Strittmatter
Boyes	Hasay	Nailor	Sturla
Bunt	Hennessey	Nickol	Taylor, E. Z.
Butkovitz	Hershey	O'Brien	Taylor, J.
Carn	Hess	Perzel	Thomas
Chadwick	Horsey	Petrone	Trello
Civera	Hutchinson	Phillips	True
Clark	Jadlowiec	Pippy	Tulli
Clymer	James	Platts	Vance
Cohen, L. I.	Josephs	Ramos	Van Home
Cohen, M.	Kaiser	Raymond	Veon
Corrigan	Keller	Readshaw	Vitali
Dailey	Kenney	Reinard	Washington
DeLuca	Kirkland	Rieger	Waters
Dempsey	Krebs	Robinson	Wogan
Dermody	Lederer	Roebuck	Wojnaroski
DiGirolamo	Leh	Rooney	Wright
Donatucci	Lynch	Ross	Yewcic
Druce	Maher	Rubley	Youngblood
Eachus	Maitland	Sather	Zimmerman
Egolf	Major	Saylor	Zug

NAYS—61

Bebko-Jones	DeWeese	Lucyk	Samuelson
Belfanti	Forcier	Mann	Santoni
Benninghoff	Frankel	Markosek	Scrimenti
Blaum	Freeman	Mayernik	Shaner
Browne	George	Melio	Solobay
Buxton	Gigliotti	Metcalfe	Steelman
Caltagirone	Grucela	Mundy	Stetler
Cappabianca	Haluska	Orie	Stevenson
Casorio	Hanna	Pesci	Surra
Cawley	Harhai	Petrarca	Tangretti
Colafella	Harhart	Preston	Tigue
Costa	Herman	Roberts	Travaglio
Coy	LaGrotta	Rohrer	Walko
Curry	Lescovitz	Ruffing	Williams
Daley	Levdansky	Sainato	Yudichak
Dally			

NOT VOTING—2

Laughlin	Oliver
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EXCUSED—8

Cornell	Lawless	Pistella	Witt
Gruitza	McGill	Trich	Ryan, Speaker

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?

Mrs. FORCIER offered the following amendment No. A4112:

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

and for locking device for firearms.

Amend Bill, page 7, line 1, by striking out all of said line and inserting

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

§ 6142. Locking device for firearms.

(a) Offense defined.—Any licensed manufacturer, importer or dealer of firearms who sells, delivers or transfers any handgun to any person other than another licensee shall make available for purchase to the transferee a locking device for that firearm.

(b) Exceptions.—Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to this section.

(c) Penalties.—A violation of the provisions of this section shall be a summary offense.

(d) Definitions.—As used in this section, "locking device" means:

(1) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

(2) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or

(3) a safe, gun safe, gun case, lock box or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination or other similar means.

Section 4. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Crawford County, Representative Forcier.

Mrs. FORCIER. Thank you, Mr. Speaker.

I have introduced this amendment in order to make sure that firearms dealers have available for purchase trigger locks, gun safes, and other locking devices for firearms purchasers. Again, it is available for purchase. I feel that it is imperative that responsible firearms owners make sure their guns cannot be accessed by children or criminals, and the statistics prove that firearms owners are taking those precautionary measures.

I do not, however, feel that it is imperative that we ensure riches for the manufacturers of trigger locks. This is a problem with mandatory language requiring the provision of a trigger lock at each sale. It does not do nearly as much for firearms safety as it does to make sure that those companies making trigger locks get rich. Gun safes and locking gun cases or cabinets are a better solution, and most firearm owners use these mechanisms. If you already own a gun safe, what is the point of having to pay extra money each time you purchase a gun so that the firearms dealer can give you another trigger lock? I know many firearms owners who keep their guns locked up in safes or cabinets and have a pile of these trigger locks gathering dust in their basement.

Do not get me wrong; I think trigger locks should certainly be an option for those who wish to use the safety device. But let us not take the big-government, one-size-fits-all, who-knows-best-for-us approach. Let us take this opportunity to make sure that locking devices are available for purchase at

firearms dealers, and then let us trust our citizens to act in their own best interest and choose the locking device that best suits our needs. I trust the good citizens of this Commonwealth; I trust our responsible firearms owners.

I would like to ask those of you who feel as I do that our citizens are worthy of our trust, that making trigger lock manufacturers rich does not translate into safety, I would ask those members to vote for my amendment, which is supported by the National Rifle Association. Thank you, Mr. Speaker.

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

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I could not in any more forceful way rise to oppose the Forcier amendment. We have been debating SB 167 now for approximately 4 hours, and the good, in my judgment, that has come of the debate and our votes so far is the adoption of the Gannon amendment that requires mandatory trigger locks for all sales of handguns.

Mr. Speaker, let us be very, very clear about what is being attempted right now. A vote in favor of this amendment is to vote to affirm the status quo, and while I have a great deal of faith and confidence in law-abiding firearm owners, I also know that there is a problem that we are intending to address with the language contained in the Gannon amendment. This amendment would strip the most fundamental and critical aspect of what we have done some hours ago.

There are 17 States in this nation, and most recently, I would like to point out, Governor Whitman in New Jersey signed into law a mandatory trigger lock provision. If we were to vote and ratify the Forcier amendment, we would be affirming the status quo. I think anybody, any reasoned individual, who looks at the statistics and sees the benefits that have been gained in those 17 States that have enacted a mandatory trigger lock provision and the lives that have been saved would be hard pressed to vote for this amendment and gut the language that was contained in amendment 4099, the Gannon amendment.

Mr. Speaker, again, to be clear, a vote for the Forcier amendment is a vote to weaken gun laws in Pennsylvania; it is a vote to undo all the good that has been done so far on the floor today.

I respectfully ask my colleagues and I ask those of you who do not come from areas that are urban or suburban, where the problems are substantially greater than they are in other areas where guns are more a part of the culture, to understand our needs. Just as we go to painstaking lengths to understand and try to maintain a balance between those of you who believe deeply and firmly in the Second Amendment, understand that what we have done today has the potential in the Gannon amendment to save lives.

This amendment is nothing more than a blatant attempt to eviscerate and strip and gut all the good that has been done so far by the Gannon amendment. I respectfully ask for a "no" vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

What this amendment does is change trigger lock language that was in the Gannon amendment. In the Gannon amendment, we said that any new gun purchased, if there was no trigger lock supplied with the gun, which, as I said earlier and said before, 90 percent of

handguns sold today by manufacturers come in a container which also contains a trigger lock, and it says that trigger locks must be made available if a handgun is purchased. To the best of my knowledge, I do not know of any stores down in the southeast that trigger locks are not available now. The amendment does absolutely nothing that is not the status quo. In most stores in this State, trigger locks are available and have been available for a long period of time. So if you are going to be voting for this amendment, you will be taking out the mandatory trigger lock provision that was placed in the Gannon amendment.

I am sticking with the Gannon amendment. I voted for the mandatory trigger locks. As I said, I thought it was a responsible action, and I am going to keep up with that vote and vote against this amendment.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

113, 104; 113, 104. 113 people voted for the Gannon amendment; 104 people voted for it the second time around. It would appear to me if the 113 people or the 104 people would just continue to stand for what they believe. Now, it is very hard for me to understand if 113 people and 104 people, 113 and 104, who felt one way an hour ago, one way an hour ago, and now that this amendment is being offered, suddenly would think about changing.

I would only ask those people who have voted for the Gannon amendment to vote against this amendment. Representative Rooney and Representative Godshall and Representative Gannon, in my view, Democrats and Republicans working together on something that is just common sense, common sense. So it would appear to me that the 113 people who voted one way on the Gannon amendment would vote against this particular amendment.

Again I would ask you to defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Rooney, for the second time.

Mr. ROONEY. Mr. Speaker, very briefly, it was suggested that one reason to vote for this amendment is because the NRA is for it, and I understand the power that certain groups have and wield in legislative districts across this Commonwealth, but I was taken aback by that remark, because it is to suggest that public policy for Pennsylvanians, from all areas and all walks of life, should somehow be dictated by a narrow special interest. I cannot say in any more strident way that the people of Pennsylvania expect more from us, more admittedly than what we are offering today, but we have begun to take a step. This amendment would undo that. I do not think the litmus test for legislation that should pass this chamber should be that it needs to have the blessing of any particular interest group, other than the interests of the people that we serve.

I respectfully ask for a "no" vote on the Forcier amendment.

The SPEAKER pro tempore. On the amendment, the gentleman from Union County, Mr. Fairchild, is recognized.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I stand to support the Forcier amendment. There are a couple of things that have come to light since perhaps the 113 and the 104 vote came to be.

Number one is, there is no exception in the Gannon amendment for antique firearms. This means that if you have someone that collects Civil War pistols or whatever, they are going to have to, if they sell their collection, they are going to have to get trigger

locks. I am not sure they are even available for these types of old weapons.

Secondly, I have heard that it only applies to new purchases. This is not correct. It applies to any purchase or transfer of a weapon, especially if it is transferred— Well, it will have to be transferred, if it is a pistol, through a dealer.

And thirdly, we talk about common sense, and I want to reiterate, does it make any common sense to have someone that has a gun safe — and believe me, many, many sportsmen in this Commonwealth believe in gun safes, have gun safes — does it make any common sense to require them to purchase a gun lock? You know, we could have perhaps got our heads together a little bit and said, what about if you just certify; sign here that this gun is going to be kept in a gun lock or a gun safe. Now, would that not make sense? You are going to have to go home and answer to your constituents who are going to say, what is wrong with you people; can you not understand that a safe is much more safe than a gun lock; do you not read; do you not study these issues?

I support the Forcier amendment and urge my fellow legislators to do the same. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—94

Allen	Gordner	McCall	Serafini
Argall	Grucela	McIlhattan	Seyfert
Armstrong	Habay	Metcalf	Shaner
Baker	Haluska	Miller, S.	Smith, B.
Bastian	Hanna	Nailor	Smith, S. H.
Beardi	Harhai	Nickol	Solobay
Benninghoff	Harhart	Orie	Staback
Blaum	Hasay	Pesci	Stairs
Boyes	Herman	Petrarca	Stern
Browne	Hess	Petrone	Stevenson
Chadwick	Hutchinson	Phillips	Strittmatter
Clark	Jadlowiec	Pippy	Surra
Colafella	Krebs	Ramos	Taylor, E. Z.
Coy	LaGrotta	Readshaw	Tigue
Daley	Leh	Rohrer	True
Dally	Lescovitz	Rooney	Tulli
DeWeese	Lucyk	Ross	Vance
Egolf	Lynch	Sainato	Veon
Fairchild	Maher	Sather	Wojnaroski
Fargo	Maitland	Saylor	Yewcic
Fleagle	Major	Schroder	Yudichak
Forcier	Markosek	Scrimenti	Zimmerman
Geist	Masland	Semmel	Zug
George	Mayernik		

NAYS—100

Adolph	DeLuca	Kirkland	Roebuck
Bard	Dempsey	Laughlin	Ruble
Barley	Dermody	Lederer	Ruffing
Barrar	DiGirolamo	Levdansky	Samuelson
Battisto	Donatucci	Manderino	Santoni
Bebko-Jones	Druce	Mann	Schuler
Belfanti	Eachus	Marsico	Snyder
Birmelin	Evans	McGeehan	Steeleman
Bishop	Feese	McIlhinney	Steil
Bunt	Fichter	McNaughton	Stetler
Butkovitz	Flick	Melio	Sturla
Buxton	Frankel	Michlovic	Tangretti
Caltagirone	Freeman	Micozzie	Taylor, J.
Cappabianca	Gannon	Miller, R.	Thomas
Cam	Gigliotti	Mundy	Travaglio

Casorio	Gladeck	Myers	Trello
Cawley	Godshall	O'Brien	Van Horne
Civera	Hennessey	Perzel	Vitali
Clymer	Hershey	Platts	Walko
Cohen, L. I.	Horsley	Preston	Washington
Cohen, M.	James	Raymond	Waters
Corrigan	Josephs	Reinard	Williams
Costa	Kaiser	Rieger	Wogan
Curry	Keller	Roberts	Wright
Dailey	Kenney	Robinson	Youngblood

NOT VOTING—1

Oliver

EXCUSED—8

Cornell	Lawless	Pistella	Wilt
Gruitza	McGill	Trich	Ryan, Speaker

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 as amended?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair understands that the gentleman, Mr. James, would like to offer an amendment which was filed late. Does the gentleman wish to make a motion to suspend the rules so that he can offer that amendment?

Mr. JAMES. Yes, Mr. Speaker.

The SPEAKER pro tempore. What is the amendment number? Is it 4164, Mr. James?

Mr. JAMES. That is correct, Mr. Speaker; A4164.

The SPEAKER pro tempore. Thank you.

Moved by the gentleman, Mr. James, that the rules of the House be suspended so that he may offer amendment A4164 to SB 167.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, everyone had plenty of time to file their amendments. You saw the long list that was on there. For that reason I would oppose the suspension of the rules.

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

The following roll call was recorded:

YEAS—92

Battisto	Eachus	Mann	Santoni
Bebko-Jones	Evans	Markosek	Scrimenti
Belardi	Frankel	Mayernik	Shaner
Belfanti	Freeman	McCall	Solobay
Bishop	George	McGeehan	Staback

Blaum	Gigliotti	Melio	Stetler
Butkovitz	Gordner	Michlovic	Sturla
Buxton	Grucela	Mundy	Surra
Caltagirone	Haluska	Myers	Tangretti
Cappabianca	Harhai	Oliver	Thomas
Carn	Horsey	Pesci	Tigue
Casorio	James	Petrarca	Travaglio
Cawley	Josephs	Petrone	Trello
Cohen, M.	Kaiser	Preston	Van Home
Colafella	Keller	Ramos	Veon
Corrigan	Kirkland	Readshaw	Vitali
Costa	LaGrotta	Rieger	Walko
Coy	Laughlin	Robinson	Washington
Curry	Lederer	Roebuck	Waters
DeLuca	Lescovitz	Rooney	Williams
Dermody	Levdansky	Ruffing	Wojnaroski
DeWeese	Lucyk	Sainato	Youngblood
Donatucci	Manderino	Samuelson	Yudichak

NAYS—103

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

NOT VOTING—0

EXCUSED—8

Cornell	Lawless	Pistella	Wilt
Gruitza	McGill	Trich	Ryan, Speaker

Less than the majority required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

Mr. MICHLOVIC offered the following amendment No. A3296:

Amend Title, page 1, line 5, by striking out "and"
Amend Title, page 1, line 6, by removing the period after "address" and inserting

; and further providing for sale of firearms.

Amend Sec. 2, page 2, line 13, by striking out "and 5504" and inserting

, 5504 and 6111(b)

Amend Bill, page 6, by inserting after line 30

§ 6111. Sale or transfer of firearms.

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

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

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

(i) In the event of an electronic failure under section 6111.1(b)(2) (relating to Pennsylvania State Police) for purposes of a firearm which exceeds the barrel and related lengths set forth in section 6102, obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be provided to the purchaser or transferee.

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

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

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

(v) Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), no information on the application/record of sale provided pursuant to this subsection shall be retained as precluded by section 6111.4 (relating to registration of firearms) by the Pennsylvania State Police either through retention of the application/record of sale or by entering the information onto a computer, and, further, an application/record of sale received by the Pennsylvania State Police pursuant to this subsection shall be destroyed within 72 hours of the completion of the criminal history, juvenile delinquency and mental health records background check.

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

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

(1.4) Following implementation of the instantaneous records check by the Pennsylvania State Police on or before December 1, 1998, no application/record of sale shall be completed for the purchase or transfer of a firearm which exceeds the barrel lengths set forth in section 6102. A statement shall be submitted by the dealer to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, containing the number of firearms sold which exceed the barrel and related lengths set forth in section 6102, the amount of surcharge and other fees remitted and a list of the unique approval numbers given pursuant to paragraph (4), together with a statement that the background checks have been performed on the firearms contained in the statement. The form of the statement relating to performance of background checks shall be promulgated by the Pennsylvania State Police.

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

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

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

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

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

(7) For purposes of the enforcement of 18 U.S.C. § 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in the event the criminal history or juvenile delinquency background check indicates a conviction for a misdemeanor that the Pennsylvania State Police cannot determine is or is not related to an act of domestic violence, the Pennsylvania State Police shall issue a temporary delay of the approval of the purchase or transfer. During the temporary delay, the Pennsylvania State Police shall conduct a review or investigation of the conviction with courts, local police departments, district attorneys and other law enforcement or related institutions as necessary to determine whether or not the misdemeanor conviction involved an act of domestic violence. The Pennsylvania State Police shall conduct the review or investigation as expeditiously as possible. No firearm may be transferred by the dealer to the purchaser who is the subject of the investigation during the temporary delay. The Pennsylvania State Police shall notify the dealer of the termination of the temporary delay and either deny the sale or provide the unique approval number under paragraph (4).

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Michlovic. Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, my amendment closes a loophole in the current gun laws with regard to gun show sales. Right now we require that persons selling handguns at gun shows are required to do a background check but persons selling long guns and shotguns are not. My amendment would require that all weapons sold at gun shows also have a background check.

This serves to do two things. One, it closes the loophole with regard to somebody getting a weapon without having to go through a background check, and believe me, that is a large loophole, and those people that would wish to do violence with that weapon know about that loophole, and that is where they would acquire the weapon, and police investigative reports show that there have been such cases of people acquiring weapons at gun shows by people because they simply do not have to get a background check. But it does another thing. By adding the words "no person" to "licensed importer, licensed manufacturer or licensed dealer," it helps address the straw purchase issue as well. It would place a legal requirement on that person choosing to buy weapons and resell them to some other person. It places them now under the law, and they would have to have a background check, and it would add a serious deterrent to somebody engaging in that kind of activity.

I would, for those reasons, submit to the members of the House that this is a reasonable amendment and this is a reasonable way of going about not only closing the loophole on the background checks so that all weapons purchased in the State— And we now have a track record with the purchases and the background checks, and hunters, target shooters, everybody has gone through these background checks, and they have become more and more

comfortable as we have progressed in this process with that process. I would submit to you that by closing that loophole of the background checks for people with shotguns and long rifles and, very importantly, adding the words “no person” to “licensed importer, licensed manufacturer or licensed dealer,” we are closing a loophole on the straw purchasers. We are putting them on notice that they may not engage in that kind of activity. They are now required under law, any transfer of a weapon of any kind, they are going to have to be under the law and subject to a background check and the purchaser as well. So it really places a tremendous restriction on somebody trying to resell arms to kids or minors.

I would ask for these reasons that the members support the amendment and pass my amendment on the background checks. Thank you, Mr. Speaker.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

What this amendment does, at least in my estimation, is it says that any private person who sells a rifle or shotgun or gives a rifle or shotgun to any person, including your own family, you have to go and get a background check. How you are going to do it, I am not sure. In order to get into the system, you have to have an ID number, which all dealers have, and then you must fill out forms, which the dealers have, which a private person does not have available. And as I read this, for a handgun, which you must sell through a dealer, that is section (c) – this does not amend section (c); it amends section (b) – and section (c) eliminates sales for handguns in your immediate family from going through a dealer, but this, by amending section (b), says that any person giving or selling any kind of a long gun to his family or anybody else is going to have to go through the record check system, which is not available to him.

So I oppose this amendment. I ask for a “no” vote.

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

The following roll call was recorded:

YEAS—40

Bebko-Jones	Curry	Manderino	Rooney
Bishop	Donatucci	Melio	Santoni
Butkovitz	Evans	Michlovic	Stetler
Buxton	Frankel	Myers	Thomas
Caltagirone	Horsey	Petrone	Vitali
Cappabianca	James	Preston	Walko
Carn	Josephs	Ramos	Washington
Cohen, L. I.	Keller	Rieger	Waters
Cohen, M.	Kirkland	Robinson	Williams
Corrigan	Lederer	Roebuck	Youngblood

NAYS—154

Adolph	Fargo	Mann	Schroder
Allen	Feese	Markosek	Schuler
Argall	Fichter	Marsico	Scrimenti
Armstrong	Fleagle	Masland	Semmel
Baker	Flick	Mayernik	Serafini
Bard	Forcier	McCall	Seyfert
Barley	Freeman	McGeehan	Shaner
Barrar	Gannon	McIlhattan	Smith, B.
Bastian	Geist	McIlhinney	Smith, S. H.
Battisto	George	McNaughton	Snyder
Belardi	Gigliotti	Metcalfe	Solobay

Belfanti	Gladeck	Micozzie	Staback
Benninghoff	Godshall	Miller, R.	Stairs
Birmelin	Gordner	Miller, S.	Steelman
Blaum	Grucela	Mundy	Steil
Boyes	Habay	Nailor	Stern
Browne	Haluska	Nickol	Stevenson
Bunt	Hanna	O'Brien	Strittmatter
Casorio	Harhai	Oliver	Sturla
Cawley	Harhart	Orie	Surra
Chadwick	Hasay	Perzel	Tangretti
Civera	Hennessey	Pesci	Taylor, E. Z.
Clark	Herman	Petrarca	Taylor, J.
Clymer	Hershey	Phillips	Tigue
Colaafella	Hess	Pippy	Travaglio
Costa	Hutchinson	Platts	Trello
Coy	Jadlowiec	Raymond	True
Dailey	Kaiser	Readshaw	Tulli
Daiey	Kenney	Reinard	Vance
Dally	Krebs	Roberts	Van Horne
DeLuca	LaGrotta	Rohrer	Veon
Dempsey	Laughlin	Ross	Wogan
Dermody	Leh	Rublely	Wojnaroski
DeWeese	Lescovitz	Ruffing	Wright
DiGirolamo	Lucyk	Sainato	Yudwick
Druce	Lynch	Samuelson	Yudichak
Eachus	Maher	Sather	Zimmerman
Egolf	Maitland	Saylor	Zug
Fairchild	Major		

NOT VOTING—1

Levdansky

EXCUSED—8

Cornell	Lawless	Pistella	Wilt
Gruitza	McGill	Trich	Ryan, Speaker

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?

**MOTION TO RECONSIDER
AMENDMENT A4103**

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Casorio, who moves that the vote by which amendment A4103 was passed to SB 167 be reconsidered.

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

The SPEAKER pro tempore. Mr. Perzel.

Mr. PERZEL. Mr. Speaker, for consistency's sake, we are going to be asking that the members vote “no” on all the reconsideration motions, and I do not think it would be fair or appropriate to make an exception at this time. So I am asking the members to please vote “no” on the reconsideration.

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, on this particular vote, I think it was clear from a number of conversations, certainly with members on the Democratic side, that there was a lot of confusion on this amendment, and the language was indicating possibly a reduction in the penalty for stalking in the State of Pennsylvania, and a lot of members on this side wanted to make sure that they had an opportunity to clearly understand what that amendment was and have an opportunity to cast a vote accordingly. We do this fairly routinely on these kinds of confusing issues, so I would ask for an affirmative vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—91

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

NAYS—102

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

NOT VOTING—2

Caltagirone Stetler

EXCUSED—8

Cornell	Lawless	Pistella	Wilt
Gruitza	McGill	Trich	Ryan, Speaker

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—117

Adolph	DiGirolamo	Mann	Ruffing
Argall	Donatucci	Marsico	Samuelson
Bard	Druce	Masland	Santoni
Barley	Evans	Mayernik	Schroder
Barrar	Fichter	McGeehan	Schuler
Battisto	Flick	McIlhinney	Semmel
Bebko-Jones	Frankel	Melio	Snyder
Bishop	Freeman	Michlovic	Stairs
Boyes	Gannon	Micozzie	Steelman
Browne	Gigliotti	Miller, R.	Steil
Bunt	Gladeck	Mundy	Stetler
Butkovitz	Godshall	Myers	Sturla
Buxton	Haluska	Nailor	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappabianca	Hennessey	Oliver	Taylor, J.
Carn	Herman	Perzel	Thomas
Cawley	Hershey	Petrone	Tigue
Civera	Horsey	Pippy	Trello
Clymer	James	Platts	Tulli
Cohen, L. I.	Josephs	Preston	Vance
Cohen, M.	Kaiser	Ramos	Vitali
Colafella	Keller	Raymond	Walko
Corrigan	Kenney	Reinard	Washington
Costa	Kirkland	Rieger	Waters
Curry	Laughlin	Robinson	Williams
Dailey	Lederer	Roebuck	Wogan
Dally	Levdansky	Rooney	Wojnaroski
DeLuca	Maher	Ross	Wright
Dempsey	Manderino	Rublely	Youngblood
Dermody			

NAYS—78

Allen	Fleagle	Major	Serafini
Armstrong	Forcier	Markosek	Seyfert
Baker	Geist	McCall	Shaner
Bastian	George	McIlhattan	Smith, B.
Belardi	Gordner	McNaughton	Smith, S. H.
Belfanti	Grucela	Metcalfe	Solobay
Benninghoff	Habay	Miller, S.	Staback
Birmelin	Hanna	Nickol	Stern

Blaum	Harhai	Orie	Stevenson
Casorio	Hasay	Pesci	Strittmatter
Chadwick	Hess	Petrarca	Surra
Clark	Hutchinson	Phillips	Travaglio
Coy	Jadlowiec	Readshaw	True
Daley	Krebs	Roberts	Van Horne
DeWeese	LaGrotta	Rohrer	Veon
Eachus	Leh	Sainato	Yewcic
Egolf	Lescovitz	Sather	Yudichak
Fairchild	Lucyk	Saylor	Zimmerman
Fargo	Lynch	Scrimenti	Zug
Feese	Maitland		

NOT VOTING—0

EXCUSED—8

Cornell	Lawless	Pistella	Wilt
Gruitza	McGill	Trich	Ryan, Speaker

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.

LEAVE OF ABSENCE

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

VOTE CORRECTIONS

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

Mr. ROONEY. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ROONEY. After arguing forcefully against amendment A4112, I inadvertently voted for it. I would like my vote to be reflected as "no."

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

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

Mr. STURLA. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on amendment A4103 to SB 167, I was incorrectly recorded in the affirmative. I wish to be recorded in the negative on that amendment. Thank you, Mr. Speaker.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 358, PN 371**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for neglect of care-dependent person.

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

Mr. **GEORGE** offered the following amendment No. **A3420**:

Amend Sec. 1, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 2713(e) and the definition of "caretaker" in subsection (f) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1 (Sec. 2713), page 1, by inserting between lines 10 and 11

(e) Treatment in conformance with care-dependent person's right to accept or refuse services.—A caretaker or any other individual or facility may offer an affirmative defense to charges filed pursuant to this section if the caretaker, individual or facility can demonstrate through [a preponderance of the] clear and convincing evidence that the alleged violations result directly from:

(1) the caretaker's, individual's or facility's lawful compliance with a care-dependent person's advance directive for health care as provided in 20 Pa.C.S. Ch. 54 (relating to advance directive for health care);

(2) the caretaker's, individual's or facility's lawful compliance with the care-dependent person's written, signed and witnessed instructions, composed when the care-dependent person is competent as to the treatment he wishes to receive;

(3) the caretaker's, individual's or facility's lawful compliance with the direction of the care-dependent person's attorney-in-fact acting pursuant to a lawful durable power of attorney; or

(4) the caretaker's, individual's or facility's lawful compliance with a "Do Not Resuscitate" order written and signed by the care-dependent person's attending physician.

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

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

Mr. **GEORGE**. I ask that the Speaker give me a moment here, please.

Mr. Speaker, the amendment raises the threshold to a preponderance of evidence. This is needed very badly in this bill, and it is an agreed-to amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—194

Adolph	Egolf	Major	Sather
Allen	Evans	Manderino	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Cornell	McGill	Trich	Ryan,
Gruitza	Pistella	Wilt	Speaker
Lawless	Rohrer		

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?

Mr. COHEN offered the following amendment No. A3431:

Amend Title, page 1, line 3, by removing the period after "person" and inserting
; and providing for minimum wages.
Amend Bill, page 2, by inserting between lines 16 and 17
Section 2. Title 18 is amended by adding a chapter to read:

CHAPTER 95
MINIMUM WAGES

- Sec.
9501. Declaration of policy.
9502. Short title of chapter.
9503. Definitions.
9504. Minimum wages.
9505. Exemptions.
9506. Minimum Wage Advisory Board.
9507. Investigations.
9508. Duty of employer.
9509. Enforcement, rules and regulations.
9510. Unconstitutionality.
9511. Penalties.
9512. Civil actions.

§ 9501. 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.

§ 9502. Short title of chapter.
This chapter shall be known and may be cited as the Minimum Wage Act.

§ 9503. Definitions.
The following words and phrases when used in this chapter 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 9509 (relating to enforcement, rules and regulations).

§ 9504. 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.

§ 9505. 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).

§ 9506. 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.

§ 9507. 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.

§ 9508. 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.

§ 9509. 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.

§ 9510. 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.

§ 9511. 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.

§ 9512. Civil actions.

If any employee is paid by his or her employer less than the minimum wages provided by section 9504 (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.

Amend Sec. 2, page 2, line 17, 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 Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is one more attempt to raise the minimum wage. We urge your support.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. The gentleman, Mr. Snyder, on the amendment.

Mr. SNYDER. All I can say is nongermaneness. I make a motion that it is nongermane.

The SPEAKER pro tempore. The gentleman from Lehigh County, Mr. Snyder, has raised the question of whether amendment A3431 is germane. Under rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—97

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

NAYS—97

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

NOT VOTING—0

EXCUSED—9

Cornell	McGill	Trich	Ryan,
Gruitza	Pistella	Witt	Speaker
Lawless	Rohrer		

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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cornell	McGill	Trich	Ryan,
Gruitza	Pistella	Wilt	Speaker
Lawless	Rohrer		

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 TEMPORARILY

The SPEAKER pro tempore. HB 461, PN 481. HB 461 will be over temporarily.

* * *

The House proceeded to third consideration of **HB 1981, PN 2490**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary election in the year 2000.

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

Mr. VITALI offered the following amendment No. **A3883**:

Amend Title, page 1, line 12, by removing the period after "2000" and inserting

; providing for public financing for candidates for the office of Governor and Lieutenant Governor; establishing the Pennsylvania Fair Campaign Fund; providing qualifications for funding, for payments, for use of funds, for authorized expenditures, for limitation on contributions, for return of funds and for penalties; and making an appropriation.

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. The title of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

AN ACT

Concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; [and] repealing certain acts and parts of acts relating to elections; providing for public financing for candidates for the office of Governor and Lieutenant Governor; establishing the Pennsylvania Fair Campaign Fund; providing qualifications for funding, for payments, for use of funds, for authorized expenditures, for limitation on contributions, for return of funds and for penalties; and making an appropriation.

Section 2. Section 603 of the act, amended October 12, 1990 (P.L.534, No.131), is amended to read:

Amend Bill, page 2, by inserting between lines 8 and 9

Section 3. The act is amended by adding an article to read:

ARTICLE XVII-A

Gubernatorial Public Financing Act

Section 1701-A. Short Title of Article.—This article shall be known and may be cited as the Pennsylvania Gubernatorial Public Financing Act.

Section 1702-A. Definitions.—As used in this article, the following words have the following meanings:

(a) The word “commission” shall mean the State Ethics Commission.

(b) The word “contribution” shall mean any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing to a candidate or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after an election. The term includes the purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events; the granting of discounts or rebates not available to the general public; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word “contribution” includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.

(c) The words “declaration of candidacy” shall mean the point in a person’s campaign for political office at which that person becomes in compliance with section 1622.

(d) The word “expenditure” shall mean:

(1) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election.

(2) The payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees.

(3) The providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth.

(4) The payment or providing of money or other valuable thing by any person other than a candidate or political committee to compensate any person for services rendered to a candidate or political committee.

(e) The word “fund” shall mean The Pennsylvania Fair Campaign Fund established in section 1705-A.

(f) The words “independent expenditure” shall mean an expenditure by a person made for the purpose of influencing an election without cooperation or consultation with any candidate or any political committee authorized by that candidate and which is not made in concert with or at the request or suggestion of any candidate or political committee or agent thereof.

(g) The words “major political party” shall mean a political party whose candidate for Governor received either the highest or second highest number of votes in the preceding gubernatorial election.

Section 1703-A. Application of Article.—(a) The provisions of this act shall be applicable to candidates for the offices of Governor and Lieutenant Governor.

(b) For the purposes of this article insofar as it relates to funding of nominated candidates in the general election, a political party’s or political body’s nominated candidates for Governor and Lieutenant Governor shall be considered as one candidacy, and the provisions specifically applicable to the Governor shall be applicable to the combined candidacy.

Section 1704-A. Administration.—The provisions of this article shall be administered by the State Ethics Commission. The commission may adopt rules and regulations as may be required to implement the provisions of this article and to carry out its purpose.

Section 1705-A. Pennsylvania Fair Campaign Fund established.—There is hereby established a special restricted receipts fund

in the State Treasury to be known as the Pennsylvania Fair Campaign Fund. Payments shall be made into this fund pursuant to section 1706-A, and disbursements shall be made from the fund only upon the warrant of the commission and a warrant of the State Treasurer. As much of the moneys in the fund as are necessary to make payments to candidates as provided in this article are appropriated from the Pennsylvania Fair Campaign Fund on a continuing basis for the purpose of such payments.

Section 1706-A. Funding the Pennsylvania Fair Campaign.—(a) Beginning with tax years commencing January 1, 1999, and thereafter, each individual subject to the tax imposed by Article III of the act of March 4, 1971 (P.L.6, No.2), known as the “Tax Reform Code of 1971,” whose tax liability for the year is five dollars (\$5) or more may designate five dollars (\$5) of his personal income taxes to be paid into the fund. In the case of married taxpayers filing a joint return, each spouse may designate five dollars (\$5) to be paid into the fund if their tax liability is ten dollars (\$10) or more. All of these designated tax revenues shall be paid into the fund. The check-off and instructions shall be prominently displayed on the first page of the return form. The instructions shall readily indicate that these designations neither increase nor decrease an individual’s tax liability.

(b) The General Assembly shall appropriate money to the Fair Campaign Fund sufficient to fully fund all requirements of this article including the administrative, investigative and enforcement responsibilities of the State Ethics Commission. Upon notice by the commission, the General Assembly shall appropriate to the commission out of the General Fund such additional sums as may be required to carry out the purposes of this article if the sums first appropriated become inadequate.

Section 1707-A. Certification of Moneys in Fund.—By June 30 of each year, the State Treasurer shall certify to the commission the current balance available in the fund.

Section 1708-A. Qualification for Funding.—(a) Any candidate for the offices of Governor and Lieutenant Governor may apply for funding under this article if the candidate meets the contributory thresholds established in subsection (b) and otherwise conforms to the requirements of this article. No candidate shall be obligated to apply for funding under this article and if any candidate elects not to apply, the provisions of this article pertaining to limits on expenditures or the use of his personal funds shall be inapplicable to the person and his candidacy. Any candidate electing to receive funding under this article shall declare his intention to do so and specify the office for which he is a candidate. No candidate for the office of Governor may elect to receive funding under this article for a general election unless the candidate elected to receive funding under this article for the primary election. Any committee authorized to receive contributions or make expenditures for the candidate who has so declared shall abide by the provisions of section 1716-A. Any candidate who for any reason has his name withdrawn from the ballot, after receipt of funds under this article, shall return to the fund all unspent money received from the fund.

(b) (1) In order to qualify for funding in a general election, a candidate for Governor must receive subsequent to the date of that candidate’s primary election but prior to the date of the candidate’s general election two hundred thousand dollars (\$200,000) in qualifying contributions.

(2) In order to qualify for funding in a primary election, a candidate must receive prior to the date of the primary election, but subsequent to January 1 of the year in which that candidate runs for office, The following amounts:

Office	Qualifying Contributions Required
(i) Governor	\$100,000
(ii) Lieutenant Governor	50,000

(3) (i) The term “qualifying contribution” includes any contribution which has all of the following characteristics:

(A) Made by an individual resident of Pennsylvania.

(B) Made by a written instrument which indicates the contributor’s full name and mailing residence and is not intended to be returned to the contributor or transferred to another political committee or candidate.

(ii) If a contributor receives goods or services of value in return for his contribution, the qualifying contribution shall be calculated as the original contribution, minus the fair market value of the goods or services received.

(c) Evidence of qualifying contributions.—Each candidate who elects to apply for funding under this article shall provide evidence that the candidate has raised the qualifying contributions required by this section which evidence shall be verified and certified as correct by the auditors of the State Ethics Commission.

(d) A candidate who has accepted public funding under this article may apply to the commission for a waiver of the contribution limits set forth in section 1710-A and/or the spending limits contained in section 1713-A if the amount of independent expenditures for communications advocating the defeat of the candidate or election of his opponent require the candidate applying for the waiver to spend above the limits specified in section 1713-A in order to answer the communications paid for by the independent expenditures. The commission shall issue regulations setting guidelines for granting or denying requests for a waiver submitted under this section.

(e) The commission shall conduct a complete audit of all candidates receiving funds under this article. Such audits shall be conducted the year following the election for which funds were distributed. The Secretary of the Commonwealth shall provide the commission at no cost all reports of contributions and expenditures filed pursuant to Article XVI by candidates for Governor and Lieutenant Governor, their political committees and all other political committees who have contributed to such candidates.

(f) The auditors shall conduct their audit in accord with sound accounting principles and shall make findings of any possible violations of this article. All audited candidates and their committees shall furnish any records to the accountants which the accountants deem necessary for the completion of their work.

(g) The commission shall make public the report of the auditors and shall provide a copy to the Attorney General for the institution of such criminal proceedings as he or she shall deem necessary.

Section 1709-A. Funding Formula.—(a) Every candidate who qualifies for funding for an election pursuant to section 1708-A shall receive matching payments from the fund in the amount of two dollars (\$2) for each dollar of qualifying contribution.

(b) The two dollars (\$2) for each dollar of qualifying contributions provided by this section shall be provided only for qualifying contributions raised which exceed the threshold amounts specified in section 1708-A and not to those qualifying contributions which are attributable to meeting the threshold amounts necessary to qualify for funding under this article.

(c) (1) Only those qualifying contributions made during the period between January 1 of the year in which the candidate runs for office and the primary election shall be eligible for matching payments from the fund for the primary election.

(2) Only those qualifying contributions made during the period between the primary election and the general election of the year in which that candidate runs for office shall be eligible for matching payments from the fund for the general election.

(d) Matching funds shall not be provided for any qualifying contributions unless the reporting requirements required by the commission are satisfied.

Section 1710-A. Limitations on Funding.—(a) Every candidate who qualifies for and receives funding pursuant to the formula established by this article shall be entitled to receive no more than the maximum amount specified in subsection (b) for the office the candidate is seeking.

(b) (1) The maximum amount of funding available for each candidate for Governor at a general election under this article shall be five million two hundred thousand dollars (\$5,200,000).

(2) The maximum amount of funding available for the primary election for each candidate under this article shall be as follows:

Office	Maximum Pennsylvania Fair Campaign Funding
--------	--

(i) Governor	\$2,600,000
(ii) Lieutenant Governor	600,000

(c) Notwithstanding any other provisions of this article, no funding shall be provided to the following:

(1) Candidates in the general election who have received the nomination of both major political parties and have no opposition.

(2) Candidates in the primary election who are unopposed for the nomination.

Section 1711-A. Time of Payments.—Beginning 90 days prior to the relevant election, the commission shall make payments authorized by this article at least every two weeks. However, except for the final payment, no payment shall be due or paid if the payment does not equal at least five thousand dollars (\$5,000).

Section 1712-A. Use of Funds by Candidates.—(a) Funds distributed to candidates pursuant to this article may be used only for the election for which they are distributed and only for the purposes set forth in this article except that no fund moneys may be used:

(1) To transfer to other candidates or to committees of other candidates or to political committees.

(2) To pay for expenditures incurred after the date of the general election.

(b) Funds distributed to a candidate pursuant to this article shall be placed in a single bank account. Expenditures from this account shall be made only for campaign expenses listed in subsection (a).

Section 1713. Expenditures.—(a) Expenditures made by a candidate for Governor and his authorized committees, for all purposes and from all sources, including, but not limited to, amounts of funds distributed under this article, proceeds of loans, gifts, contributions from any source or personal funds, subsequent to the date of the primary election but prior to the date of the general election, may not exceed eight million dollars (\$8,000,000).

(b) Expenditures made by a candidate and his authorized committees, subsequent to January 1 of the year in which the candidate runs for office but prior to the date of the primary election, may not exceed the following unless otherwise provided:

Office	Total Expenditure Limits
--------	--------------------------

(1) Governor	\$4,000,000
(2) Lieutenant Governor	1,000,000

(c) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established, but whose major political party opponent in a general election elects not to apply for the public funding, shall not be bound by the expenditure limits specified in this section. A candidate who accepts public funding shall be eligible to qualify for those fair campaign funds which would have otherwise been available to the opponent who has chosen not to apply for funding from the fund.

(d) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established, but whose major political party opponents in a primary election elect to not apply for the public funding, shall not be bound by the expenditure limits specified in this section. If there is more than one candidate in a major political party in a primary election, the fair campaign funds which would have otherwise been available to each opponent who has elected to not apply for the public funding shall be divided equally among the candidates who accept public financing.

Section 1714-A. Annual Report.—The commission shall report annually to the Governor and the General Assembly on the operations of funding as provided by this article. This report shall include, but not be limited to, the revenues and expenditures in the fund, the amounts distributed to candidates, the results of any audits performed on candidates in compliance with this article and any prosecutions brought for violations of this article.

Section 1715. Return of Excess Funds.—(a) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a primary election shall be returned to the

State board for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article for the primary election.

(b) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a general or municipal election shall be returned to the State board for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article for the general election.

Section 1716-A. Limitations on Certain Contributions.—(a) Aggregate contributions, including in-kind contributions, from any person or political committee to any candidate for Governor or Lieutenant Governor, his authorized committee or agent shall not exceed two thousand dollars (\$2,000) for each election. Furthermore, for each election, no candidate, his authorized committee or agent shall accept or receive more than two thousand dollars (\$2,000) in aggregate contributions, including in-kind contributions from any person.

(b) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit:

(1) exercises any direction over the making of the contribution; or

(2) solicits the contribution or arranges for the contribution made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for the candidate.

(c) For purposes of subsection (g), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if:

(1) the intermediary or conduit has been retained by the candidate's committee for the purpose of fundraising and is reimbursed for expenses incurred in soliciting contributions;

(2) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fundraising, or the individual occupies a significant position within the candidate's campaign organization; or

(3) in the case of a political committee, the intermediary or conduit is the authorized committee of the candidate.

(d) No candidate for Governor or Lieutenant Governor who accepts public funding in accordance with this article may contribute more than twenty five thousand dollars (\$25,000) per election from personal funds.

(e) The provisions of this section apply to any contribution made for the purpose of influencing any election to the office of Governor or Lieutenant Governor.

(f) For purposes of this section, any contribution made to a candidate for Governor or Lieutenant Governor in a year other than the calendar year in which the election is held with respect to which such contribution is made is considered to be made during the calendar year in which such election is held.

Section 1717-A. Interactive Gubernatorial Primary and General Election Debates; Participation by Candidates.—(a) In any year in which a primary election is to be held to nominate candidates for the offices of Governor and Lieutenant Governor, there shall be held among the several candidates for each nomination a series of interactive primary debates in which all candidates who have filed nomination petitions in accordance with this act, for these offices and have applied or intend to apply to receive money for election campaign expenses from the fund shall participate and in which any other candidate for that nomination may elect to participate, provided that the other candidate notifies the commission of the candidate's intent to participate no later than twenty (20) days before the date of the debate. In any year in which no candidate or only one candidate for a nomination is required or elects to participate, no primary debate shall be required to be held under this subsection.

(b) In any year in which a general election is to be held for the offices of Governor and Lieutenant Governor, there shall be held a series of interactive debates in which all candidates who have received nominations for these offices at the primary or through the filing of

nomination papers in accordance with this act and have applied or intend to apply to receive money for election campaign expenses from the fund shall participate and in which any other candidate for election may participate, provided that the other candidate notifies the commission of the candidate's intent to participate no later than 20 days before the date of the debate. In any year in which no candidate or only one such candidate for a nomination is required or elects to participate, no debate shall be required to be held under this subsection.

Section 1718-A. Time and Contents; Sponsors.—(a) There shall be two gubernatorial and two lieutenant gubernatorial primary debates. Each of the debates shall be at least one hour in duration. The first debate shall occur not earlier than the date on which the names of candidates to appear on the primary ballot are certified by the Secretary of the Commonwealth in accordance with section 916 of this article and the second debate shall occur not later than the Tuesday preceding the primary election.

(b) There shall be three gubernatorial and three lieutenant gubernatorial debates. Each of the debates shall be at least one hour. The first debate shall occur not earlier than fifty (50) days before the date of the general election, and the second debate shall occur not later than the Tuesday preceding the election.

(c) Private organizations which are not affiliated with any political party or with any holder of or candidate for public office, which have not endorsed any candidate in the pending primary or general election for the office of Governor, and which have previously sponsored one or more televised debates for Statewide office since 1986 shall be eligible to sponsor one or more interactive gubernatorial primary debates or interactive gubernatorial election debates under subsection (a) or (b), respectively.

(d) The commission shall accept applications from eligible private organizations to sponsor one or more of the interactive debates. Applications to sponsor debates under subsection (a) shall be submitted to the commission no later than March 15 of any year in which a primary election is to be held to nominate candidates for the office of Governor and Lieutenant Governor, and applications to sponsor debates under subsection (b) shall be submitted to the commission no later than July 1 of any year in which a general election is to be held to fill the office of Governor.

(e) Where the number of eligible applicants to sponsor primary debates or election debates exceed the number prescribed under subsection (a) and (b), respectively, the commission shall select the private organizations from among the applicants within thirty (30) days of the last day for submitting those applications, as provided under this subsection. To the maximum extent practicable and feasible, the commission shall select a different private organization to sponsor each of the interactive gubernatorial debates, but shall not be precluded from selecting the same private organization to sponsor more than one debate.

(f) The private organizations selected by the commission shall be responsible for selecting the date, time and location of the debates, subject to the limitations set forth in this section. The rules for conducting each debate shall be solely the responsibility of the private organizations so selected, but shall not be made final without consultation with both the chairman of the State committee of each political party in the case of primary debates, and with a representative designated by each of the participating candidates in the case of election debates.

Section 1719-A. Failure of Candidate to Participate in Debates; Complaint; Hearing; Determination; Penalties.—(a) The commission shall have the power and duty, upon receipt of a complaint against a candidate for nomination for election or for election for the office of Governor or Lieutenant Governor who is required to participate in primary debates or election debates, respectively, to hold a hearing to determine whether that candidate has failed to participate in debates. If, at the conclusion of a hearing under this section, the commission determines by majority vote that a candidate required to participate under this article has failed to do so, the chairman shall immediately inform the candidate in writing of that determination, identifying in that writing the date and circumstances of the failure. If, after having found that a candidate required to participate in a primary or election debate has failed to do so, the commission further

finds that the failure occurred under circumstances which were beyond the control of the candidate and were of such a nature that a reasonable person, taking into account the purposes of this article and the relevant facts of the case, would find the failure justifiable or excusable, then the candidate shall not be subject to any penalty or liability for failing to participate. The candidate charged with failure to participate shall have the burden of showing justification or excuse.

(b) The campaign of any candidate or former candidate who shall have been required to participate in a primary debate or election debate under this article, but who has been found to have failed to do so without reasonable justification or excuse, shall be liable for return of moneys previously received for use by the candidate to pay primary election campaign expenses or general election campaign expenses, respectively. The commission shall determine the total amount of moneys for election campaign expenses in that year by the commission to the candidate under this article, as appropriate, and shall notify the campaign treasurer of the candidate of the liability as of the date of the notice, for the repayment of those moneys plus interest on the unpaid amount of that liability from that date at the rate of 1% for each month or fractional a part of a month during which that amount remains unpaid.

Section 1720-A. Penalties.—(a) A person who violates the provisions of this article and who, as a result, obtains funds under this article to which he is not entitled commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000), or three times the amount of funds wrongfully obtained or to imprisonment for up to five years, or both.

(b) A person who violates section 1712-A or 1713-A of this article commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000), or three times the amount of funds that were wrongfully used or expended or to imprisonment for up to five years, or both.

(c) Except as provided in subsections (a) and (b), a person who violates any provision of this article commits a misdemeanor of the third degree and shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000), or to imprisonment for up to one year, or both.

(d) All fines and penalties assessed pursuant to this article shall be deposited in the Pennsylvania Fair Campaign Fund.

Section 1721-A. Appropriation.—The sum of seven hundred fifty thousand dollars (\$750,000) is hereby appropriated to the State Ethics Commission for fiscal year 1999-2000 to implement the requirements of this article.

(b) The dollar figures contained in this article shall be adjusted annually at a rate equal to the average percentage change in the All-Urban Consumer Price Index for the Pittsburgh, Philadelphia and Scranton standard metropolitan statistical areas as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 1998. The average shall be calculated and certified annually by the commission by adding the percentage increase in each of the three areas and dividing by three. The calculation and resulting new dollar figures shall be published in March in the Pennsylvania Bulletin. The checkoff referred to in section 1706-A shall be rounded to the nearest dollar.

Section 1722-A. Severability.—The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application.

Section 1723-A. Applicability.—This article shall be applicable to returns of taxpayers of calendar years commencing January 1, 2000, and thereafter. Funding from the Pennsylvania Fair Campaign Fund shall be provided to candidates for Statewide office beginning with the primary election of 2002 and in each gubernatorial primary and election thereafter.

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

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

AMENDMENT WITHDRAWN

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

Mr. VITALI. Thank you, Mr. Speaker.

I will be withdrawing this amendment, but I just want to speak very briefly, if I may.

What this amendment would have done would be essentially incorporate into this Election Code bill HB 1650, which is the Pennsylvania Gubernatorial Public Financing Act, which would provide public financing for gubernatorial races in the State as well as imposing contribution limits and voluntary spending limits and debating requirements and so forth. It would have been a much-needed first step in campaign finance reform in the State.

I am withdrawing this amendment because I have received assurances from the majority leader's office that this bill will be considered in February, before the middle of February of next year. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. FREEMAN offered the following amendment No. A3914:

Amend Sec. 1 (Sec. 603), page 2, line 8, by striking out
"May 2, 2000" and inserting
April 4, 2000

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

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. SNYDER. Mr. Speaker?

The SPEAKER pro tempore. Will the gentleman suspend.

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

Mr. SNYDER. Amendment 3914 or 3915?

The SPEAKER pro tempore. It is 3914. The gentleman had two amendments, and only one of them showed up on this list, but he did properly file two amendments. We went over this earlier.

Mr. SNYDER. Hold on.

The SPEAKER pro tempore. On the amendment, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, what my amendment would do is it would change the date for the year 2000 primary from what is envisioned currently in the bill, from the date of May, to a date of April 4. By doing so, we continue to avoid conflict with the various spring religious holidays, but we would better position our State in the Presidential sweepstakes.

I first offered this amendment in the form of a bill back in 1987 in the hope of better positioning our State in the 1988 Presidential primaries. It was timely then. It is even more so now. More and more States have moved their primary dates forward, frontloading the Presidential selection process. In so doing, they have left

Pennsylvania behind. The last time that our State played a significant role in the Presidential nominating process was in 1976, some 23 years ago.

I think it is appropriate for us to be in a better position to influence the Presidential nomination in both political parties, and that is exactly what my amendment would achieve. By moving the primary date to April 4, we also make sure that the petition-circulating process will be done within the year 2000. The first date that petitions could be circulated would be January 4, so we do not cause any confusion in terms of moving the process so far forward that petitions would be circulated at the end of this year.

I would urge the members to support this amendment. I think it better positions us as a State and hopefully will give us more influence in the Presidential selection process. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question, the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, we certainly recognize the need to change the primary date because of the holiday, and we ask our members to support the amendment proposed by Representative Freeman.

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

The following roll call was recorded:

YEAS—194

Adolph	Egolf	Major	Sather
Allen	Evans	Manderino	Saylor
Argall	Fairchild	Mann	Schroder
Armstrong	Fargo	Markosek	Schuler
Baker	Feese	Marsico	Scrimenti
Bard	Fichter	Masland	Semmel
Barley	Fleagle	Mayemik	Serafini
Barrar	Flick	McCall	Seyfert
Bastian	Forcier	McGeehan	Shaner
Battisto	Frankel	McIlhattan	Smith, B.
Bebko-Jones	Freeman	McIlhinney	Smith, S. H.
Belardi	Gannon	McNaughton	Snyder
Belfanti	Geist	Melio	Solobay
Benninghoff	George	Metcalfe	Staback
Birmelin	Gigliotti	Michlovic	Stairs
Bishop	Gladeck	Micozzie	Steelman
Blaum	Godshall	Miller, R.	Steil
Boyes	Gordner	Miller, S.	Stern
Browne	Grucela	Mundy	Stetler
Bunt	Habay	Myers	Stevenson
Butkovitz	Haluska	Nailor	Strittmatter
Buxton	Hanna	Nickol	Sturla
Caltagirone	Harhai	O'Brien	Surra
Cappabianca	Harhart	Oliver	Tangretti
Cam	Hasay	Orie	Taylor, E. Z.
Casorio	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Pesci	Thomas
Chadwick	Hershey	Petrarca	Tigue
Civera	Hess	Petrone	Travaglio
Clark	Horsey	Phillips	Trello
Clymer	Hutchinson	Pippy	True
Cohen, L. I.	Jadlowiec	Platts	Tulli
Cohen, M.	James	Preston	Vance
Colafella	Josephs	Ramos	Van Home
Corrigan	Kaiser	Raymond	Veon
Costa	Keller	Readshaw	Vitati
Coy	Kenney	Reinard	Walko
Curry	Kirkland	Rieger	Washington
Dailey	Krebs	Roberts	Waters
Daley	LaGrotta	Robinson	Williams
Daly	Laughlin	Roebuck	Wogan

DeLuca	Lederer	Rooney	Wojnaroski
Dempsey	Leh	Ross	Wright
Dermody	Lescovitz	Rubley	Yewcic
DeWeese	Levdansky	Ruffing	Youngblood
DiGirolamo	Lucyk	Sainato	Yudichak
Donatucci	Lynch	Samuelson	Zimmerman
Druce	Maher	Santoni	Zug
Eachus	Maitland		

NAYS—0

NOT VOTING—0

EXCUSED—9

Cornell	McGill	Trich	Ryan,
Gruitza	Pistella	Wilt	Speaker
Lawless	Rohrer		

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 pro tempore. Mr. Freeman, it is the Chair's understanding that you are probably going to withdraw your second amendment. Is that correct? The Chair thanks the gentleman.

On the question recurring,

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

Mr. READSHAW offered the following amendment No. A4000:

Amend Title, page 1, line 12, by removing the period after "2000" and inserting

and for the date of the primary election in the years of a nomination of a President of the United States.

Amend Sec. 1 (Sec. 603), page 2, lines 1 and 2, by inserting a bracket before "fourth" in line 1 and after "April" in line 2 and inserting immediately thereafter

third Tuesday of March

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Readshaw. Mr. READSHAW. Thank you very much, Mr. Speaker.

On this particular amendment, we will be changing in Presidential years, which we just changed this year's voting date, but it has been the fourth Tuesday in April, and this amendment would change it to the third Tuesday in March, the reason being—a little background, and I thank you for the enthusiasm that is shown—but far too long, the State of Pennsylvania has been the 43d State to vote in Presidential years. By this time, the candidates have been chosen, and Pennsylvania has very little to say and

influence the candidates. Pennsylvania is— Could I have some order, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is correct. We have done awfully well this afternoon. Let us continue that so we can get through this.

The House will come to order.

Mr. READSHAW. I think Pennsylvania should be moved up and have an opportunity to be more of a proving ground for the Presidential aspirants. It is big. It is diverse. The major political parties are equally matched. It is industrial. It is agricultural. It is urban. It is suburban. It is rural. And we should be put back in the pack so that we can influence Presidential candidates.

I could go on and on. I know we have all considered this before, at least thought about it. I would ask for an affirmative vote and move the Presidential primary elections to the third Tuesday in March. I thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, there is certainly good merit in what the main sponsor of this amendment has brought forth. However, several months ago we did try to move a March primary bill out of committee, and it failed. We did not get sufficient votes. And secondly, there is established a bipartisan committee of the House and Senate to look at the feasibility of early spring primaries and late spring primaries, trying to find a way to incorporate the best dates to have primaries in Pennsylvania, and that is ongoing. I happen to serve on that, as do many of my colleagues on the other side of the aisle.

So for those reasons, Mr. Speaker, I regretfully say that I would oppose this amendment. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

Mr. Speaker, Pennsylvania is the fifth largest State, yet when it comes to Presidential elections, we are buried. By the time the primaries roll around to Pennsylvania, we are not a player anymore.

I strongly support Representative Readshaw to move the primary to March. By doing that, Pennsylvania will have a stake in who will become the next President of the United States. I ask for your support. Thank you.

The SPEAKER pro tempore. Mr. Snyder, are you seeking recognition? The gentleman is recognized.

Mr. SNYDER. Mr. Speaker, the House just overwhelmingly approved Representative Freeman's legislation to bring the date up to April 4. Depending on our legislative schedule, we may not have the opportunity to get consideration by the House and the Senate, if the bill would have to come back to us. I think, as Chairman Clymer said, this is a meritorious idea. They are already under discussion between the House and Senate to do this, but the year 2004 is still 4 years away. We are asking that in order for this legislation to be able to be enacted before the petitions go out, we would ask that we would oppose this amendment, not based on its merit but only so that we can get this bill passed through both the House and Senate and to the Governor in a timely manner.

The SPEAKER pro tempore. Mr. Readshaw, for the second time.

Mr. READSHAW. I appreciate the remarks. I would only submit that Representative Freeman's was a wonderful idea.

I voted for it. I happen to think this is a better idea. I ask for your support. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the Democratic leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Would the gentleman from Lehigh, Mr. Snyder, please explain one additional time why he feels this would not be a good idea. I apologize to the gentleman. I was momentarily distracted and did not get all of his remarks, and if the gentleman would make his comments again, it would be helpful.

Mr. SNYDER. Mr. Speaker, there has been general agreement between the House and Senate to change the primary date in the year 2000 because of the holiday, and we believe that this legislation will take prompt consideration in the Senate for passage before both chambers recess before the end of this year. There is not an agreement on future Presidential primaries. The chairman of the State Government Committee has noted that there is discussion going on between the House and Senate committees to resolve that particular issue. We feel we have plenty of time with that not being for 4 more years, and because of the fact that if the April 4 primary is what is finally enacted into law, we need to get this legislation approved in time, before the petition deadlines would kick in, and therefore, we are asking not to vote against this amendment based on its merit but just so that we can move the legislation dealing with the primary date for the year 2000.

Mr. DeWEESE. Would the gentleman accept another additional question.

The primary in 2000 for the Presidential election would be impacted by a favorable vote on the Readshaw amendment, would it not?

Mr. SNYDER. I would have to look at the amendment, but it is my understanding of the amendment that it would not take effect until the year 2004.

Mr. DeWEESE. May I yield to the gentleman, Mr. Readshaw, from Allegheny County, Mr. Speaker?

The SPEAKER pro tempore. I am sorry, Mr. DeWeese. We were looking at the amendment as you spoke. Can you repeat that?

Mr. DeWEESE. At the appropriate time, I would like to yield to the gentleman. The author of the amendment has a perspective, and I think it would be helpful at this juncture in the debate.

The SPEAKER pro tempore. Mr. DeWeese, my problem is that the gentleman has spoken twice. If someone would interrogate him, perhaps you could elicit the information that way. Would you like to interrogate the gentleman? I apologize for this cumbersome mechanism, but it is necessary. The gentleman is in order and may proceed.

Is there anyone seeking further recognition?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—60

Battisto	Evans	Petrarca	Solobay
Bebko-Jones	George	Petrone	Staback
Belardi	Gigliotti	Preston	Stairs
Blaum	Haluska	Ramos	Steelman
Butkowitz	Harhai	Readshaw	Sturla
Buxton	Horsey	Rieger	Surra
Caltagirone	Kaiser	Roberts	Tangretti

Cappabianca	Lescovitz	Robinson	Tigue
Carn	Lucyk	Roebuck	Travaglio
Casorio	Maher	Rooney	Trello
Cawley	Mann	Ruffing	Walko
Costa	Markosek	Sainato	Waters
Coy	Mayernik	Schroder	Wojnaroski
Dailey	McGeehan	Scrimenti	Yewcic
DeWeese	Pesci	Shaner	Yudichak

NAYS—134

Adolph	Egolf	Lederer	Rubley
Allen	Fairchild	Leh	Samuelson
Argali	Fargo	Levdansky	Santoni
Armstrong	Feese	Lynch	Sather
Baker	Fichter	Maitland	Saylor
Bard	Fleagle	Major	Schuler
Barley	Flick	Manderino	Semmel
Barrar	Forcier	Marsico	Serafini
Bastian	Frankel	Masland	Seyfert
Belfanti	Freeman	McCall	Smith, B.
Benninghoff	Gannon	McIlhattan	Smith, S. H.
Birmelin	Geist	McIlhinney	Snyder
Bishop	Gladeck	McNaughton	Steil
Boyes	Godshall	Melio	Stern
Browne	Gordner	Metcalfe	Stetler
Bunt	Grucela	Michlovic	Stevenson
Chadwick	Habay	Micozzie	Strittmatter
Civera	Hanna	Miller, R.	Taylor, E. Z.
Clark	Harhart	Miller, S.	Taylor, J.
Clymer	Hasay	Mundy	Thomas
Cohen, L. I.	Hennessey	Myers	True
Cohen, M.	Herman	Nailor	Tulli
Colafella	Hershey	Nickol	Vance
Corrigan	Hess	O'Brien	Van Home
Curry	Hutchinson	Oliver	Veon
Dailey	Jadlowiec	Orie	Vitali
Dally	James	Perzel	Washington
DeLuca	Josephs	Phillips	Williams
Dempsey	Keller	Pippy	Wogan
Dermody	Kenney	Platts	Wright
DiGirolamo	Kirkland	Raymond	Youngblood
Donatucci	Krebs	Reinard	Zimmerman
Druce	LaGrotta	Ross	Zug
Eachus	Laughlin		

NOT VOTING—0

EXCUSED—9

Cornell	McGill	Trich	Ryan,
Gruitza	Pistella	Wilt	Speaker
Lawless	Rohrer		

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 as amended?

Mr. BIRMELIN offered the following amendment No. A4068:

Amend Title, page 1, line 12, by removing the period after "2000" and inserting
and for qualifications of electors; and making repeals.

Amend Bill, page 2, by inserting between lines 8 and 9
Section 2. Section 701 of the act, amended July 3, 1974 (P.L.443, No.153), is amended to read:

Section 701. Qualifications of Electors.—Every citizen of this Commonwealth eighteen years of age, possessing the following qualifications, shall be entitled to vote at all elections, provided he or she has complied with the provisions of the acts requiring and regulating the registration of electors:

(1) He or she shall have been a citizen of the United States at least one month.

(2) He or she shall have resided in the State ninety days immediately preceding the election.

(3) He or she shall have resided in the election district where he or she shall offer to vote at least thirty days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within thirty days preceding the election.

(4) He or she is not serving time in a penal institution.

Section 3. (a) Sections 501(a), 525(b)(4) and 527(a)(4)(iii) of the act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act, are repealed insofar as they are inconsistent with the amendment of section 701 of the act.

(b) Section 527(b)(1)(iv) of the Pennsylvania Voter Registration Act is repealed.

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting
4

On the question,

Will the House agree to the amendment?

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

Mr. BIRMELIN. Thank you, Mr. Speaker, and I will be brief.

Two years ago this body, along with the Senate, passed legislation that was enacted that required that people who had served in correctional facilities in Pennsylvania were not allowed to vote for 5 years after they had been released from prison. My amendment will revert back to what it was before we passed that legislation and allow those who have been in prison and have served their time to vote upon their release.

The reason and the purpose for this amendment is that I think, for those of us who have spent a lot of time on prison issues, we realize that one of the things that ex-prisoners need to know is that when they come back into society, they are going to be given the opportunity to be full-fledged citizens again, as much as is possible, and I do not think there is any real redeeming value in keeping them from voting for 5 years. I do not know the arguments at the time why we did that, but they escape me at the present, and so I think it is incumbent upon us to do what we can to see that those who have served their time, have been punished properly, according to whatever society feels they should have been, are welcomed back into society and are enabled to become full-time citizens in the sense that they can vote again.

So with the passage of this amendment, that will reinstitute that practice, that once they are out of prison, they will be able to vote. And I would be careful to state that it does not give any voting rights to anybody serving in prison, only those who have been released from prison, and I ask for your support. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Lancaster County, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to interrogate the sponsor of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Birmelin, indicates that he is willing to stand for interrogation. You may proceed.

Mr. STRITTMATTER. Mr. Speaker, would this also include criminals who have served their time, are released from prison but still owe restitution to victims?

Mr. BIRMELIN. I am sorry; I did not hear that question. Would you repeat it? Would you repeat the question?

Mr. STRITTMATTER. Would this allow criminals who have served their time but still owe restitution to victims the right to vote?

Mr. BIRMELIN. Yes, it would.

Mr. STRITTMATTER. Would this also include criminals who have served their time but part of their time was being on probation, and follow me: part of it was prison sentence and part of it, giving back to society, was probation. Would that also allow them to vote?

Mr. BIRMELIN. Well, probation is prior to imprisonment. I think you may be thinking of parole.

Mr. STRITTMATTER. Parole. Okay. Yes, sir.

Mr. BIRMELIN. Parole would be a different issue, and, yes, they would be allowed to vote if they were out of prison but still on parole.

Mr. STRITTMATTER. That ends my interrogation. I would just like to make a quick comment.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. STRITTMATTER. I would ask the members to please vote against this amendment.

I believe that we should be supporting victims. I believe that these people until they pay their restitution, until they are finished with parole, then that is when they should get their rights back again, because the victims many times go without having their rights ever restored, and so I would like to ask for a negative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—41

Battisto	Fargo	Michlovic	Serafini
Belardi	Forcier	Myers	Staback
Birmelin	Haluska	O'Brien	Sturla
Boyes	Hasay	Preston	Thomas
Carn	Horsey	Ramos	Trello
Cawley	James	Reinard	Vitali
Clymer	Josephs	Rieger	Walko
Cohen, M.	Kirkland	Robinson	Washington
Curry	Levdansky	Roebuck	Waters
Donatucci	Lucy	Ruffing	Youngblood
Evans			

NAYS—152

Adolph	Egolf	Major	Sather
Allen	Fairchild	Mandorino	Saylor
Argall	Feese	Mann	Schroder
Armstrong	Fichter	Markosek	Schuler
Baker	Fleagle	Marsico	Scrimenti
Bard	Flick	Masland	Semmel
Barley	Frankel	Mayermik	Seyfert

Barrar	Freeman	McCall	Shaner
Bastian	Gannon	McGeehan	Smith, B.
Bebko-Jones	Geist	McIlhattan	Smith, S. H.
Belfanti	George	McIlhinney	Snyder
Benninghoff	Gigliotti	McNaughton	Solobay
Bishop	Gladeck	Melio	Stairs
Browne	Godshall	Metcalfe	Steelman
Bunt	Gordner	Micozzie	Steil
Butkovitz	Grucela	Miller, R.	Stern
Buxton	Habay	Miller, S.	Stetler
Caltagirone	Hanna	Mundy	Stevenson
Cappabianca	Harhai	Nailor	Strittmatter
Casorio	Harhart	Nickol	Surra
Chadwick	Hennessey	Oliver	Tangretti
Civera	Herman	Orie	Taylor, E. Z.
Clark	Hershey	Perzel	Taylor, J.
Cohen, L. I.	Hess	Pesci	Tigue
Colafella	Hutchinson	Petrarca	Travaglio
Corrigan	Jadlowiec	Petrone	True
Costa	Kaiser	Phillips	Tulli
Coy	Keller	Pippy	Vance
Dailey	Kenney	Platts	Van Horne
Daley	Krebs	Raymond	Veon
Dally	LaGrotta	Readshaw	Williams
DeLuca	Laughlin	Roberts	Wogan
Dempsey	Lederer	Rooney	Wojnaroski
Dermody	Leh	Ross	Wright
DeWeese	Lescovitz	Rublely	Yewcic
DiGirolamo	Lynch	Sainato	Yudichak
Druce	Maher	Samuelson	Zimmerman
Eachus	Maitland	Santoni	Zug

NOT VOTING—1

Blaum

EXCUSED—9

Cornell	McGill	Trich	Ryan,
Gruitzza	Pistella	Wilt	Speaker
Lawless	Rohrer		

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests a leave for the gentleman from Luzerne County, Mr. BLAUM. Without objection, the leave will be granted, and the Chair hears no objection. The leave is granted.

CONSIDERATION OF HB 1981 CONTINUED

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

Mr. CLYMER offered the following amendment No. A4086:

Amend Title, page 1, line 11, by inserting after "elections," providing for election district alteration and data reporting;

Amend Title, page 1, line 12, by removing the period after "2000" and inserting

; making an editorial change; and making a repeal.

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. Article V heading of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended April 2, 1965 (P.L.7, No.7), is amended and the article is amended by adding a subdivision to read:

ARTICLE V

Election Districts and Polling Places
[in Cities of the First Class, Division
of Wards]

(d) Election District Alteration
and Data Reporting

Section 535. Definitions.—The following words and phrases when used in this subdivision shall have the meanings unless otherwise clearly apparent from the context:

The word "bureau" shall mean the Bureau of Commissions, Elections and Legislation of the Department of State.

The word "secretary" shall mean the Secretary of the Commonwealth.

Section 536. Restrictions on Alteration.—(a) Except as provided in subsection (b), there shall be no power to establish, abolish, divide or consolidate an election district during the period June 1, 2000, through April 30, 2002.

(b) During the period from June 1, 2000, through December 31, 2000, an election district may be divided or election districts may be combined if the following are met:

(1) In the case of the division of an election district, the boundary of each resulting district is composed entirely of clearly visible physical features conforming with the census block lines or portions of the original boundary of the election district which was divided.

(2) In the case of the combination of election districts, the boundary of each resulting district is composed entirely of portions of the original boundaries of the election districts which were combined.

(c) If an alteration of an election district under subsection (b) is sought, the following shall apply:

(1) The county board of elections shall notify the bureau, in writing, of the proposed alteration. The notice shall include a map and a description of the proposed boundary of any new or altered district or districts. The bureau shall forward a copy of any notice of proposed alteration to the Legislative Data Processing Center within seven (7) days of receipt.

(2) Before a county board of elections may petition the court for a change in the boundary of an election district under this act, the secretary must make a determination that the board has complied with subsection (b). Any of the following constitute evidence of the determination under this clause:

(i) A certification by the secretary that the determination has been made.

(ii) A certification by the board that notice under this clause has been given to the bureau and that the secretary has not acted within forty-five (45) days of the notice.

(3) The board shall forward a copy of the order approving any alteration to the secretary and the Legislative Data Processing Center within seven (7) days of the issuance of that order.

Section 537. Alterations after Period of Restriction.—(a) Unless otherwise provided in this act, an election district may be established, abolished, divided or consolidated if the boundary of each resulting district is composed entirely of clearly visible physical features conforming with census block lines from the most recently completed Federal decennial census.

(b) Within thirty (30) days of an alteration under subsection (a), the county board of elections shall submit to the bureau a report, including a map and a verbal description, of the boundaries of each resulting district.

Section 538. Reports.—(a) Within six (6) months of the effective date of this subdivision, each county board of elections shall submit to the bureau a report, including maps and verbal descriptions, of the boundaries of every election district within the county. All reports filed under section 536 or 537 shall be filed as amendments to this initial report.

(b) The bureau shall retain at all times the reports of the current boundaries of all election districts, including maps and verbal descriptions. Copies of such reports shall be made available to the General Assembly, on request, and to the public for a fee, as established by the department.

Section 539. Election Results; Registration.—In addition to any other reports, returns or certifications required by any other law, within thirty (30) days after a primary, municipal, special or general election, the county board of elections shall submit to the bureau a report stating the total number of votes cast in each voting district for each candidate for the following offices:

(1) A Statewide office.

(2) State Senator.

(3) State Representative.

(4) United States Representative.

Section 540. Regulations.—The secretary may promulgate regulations to administer this subdivision.

Section 2. Section 603 of the act, amended October 12, 1990 (P.L.534, No.131), is amended to read:

Amend Bill, page 2, by inserting between lines 8 and 9

Section 3. The act of December 22, 1989 (P.L.732, No.101), known as the Election District Alteration and Data Reporting Act, is repealed.

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my amendment has in it the substance of SB 1004, legislation that was recently voted out of the State Government Committee by a unanimous vote, and let me tell you briefly what this bill does.

The Election District Alteration and Data Reporting Act was enacted in 1989 in preparation for the 1990 census and subsequent redistricting process to prevent some problems that arose during the 1981-82 redistricting process. The election district boundary changes were made by counties during the map-drawing process, which made difficult accurate allocation of census data.

Now, the LDPC (Legislative Data Processing Center) receives census information in two forms — by census block and by existing election districts. If a county, if a county divides a census block and/or an existing election district to make a new election district, the available census data does not fit into the newly configured election district. A redistricting plan which includes potentially inaccurate data may very well be challenged in court. Thus the original act froze most election district boundary changes between January 1, 1990, and March 29, 1992.

My amendment would amend the Election District Alteration and Data Reporting Act to restrict election district boundary changes during the period June 1 through December 31, 2000, to the divisions of election districts with resulting boundaries that conform with census block lines or portions of the original boundaries.

Additionally, between January 1 of the year 2001 and April 30 of the year 2002, counties would not, counties would not be permitted to establish, abolish, divide, or consolidate election districts at all. However, if an election district change is approved by the courts, the bill would require the counties, the counties that made the changes via court approval, to inform both the LDPC and the Secretary of the Commonwealth of these changes.

So simply put, my amendment would facilitate the application of the most accurate and usable 2000 census data during the upcoming redistricting effort. Simply put, that is what it does.

It has bipartisan support, and I would ask for a "yes" vote. Thank you very much.

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

The following roll call was recorded:

YEAS—191

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

NAYS—1

Maher

NOT VOTING—1

Clark

EXCUSED—10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitza	Pistella	Wilt	

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. TANGRETTI offered the following amendment No. A4110:

Amend Title, page 1, line 12, by removing the period after "2000" and inserting

; providing for ineligibility of candidates; and further providing for penalties.

Amend Bill, page 2, line 9, by striking out all of said line and inserting

Section 2. The act is amended by adding a section to read:

Section 924. Ineligibility of Candidates.—If ten per centum of the signatures required by section 912.1 (1) through (14) are stricken from a petition because of forgery, the candidate shall be ineligible to run in the election.

Section 3. Section 1805 of the act is amended to read:

Section 1805. Insertion and Alteration of Entries in Documents; Removal; Refusal to Deliver.—Any member, chief clerk or employe of any county board of elections or judge, inspector or clerk of election, machine inspector, overseer, or other person, who knowingly inserts or knowingly permits to be inserted any fictitious name, false figure or other fraudulent entry on or in any registration card, district register, voter's certificate, list of voters, nomination petition, affidavit, tally paper, general or duplicate return sheet, statement, certificate, oath, voucher, account, ballot or other record or document authorized or required to be made, used, signed, returned or preserved for any public purpose in connection with any primary or election; or who materially alters or intentionally destroys any entry which has been lawfully made therein, except by order of the county board of elections or court of competent jurisdiction, or who takes or removes any such book, affidavit, return, account, ballot or other document or record from the custody of any person having lawful charge thereof, in order to prevent the same from being used or inspected or copied as required or permitted by this act, or who neglects or refuses, within the time and in the manner required by this act, to deliver the same into the custody of the officers who are required by this act to use or keep the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment of not less than one (1) month or more than two (2) years, or both, in the discretion of the court.

Section 4. This act shall take effect as follows:

(1) The amendment of section 603 shall take effect immediately.

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

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, a couple of elections ago I had an opponent who filed his petitions, which, as we all do, we review our opponents' petitions, and I found a number of problems, but one of which was an entire petition was forged. I consulted the — yes, if you can believe that — and I consulted the attorneys about it, and of course, we could have gone to court and had this petition thrown out and a few other names, but lo and behold, of course, my opponent still had enough signatures to stay on the ballot.

I just think that it is inappropriate and unrealistic to think that we should be serving with somebody who is elected who possibly has filed fraudulent petitions or attempted to. So as a consequence, it seems to me that what we do is we limit the process by not allowing an individual who in court is proven to have forged at least 10 percent of the petitions, signatures on petitions. That, to me, is a fair way of ensuring that the candidate is responsible for all of the signatures that are filed on his behalf.

So I would ask for your support for the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, is recognized on the amendment.

Mr. VITALI. Would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Tangretti, indicates that he will. You may proceed.

Mr. VITALI. I have not given this much consideration, but it occurs to me as you were describing this, would a candidate be disqualified if unbeknownst to him one of his volunteers, someone he has delegated the authority to collect signatures, has engaged in some sort of fraud without his knowledge or consent, perhaps even a plant from the other side? I mean, does your bill require an actual knowledge and intent on the part of the candidate himself or just generally 10 percent forged signatures?

Mr. TANGRETTI. Well, the language of the amendment says 10 percent. The intent would be that the candidate in filing the petition is responsible for all of those signatures and ought to be in a position, as we all are, in assuring ourselves that those are valid signatures in any way that we can do that. I know that I and the members of my campaign staff spend a lot of hours going through those names and assuring ourselves that they are valid signatures, and that puts the onus on the candidate.

We go through this process every other year and we spend a lot of time assuring ourselves that they are accurate, and we can get candidates and it does not necessarily have to be an incumbent. It is just the idea that a candidate can go out there — And as I mentioned, I have an entire petition here that is blatantly forged, and that candidate, had he won the election, would be serving in this body today.

Mr. VITALI. And what races would this apply to? Would this apply to the gubernatorial race, because I think — Well, do you think there might be a problem in some of the larger races where the more signatures you need to gather, the less control you have over what is gathered? Do you think that may present a problem?

Mr. TANGRETTI. I hope not.

Mr. VITALI. Okay. Are you aware of if a requirement such as this or a provision such as this has been enacted in any other State and what their experience might be there?

Mr. TANGRETTI. I am unaware of any other State.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. Mr. Snyder, on the amendment.
Mr. SNYDER. Mr. Speaker, could I interrogate the maker of the amendment?

The SPEAKER pro tempore. He is willing. You may proceed.

Mr. SNYDER. Could we have some order, because I could not hear the earlier interrogation.

The SPEAKER pro tempore. The House will come to order. The conversations in the aisles will please break up.

Go ahead, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, as a candidate for the House of Representatives, I need 300 signatures to become a qualified candidate. If I would have 1,000 signatures and it is found that one petition would contain 30 signatures that perhaps would have been forged, that would give me 970 valid signatures, but under your amendment, I would be ineligible to run as a candidate. Is that correct?

Mr. TANGRETTI. That is correct.

Mr. SNYDER. That is the end of my interrogation.

The SPEAKER pro tempore. The gentleman is recognized on the amendment.

Mr. SNYDER. Mr. Speaker, I think every one of us who has run for election has probably experienced some questionable petitions that we have reviewed on our opponents. However, the law requires 300 valid signatures. As this is written, you could have 300 valid signatures, but a petition that may not even be under your control could allegedly have been proven to be falsified, making you ineligible as a candidate even though you had the legally required number of signatures.

I would ask for a "no" vote on this amendment.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I regretfully join in opposing this amendment as well.

I think my case is typical of many other people in the legislature. I delegate the overwhelming majority of the work of circulating nominating petitions to political organizations in my district. They in turn delegate it to committee people and volunteers. I have no control over who actually circulates the petitions. I have no ability, being busy with other things, to carefully scrutinize the handwriting of each and every person against the street list.

I think that what we are moving in the direction of is a heavily litigated process of getting on the ballot which will make it extremely complicated. We will each have a duty, a legal duty of verifying each signature before we turn it in if we want to serve in the House of Representatives, and I think that is — Mr. Vitali asked Mr. Tangretti the question of whether or not this particular amendment is enforced in any other State. I do not know the answer to that, but I know that New York State has a system which is full of pitfalls somewhat similar to this. I do not know if this is one of the provisions in New York or not, and it is a very, very expensive process to get on the ballot in New York, and I would hope that it would not be that difficult either.

Primary opponents are annoying. Primary opponents who forge signatures are even more annoying, but I think we are creating a much greater problem than now exists if this amendment passes, and therefore, I regretfully urge that this amendment be defeated.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

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

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, a man goes out — and each one of our districts has 60,000 registered voters — a man goes out and gets 10,000 signatures and 10 percentile is bad. So he throws out 1,000. I need to know, Mr. Speaker, which rule prevails — the 9,000 good signatures or the 300 mandated signatures?

Mr. TANGRETTI. You only need 300, as you know, to be on the ballot. If 10 percent of those 300 are proved in a court of law to be—

Mr. HORSEY. Mr. Speaker, that is—

Mr. TANGRETTI. May I answer the question?

Mr. HORSEY. Okay.

Mr. TANGRETTI. Thank you.

—are proved in a court of law to be forged, then you would not be on the ballot.

Mr. HORSEY. Mr. Speaker, the amendment says 10 percentile of your petitions.

Mr. TANGRETTI. No. It says 10 percent of required number.

Mr. HORSEY. Oh, it does say 10 percent of the required numbers?

Well, Mr. Speaker, I will speak on the amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized on the amendment.

Mr. HORSEY. Mr. Speaker, our mission is to encourage good government and to encourage people to participate in the system, and to that end, Mr. Speaker, this is a bad amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Tangretti, for the second time.

Mr. TANGRETTI. No, I better not, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS—11

Cappabianca	Lucyk	Roberts	Tangretti
Corrigan	Melio	Shaner	Travaglio
Kaiser	Petrarca	Steelman	

NAYS—182

Adolph	Egolf	Maitland	Santoni
Allen	Evans	Major	Sather
Argall	Fairchild	Manderino	Saylor
Armstrong	Fargo	Mann	Schroder
Baker	Feese	Markosek	Schuler
Bard	Fichter	Marsico	Scrimenti
Barley	Fleagle	Masland	Semmel
Barrar	Flick	Mayernik	Serafini
Bastian	Forcier	McCall	Seyfert
Battisto	Frankel	McGeehan	Smith, B.
Bebko-Jones	Freeman	McIlhattan	Smith, S. H.
Belardi	Gannon	McIlhinney	Snyder
Belfanti	Geist	McNaughton	Sojobay
Berninghoff	George	Metcalfe	Staback
Birmelin	Gigliotti	Michlovic	Stairs

Bishop	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller, R.	Stern
Browne	Gordner	Miller, S.	Stetler
Bunt	Grucela	Mundy	Stevenson
Butkovitz	Habay	Myers	Strittmatter
Buxton	Haluska	Nailor	Sturla
Caltagirone	Hanna	Nickol	Surra
Carn	Harhai	O'Brien	Taylor, E. Z.
Casorio	Harhart	Oliver	Taylor, J.
Cawley	Hasay	Orie	Thomas
Chadwick	Hernessey	Perzel	Tigue
Civera	Herman	Pesci	Trello
Clark	Hershey	Petrone	True
Clymer	Hess	Phillips	Tulli
Cohen, L. I.	Horsey	Pippy	Vance
Cohen, M.	Hutchinson	Platts	Van Home
Colafella	Jadlowiec	Preston	Veon
Costa	James	Ramos	Vitali
Coy	Josephs	Raymond	Walko
Curry	Keller	Readshaw	Washington
Dailey	Kenney	Reinard	Waters
Daley	Kirkland	Rieger	Williams
Dally	Krebs	Robinson	Wogan
DeLuca	LaGrotta	Roebuck	Wojnaroski
Dempsey	Laughlin	Rooney	Wright
Dermody	Lederer	Ross	Yewcic
DeWeese	Leh	Rubley	Youngblood
DiGirolamo	Lescovitz	Ruffing	Yudichak
Donatucci	Levdansky	Sainato	Zimmerman
Druce	Lynch	Samuelson	Zug
Eachus	Maher		

NOT VOTING—0

EXCUSED—10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitza	Pistella	Wilt	

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 as amended?

The SPEAKER pro tempore. Mr. Tangretti, do you have a second amendment? The gentleman withdraws it.

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-192

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

NAYS-0

NOT VOTING-1

Bunt

EXCUSED-10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitz	Pistella	Wilt	

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 461, PN 481**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for notice of arrest for school or child-care service employees.

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

The **SPEAKER pro tempore**. It is the understanding of the Chair that all amendments to this bill have been withdrawn.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-192

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

DeWeese	Lescovitz	Ross	Yewcic
DiGirolamo	Levdansky	Rubley	Youngblood
Donatucci	Lucyk	Ruffing	Yudichak
Druce	Lynch	Sainato	Zimmerman
Eachus	Maher	Samuelson	Zug

NAYS—0

NOT VOTING—1

Waters

EXCUSED—10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitza	Pistella	Wilt	

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.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. BARLEY. For the purpose of making an announcement, please.

The SPEAKER pro tempore. The gentleman is in order.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call for an Appropriations Committee meeting tomorrow at 10:50 in the conference room of the majority Appropriations Committee complex.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 670, PN 1475

Referred to Committee on HEALTH AND HUMAN SERVICES, November 9, 1999.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien, for the purpose of announcing a committee meeting.

Mr. O'BRIEN. At the call of the recess, Mr. Speaker, there will be an immediate meeting of the Health and Human Services Committee in the back of the House behind the railing.

REPUBLICAN CAUCUS

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

Mr. FARGO. Thank you, Mr. Speaker.

There will be a caucus of the Republican members immediately upon the recess. We will be back on the floor at 7 o'clock for additional votes. Thank you.

The SPEAKER pro tempore. Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I would like to urge the members to make sure that they are in their respective caucuses for this very important caucus and be back on the floor at 7 o'clock. Thank you.

GUESTS INTRODUCED

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

Mr. CASORIO. Point of personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. CASORIO. My good colleague, Representative Petrarca, is a bit humble. I would like to recognize his wife, his 4-year-old daughter, and his 1½-year-old son in the balcony — Representative Petrarca's family. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Welcome to the hall of the House.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Mr. Cohen, do you want to make a caucus announcement? The gentleman is recognized.

Mr. COHEN. Mr. Speaker, we are going to consider HB 8, which makes various changes in the School Code. Therefore, we are going to have a Democratic caucus immediately upon the recess. We will consider HB 8 tonight. So I would urge attendance at the caucus.

VOTE CORRECTIONS

The SPEAKER pro tempore. Mr. Lucyk.

I am sorry; Mr. Waters. We thought it was Mr. Lucyk seeking recognition.

Mr. Waters, go ahead.

Mr. WATERS. No problem, Mr. Speaker.

I just want to make a correction.

I would like the record to reflect that I vote "yes" on HB 461.

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

Mr. Lucyk, now are you seeking recognition? The gentleman is recognized.

Mr. LUCYK. Thank you, Mr. Speaker.

On the Birmelin amendment, 4068, I inadvertently voted "yes," and I would like to be voted "no."

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

**BILL SIGNED BY
SPEAKER PRO TEMPORE**

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:

SB 602, PN 1191

An Act amending the act of December 14, 1992 (P.L.1116, No.145), entitled Wholesale Prescription Drug Distributors License Act, further defining "wholesale distribution of prescription drugs."

Whereupon, the Speaker pro tempore, in the presence of the House, signed the same.

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 8, PN 2625 (Amended)

By Rep. PERZEL

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 contracts with private residential rehabilitative institutions, for continuing professional development and for a program for continuing professional education; providing for national board certification and for private alternative education institutions for disruptive students; and making an appropriation.

RULES.

RECESS

The SPEAKER pro tempore. Without objection, the House will stand in recess until 7 p.m.

RECESS EXTENDED

The time of recess was extended until 7:30 p.m.

AFTER RECESS

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

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

SB 670, PN 1475

By Rep. O'BRIEN

An Act relating to the licensure and regulation of pediatric extended care centers in this Commonwealth.

HEALTH AND HUMAN SERVICES.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that SB 670 be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 8, PN 2625**, as further amended by the House Rules Committee:

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 contracts with private residential rehabilitative institutions and for continuing professional development and for a program for continuing professional education; providing for national board certification and for private alternative education institutions for disruptive students; and making an appropriation.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Stairs, that the House concur in the amendments.

The question recurs, will the House concur in the amendments inserted by the Senate as amended by the House?

On that question, the Chair recognizes the lady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

We House Democrats just had—

The SPEAKER pro tempore. Will the lady suspend.

It is pretty noisy in here. The House will come to order. Members will take their seats. Conversations in the aisles will break up.

The lady is recognized.

Ms. MUNDY. Thank you.

The House Democrats just had a caucus on HB 8. Frankly, I think there were more questions raised than there were answers.

As a member of the House Education Committee, I strongly support continuing professional development for teachers. I support higher standards for the profession. I certainly support and have voted consistently to spend more money on alternative education programs, but as I read this bill, I have an awful lot of questions that I do not think I am getting adequate answers to. For example, why do we need to authorize in legislation contracting out of alternative ed programs? My school district, one of my three school districts, already does that very successfully. There is no complaint by any member of the professional staff at that school district that I have heard of. The school district contracts with a private contractor to provide alternative education. Why now do

we need legislation to authorize that? Are you saying that my school district is doing that illegally?

We have upped the appropriation for alternative ed to \$10 million. That sounds great, except I am beginning to wonder. Some people in our caucus think they are going to get \$15,000 per student. That absolutely cannot happen. If we now give more money to Philadelphia at \$15,000 per student, does that mean that my program no longer gets any funding?

We have exempted this alternative education contractor from certain things in the School Code. It would take us many, many hours to figure out what all those things are. What are we exempting them from? What kind of education will they be required to provide now?

I am very happy with the alternative ed program that is being conducted in my school districts. It is very successful. It is a private contractor, and they are doing a great job. The kids like the program. They are staying in school and they are succeeding. I have no idea what this bill does to that program, and until I am sure about that, I am not going to vote for this. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, any school district that does not want to deal with this program does not have to deal with the program. That answers the one question.

You can continue doing exactly what you are doing right now. You do not have to change anything, and everything will stay in place the way it is now. This does nothing to a school district that decides not to opt into this program.

The SPEAKER pro tempore. The gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise tonight to speak against HB 8 because of the recently added amendments.

And for the record I think it is important to note that I am a strong proponent of alternative education. In fact, I think investing money in alternative education is what we really need to be looking at. Many of the schemes and plans in education, from vouchers to charter schools, Mr. Speaker, they are helping the people that do not need the help. I call it saving the saved. We need to help the children that are falling through the cracks. We need to help those children that are going to end up in jail someday at a cost of \$25,000 a year. We could send those children to Notre Dame, Mr. Speaker, cheaper than it costs us to incarcerate them.

However, here we are again at a late hour with a very complex, controversial amendment being inserted in the Rules Committee, circumventing the Education Committee. We are being expected to vote on major public policy changes after a half-an-hour caucus. I have said this before from this microphone: I do not think we should be doing the people's business that way, Mr. Speaker.

You know, what kind of message are we sending to the teachers in Pennsylvania? HB 8 started out as a bill that required teachers currently -- currently -- teaching in Pennsylvania, people currently certified to teach in Pennsylvania, but we need to make sure that they are better and the best teachers they can be, and to do that we are going to make you go to school 180 hours over every 5-year period, whether you have a master's degree in education or not, to make sure that you are really up to speed and you are the best and most qualified teacher.

Let us assume that qualifications and having high standards for our teachers is what it takes to improve education, and we hear

from the administration, and every college student of Pennsylvania, thousands of students that are majoring in education right now in Pennsylvania are being told, well, there might be regulations drafted by the administration that are going to require that you have a 3.0 average and all these tougher standards to become a teacher, because let us assume that tougher certifications are going to make good teachers.

And then on the other hand, we come up with this proposal for alternative schools where you absolutely have no certifications and we do away with all the guidelines. Maybe my brother-in-law needs a job. Somebody will make him be a counselor. Mr. Speaker, it does not make sense.

We need to address the issue of alternative education. That is where we really have to focus our efforts, on the at-risk kids, and I am glad that we are talking about this. I am just saddened that we are doing it in such a manner. We are talking about privatization, no certification; no debate; working on a concurrence vote after a half-an-hour caucus. That is not the way we should be making major public policy changes in education in Pennsylvania.

I look forward to working on this. I hope we vote against this and get to work to do the right thing for the at-risk kids in Pennsylvania. This is not going to do it, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the gentleman from Beaver County, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the majority leader, please?

The SPEAKER pro tempore. The gentleman, Mr. Perzel, indicates that he is willing to stand for interrogation. You may proceed.

Mr. COLAFELLA. Mr. Speaker, I believe the amount of money in the budget now for alternative education is \$5.7 million and it is to go to \$10 million. Is that right? Now, that being the case, if this piece of legislation is enacted, do you see a tremendous amount of increase of activity and more students entering the disruptive, these alternative schools in Philadelphia?

Mr. PERZEL. I do not see a lot of children being enrolled in that program this year. The CEP outfit out of Houston has indicated that next school year in September they would take between 1,800 and 2,000 kids in the city of Philadelphia. It would be, in my mind, very difficult for a lot of the other school districts to get this up and running but not impossible, but they could take advantage of it.

In the beginning I had asked the caucus on my side of the aisle, do you want to just do Philadelphia or would you like this for all the school districts in the Commonwealth of Pennsylvania? Overwhelmingly, my members and the members I have talked to on your side of the aisle wanted the opportunity of being able to take care of the disruptive kids in every school district in the Commonwealth of Pennsylvania. So we allowed it so that they could all partake in this program. That does not mean they will all be up and running. If Representative Mundy's district does not want to do it, you do not have to do it. If any member over there's district does not want to do it, you do not have to do it, but you can do it.

Mr. COLAFELLA. But my question, sir, is, if we are going to enact this alternative education program in Philadelphia where you have all these noncertified teachers and there is a tremendous increase and there is only \$10 million and let us say Philadelphia requires \$12 million, what happens to all the other school districts

in this State who want to enter into programs like this? What do we do? Does the money just go to Philadelphia?

Mr. PERZEL. We do not know what the contracts are going to be for yet, but I think we ought to point out a couple of things here. Right now — and I mentioned this in my caucus — roughly 20 percent, actually 21 percent, of the kids do not show up every day. So you, the members of the General Assembly, are paying for 43,000 kids that are missing almost every single day. These outfits will go out and make sure the children come to school, or they do not get paid. If the child does not learn at the end of the year or they are not up one grade level, we do not have to pay. So there is a guarantee by these outfits that these kids will learn, or they will not get paid. If the kids do not come to school, they do not get paid. We really do not have that guarantee anywhere else. So I think this gives us a better working way to make sure the kids are coming, the kids are learning, the kids are getting ahead, and the kids can make it in life.

Is it going to cost \$10 million? We do not know that right now. We put in \$10 million. We have talked to the Governor; we have talked to the Senate; we have talked to some of your leaders. We know it will be a higher figure, and if your school districts opt into this program, we are looking at making sure that they get taken care of, but it will be higher than \$10 million.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I think it is very, very sad though that we are voting tonight to enact tougher requirements for teachers in Pennsylvania and yet at the same time we are saying to students who are disruptive, so to speak, that you can go to schools where it does not matter whether a teacher has gone to college or whether he has not gone to college. I think that is very, very sad. I think there are so many questions that were asked by our caucus that is—

The SPEAKER pro tempore. Mr. Colafella, have you concluded—

Mr. COLAFELLA. Yes, I am through with it; I am sorry.

The SPEAKER pro tempore. On concurrence.

Mr. COLAFELLA. I am sorry.

It was very embarrassing being the minority chairman of the Education Committee to be asked a thousand questions about a program that we have no answers to give, because we have had no hearings on this particular matter. The bill has never gone through our committee, and I think it is very, very sad if we are going to operate this way.

Members here today are voting on something, and there are a tremendous amount of questions that you have, and you know you do. I just do not think this is a good way to conduct business, and I am very sorry to see that that is what has happened tonight. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Northumberland County, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Surra probably said about 75 percent of what I intended to say. It is about how we do the people's business, how we conduct debate on major policy changes in this Commonwealth.

I have a boot camp in my district, Mr. Speaker, and it costs a lot more money to house a bad kid, a kid who has been convicted of a felony, who comes from everyone else's districts. It is not a boot camp exclusively for the three counties that I represent. I would

much rather alternative education programs be available to take those kids that have not yet committed a felony but are disruptive students and get them off the streets and into a classroom.

I share the concerns of my colleague, Mr. Colafella, about the sections and sections and sections and sections of requirements that our public school teachers must have that are eviscerated by this amendment. All of the qualifications that a teacher needs, basic certifications, are completely out of the teachers that would be permitted to teach in this particular alternative education program, but I am not even sure that is all that bad, because I believe that some of these kids ought to be taught by social workers perhaps as opposed to English teachers.

But my problem with the legislation again is the way it comes before us, a major piece of policy that is decided upon by the majority leader and Mr. Evans or one of my other leaders, and it is the fourth or fifth or sixth occasion this session that at 4 o'clock in the afternoon I have members coming up to me asking me about some interest group's position on a bill that we are going to vote tonight that I have no idea is on the voting schedule. And I go to the chairman of the Education Committee and I ask him, what are we voting on tonight? And he has no idea what we are voting on tonight, and it is a major policy change. We are not talking about changing the age of a driver from 18 to 17, and that is major to certain people, but this issue is about education; it is about discipline; it is about privatization; it is about a lot of things, and it should not have been amended in the Rules Committee today and brought out on this House floor this evening.

So for that very reason alone, not because I have a problem with alternative education or in fact the need for Philadelphia to establish a widespread alternative education program, because I have been to Philadelphia quite often and I think they do need it. They need more help than most of the districts in this State. But I beg to differ with my good friend, Dwight Evans, and the majority leader that they can on whatever date, time, and place they decide they are going to run something for Philadelphia that they both agree on, we have it shoved down our throats. We get a half hour or an hour to debate it in caucus, and then we are expected to put up an intelligent, informed vote.

So for that reason, Mr. Speaker, I am a "no" vote on concurrence.

The SPEAKER pro tempore. The gentleman from Lancaster County, Mr. Sturla, is recognized on concurrence.

Mr. STURLA. Thank you, Mr. Speaker.

Will the gentleman, Mr. Perzel, rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as a member of the House Education Committee, I had hoped to be able to have some of these questions answered in the Education Committee, but unfortunately, the committee was bypassed. So I will ask them of you tonight.

The way I read this amendment that was inserted that we are now concurring on, page 17 of the amendment talks about approval by the department, that "A PRIVATE ALTERNATIVE EDUCATION INSTITUTION MAY NOT OPERATE IN THIS COMMONWEALTH UNLESS IT IS APPROVED BY THE DEPARTMENT OF EDUCATION."

Now, earlier tonight when someone else questioned you about their existing programs that are contracting with private contractors in the State of Pennsylvania to provide alternative

education programs, you said they could continue. Would those private contractors that are currently under contract in the State of Pennsylvania need to get approval from the Secretary of Education to comply with this section or would they be exempt from this under some clause that does not exist in the legislation?

Mr. PERZEL. No. This applies only to separate facilities that would try to come into the Commonwealth of Pennsylvania under this new act.

Mr. STURLA. Mr. Speaker, I do not quite understand. You say separate—

Mr. PERZEL. The answer is no.

Mr. STURLA. If a new company comes to Pennsylvania and tries to contract with an existing school district that already has a private contractor, are they required to—

Mr. PERZEL. Yes.

Mr. STURLA. So it is only if they are new, if they do not already have a contract in Pennsylvania. But those companies that do have contracts in Pennsylvania already for alternative education programs would not need to get approval from the Secretary of Education in order to qualify. Is that correct?

Mr. PERZEL. Unless they are already not approved. You are right.

Mr. STURLA. So for instance, when Representative Mundy stood up or one of the other Representatives who talked about a boot camp or various other Representatives who have expressed that they have alternative education programs with private contractors in their districts right now, those contractors could go into Philadelphia and bid on this for these dollars without approval from the Secretary of Education because they already exist in Pennsylvania.

Mr. PERZEL. Yes.

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

Mr. Speaker, I am a little curious. I see that the current line item in the budget of \$5.7 million is being increased to \$10 million. Normally, when we think of private industry and competition that has been talked about as a way to save money in the State of Pennsylvania, you would think it would cost us less dollars and yet that line item is now increasing about 75 percent, and while I agree that this line item should have been \$10 million 3 or 4 years ago, there were those that argued 3 or 4 years ago that we just did not need that kind of money for alternative education in the State of Pennsylvania. Now, suddenly, when we get private contractors applying for this work, we are going to up the line item 75 percent. Is there any reason you can tell us why we suddenly need a 75-percent increase in that line item as a result of having private contractors do this work instead of the school districts themselves?

Mr. PERZEL. It is more options, more flexibility. It is not an unfunded mandate. This will allow the school districts that want to participate to be able to do the types of things that are different that they need to do to make sure these kids go to school.

Mr. STURLA. Okay. And it did not matter that the money was not there when they were trying to do those things themselves?

Mr. PERZEL. The \$5.7 million, part of that has already been encumbered. Is that what you are asking?

Mr. STURLA. And so is that \$5.7 million dedicated to programs that are currently being done through—

Mr. PERZEL. In existence now? Is that what you are asking?

Mr. STURLA. —and so the \$4.3 million additional, is that dedicated strictly to new companies that come in or could it be

used for existing alternative education programs that the school districts already provide?

Mr. PERZEL. If they have applied before, they could use this new money toward an existing program.

Mr. STURLA. Okay. So even if they run that existing program, they can use this additional \$4.3 million towards funding their existing program.

Mr. PERZEL. Yes; they can.

Mr. STURLA. Okay.

Mr. Speaker, if a student is currently in a private school in Pennsylvania, private or parochial school within a school district, and they are expelled from that private or parochial school, can they go directly to the new private alternative school or would they have to first enroll in the public school and then be expelled from the public school before they would qualify for the private alternative education?

Mr. PERZEL. You would have to enroll, but part of what— The answer is you would have to enroll. Part of what we were trying to catch is the 1,500 kids in Philadelphia that are released from prison and put right back into the public school system. We wanted to try to get those kids right into the alternative system so that they were not back in the regular high school or grade school setting, but the answer is yes.

Mr. STURLA. Those 1,500 kids that are released from prison back into the public schools, do they have to commit an offense in the public school before they qualify for the alternative education program or can, as a result of them being in prison for something unrelated to school, can they be immediately remanded to the alternative private education program?

Mr. PERZEL. They could if that is decided by the school district that that is what they want to do. It is done at the local level. We are not making that decision.

Mr. STURLA. Okay. So it is the local school district that gets to decide that.

Mr. Speaker, on the bids, I understand that the Secretary of Education needs to approve the contractors. Is the school district required to let any and all approved contractor that wishes to bid on the contract bid on the contract or can the school district say we are going to choose one contractor to bid on this contract and we are going to do a sole source contract?

Mr. PERZEL. There is nothing that says they have to put it out on bid. They could pick one particular provider and go with that provider, if that is the question you are asking. The answer is, that is what they could do; yes.

Mr. STURLA. Okay. So it is considered professional services or something where they do not have to put it out to bid? Is that the—

Mr. PERZEL. It is like an approved private school.

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

And that decision is made by the local school district.

Mr. Speaker, I am done with my interrogation. I would like to make a brief comment.

The SPEAKER pro tempore. The gentleman is recognized on concurrence.

Mr. STURLA. Mr. Speaker, I am probably going to end up voting for this piece of legislation tonight simply because I have trust in the executive director of the Education Committee who I believe drafted this piece.

I do, however, wish that it had come before the Education Committee, and my sense is that before this issue is over with, if

in fact it is approved as law, this issue will be back in the Education Committee and we will be making determinations on some of the kinds of questions I asked tonight in addition to probably about a thousand more that we were unable to think of in the last 20 minutes since we have seen this language. I just wish that the proper channels had been followed in order to get us to this point, because I believe we could have gotten to this point with a lot more of our questions answered.

And with that, again, I will probably end up voting for this just on the good faith of the executive director of the Republican Education Committee, but I would hope that we could do this differently in the future. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the concurrence of HB 8, and the reason that I rise to support the concurrence of HB 8 is because you have one particular school district that is basically saying to the Commonwealth of Pennsylvania that they would like to provide a certain type of service. This language does not in any way say to any of the 501 school districts that you have to provide this through a profit-making organization or a nonprofit organization. It is, in my view, Mr. Speaker, a particular way that the local school district should decide what is best for their children, and it is, in my opinion, Mr. Speaker, that obviously, not just in the case of the city of Philadelphia, but any school district across the Commonwealth of Pennsylvania should have this option available to them.

Do I think that this option in itself is going to solve every single problem? The answer is no. But I do believe, Mr. Speaker, it is an option that should be open and should be available to local school districts to make their decision about what works in the best interest of their children.

Currently, Mr. Speaker, we have alternative private schools for special education. We refer children to those 22 approved private schools that we have in the Commonwealth of Pennsylvania. So it would seem to me that since we have empowered local school districts through either elected school boards or appointed school boards and those local school districts in return select superintendents in conjunction of working with the parents, the students, and the community, that the only thing we are doing as the Commonwealth of Pennsylvania is saying to the local school districts that this is a new tool available to you. We are basically saying to you, to them, particularly to school districts, that a part of your education toolbox, that this now will be available to you.

So I am saying to you, Mr. Speaker, that no school district has to take advantage of this if they so not desire. But at this particular point, Mr. Speaker, I would just hope once— And I have not been on this floor a lot, but again, I do not look at this as Democrat or Republican. I do not look at this as urban or suburban or rural. I look at this as about the children of the Commonwealth of Pennsylvania, and it is clear to me, like I hope it is to most of you, that we have to provide some sort of alternative, but the alternative, Mr. Speaker, is we have to hold accountable; the alternative, Mr. Speaker, is we have to have high standards; the alternative, Mr. Speaker, is that we have to have a check and balance. I do not believe, Mr. Speaker, that just because we contract with an organization, that in itself will magically solve the problem, because it will not. So I am saying to you that I think that

this is a reasonable proposal. I think it is something that we all should support, first.

Secondly, there is the issue, there is the issue in terms of teacher certification in this bill. So it is not just the question of alternative education. We also need not to forget the teacher certification and what takes place there. So here, Mr. Speaker, we have an opportunity to add something to education reform to this puzzle. And I am saying to you, Mr. Speaker, that I hope that we will look at the issue about how we make things work for our children and not get caught up in the process questions, not get caught up, well, you know, unfortunately, it came out of the Rules Committee; unfortunately, we did not have all the time and the discussion.

I am saying to you I think it is an opportunity for all of us to join and support this issue, and I am asking that on HB 8 we concur on this issue. Thank you, Mr. Speaker.

The SPEAKER pro tempore. For the information of the members, the list of members who are waiting to speak is as follows: Stairs, Preston, Horsey, Platts, DeLuca, Steelman, and Veon.

The Chair recognizes the gentleman from Westmoreland County, Mr. Stairs, on concurrence.

Mr. STAIRS. Thank you, Mr. Speaker.

I should stand here and be very elated with this very important piece of legislation that the Education Committee has worked on for, I would say, probably 3 years or so, trying to get the best teachers in our public schools, requiring teachers like other professionals to maintain a rigorous continuing education program, and certainly better our education. In the same token, as we are trying to make better teachers who are in the field, we are really endeavoring to enrich and to provide a valuable education to our students in our preparatory schools for teaching, making their course more demanding, setting higher standards, and hopefully, making education in Pennsylvania second to none in the country, but at the last moment today, the Rules Committee adds information to the bill, amends the bill pertaining to alternative education.

Certainly I think we all support alternative education, and I am quite proud that a number of years ago another bill passed this House. It got the State involved in alternative education. Unfortunately, it has been underfunded. The few million dollars will help, but it will still be a Band-Aid. It is not going to address the problem.

But the thing I want to impress upon the membership here is that here we are setting a tone of increased quality for certified teachers, demanding excellence, and then passing a bill, amending a bill at the last moment that would put our students at the most risk, and certainly the disruptive students are at risk. They need the extra help, because if they do not get it, they may be in prison, which is the last thing we want to see happen, but they are going to be instructed with uncertified teachers. So if we are going to do this, why demand high standards of teachers that we do have and we are going to relax the standards when we want to for this group or that group or this group over here. So this concerns me greatly that we send out mixed signals. We do not stand tall and firm and demand the best that we can get. We accept something less than what would be the best.

I also have a concern that the schools that are presently having alternative programs are going to have one standard, one rule that they have got to abide by, and then other schools that decide to go with this amendment are going to have a different set of rules, and,

you know, we have enough bureaucracy that does not make sense, that is overlapping, and that sends this in the wrong direction, and here we are at it again in not sending a clear signal.

So I am fearful that all good intentions do not always give us the quality and meet the needs of our Commonwealth. My only hope would have been that we would have taken a little more time, given the members a little more time to digest this, and certainly come up with a proposal that all Pennsylvanians can be proud of that is certainly going to make Pennsylvania's education meet the needs not only of special ed, which we have a long ways to go; vocational education, which we have a long ways to go; and unfortunately, alternative education, which we are going to stumble and fall and not cross the finish line being number one.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the majority leader stand for a few questions?

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

Mr. PRESTON. Thank you.

On the bill, Mr. Speaker, starting on page 15 that deals with the private alternative educational institutions for disruptive students, in dealing with the issue of certification and experience required, what would be the difference as compared to the normal educational process that we have in our educational systems as far as minimum standards as compared to alternative education?

Mr. PERZEL. There would not necessarily be any difference whatsoever. It depends on what the contract at the local level, the local school district sets up with the alternative schools. They could put in there whatever they felt necessary.

Mr. PRESTON. Is it possible that they could hire people who may not even be college educated to run the system?

Mr. PERZEL. That is possible. They need aides, yes.

Mr. PRESTON. So in other words, it is possible for a school system to lower the standards if it chooses for minimum educational requirements for the people who work for the system.

Mr. PERZEL. I do not believe any school district in the Commonwealth would do that, Mr. Speaker, but I am trying to address the absentee problem; I am trying to address the problem of the children getting out of our prisons and going into the public school systems and stopping that from occurring, to put them in separate settings. I am trying to stop the 3,800 kids in 8th, 9th, 10th, 11th, and 12th grades in Philadelphia that drop out, the 15,000 kids that are missing, the 41,000 kids every day that do not bother to go to school. Someone will go get them and someone will make sure they are in school and someone will make sure they are learning, and if they are not learning, they do not get paid.

Mr. PRESTON. Mr. Speaker, that is a very interesting statement that you made, and I was not going to go there, but since you have, let us look at what you just simply said and help answer my question in relationship to the minimum qualifications then. Are you saying that a school system may be able to help all of those lists of people that you had going there, whether they come from, and I do not like to think that they all come from a court-adjudicated program or a prison or they have been disruptive in class. There are an awful lot of different evaluative situations that deal with the process. Are you saying that we might have a better system by allowing the systems to lower their standards for the people who are going to be teaching the children?

Mr. PERZEL. They have to abide by all State standards, Mr. Speaker. They cannot lower the standards.

Mr. PRESTON. Now, just a minute ago you said that it would be possible for them to have a teacher that does not have a college education.

Mr. PERZEL. Yeah; that is right.

Mr. PRESTON. Now, are you saying that if that is the case, that is possible in our regular school systems?

Mr. PERZEL. Mr. Speaker, if that were possible, tomorrow 40-some thousand kids would not take off from school. There is something wrong, and we need an alternative way to make sure those kids go to school. There is something wrong when 1,500 kids are put out of prison and put into the public school system.

Mr. PRESTON. Well—

Mr. PERZEL. There is something wrong, Mr. Speaker. There is something wrong that this year 3,800 kids will drop out of school. There is something wrong, yes, and I am saying that these schools will either meet that standard or the contract will not be renewed. It is pretty simple.

Mr. PRESTON. I am glad that you are expressing the people who are coming out from prison, but what about the people who have evaluative situations, that have different variables in dealing with home life and other different systems within dealing with whether it is Philadelphia or whatever. Everybody is not just coming out of prison.

Mr. PERZEL. Well, Mr. Speaker, I thought I mentioned several groups.

Mr. PRESTON. I do not know of too many kids who go to elementary school who maybe qualify for this or junior high school who can even go to prison under our Constitution — am I correct in saying that? — unless they are tried as an adult. So where are the 15,000 children who are coming out of prison that you are—

Mr. PERZEL. 1,500, Mr. Speaker.

Mr. PRESTON. —that you are going to be able to offer them an alternative system where someone who may be a forest ranger, who may have owned a restaurant— It happened in my area last time with Turner Elementary. We found that the Secretary of Education gave certification to people who had even just come out of a restaurant who should not have even had it. How do we prevent these things from happening if you are saying this is for the good of the children by not lowering the standards?

Mr. PERZEL. I am sorry, Mr. Speaker. I thought you were giving a speech. Were you asking a question?

Mr. PRESTON. No, I was not giving a speech, sir. I was answering a question followup because you did not answer my second question. What I am simply saying is this: one, you made a statement from my interrogation, Mr. Speaker, that it is possible for a person to work for one of the alternative educational programs that would have lower standards than the regular educational system that we mandate in this State. You said that it is possible. It does not mean that it would happen, but it is possible, and I am just trying to say, how can we say that the educational system will be improved under your recommendation or your amendment here if we are going to offer a system and a chance where they can have lower qualifications and lower qualified employees. I am not saying it is going to happen, but I am only repeating what you were saying because of those 15,000 people that you said that are coming out of some form of prison system, which I still cannot get that, but I am only repeating your

statement, sir. How does that improve education if we give permission to lower the standards?

Mr. PERZEL. What matters, Mr. Speaker, is the result in the end. It will be up to the school districts to make sure that the results at the end are the results that we wanted when we sent the child to the alternative school. The school district will make that determination.

Mr. PRESTON. Do you—

Mr. PERZEL. If they are not getting— Go ahead, Mr. Speaker. I am sorry.

Mr. PRESTON. Do you have any quantifiable data that will justify lowering the end if we lower the standards?

Mr. PERZEL. Mr. Speaker, the one outfit that we have dealt with, which is CEP, has said that they will guarantee each child one grade level for every year they have them, and in the other type of alternative school where the child is behind and they are trying to get the kid back up to grade level, they will guarantee them two grade levels. There is nobody else in the Commonwealth of Pennsylvania—private, parochial, nonprivate, no group that you know of out there—that will guarantee one grade level every year they have the child, and if it is a child that is behind, two grade levels in that one year. That is all I can say. There is no other outfit that will guarantee that, not in Pittsburgh, not in Philly, not in central Pennsylvania, and this outfit will guarantee that, Mr. Speaker.

Mr. PRESTON. Mr. Speaker, I did not ask about a guarantee. I asked, do you have any research, quantifiable data, in any of the United States or in the world that will say that this system will work by offering people to be able to lower the standards to protect and to teach our children that have been disruptive?

Mr. PERZEL. Mr. Speaker, in Houston where they have this program, there are about 6,000 kids in the Houston school system that are now going to these alternative schools. They have now expanded to Dallas and San Antonio. So I doubt that the other two cities would have taken them if they were not bringing the kids up to par, Mr. Speaker.

Mr. PRESTON. Mr. Speaker, may I speak since I am not getting any information on quantifiable data and—

The SPEAKER pro tempore. The gentleman is recognized on concurrence.

Mr. PRESTON. I am very concerned when you ask someone about quantifiable data when we are talking about someone who is going to teach our children and all we continue to hear are statements related to prisons. We have a problem in Pennsylvania, and all of a sudden in the middle of the night, while the educational programs have been looking at it for years, a piece of paper is supposed to solve the issue. It is very difficult for me if we are going to protect children, and I have watched us isolate things over history. I watched the issue of public housing when we said, this is going to be good for you, and we gave them substandard housing and substandard administration and we are still paying for it, and I would like to be able to eliminate an awful lot of the section 8 situation. Now I am sitting down hearing someone who is trying to say, without any quantifiable data, without any form of clear structure that will denote that I can see a variance of improvement of education other than what someone has said, because they are doing it and they are getting paid for it; they are making a profit at it, but I am saying no educational institution that I know of, and if the majority leader had that, I am sure he would be laying on the line some university in the world to say that this

system is going to be better to be able to protect our children, and that is what it is about. There are an awful lot of variables that can cause a person to go in front of the system.

It is interesting to me, because I worry about the costs also, I did not hear anything— Currently right now if someone goes to a court-adjudicated situation, the county in most cases will pick up the tab and pay a per diem for instructional courses. Under this particular bill, I wonder if that is still going to be true but instead of the counties picking it up if this is going to be an unfunded mandate on our school systems. We need something here, but clearly for the people in Pennsylvania, for the just simple questions I asked, I did not get an answer on protection of our children, and it would seem somewhere along the line that this great gentleman, who is the majority leader of the House of Representatives, who wants to change the educational system within our Commonwealth, will come up with some form of quantifiable measured instruments, not just statements what someone said, that we will be able to deal with that, and I would think that the reputation means something. So all I asked for was some quantifiable data, of which I still have not seen, but yet in a sense here it is in the middle of the night, we are going to change the educational process for dedicated people, and it is, sir, it clearly is, and this is in the middle of the night of moving this through after the educational committees have been going through this.

I am very concerned. If we want to be able to protect our children and deliver viable instruments in relating to educational processes, we should be having professional data, we should have the experts, we should have the Governor's analysts to be able to look at this, we should have our House committees with their analysts, we should have some of the universities be able to look at this, and still I have not heard one Pennsylvania university, I have not heard one university statement as far as backing up these statements, and I am raising a question, because I would like to be able to deal with this issue because we do have this problem in our school systems, but I am very concerned about the costs.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, just for the information of the members, I would like to point out that there are 8 school districts of the 501 currently that more than half of the children in the schools are not passing the Pennsylvania State assessment test. So certification is not the only thing that you need to be able to run a school like that and get all the children up to par.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I am not going to make this long; I am going to try to be as short as possible, but about 10 days ago, Mr. Speaker, the last time we dealt with the issue of education, the gentleman, Mr. Butkovitz, was introducing a resolution. The resolution involved crime and safety in the schools, and the exact time, about the exact time we were voting on that resolution, Mr. Speaker, a student was being shot and killed in Philadelphia. And the primary reason why Mr. Butkovitz was introducing the resolution was because a week before that, Mr. Speaker, a vice principal was being shot. Mr. Speaker, I am here to tell you that something has got to be done in the city of Philadelphia, and I do not mind saying it: I have lost faith in this present administration's ability to do anything proper for the children of Philadelphia.

Yes, I read the newspaper today, Mr. Speaker, for example, where they are spending \$20 million — \$20 million — on a special school for the elite, and there are people in the neighborhood who are concerned about how this \$20 million is going to be used and who is going to be going to this school, and the school district refuses to tell them anything. No, Mr. Speaker, it is Mike Horsey's district. Thank you. It is Mike Horsey's district.

Mr. Speaker, in this delegation — I think there are about 25 of us — I am the only certified teacher, Mr. Speaker, in the Philadelphia delegation. I am standing and saying that we need to do this concurrence and approve this House bill. The Philadelphia Federation of Teachers has said they are in favor of this; the superintendent of schools has said he is in favor of this, and I have it in writing. I have a letter from Mr. Ted Kirsch in my office, and it was faxed to all the members in the Philadelphia delegation, saying he favors this legislation, Mr. Speaker, and I am asking that my colleagues on both sides of the aisle support this legislation and affirmatively cast a vote for it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Platts.

Mr. PLATTS. Thank you, Mr. Speaker.

I rise to support HB 8 as it moves forward to passage, hopefully tonight, but I want to make a couple points.

As far as the continuing education requirements, I think it is a step forward toward improving the quality of our schools, and for most teachers out there, that average teacher, HB 8 is not going to mean much, because most teachers care about the quality of education they provide, they care about advancing themselves, and they are taking classes. They are already continuing their own education to the benefit of themselves and their students. As with many of the laws we pass, this is geared toward the minority number of teachers who are not advancing themselves, who are not taking classes, who are not ensuring that they are up to par. Unfortunately, to make sure all students, no matter what teacher they get, are getting a quality education, we need to mandate some continuing educational requirements to deal with those troubled teachers out there that they advance themselves, because as I said, most teachers are already doing what HB 8 is going to require of them.

Turning to the alternative ed portion of the bill, I do not think it is perfect. I am not thrilled about the lack of specific requirements concerning certification. I think it would be appropriate to have certification requirements in the bill similar to when this House and the Senate passed charter schools legislation. But first, it is not correct to say there will be no certification requirements for any teacher that teaches in an alternative school program. If a local school district wants to require every teacher to be certified, the bill will allow that. We are saying that your locally elected school board members, the people chosen by the residents of your community, will decide what the certification requirements for only alternative ed programs are. So if your community thinks every one of your teachers in an alternative ed program should be certified, this bill allows that to be the case.

Although I do not think the bill is perfect, I think it seeks to address a growing crisis, and I think "crisis" is the right word for disruptive students in our classrooms. When I talk to teachers of how I can best help them, and in fact when we defeated vouchers earlier this year, a number of teachers said to me, why do you not deal with the real problem, disruptive students; allow me to teach, allow me to educate and not deal with one or two bad apples at the

expense of every other student in my class. Not only will this provide a safer and better education environment for our students, it is also going to help the disruptive student.

For those familiar with CEP that is looking at contracting with Philadelphia, there is a financial incentive in Houston where they now serve students to make sure the disruptive student shows up, is in the classroom, in that alternative ed program. Today there is no real incentive of that nature to ensure the disruptive student shows up in any program. So this will not only help the students who are not being disruptive, it will help the disruptive students.

In the short term, the reality is Philadelphia School District probably is going to be the only school district in the next year or so contracting with a private contractor to provide this type program. That will allow the rest of our 500 school districts to learn from their example, good and bad, and have that test model per se.

Although it is not perfect, as I said, I think it is a step in the right direction. I think there has been a very strong effort to inform legislators about this issue. Our Policy Committee on the Republican side has had several hearings where we had a lot of information shared. I got comments back from constituents who watched those hearings on PCN (Pennsylvania Cable Network), and I think this is something we need to do. We need to deal with that child who is causing the education of the other children who want to learn to be disrupted and to put those other children at risk of harm. We cannot wait any longer; we need to move forward, so I urge a "yes" vote on HB 8. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeLuca, from Allegheny County on concurrence.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, as one of the other Representatives who spoke about the Democratic caucus, I spoke very forcefully for this bill in our Democratic caucus because I believe it is time that we do something on behalf of kids. But as we had that hour-and-a-half caucus, there were numerous, numerous questions that came up that the answers were not there in my mind to justify my vote, mainly because of the fact that I could care less about PSEA (Pennsylvania State Education Association). It has nothing to do with that, because I think that we must start addressing what is best for the kids in this Commonwealth, and that is why I am a cosponsor of continued education on HB 8. But an hour and a half is not enough time for this type of legislation that is going to affect 501 school districts and all our children in the Commonwealth.

As other speakers have said, we need to address that issue of alternative education. We need to get the disruptive kids out of the classroom so children can learn and teachers can teach. That is true, but what we need to do is make sure that we put the best program together for those kids in the Commonwealth. Can we do that in an hour and a half? Can we do that by circumventing our committee system? I think not. I think this is what it is all about. I think the committee system is what it is all about. But I do not know what the rush is to pass this legislation tonight. Had this bill been designated for Philadelphia only, my vote would be there for Philadelphia, because I really think they have a problem and they need to address it. But we are talking about changing this system. Even though it is a "may" bill, and I certainly believe that our school districts should have the right to do these types of programs, we are doing it for the whole State, and that makes me wonder why, why we are moving it so quick when we are still going to be in session and we still have time. If this bill is so good

for our students out there, for our children in this Commonwealth, why are we rushing to pass this legislation and then find out later that we are going to have problems?

I am amazed that we passed our budget on May 5 and there was \$10 million in there for alternative education. But guess what? The administration took it out. Were we not concerned about our kids in alternative education on May 5 when we passed this early budget? Now all of a sudden we are saying we are concerned for alternative education and we are putting \$10 million in there. Well, how is this money going to affect my alternative education programs in my district? I need to know that before I make a responsible and intelligent vote here tonight, and that is why I say we need more information before we pass this type of legislation that is going to affect the children in this Commonwealth. So that is one of the reasons I will be voting "no" on this legislation. Thank you.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the lady from Indiana County, Representative Steelman. Ms. STEELMAN. Thank you, Mr. Speaker.

Do you think we could start by getting a little order in the chamber?

The SPEAKER pro tempore. That is probably a good idea. I think the prior speaker riled them up a little bit.

The House will come to order. There are entirely too many people standing in the aisles and along the side. Members will take their seats. Members in the back of the House will take their seats.

Let us try it now.

Ms. STEELMAN. Thank you, Mr. Speaker.

I have heard a number of people mention the fact that in the past we have had \$10 million put into the budget for alternative education programs, and I am still a little pleased when I hear that, because I am the person who puts \$10 million into the budget every spring for alternative education and then I am the person who votes against the budget when it comes back and that \$10 million has been whittled down to \$5.7 or \$4.2 or \$2.3 million. So I was very happy when I saw the \$10-million line in the bill that came to us tonight until I started looking at some of the rest of that bill, because sometimes you can pay too high a price just to get a little more money even for the very best programs, and the \$10-million line item in this bill comes to us at too high a price.

There are already almost 200 alternative education programs offered through school districts in Pennsylvania, and those programs are reimbursed at a rate of about \$30 per student per week; roughly, you know, between a thousand, \$1,200 per student per year. Almost all of those alternative education programs, of course, cost a great deal more than \$1,000 per student, so the school districts are picking up between 85 and 90 percent of those costs. Now, if we add \$4.3 million to the existing \$5.7 million, how many more students could we serve assuming that we keep the same rate of reimbursement? About 3,000 more students will absorb that entire \$4.3 million. And then what happens? If we add more than 3,000 new students to the alternative education programs, the actual reimbursement to the existing programs will start going down, because the money is shared out equally among the programs, and with the best will in the world, Philadelphia can very easily put enough students into alternative education to overwhelm the reimbursement requests of all of the other alternative education programs in the Commonwealth.

We have heard an estimate of at least 1,500 students. We have heard that 6,000 students in Houston are already enrolled in an alternative education program there, and if next year Philadelphia has 6,000 students in alternative education and we are funding alternative education at the rate of \$10 million a year, you are going to see the alternative education programs in your county — in Adams and Cambria and Fulton and Elk and Indiana and York and Lancaster — they are going to see cuts, and if you want to go back and explain to your constituents why they either have to give up on alternative education in their district, in your district, or they have to put more tax money into it because their inadequate financing from Harrisburg is being cut, then you should go ahead and vote for this bill. But if you do not want to do that and if you want to take a serious look at alternative education, at what programs work, at what programs cost and should cost, and if you want the Education Committee whose business it is actually to draft legislation that will help both Philadelphia, which obviously is in desperate need of our assistance, and the other 500 school districts in Pennsylvania that also deserve our assistance, then you should vote not to concur in this bill. You should vote to send this issue to the Education Committee so that we can put the same kind of thought and effort into it that we put into HB 8 in the first place before our good bill was shanghaied and turned into a vehicle for an ill-conceived plan that will result, if adopted, potentially in serious financial damages to your school districts.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I know we have been at this debate now for about an hour, and it certainly is a debate that has called for some passion on both sides of the issue. I also would like to comment, Mr. Speaker, that as we tend to do when we are dealing with a controversial issue here on the floor, all of us by nature of how we deal with these issues in debate certainly tend to talk in absolutist terms. I would like to make the observation that alternative schools as proposed by HB 8 in front of us here today is not a new idea in the State of Pennsylvania. It is not a new idea for education policy in the State of Pennsylvania, and in fact, in many of our districts, in many of our counties, we have today very successful alternative schools that are operating just fine. The vast majority of them do a very good job of providing alternative education, taking disruptive students out of the classrooms in this State, putting them into alternative schools, and doing that job very well. Today that happens, so this is not a new idea; this is certainly not a magic solution.

And I think most of us recognize that the fact is that we are dealing with HB 8 here today and the content of this bill because of a very narrow, legal argument that was taking place between the School District of Philadelphia, some members of the Republican Party, the Governor's Office, and the argument was about whether in fact there was statutory authority under existing Pennsylvania law to operate alternative schools in Philadelphia and allow them to be operated by private contractors, and that is a valid argument and a valid argument to make. But I have alternative schools in Beaver County, and they work fine. Many of you have them throughout Pennsylvania. So the idea that we are creating some new education policy that is now going to solve all the problems we have with disruptive students I think is just not accurate in this debate here tonight.

But, Mr. Speaker, clearly some members of the Republican Party and some members of the Democratic Party have made a case that they believe they do need legal definition under Pennsylvania statute to operate an alternative school in Philadelphia, specifically to allow them in Philadelphia, in the city of Philadelphia, to contract with a private entity to provide an alternative education in that school. Republicans have made that case. I have heard Democrats get up on the House floor today and make that case, and they made it in our caucus. But I have them in Beaver County, you have them in many of your districts; they work fine. We do not need HB 8 to change the way the alternative schools work in your district or they work in my district. We just do not need it.

MOTION TO SUSPEND RULES

Mr. VEON. So, Mr. Speaker, to accomplish that end, to allow my alternative school in Beaver County to operate the way it does today, to assure that the city of Philadelphia does not take all the money that we are talking about here today, all the money that is already budgeted in an alternative line item in the budget, and take all that money to Philadelphia away from, potentially, possibly, the alternative schools in many other counties, to accomplish that and, Mr. Speaker, to give the statutory authority to the city of Philadelphia to do what they want to do, I would like to suspend the rules for the purpose of offering an amendment that would make all of the legal changes necessary in this bill but make them specifically allowable under Pennsylvania law only in the city of Philadelphia. It would accomplish— So I would like to make that motion, Mr. Speaker, to suspend the rules for the purpose of offering amendment A4184.

The SPEAKER pro tempore. Moved by the gentleman, Mr. Veon, that the rules of the House be suspended so that he may offer amendment A4184 to HB 8.

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

The SPEAKER pro tempore. On the question, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, a little bit earlier I made a case that talked about the fact that eight school districts in the Commonwealth of Pennsylvania, more than half the kids were not passing the test. So it is obvious that the problem is a little bigger than just one city or two cities in the Commonwealth of Pennsylvania.

I would be remiss to my members on my side of the aisle to say to them that only Philadelphia would get an opportunity to do something like this. I think that every child in Pennsylvania has— We should give them at least the opportunity of being in a program like this. Not everybody will use a program like this, Mr. Speaker, but I do not want to see us lose another generation.

About 2 weeks ago I gave you a talk on the floor that in 1995, 19,000 kids started the ninth grade in Philadelphia, and in 1999, around 9,000 kids graduated. That is 10,000 kids missing. Now, I am not going to say that that is occurring all over the Commonwealth of Pennsylvania, but I know there is a problem here in the city of Harrisburg; I know that there is a problem in Wilkesburg; I know that there is a problem in Chester-Upland. Do we tell those kids they do not get a chance because one of the leaders on the other side said we are only going to do this in Philly

and Pittsburgh? I do not think so, Mr. Speaker; I do not think so. I do not want to lose any more kids. Are we going to save them all? God knows I would like to, but I do not think we will, but we have got to start somewhere.

So I am asking you all here now not to suspend the rules and let everybody in the Commonwealth of Pennsylvania, all 501 school districts, decide what they want for their school districts in their neighborhood.

The SPEAKER pro tempore. On the motion, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

On the motion to suspend the rules, the gentleman from Philadelphia, the honorable majority leader, is asking for help for Philadelphia, and as the gentleman from Beaver County, the Democratic whip, Mr. Veon, asserted, we are anxious to be helpful, because many of the members of our own caucus from Philadelphia are anxious to pursue the ultimate goals of the gentleman from Philadelphia, Mr. Perzel.

Why the gentleman from Beaver wants to suspend the rules is because the statutory authority already exists in Representative Mundy's district and all of our districts, and for the reasons that Representative Steelman asserted, we would like to be a little more positive about what is going to happen in our school districts around the State. Why should we put the 500 additional school districts on the line here? Philadelphia is unique in our constellation of counties, and there is no doubt that the turbulence and the barbarism on occasion, the rude moments in the Philadelphia school districts, are of exceptional poignancy, and we have to attack them with great vigor. But the gentleman's motion to suspend the rules, Mr. Speaker, will not hurt our efforts to counteract the disruptive students and their behavior in the city of Philadelphia.

What the gentleman from Philadelphia wants to do we can already do and we are doing. The gentleman from Beaver County said disruptive students in Beaver County are already being attended to very successfully, and in county after county after county tonight in our debate we have heard of successes in many of these other counties. So the gentleman wants to suspend the rules so we have an amendment apropos of Philadelphia only.

Another reason we should suspend the rules, sir, is because the Appropriations Committees, the Labor Committees, the Education Committees, have not had time to do their work. But in Philadelphia, due to their collective trips to Houston and their comparisons with other big cities, the Philadelphia problem is more understandable, the Philadelphia problem is more discreet and contained, and there is a widespread swath of support to help Philadelphia. So why, since Representative Stairs and Representative Colafella, our chairmen of the Education Committee on the Republican and Democratic sides, did not have a chance to deal with this measure, why not suspend the rules? Let Mr. Veon's amendment for Philadelphia be helpful to Mr. Perzel's hometown. It makes good sense.

We should not be doing business like this anyway, as has been said by several other members. We are here tonight potentially changing the way we handle disruptive students throughout the Commonwealth, and as some people have said — and I think they are right; I think it was Mr. Platts that said it — this might be the most keen and fundamental problem we have in our schools in Pennsylvania — disruptive students. And at a pellmell pace this amendment flies across the building, and we are dealing with this without any — any — hearings. The Republican chairman of the

Education Committee, much to his vexation and bafflement, did not have a chance to deal with this issue in the tried-and-true committee system, but we understand Philly's problem, so suspending the rules to help Philly makes sense. To do the whole State tonight—

The SPEAKER pro tempore. Mr. DeWeese—

Mr. DeWEESE. —does not make sense.

The SPEAKER pro tempore. —will the gentleman suspend for one moment?

Mr. DeWEESE. Yes.

The SPEAKER pro tempore. Under the House rules, on a motion to suspend, each of the leaders is permitted to make a brief statement as to their position. I was just wondering what your definition of "brief" is and how much longer you planned on going.

Mr. DeWEESE. My perspective on that, since you have solicited it, is this: When I was privileged to serve at the dais for 2 years, in 1993 and 1994, and the honorable, affable, adroit Mr. Ryan was in the minority leader's pit, never once, never once did I question his remarks or the opportunity for him to expatiate, and therefore, I will politely but nonchalantly continue the debate.

The SPEAKER pro tempore. I did not intend to stop you. It was a question.

Mr. DeWEESE. You are a nice guy, and I am going to truncate this.

Mr. Veon's motion to suspend is worthy. We should be more agreeable. We are going to help John Perzel, we are going to help our Philly delegation, and then what is the hurry? The Senate is around next week. We could even have a hearing or two late this week. We do not have to shove this thing through at 100 miles an hour. That is not the way this legislature should work; that is not the way this General Assembly should work. Philly has got a problem; we can help take care of it tonight by a motion to suspend.

Thank you for your indulgence, Mr. Speaker.

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

The following roll call was recorded:

YEAS—98

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

Eachus	Markosek	Scrimenti	Yudichak
Evans	Mayernik		

NAYS—94

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

NOT VOTING—1

Horsey

EXCUSED—10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitza	Pistella	Wilt	

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

Mr. HORSEY. Mr. Speaker, could I have made a parliamentary inquiry? Could I have done that, Mr. Speaker?

The SPEAKER pro tempore. Yes, you could have, if I had understood that that was what you wanted to do.

Mr. HORSEY. I did not get the opportunity to say that, Mr. Speaker. You did not ask me that, Mr. Speaker—

The SPEAKER pro tempore. Well—

Mr. HORSEY. —before you took the vote.

The SPEAKER pro tempore. The Chair apologizes to the gentleman.

On concurrence, the Chair recognizes the gentleman, Mr. Cohen, from Philadelphia.

Mr. COHEN. Mr. Speaker, the problems of the disruptive students did not just suddenly begin this afternoon or they did not just suddenly begin a few days ago at Bartram High School or a few weeks ago. When we rushed to pass this budget, we had the

same kinds of problems with disruptive students. How much money did the budget give for disruptive students in Philadelphia in alternative education programs? The budget we passed last year gave all of \$824,468.20 to the city of Philadelphia to deal with disruptive students. That does not, that budget figure does not indicate that the majority that pushed through this budget in the last year and similar budgets in prior years really had alternative education as a major priority in State government.

What is new about this legislation? It is not easy to figure out, and I am sure I have not learned more than a fraction of it, but it seems to me that what is new about this legislation is the words "for profit." To the best of my knowledge, this legislation is the first time that we have allowed local school boards to assign the education of public school children to for-profit institutions. There are nonprofit institutions that they are allowed to assign education to; there are plenty of nonprofit institutions that they are allowed to assign education to, and local governments are now allowed under the law — county commissioners, cities, boroughs, townships — local governments are now allowed under the law to deal with for-profit institutions providing some educational services, but this is the first time we have allowed the School Code to be amended to allow local school districts to deal with for-profit educational organizations.

Now, when we passed charter school legislation just 2 years ago, we insisted in the terms of that legislation that there be local boards running the charter schools. The local boards were allowed to contract with for-profit entities in order to provide services, but all the services were provided. But all the State money went not to for-profit corporations but it went to local boards. That was different from other States, though all of a sudden today we are saying, we are no longer worried about having intermediary institutions set up; we are now willing to contract directly, if the local governments are willing and the State Secretary of Education approves, we are now willing to have a direct contract with a for-profit educational organization. That is new.

What else is new in this legislation? Well, we have, if you look on page 16, it says, "A PRIVATE...EDUCATION INSTITUTION SHALL...BE EXEMPT FROM STATUTORY REQUIREMENTS...IN THIS ACT AND FROM REGULATIONS OF THE STATE BOARD OF EDUCATION AND STANDARDS OF THE SECRETARY OF EDUCATION, EXCEPT THE FOLLOWING:..." and then it lists a whole bunch of roughly 30 sections of State regulations which private organizations are not exempt from and it lists certain select sections of the State code where there is no exemption, and it is extremely difficult for anybody at this hour of the day or evening to figure out exactly what the for-profit organizations are exempt from and what they are not exempt from. But some things seem clear. They are exempt from the requirements of teaching the subjects that are now mandated in the public schools. They can choose to teach whatever subjects a local school board contracts with them to teach. They do not have to teach social studies if the local school board does not want them to. They do not have to teach math. They do not have to teach English. We are delegating to the local school board the power to determine with the private for-profit organization what will be taught. That is something new.

They also do not have to have any due process for their employees. They do not have to have any seniority provisions for their employees. They do not have to have tenure for their employees. They can dismiss their employees at will unless

somebody organizes their employees. They do not have any of the protections that Pennsylvania law gives to school district employees. They are also exempt from the requirements of the post-performance bonds, and they are exempt from auditing requirements.

Mr. Speaker, as a former Speaker of the House once said, an awful lot of legislation is advocated on the grounds, we have to do something; this is something; therefore, we have to do this. Well, this legislation is something, but we are making very bold, very radical changes in public policy without really discussing what we are doing. There is no absolute urgency for us to do it at this time, and there is no consensus whatever as to why we have to do what this specific bill provides. Why are we giving these corporations 3-year terms when the charter schools get 5-year terms? Why do charter schools have to have community boards and here there is no community board? Why do we contract with community boards for charter schools but here we contract directly with a private corporation? This is what the substance of this bill deals with, and we have not been given any real explanations as to why we are dealing with the substance of the bill. What we are basically told is, there are a lot of disruptive kids in the public schools and we have to deal with the disruptive kids. When we do have to deal with the disruptive kids, the disruptive kids are worth, in Philadelphia, a lot more than \$824,000 for thousands of disruptive kids. But it is not clear, Mr. Speaker, that we have to gut the rights of the employees of these new schools, it is not clear that we have to directly deal with private corporations without any community boards, it is not clear that we cannot have auditing requirements, and it is not clear what this bewildering maze on page 16 actually means in detail.

For these reasons, Mr. Speaker, I would urge a vote of nonconcurrence in HB 8.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I will be brief.

It is only a 2-page amendment. On page 2, lines 14, 15, and 16 outline that these schools must comply to all State standards and assessments including the 180 days, including English and math. Everything the gentleman said, Mr. Speaker, was not true, and he knows it. It is page 2, lines 14, 15, and 16. It is right there.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the lady from Montgomery County, Representative Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Perzel, indicates that he will. You are in order and may proceed.

Ms. WILLIAMS. Thank you.

I agree that we need to spend more funds for alternate education so that we can really help these children that need it, but as I understand this from the interrogation, our school districts who are getting funds now would not be held harmless in future years for this funding?

Mr. PERZEL. Senator — I mean, Representative — there is nothing in there about how the funds are to be distributed. They are done by grants now, and I would expect that they would continue to be done by grants in the future.

Ms. WILLIAMS. Would you please repeat that? There was some noise in the—

Mr. PERZEL. We wish you well.

Ms. WILLIAMS. Wishful thinking.

Mr. PERZEL. Right now, these are done by grants from the Department of Education. That will not change. Actually, nothing will change for this year, because our research people tell us that the money that should have been expended has already been applied for. We are trying to put forth a good-faith effort to say we know that this is a problem.

I understand what Representative Steelman is saying, and she is not wrong that we need to put more money into this to make sure that it works. So what we did was put it in there right now to say, we fully intend to put this in the next budget to make it a priority item to fund this type of educational system.

Ms. WILLIAMS. Well, how will we know that all the funding for this will not go to Philadelphia?

Mr. PERZEL. Well, we do not know it now, but we will have an opportunity to have all the school districts that want to apply—you do not need to do this— whoever wants to apply can send the applications in. Secretary Hickok can give us an idea of how much that is, and based on that, we can look at an assessment of how much money we need to pay for the program.

Ms. WILLIAMS. And that is what would be put in the budget for next year?

Mr. PERZEL. That will be in the budget for next year.

Ms. WILLIAMS. My other concern is the fact that if you hire a private entity to do this, from what I understand from your amendment, what happens if it does not work out? You know, what is good for Texas may not be good for Pennsylvania.

Mr. PERZEL. They could fire them. They can get rid of the contract if they are not performing up to par.

Ms. WILLIAMS. But in the bill on line 13, there is approval every 3 years.

Mr. PERZEL. That is by the department, not by the school district.

Ms. WILLIAMS. The school district would be free to have this, and if it did not work out, they would be able to fire them?

Mr. PERZEL. Yes, in the contract.

Ms. WILLIAMS. In the contract.

Mr. PERZEL. The school district doing a contract with whoever this would be. I would not, and I do not mean this, I would not expect that Lower Merion would have that type of a problem, but if they did, they could contract— They do not need to pick this outfit; they could pick somebody else, and if they were not up to the standards that Lower Merion wanted, they could get rid of them.

Ms. WILLIAMS. Thank you.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Kirkland, on concurrence. The gentleman waives off. The Chair thanks the gentleman.

The gentleman from Philadelphia, Mr. James, is recognized on concurrence.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to address— Oh, I see him. Can I address a question about this to Representative Evans?

The SPEAKER pro tempore. That would be proper if the gentleman is willing to stand. The gentleman is willing to stand for interrogation. You may proceed.

Mr. JAMES. Thank you.

Mr. Speaker, my concern is that I have a number of friends that are teachers, and one of the biggest problems they have told me

about has been disruptive students. So when we met with the board of education, some of the members of the board, and Mr. Hornbeck, we told them about this, but it seems that the problem has not gotten any better. So what I am interested in is that teachers now say that they have a problem with some disruptive students, that the principal will not do anything about it and they cannot do anything about it. Would this bill, if this bill passes, does that help that problem, in your opinion, Mr. Speaker?

Mr. EVANS. Yes, Mr. Speaker. Basically what would occur is that the local school district would negotiate with the particular organization—in that case, the school district—in terms of the school district would negotiate its expectations of the organization, what are the standards, what exactly do they expect from the organization. They could design a performance contract, and the organization could be measured to see if they meet the objectives that are established by the school district. If the organization should not meet the expectation of the organization, the school district could turn around and fire this particular organization.

Mr. JAMES. So the firing party would be the school district— In the Philadelphia case, the firing party would be the School District of Philadelphia?

Mr. EVANS. Yes, the school district would be the final authority in terms of establishing the criteria of this organization meeting the expectations, if it has done what it said it is going to do relating to the children. So I think, Mr. Speaker, it is something that, in my view, is true, pure accountability to make sure that the organization meets its expectations.

Mr. JAMES. And if this goes into effect, how soon can teachers expect some relief in terms of the problems they are having with disruptive students?

Mr. EVANS. Again, I can only go by at least what I read in the paper, Mr. Speaker. My understanding is they are negotiating now. I mean, I think the organization has to establish a facility. I can imagine sometime next year, something could happen in this particular area.

Mr. JAMES. What would happen, Mr. Speaker, to the alternative schools that we have in place now? Would that be impacted or changed?

Mr. EVANS. That would not be impacted at all, because, Mr. Speaker, I do not think it is possible for one organization to take all of the entire responsibility. As you know, Mr. Speaker, there are already some alternative schools that are in the city of Philadelphia, and at this particular point I do not think that one organization by itself could solve the entire problem.

Mr. JAMES. All right. Thank you.

Thank you, Mr. Speaker. Thank you.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Philadelphia, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, I am sure that any Philadelphian who happens to be fortunate enough to be watching this debate has to be extremely frustrated and disappointed about what is going on, about what the response is to this legislation here tonight, because they know and I know and my Philadelphia colleagues know that we have an emergency situation on our hands. We have a crisis that is not being resolved. We are not concerned here tonight about a shooting that happened last year, a shooting that happened last month, but in fact a shooting that happened last week and a shooting that happened a week before. They are also aware that 85 percent of the students in that school district are not proficient

in math or in science or in reading, and they want us to respond. Many Philadelphians have already given up, and we have lost 150,000 residents this decade, and in my opinion, a large majority of them have left because they do not have an educational solution. They do not have a way to educate their kids.

Well, what is this bill about, Mr. Speaker? The majority leader of this chamber and the Appropriations leader and members on both sides of the aisle heard about a solution. Yes, it was in Houston. Well, they went and investigated that solution. And they did not go to Houston once; they did not go to Houston twice; they went there three times. The folks from Houston came here. They met with the Philadelphia School District. They met with the teachers union in Philadelphia. They met with council members. They met with legislators. We have been studying this for a few years. This is a response to an emergency.

And what have the criticisms been here tonight? We are talking about tenure and seniority and grievance procedures. We are talking about the process. We are talking about adult issues that have nothing to do with the children we are trying to protect.

Mr. Speaker, another major criticism was with regard to why has not this legislation passed through the Education Committee here. Everybody that is sitting in this room knows the answer to that, because if it went through the Education Committee, it would never see the light of day, and if you want to solve the problem in Philadelphia and if you are on the Education Committee, step up to this mike tonight and give us a solution; step up to the mike tonight and give us a solution in Philadelphia.

And the most preposterous criticism of all is the lateness of the hour. Mr. Speaker, tens of thousands of Pennsylvanians are working right now, and not too many of them have an opportunity to change what is going on in Pennsylvania as we do. We should take advantage of this. Stop this nonsense, and pass this bill.

The SPEAKER pro tempore. On concurrence, the gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

Will the gentleman rise again for another interrogation?

The SPEAKER pro tempore. Which gentleman?

Mr. STURLA. The majority leader.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker. I apologize for asking questions about legislation that we just saw a few hours ago, but I would hope that it would help with all the members in terms of what they understand this legislation to be or not to be.

A couple of questions. Several times tonight you and others have mentioned the eight school districts that were in one other piece of legislation termed "academically distressed" that have 50 percent of their kids below certain levels. Is there anything in this legislation that is before us that would provide any financial relief for school districts as a result of student test scores?

Mr. PERZEL. Not tonight, Mr. Speaker, no.

Mr. STURLA. Okay.

Mr. PERZEL. That is for another night.

Mr. STURLA. So the money is strictly for disruptive students, not for students that are not doing well on test scores, unless they happen to be disruptive students.

Mr. PERZEL. That is right.

Mr. STURLA. Okay. I just wanted to clarify that, because I was starting to get confused. I was looking for distressed school legislation in here, and I did not see it.

Mr. PERZEL. No, Mr. Speaker. I think the point that was trying to be made was that in school systems, eight of them in the Commonwealth of Pennsylvania, where everybody in the school system was certified, these kids were failing. It did not matter whether you were certified or not; you can be a failure. That is the point I was trying to make. I am sorry if I did not make that properly.

Mr. STURLA. I know some of those school districts have alternative education programs already in place also that are working well, and so I was trying to figure out the correlation between the two. So thank you for—

Mr. PERZEL. They do not give the money back if they do not work, Mr. Speaker. That is the difference.

Mr. STURLA. That leads me to my next question, Mr. Speaker. I know that the program that you went to see in Houston has performance criteria built into it. I believe it is my understanding that in that program in Houston, the school district in Houston pays for a year's worth of a student's education at that institution, and if in fact that student does not meet certain criteria by the end of the year, the institution in fact gives them another free year.

Mr. PERZEL. That is right.

Mr. STURLA. Is there anything in this legislation that does that or guarantees that for the Pennsylvania contracts?

Mr. PERZEL. No. That would be up to the school districts to negotiate, because you do not have to take the outfit from Houston. You can contract with the PSEA (Pennsylvania State Education Association) or the PFT (Pennsylvania Federation of Teachers) or some other organization that would be willing to give you that type of guarantee. Maybe they will guarantee you 2 years for the disruptive student and 3 years for a regular student. That could be anything in the Commonwealth. It is not in writing. You do not have to use CEP. You could use some other organization. There could be another group out there that would like to come in and maybe pick up Lancaster, some of the kids. You could use them.

Mr. STURLA. Mr. Speaker, would it be your intention to try and get the Department of Education in their criteria for approval to make that one of the criteria?

Mr. PERZEL. We have never talked about that, Mr. Speaker. That has never been talked about.

Mr. STURLA. Do you know what any of the criteria are that you would expect the Department of Education to put forth?

Mr. PERZEL. I am not going to speculate what the Department of Education will do, Mr. Speaker. I just cannot do that. I do not know that.

Mr. STURLA. Okay. So you do not have any presumptions as to what you would like to see in those.

Mr. PERZEL. Personally, if you are asking me, I would like to see them hire the Houston outfit to run the Commonwealth of Pennsylvania for all the disruptive kids, where they are guaranteeing you one grade level up for the disruptive and two grade levels for the children that are behind, to get them back to grade level, to put them back into school. Personally, that is what I would like to see. I have to rely on all the school districts around the Commonwealth to put into their contracts what they would like to see for the kids for their particular neighborhood so that some of the Representatives who spoke here today that do not want this will not have to take it. They can continue doing exactly what they

are doing right now, but I know that something has to change in some of the areas though.

Mr. STURLA. I understand that, Mr. Speaker. Mr. Speaker, I think I am with you. I am just trying to—

I guess my next question is, if in fact the Education Committee, which has been accused of not being for this type of legislation, if after this — and I am assuming it will pass tonight — it passes and we find that school districts are not requiring some of those things and the Department of Education is not doing some of those things, if the Education Committee comes up with legislation that would require some of those things out of a program like this, would you guarantee that that will move, if we can get it out of the Education Committee, would you guarantee that it would come to the floor for a vote?

Mr. PERZEL. It is speculation. I would like to see it first. I am not opposed to something like that, but I would like to see it.

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

So I am looking for— I mean, I believe I said earlier, I think there is going to have to be changes made, and I would hope that that would not be stopped up after it got out of the Education Committee.

Mr. Speaker, under this legislation, would a private alternative education institution be allowed to not accept students that the school district wanted to send them?

Mr. PERZEL. No.

Mr. STURLA. Great. I appreciate that.

I will stop there. I mean, the reason I am asking these questions is, I am trying to get a comfort level for myself and hopefully other members to be able to vote for this. There are still a lot of questions I have, but I imagine, given the lateness of the hour, we will deal with those on another day. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman, Mr. Colafella, for the second time.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, we are being hoodwinked to a great deal tonight. In all your alternative schools all over Pennsylvania, your teachers have to be certified to teach in those alternative schools. In Allegheny County, Beaver County, Berks County, in all of these alternative schools, teachers have to be certified to teach in those schools. So you know what this bill is all about, Mr. Speaker? Philadelphia can have alternative schools. They are no different than Beaver County, Allegheny County, and Berks County. I do not know where they are coming up with this stuff that Philadelphia cannot have alternative schools. What this bill is simply about is one more attempt to punish schoolteachers in Pennsylvania that are certified. I mean, it is clearly obvious. I mean, if you cannot read between the lines, shame on you, because if our teachers in Beaver County have to be certified to teach at the alternative school and in Fayette County — okay? — but in Philadelphia they do not have to be, that is fine. That is why we wanted to do something for Philadelphia. We would give them the opportunity that they did not have to hire certified teachers. But what this bill is doing tonight, Mr. Speaker, is, what you are doing by voting for this bill, you are saying that in your particular county, from now on, in the alternative schools, they can hire all noncertified teachers. That is what you are doing.

You know, this Governor could not get away with the liquor stores by privatizing, he could not do away with hurting union workers because he failed a number of times, but this is one more attempt to get at certified union teachers. That is what this bill is

all about, and by you voting for this bill, that is what you are doing. What you are saying is, for our regular students, in all of our schools in Pennsylvania tonight, we want our teachers to have 180 more hours of instruction, but for the kids that have the most problems, we are going to have teachers that teach them whether they graduated from high school, whether they went to fifth grade; it does not matter.

So I want to tell you something: You are not doing a favor for your disruptive students. What you are doing is, you are giving them people to teach who may not even have a high school diploma.

For those reasons I ask you to vote “no” on HB 8.

The SPEAKER pro tempore. The gentleman, Mr. Preston, is recognized for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

Since the majority leader mentioned a school district within my district, I just felt compelled to be able to address this issue, and since he did bring it up, in my district, in the history of modern education in the United States, we had the first school of privatization, Turner School. Some members in this House chamber were there at the school. The Governor has been there. The Secretary of Education was there. They hired good staff. They brought people from all over, I think from Wisconsin and Illinois and Connecticut. They spent 3 years of even finding those students who did not live in the area, to get them out of the area, and picking and choosing and doing everything they could, and since the majority leader mentioned about test scores — and I am only using this as an example; I am not saying for or against as far as the Senate on concurrence, and that is why I was trying to encourage the gentleman to look at quantifiable data — but after 3 years of almost picking the students they wanted in Wilkinsburg, since he mentioned the school district in my district, those test scores went down.

Now, I probably have, between the majority leader and Mr. Evans, probably more on-hands experience on this, even though I am not an educator. In 1980 a group of us founded a not-for-profit that handles court-adjudicated kids, and we started at 25 students, and now we are up to averaging between 160 and 200 every single day. We even get about 20 young people from the county facility for juveniles. So I can speak from experience, not just what is on paper. It just does not work in that same vein, and it is always easier to make the suggestion, but maybe we need to talk to some people who are actually doing it in our own backyard. And if you went in our facility today and we walked in unannounced, there would be no graffiti, there would be positive attitudes, and trying to be able to work with it.

I just do not think that this is the proper way, and I am nervous about isolating a group of people, because please remember, every disruptive student does not have problems with test scores. There are students that can be geniuses and be disruptive students. They can be the best academic students and still have disruptive problems. There are an awful lot of evaluative situations, so all of these children are not just bad, they have problems, and to possibly shift them off to an institution, and that is what happened in Turner, because I watched the Secretary certify people that should not have even been really certified, and they are back to their normal, everyday jobs. I get very nervous because of Turner experiments, and that is what I look at, and I am not saying going down to Texas and looking at the one entity. There are others. But we are on the brink of trying to do something about our students,

and again, no quantifiable data. I have just given some very simple data right now that the Governor, the Secretary of Education, and the Wilkesburg district in a sense tried to do something, and it was even better than what the majority leader is proposing, and it did not work; test scores went down.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Luzerne County, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the majority leader that there are many school districts other than Philadelphia who have problems with disruptive students and we have to get those kids out of the classroom so the other kids can learn, but I would like to interrogate the majority leader, if he would stand for interrogation, please.

The SPEAKER pro tempore. The gentleman indicates that he is willing to stand. You may proceed.

Mr. TIGUE. Mr. Speaker, the line item right now for the alternative learning programs, as we heard earlier, was \$5.7 million. All of that money for the 1999-2000 year, which we are currently in, has already been allocated. This bill calls for \$10 million, which would be \$4.3 million more. Would anyone who has applied and received approval of an allocation be allowed to reapply for the additional money?

Mr. PERZEL. Yes, they could.

Mr. TIGUE. So that every school district, whether they applied during this current year or not, if they have an alternative learning program, they may apply for some of the additional money.

Mr. PERZEL. They can apply for it, yes.

Mr. TIGUE. I understand that they can apply for it, and I just want to make sure, that there is a concern on the part of many of us that the money is not earmarked for one or two or three or a handful of specific districts, that this is a good idea that we increase the line item, and we want to make sure that some school districts which may not have been approved or some who already were approved get additional money.

So thank you for your answer, and I would just like to make a comment.

The SPEAKER pro tempore. The gentleman is in order.

Mr. TIGUE. Mr. Speaker, I, like everyone else here I guess, have listened, and it has been a long, tedious process to get to this point, and I do not want to prolong it any longer than I must, but I will say that there are some questions that have been raised, but they have at least not convinced me that I should not support this. In fact, I will support this, because I think the time has come to get disruptive kids out of classrooms so that the kids who are there and want to learn get a chance to learn.

We have already heard previous speakers say that there are in existence currently programs where schools employ private organizations to provide an education to these kids who prove difficult. Now, we have heard about certification, and we can go back, and that is another issue, I think, for another day. But the point is that if we are serious about at least taking a step – and this is not a giant step; it is a small step – to make sure that my district, I want to make sure my districts and all of our districts get an opportunity to get additional money so that they can educate these kids in a setting that is appropriate so that others may learn as they wish and they want.

So I would ask that you support this. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Philadelphia County, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I have listened to a lot this evening, and some of it has made me feel good; some of it has really made me feel bad, especially with the remarks that I have heard from a number of our colleagues as it relates to us in Philadelphia. I mean, you know, we are doing what everyone here is doing, and that is trying to protect our constituent base.

Now, I happen to have four children that I am a guardian for that I have in the Philadelphia public school system. Now, when I first got these children, they were already traumatized. My little man, he comes home at least once a week where someone has tried to invoke him into a fight – you know, a bully. He is scared to go to school sometimes because of the guns, the knives, and the brutality.

Now, I cannot speak for every county, but let me tell you a little bit about Philadelphia and why this is kind of unique to us. We literally have a war going on in some of our schools. That is why when we hear from our parents— See, I get the phone calls: “Representative Myers, you’re not doing your job; there’s not a metal detector in this school.” Well, I cannot get a metal detector overnight. “Representative Myers, you’re not doing your job; two people just jumped on my son in school today and stabbed him.” See, I have to hear this. Maybe you all do not have to hear it.

The other thing, and let me tell you about why I think the majority leader keeps talking about the company in Houston. Let me tell you what I had seen in Houston. Now, none of us have this problem in any of our school districts. In Houston they had the Bloods and the Crips. Sometimes 500 kids would show up in the school, 250 of them belonging to the Bloods, 250 of them belonging to the Crips, and they would literally tear the school up, gang warring, stabbing, and shooting. Now, this company in Houston has been able to settle that down. Now, that is some empirical data, for somebody that wants some empirical data. What I am saying is that if you can deal in that kind of environment, there should not be any reason why you cannot deal with Pennsylvania’s children in an environment that they live in.

So all I am saying is that, look, we support you all on issues. You never heard me get up and say, because Pittsburgh wants something, oh, they are going to get all the money, so we should not do it. I mean, that is not really a response.

And then we want to talk about certification. Some of these children need to be dealt with by people that do not have any certification, because for the last 8 years, they have not been able to handle them with certification. We have to create a learning environment. I mean, look; you know what you are almost saying? You are almost saying that there is no member in this House that can go to a school and teach because you do not have any certification, and I do not buy that. I believe that most of my colleagues, if not all my colleagues, in this chamber could go into a school and teach a class. Now, those of you that doubt yourself should not do that, should not be in denial about our intellect and our academic ability.

But I just want to close by saying this here: We need your help. We are asking you all to help us. It is unfortunate and by the grace of God that you do not have the problem that we got in Philadelphia, and all we are asking is for your help. We will get you all some more money, but right now we need some money to get the job done, so I am asking that you concur on HB 8.

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

The House will come to order. The gentleman has the right to be heard.

Mr. George.

Mr. GEORGE. Now, Mr. Evans, do not you dare put your hand on me.

There is no use of me asking the gentleman, Mr. Perzel, whether there are any nonprofit alternate schools in Houston, because he would tell me there was or there was not, and I would not know whether it was the truth or not, because he is that eloquent, and if I told him there were 17 alternate schools in Houston, he could not say, you do not know what you are talking about, because the computer attests to that. But what I did not know is that there are 253 alternate schools in Pennsylvania, 253 in 55 counties.

We talk about disruptive students. Everybody has disruptive students. But the only difference is, for those of you that are going to sanction this bill, get ready, because you might be living in an area where they have alternate schools, and you do not have a \$5½-million special consignment, because these moneys are coming from your school budget in regard to the students that are being placed, and we know what the alternative is, we know what they have to come up with, and we know the reason that we have those schools.

So when you vote for this and next year when you get calls from those individuals and say, hey, look; Mr. Perzel says, you just agree to put an alternate school in and we will find the money for you. In fact, he told the young lady from Montgomery County, as soon as we find out, we will put it in the next budget. I hope that they put it in the same budget that they put that John Gardner Black money in that was screwed from the people in Pennsylvania, that nobody has done anything about, and nobody is going to jail, and they turned their back on our school districts. Now, there were not any school districts in Philadelphia, but there were a good many of them in central Pennsylvania, where most of those wonderful people over there come from.

So you know, I do not know what we are doing, and I do not think they know what they are doing, but they are throwing that money around like stardust in the sky, and they are trying to sell those decent people in Philadelphia a responsible answer to where we are going, because you know what they say about teachers? They are just almost like legislators; they are not responsible. Now, I would not say Mr. Perzel was not responsible, because I know he is, and if you people think I am making fun, you are wrong, because I have a lot of respect for him, because I do not know how many people can stand up extemporaneously and tell us things like he can and not really know what he is talking about, because the truth of the matter is, he cannot blame disruption simply on teachers; blame it on everything; blame it on parentage. You did not need a disruptive school when Bud George was in school, because Jakey George took care of that disruptiveness.

So if we are trying to resolve a matter and we are going to do it with an extra \$5 or \$6 million, then get ready for another 40 or 50, because I would urge my school districts not to pay the bill anymore, because Mr. Perzel has got a blank check over there and he is going to give it to us, and we are going to take it home like some of these WAMs (walking-around moneys), and we are going to say, here you are; do not be stupid enough to pay this out of your budget; do not take it out on the kids that are not disruptive by taking 8 or 10 per diems and taking them away and putting them in an alternate school.

Now, there is no argument about it, 253 schools in Pennsylvania where the kids misbehave. Now, if he can stand up and tell me that he knows and he can prove that that level of learning is going to be as high as the level of learning that he and his Secretary of Education enforce and insist upon, then maybe I would vote for this bill. But the truth of the matter is, I do not care who the kid is, I do not care who the human being is, we differ; we differ greatly. Some get it easy, some get it a little harder, some do not get it at all, and I will tell you, I do not get it at all with this kind of malarkey. I am going to vote "no."

The SPEAKER pro tempore. Does the gentleman, Mr. Butkovitz, seek recognition? The gentleman is recognized on concurrence.

Mr. BUTKOVITZ. I cannot say it any better than John Myers, but I will say that we do have a crisis in Philadelphia. We had 900 weapons seized last year and only 15 expulsions, only 2 kids placed in alternative schools because there is no place to place them. I have heard a lot of discussion tonight about how this is not a perfect solution, a lot of philosophical type of discussion, but this is a real emergency. Our children should not have to go to school in situations like John Myers described. They should not have to go there in fear for their lives. There should be a separation. There should be a place where kids who are creating that kind of terror in the schools can be placed so the people who want to work and learn and succeed can do so.

This is a giant step in the right direction, and I urge everybody to vote "yes" and help us out.

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

Mr. PERZEL. Thank you, Mr. Speaker. I will be brief.

For the information of the members, the president of the Philadelphia teachers union has written a letter on behalf of this piece of legislation.

Mr. Speaker, in Philadelphia and in the rest of the Commonwealth of Pennsylvania, I do not think anybody in this room wants to see one more child shot or one more child drop out of school. John Taylor said it best, this is about children. We want to make sure that we protect every teacher and every child in Pennsylvania and move Pennsylvania forward, and we are working to try to make this one of the keys to making sure the kids all learn, and I am asking for your help, Mr. Speaker. I am asking all the members to please support this.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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—129

Adolph	Feese	Maitland	Sather
Allen	Fichter	Major	Saylor
Argall	Fleagle	Manderino	Schroder
Armstrong	Flick	Mann	Schuler
Baker	Forcier	Marsico	Semmel
Bard	Frankel	Masland	Serafini
Barley	Gannon	McGeehan	Seyfert
Barrar	Geist	McIlhinney	Smith, S. H.
Bastian	Gigliotti	McNaughton	Snyder
Battisto	Gladeck	Melio	Steil

Benninghoff	Godshall	Micozzie	Stern
Bishop	Gordner	Miller, R.	Stevenson
Boyes	Habay	Miller, S.	Strittmatter
Browne	Harhart	Myers	Sturla
Bunt	Hasay	Nailor	Tangretti
Butkovitz	Hennessey	Nickol	Taylor, E. Z.
Cawley	Herman	O'Brien	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Orie	Tigue
Clark	Horsy	Perzel	Trello
Clymer	Hutchinson	Petrone	True
Cohen, L. I.	Jadlowiec	Phillips	Tulli
Corrigan	James	Pippy	Vance
Dailey	Josephs	Platts	Vitali
Dally	Kaiser	Ramos	Washington
Dempsey	Keller	Raymond	Waters
DiGirolamo	Kenney	Reinard	Williams
Donatucci	Kirkland	Rieger	Wright
Druce	Krebs	Roebuck	Youngblood
Egolf	Lederer	Ross	Yudichak
Evans	Leh	Rubleby	Zimmerman
Fairchild	Lynch	Samuelson	Zug
Fargo			

NAYS-62

Bebko-Jones	Dermody	Mayernik	Santoni
Belardi	DeWeese	McCall	Scrimenti
Belfanti	Eachus	McIlhattan	Shaner
Birmelin	Freeman	Metcalfe	Smith, B.
Buxton	George	Michlovic	Solobay
Caltagirone	Grucela	Mundy	Staback
Cappabianca	Haluska	Pesci	Steelman
Carn	Hanna	Petrarca	Stetler
Casorio	Harhai	Preston	Surra
Cohen, M.	LaGrotta	Readshaw	Travaglio
Colafella	Laughlin	Roberts	Van Home
Costa	Lescovitz	Robinson	Veon
Coy	Levdansky	Rooney	Waiko
Curry	Lucyk	Ruffing	Wojnaroski
Daley	Maher	Sainato	Yewcic
DeLuca	Markosek		

NOT VOTING-2

Stairs	Wogan
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EXCUSED-10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitza	Pistella	Wilt	

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

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

HB 358 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion, and we are going to do the reconsideration motion tonight, but then if it passes, not the bill, just do the motion tonight.

The Chair is in possession of a reconsideration motion filed by Mr. Yudichak, who moves that the vote by which HB 358 was passed be reconsidered.

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

The following roll call was recorded:

YEAS-109

Baker	Evans	McCall	Semmel
Bastian	Frankel	McGeehan	Shaner
Battisto	Freeman	McIlhinney	Snyder
Bebko-Jones	George	Melio	Solobay
Belardi	Gigliotti	Michlovic	Staback
Belfanti	Gordner	Mundy	Stairs
Bishop	Grucela	Myers	Steelman
Boyes	Haluska	O'Brien	Stetler
Butkovitz	Hanna	Oliver	Sturla
Buxton	Harhai	Perzel	Surra
Caltagirone	Horsy	Pesci	Tangretti
Cappabianca	James	Petrarca	Taylor, J.
Carn	Josephs	Petrone	Thomas
Casorio	Kaiser	Preston	Tigue
Cawley	Keller	Ramos	Travaglio
Cohen, M.	Kenney	Readshaw	Trello
Colafella	Kirkland	Reinard	Van Home
Corrigan	LaGrotta	Rieger	Veon
Costa	Laughlin	Roberts	Vitali
Coy	Lederer	Robinson	Waiko
Curry	Lescovitz	Roebuck	Washington
Daley	Levdansky	Rooney	Waters
Dally	Lucyk	Ruffing	Williams
DeLuca	Manderino	Sainato	Wojnaroski
Dermody	Mann	Samuelson	Yewcic
DeWeese	Markosek	Santoni	Youngblood
Donatucci	Mayernik	Scrimenti	Yudichak
Eachus			

NAYS-83

Adolph	Fairchild	Leh	Rubleby
Allen	Fargo	Lynch	Sather
Argall	Feese	Maher	Saylor
Armstrong	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Schuler
Barley	Flick	Marsico	Serafini
Barrar	Forcier	Masland	Seyfert
Benninghoff	Gannon	McIlhattan	Smith, B.
Birmelin	Geist	McNaughton	Smith, S. H.
Browne	Gladeck	Metcalfe	Steil
Bunt	Godshall	Micozzie	Stern
Chadwick	Habay	Miller, R.	Stevenson
Civera	Harhart	Miller, S.	Strittmatter
Clark	Hasay	Nailor	Taylor, E. Z.
Clymer	Hennessey	Nickol	True
Cohen, L. I.	Herman	Orie	Tulli
Dailey	Hershey	Phillips	Vance
Dempsey	Hess	Pippy	Wright
DiGirolamo	Hutchinson	Platts	Zimmerman
Druce	Jadlowiec	Raymond	Zug
Egolf	Krebs	Ross	

NOT VOTING-1

Wogan

EXCUSED-10

Blaum	Lawless	Rohrer	Ryan,
Cornell	McGill	Trich	Speaker
Gruitza	Pistella	Wilt	

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE CALENDAR

The SPEAKER pro tempore. The bill will be placed on the final passage calendar for tomorrow.

Tomorrow will be a voting session day.
There will be no further votes this evening.

VOTE CORRECTIONS

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

Mr. HANNA. To correct the record.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HANNA. On October 4, on final passage of HB 1088, my vote was not recorded. I would like to be recorded in the negative.

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

The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

A correction of the record.

On SB 167, amendment 4103, my vote was recorded in the affirmative, and I intended to vote "no."

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

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 1314 be removed from the table and placed on the active calendar.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1314 be recommitted to the Committee on Appropriations.

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

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that HB 1635 be removed from the table and placed on the active calendar.

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

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1635, PN 2000.

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1635 be recommitted to the Committee on Appropriations.

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

STATEMENT BY MR. FLICK

The SPEAKER pro tempore. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

May I rise for unanimous consent, ask for unanimous consent?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. FLICK. Thank you.

Earlier today, Mr. Speaker, we celebrated Veterans Day, a celebration which will take place around the country on Thursday, but I wanted the members to know that last Friday, a 4-year effort to save a Revolutionary battlefield in Chester County was completed and the property transferred to the borough of Malvern for \$2.6 million. The Federal government put up \$1½ million, this Commonwealth put up a half a million dollars, and this Revolutionary battlefield, on which 53 Revolutionary soldiers gave their lives, was saved for our children and their children, saved in perpetuity.

REMARKS SUBMITTED FOR THE RECORD

Mr. FLICK. I would like to submit for the record remarks about how the battlefield was saved, and I thank my colleagues for supporting that \$500,000 grant.

The SPEAKER pro tempore. The gentleman will submit his remarks to the clerk. The Chair thanks the gentleman for his remarks.

Mr. FLICK submitted remarks for the Legislative Journal.

(For remarks, see Appendix.)

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Representative Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, on HB 1981 I was not recorded as being in the affirmative, and I would like to be so recorded on final passage.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. Are there any other members seeking recognition?

Hearing none, the Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Mr. Speaker, I move that this House do now adjourn until Wednesday, November 10, 1999, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:03 p.m., e.s.t., the House adjourned.