

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 1, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 8

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

STATEMENT BY MINORITY WHIP

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

Mr. PERZEL. Thank you, Mr. Speaker.

I respectfully request my colleagues in this distinguished chamber to join me today in a tribute to two firefighters who died in the line of duty this past weekend in Philadelphia.

John Redmond, age 41, a 17-year veteran firefighter, was a husband and father of four children in my legislative district, Mr. Speaker. Vincent Acey, age 42, an 8-year veteran, was also a husband and father of three. Both were killed as they heroically battled the flames which destroyed the Rising Sun Baptist Church on the afternoon of Friday, January 28, 1994.

Mr. Speaker, the death of these gallant men will be mourned by many, including family, friends, and neighbors. I ask the members of this House to join me in the following prayer entitled "A Fireman's Prayer" - thoughts, I am sure, which were on the minds of these two courageous young firefighters as they entered the burning church:

When I am called to duty, God, wherever flames may rage, give me the strength to save some life, whatever be its age—I want to fill my calling and give the best in me; to guard my every neighbor and protect his property. And if, according to Your will, I have to lose my life, please bless with Your protecting hand my children and my wife.

Mr. Speaker, their community will not forget these men, nor will their fellow firefighters. As an elected Representative from the city of Philadelphia, I ask each of you to remember John Redmond and Vincent Acey in your prayers here this morning as heroes forever. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. I am sure every member of the House will join them in prayers for their families.

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Our Father, our God, we remember at this moment John and Vincent and bow in humble submission to Your will, their home-going. Protect, bless, and keep these dear families.

And, O God, we thank You for the privilege of living in the best State and Nation in the world. You have given us fields and forests; You have given us level plains; You have given us food and clothing, given us shelter from the storms and rains.

You showed Your power in the fires and floods, the earthquakes and hurricanes, and though, O Father, we do not know exactly what You were saying, we somehow believe that You were in the midst of them not only showing Your power and Your might but also Your grace and Your love.

We recall how You spoke and quieted the waves and the sea; how You said, "Peace be still," and all around became peaceful and tranquil.

Speak to us, O Lord God, that we may hear Your voice and quicken to serve and obey You, for it is in Your dear name we pray. 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, January 31, 1994, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2494 By Representatives REBER, JAROLIN, TRELLO, E. Z. TAYLOR, DALEY, BOYES, SCHULER and HENNESSEY

An Act amending Title 68 (*Real and Personal Property*) of the Pennsylvania Consolidated Statutes, further providing for remedies and for association records.

Referred to Committee on CONSUMER AFFAIRS, February 1, 1994.

No. 2496 By Representatives JOSEPHS, ROBINSON, STETLER, MIHALICH, LAUB, DENT, CURRY, STURLA, CARN, L. I. COHEN, FAJT, MANDERINO, RUDY,

HARLEY, LINTON, STEELMAN, ROEBUCK,
WILLIAMS, DeWEESE and JAMES

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, repealing provisions relating to advanced health care directives for pregnant women.

Referred to Committee on HEALTH AND WELFARE, February 1, 1994.

No. 2497 By Representatives SERAFINI, COY, ROBERTS, CESSAR, TRELLO, CAWLEY, STERN, DURHAM, CIVERA, LAUGHLIN, HASAY, TOMLINSON and KING

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, deleting annuities from the definition of "income."

Referred to Committee on AGING AND YOUTH, February 1, 1994.

No. 2498 By Representatives SERAFINI, CESSAR, TRELLO, CIVERA, HASAY and LAUGHLIN

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home intravenous drug therapy services.

Referred to Committee on HEALTH AND WELFARE, February 1, 1994.

No. 2499 By Representatives PETRARCA, MERRY, OLASZ, BIRMELIN, DALEY, STABACK and VAN HORNE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the increase of personal income tax and resulting increased revenues for school districts; and requiring school districts to make corresponding reductions in real property tax rates.

Referred to Committee on FINANCE, February 1, 1994.

No. 2501 By Representatives MUNDY, VEON, GIGLIOTTI, BAKER, GORDNER, SANTONI, TRELLO, SAYLOR, LEVDANSKY, BEBKO-JONES, OLASZ, ROBERTS, RUDY, PRESTON, WILLIAMS, COLAIZZO, MELIO, DeLUCA, LAUB, MANDERINO, ROONEY, PISTELLA, MERRY, ROBINSON, KELLER, STETLER, HENNESSEY, COY, KING, FAJT, COLAFELLA, D. W. SNYDER, CORRIGAN, RUBLEY, JOSEPHS, STERN, STABACK and LEDERER

An Act requiring the Department of Public Welfare to expand the administration of the Low-Income Home Energy Assistance Program to alleviate home heating crises.

Referred to Committee on HEALTH AND WELFARE, February 1, 1994.

No. 2502 By Representatives HANNA, COLAFELLA, CESSAR, CARONE, CAWLEY, PRESTON, CURRY, GERLACH, LEH, PETRARCA, VAN HORNE,

KUKOVICH, LAWLESS, TRELLO, FAJT, BAKER,
HENNESSEY, THOMAS and TOMLINSON

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 school building construction costs.

Referred to Committee on EDUCATION, February 1, 1994.

No. 2503 By Representatives HANNA, BELARDI, GORDNER, COLAIZZO, STISH, TIGUE, MARKOSEK, LAUB, TRUE, BAKER, COY, VEON, MELIO, FAJT, JOSEPHS, GERLACH, LYNCH, DeLUCA, PITTS, BIRMELIN, BELFANTI, KING, E. Z. TAYLOR, MUNDY, STERN, CURRY, STABACK, ARMSTRONG, TOMLINSON and GEIST

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), providing for warnings for pregnant women.

Referred to Committee on LIQUOR CONTROL, February 1, 1994.

No. 2504 By Representatives HANNA, KREBS, MASLAND, LLOYD, GORDNER, HUTCHINSON, FARGO, CLARK, FAIRCHILD, SATHER, BAKER, COY, VEON, LYNCH, GODSHALL, CARONE, McCALL, BELFANTI, KING, S. H. SMITH and MERRY

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing the amount paid by the Commonwealth.

Referred to Committee on LOCAL GOVERNMENT, February 1, 1994.

No. 2505 By Representatives STEELMAN, KREBS, LLOYD, GORDNER, RUDY, BAKER, HANNA, MARKOSEK, COLAIZZO, SANTONI, YEWIC, BUSH, TRELLO and FAIRCHILD

An Act providing for the establishment and implementation of farm safety education programs and for farm safety education grants; conferring powers and duties on the Department of Agriculture; and making an appropriation.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 1, 1994.

No. 2506 By Representatives SCHULER, KREBS, HERSHEY, STABACK, BARLEY, HENNESSEY, MILLER, GERLACH, BROWN, CLYMER, ZUG, LYNCH and SATHER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for stopping at posted cattle crossings.

Referred to Committee on TRANSPORTATION, February 1, 1994.

No. 2507 By Representatives SCHULER, COY, KING, NICKOL, PESCI, HERSHEY, GEIST, SAYLOR, ZUG, FAIRCHILD, KREBS, CLARK, HENNESSEY, BARLEY, MAITLAND, FLEAGLE, SATHER, ARMSTRONG, ALLEN, MILLER, PITTS, B. SMITH, STERN, GERLACH and BAKER

An Act amending the act of August 6, 1991 (P.L.326, No.33), known as the Agriculture and Rural Youth Development Act, further providing for funding of grants.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 1, 1994.

No. 2509 By Representatives RUDY, COLAFELLA, JOSEPHS, DRUCE, CONTI, FAIRCHILD, HENNESSEY, TOMLINSON, PRESTON, LEH and WILLIAMS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the confidentiality of Department of Transportation records; and providing for exceptions and for penalties.

Referred to Committee on TRANSPORTATION, February 1, 1994.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to join with Representative Perzel in honoring those firefighters and ask that my remarks be submitted for the record, please.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Thank you, Mr. Speaker.

Mr. Speaker, this is a profoundly sad day in Philadelphia.

As I speak, two Philadelphia firefighters are being laid to rest after sacrificing their lives in a fire at the Rising Sun Baptist Church in Philadelphia last Friday.

Mr. Speaker, it is taken for granted when we pick up the receiver on our phone and dial 911 that help will arrive. But we rarely think of the daily dangers and the countless 911 calls that our police and firefighters face every day.

Tragically, it only has meaning when one of these courageous public servants loses their life that we begin to focus on how demanding and how dangerous their jobs really are. And it is only then that we acknowledge how important these heroes are to our own safety and well-being.

Mr. Speaker, when the bell rang at the firehouses of Vincent Acey and John Redmond, they responded as they always have, without hesitation.

What was different on Friday, January 28, was that they would never return to the firehouse and would never return to their families again.

To know firefighter Vincent Acey is to hear his colleagues remember him to the Philadelphia Daily News. "Vincent Acey was certainly one of that breed of special people who resist fear and forsake their own safety for others."

His captain remembered him: "Vince showed up at the firehouse even if it was his day off. He was proud to wear the

uniform of a Philadelphia firefighter..." He was a very good father and a good husband, a family man, and he was an exceptional firefighter!!

Vincent Acey dedicated 8 1/2 years to the city of Philadelphia. He leaves a wife of 17 years, Edith; two sons, Vincent, 25, and Maurice, 22; and a daughter, Kimberly, 15; and his parents, Lolita White and Jefferson Acey.

Firefighter John Redmond was the quintessential public servant.

A fireman since 1977, John was a devoted family man who, as a eucharistic minister at St. Matthew's Church in Representative Perzel's district, still found time to pursue a degree in psychology at Holy Family College.

Upon graduation from grade school, John left Philadelphia to enter a seminary in New York State to study for the priesthood during his college years. But firefighting and the love of his life, his wife Kathy, interrupted those plans.

One friend described this tragedy best: "I was shocked by his death, but not surprised by his courage."

John Redmond is survived by his wife, Kathy; daughters, Katie, Brigid, and Nora; and by a son, John, Jr.

Speaking of the unique character of those men, Captain William Schweizer explained what it takes to be a firefighter: "Somebody who can face tragedy every day and then go home and still tend to their kids and family and still see the brighter side of life. They have to be willing to help people when it's required and see the downside and tragedy and sadness of life, but then again, be able to rise above that when you go home with your family." Vincent Acey and John Redmond will not go home to their families anymore.

Mr. Speaker, I know the thoughts and prayers of this House go out to these firefighters and their families today.

Mr. Speaker, parishioners at the Rising Sun Baptist Church held services at another church on Sunday. A parishioner, Hattie Brown, speaks for many of her fellow parishioners and indeed for many of us:

"The firefighters had children; that's what really hurts me."

"They were doing it to save our church."

"We can always build another building."

Mr. Speaker, I ask that at the conclusion of remarks we observe a moment of silence for these two brave firefighters and ask that we keep firefighter Walter Jackson, who was critically burned in that same fire, in our prayers today.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Steighner, for leaves of absence.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I have no leaves to report at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Perzel, likewise has no leaves of absence to report.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

Acosta	Fargo	Lucyk	Sather
Adolph	Farmer	Lynch	Saurman
Allen	Fee	Maitland	Saylor
Argall	Fichter	Manderino	Scheetz
Armstrong	Fleagle	Markosek	Schuler

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Bush

LEAVES ADDED—2

Raymond

Washington

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2337, PN 2914**, entitled:

An Act amending the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, further providing for form of government.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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

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

* * *

The House proceeded to third consideration of **HB 1957, PN 3077**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for applications for licenses and fees, for kennels, for licenses and transfers, for out-of-State kennel licenses, applications, fees and prohibitions, for selling, bartering or trading dogs, and for enforcement and inspection; providing for revocation, suspension and refusal of licenses, and for notice requiring examination of dog by veterinarian; and making repeals.

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith. For what purpose does the gentleman rise?

The clerk will strike the vote.
The gentleman is in order.

Mr. B. SMITH. I would like to comment on the bill, Mr. Speaker.

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

Mr. B. SMITH. Mr. Speaker, I rise in support of HB 1957, but I want to call the attention of the Republican members to a provision in the bill which was covered in caucus, but many members were not in caucus.

HB 1957 has a provision in it that gives the Department of Agriculture the ability to set dog license fees for a 3-year period. This was a compromise worked out in that the original bill did not have that provision, so after 3 years the Department of Agriculture will lose the ability to set the fees and it will revert back to the legislature, unless another statute changes the law again. But I wanted the Republican members especially to be aware of that provision.

I still intend to vote in favor of HB 1957. Thank you, Mr. Speaker.

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.

YEAS—180

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

NAYS—19

Birmelin	Kaiser	Pesci	Tangretti
Fargo	King	Platts	Tigue
Fleagle	Lawless	Saylor	Waugh
Hutchinson	Maitland	Smith, S. H.	Wright, M. N.
Jadlowiec	Nickol	Stish	

NOT VOTING—1

Wozniak

EXCUSED—1

Bush

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

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

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. CARN. Mr. Speaker, to announce a committee meeting.

I would like to announce a meeting of the Liquor Control Committee immediately following the recess in 39E.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2396, PN 3011**, entitled:

An Act requiring executive agencies to prepare and submit strategic plans, performance plans and performance reports; and imposing additional powers and duties on the Office of the Budget.

On the question,

Will the House agree to the bill on third consideration?

Mr. VITALI offered the following amendment No. A0268:

Amend Title, page 1, line 2, by striking out "and" where it appears the second time

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

; and providing for an unlawful practice.

Amend Bill, page 6, by inserting between lines 14 and 15 Section 8. Unlawful practice.

(a) Unlawful practice.—The Legislative Initiative Program is hereby abolished and declared unlawful. The executive branch or any agency thereof shall not allow the legislative branch to exercise discretion over funds for legislative initiatives. No disbursements shall be made for legislative initiatives.

(b) Penalty.—A violation of this section shall constitute a misdemeanor of the third degree.

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

"Legislative Initiative Program." The program whereby funds are informally earmarked in the Commonwealth's budget for grants, commonly referred to as WAM grants, for community projects to be awarded at the discretion of the leadership of the General Assembly.

"Legislative initiatives." Grants awarded pursuant to the Legislative Initiative Program.

Amend Sec. 8, page 6, line 15, by striking out "8" and inserting

9

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Mr. Speaker, the bill we are dealing with deals with the improvement of the budget process.

The SPEAKER pro tempore. Will the gentleman please suspend. The amendment has not been circulated yet. While the amendment is being circulated, the Chair will take care of some other matters.

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
January 31, 1994

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 7, 1994, 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, February 7, 1994, 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.

CONSIDERATION OF HB 2396 CONTINUED

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

Mr. GEIST. Thank you, Mr. Speaker.

In response to inquiries by a few of our members, this amendment has not been caucused on, and I would request that the majority leader pass over it. We are going to caucus at 1 o'clock. At that time we can address this amendment.

The SPEAKER pro tempore. The gentleman requested time to caucus on the amendment.

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

HB 1520, PN 3142 (Amended) By Rep. COWELL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for pupils who are unable, because of observance of a religious holiday, to attend classes.

EDUCATION.

HB 1521, PN 3143 (Amended) By Rep. COWELL

An Act amending the act of July 17, 1961 (P.L.776, No.341), known as the Pennsylvania Fair Educational Opportunities Act, further providing for unfair educational practices.

EDUCATION.

HB 1701, PN 1969 By Rep. BLAUM

An Act establishing the *Statewide Independent Living Council*; providing for the powers and duties of the council; providing for a State plan for the provision of services to people with disabilities; providing for grants and funding for establishment of centers for independent living; and requiring centers for independent living to maintain certain standards and give certain assurances in order to qualify for assistance.

AGING AND YOUTH.

HB 2379, PN 2987 By Rep. COLAFELLA

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for the filing of loss ratio guarantees.

INSURANCE.

SB 1103, PN 1259 By Rep. COLAFELLA

An Act mandating health insurance coverage of annual gynecological examinations and routine pap smears; and making repeals.

INSURANCE.

CONSIDERATION OF HB 2396 CONTINUED

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

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

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

After consulting with the powerful Appropriations chairman from your side of the aisle, I will wait and withhold that request until after this next vote is taken. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali, who offers amendment A0268.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I think one of the most important things we can do to the budget process is to make it open and accountable, and therefore, I think that one of the chief problems with it is the inclusion of hidden funds - legislative initiatives otherwise known as WAM's (walking around money). What amendment 0268 would do is it would abolish this practice which has been a black eye on Pennsylvania's General Assembly for much too long now.

I think we should all be uncomfortable with the fact that we are called on to vote on a budget and we do not even know the funding level of various programs. We are called on to vote on a budget where items have to be hidden in unrelated line items. I think that any of us who have come to the House for the purpose of making government better have to be repulsed by this entire system.

I think that the way to go, the way to go with any program with regard to other programs in the budget is the competitive grant program. If a project in your community or any other community has worth, it should compete with other projects via the competitive system. I think that when you get into a system where awards are based not on merit but on who has the difficult seat, who needs the moneys for self-promotional purposes, I think tax dollars necessarily are wasted.

I think we all know the issues with regard to WAM's. We all know that they have to go. The public is demanding they go, and I think the time is now to say "no" to the process, to end the system, so we can move forward with the job of restoring the integrity to the General Assembly.

I would ask for a "yes" vote. Thank you.

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

GERMANENESS QUESTIONED

The SPEAKER. Does the gentleman, Mr. Evans, seek recognition?

Mr. EVANS. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. EVANS. Mr. Speaker, from reading this particular amendment and from staff recommendation to me, I would like to ask, is this amendment germane?

The SPEAKER. The gentleman from Philadelphia has raised the issue of germaneness. Under rule 27 of the House, the question of germaneness will be decided by a vote of the House.

The question of germaneness has been raised by the gentleman from Philadelphia. The question of germaneness is debatable; it is debatable.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. The gentleman, Mr. Lee, seeks recognition on the question of germaneness.

Mr. LEE. Mr. Speaker, I would just like to rise and state that I believe this amendment is germane.

On page 5 of the bill, section 6, there is an entire section on performance budgeting, and the whole idea of performance budgeting is to connect the money you are spending to the purpose it is intended to be spent for. We have an entire program, millions and millions of State dollars; no one knows where the money is being spent in the Legislative Initiative Program. This is one way to bring about better accountability, better performance budgeting for Pennsylvania.

It is entirely germane to this bill, and I certainly believe we should vote on this issue today. Thank you very much.

The SPEAKER. The Chair thanks Mr. Lee.

The gentleman, Mr. Vitali, is recognized on germaneness.

Mr. VITALI. I would agree with Representative Lee's sentiments.

We are dealing, to the best of our knowledge, with a \$70-million block in the fiscal year 1993-94 budget, and how that

is spent or our lack of knowledge of how that is spent, I think, goes towards how we are performing as far as how our budget goes.

This is a budget bill. The issue of WAM's deals with the issue of hiding funds in the budget. The issue of WAM's goes to the lack of accountability for money—

POINT OF ORDER

Mr. EVANS. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point.

Mr. EVANS. Mr. Speaker, I think that the gentleman is moving away from the debate on germaneness and getting into an argument on the amendment.

The SPEAKER. The gentleman, Mr. Vitali, will focus his perspective on germaneness.

The gentleman may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

WAM's are a budget issue. They come around every budget. They are hidden in the budget.

Mr. EVANS. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point.

The gentleman's point, I assume, is the same as the point that was initially averred by the gentleman from Philadelphia.

Mr. EVANS. If you want, Mr. Speaker, I will state very specifically what the gentleman just stated. He raised the issue of the question of WAM's. I said to you, Mr. Speaker, that the debate should center on the question of germaneness of the amendment and not on the subject matter, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali, has been linking the argument concerning our legislative initiative grants to the budget, and with all due respect to the gentleman from Philadelphia, at least at this juncture, the gentleman, Mr. Vitali, has been within the framework of appropriate debate on germaneness.

The gentleman may continue, but the gentleman should be specifically aware that these remarks are to be attended to germaneness only.

Mr. VITALI. Thank you, Mr. Speaker.

The issue at hand is, are WAM's and the inclusion of WAM's in the budget germane to the budget? Are they germane to how we craft a budget, what we put in a budget, how a budget performs? I can think of nothing more germane than this amendment to the budget process. It is so clear that even making the argument almost seems nonsensical because it is so obvious.

WAM's exist because the budget exists. WAM's are a corruption of the budget. They are very much germane to the quality of the budget we pass. I can think of no amendment more germane to a budget than the issue of WAM's and their inclusion in the budget.

The SPEAKER. The Chair thanks the gentleman.

On the question of germaneness, does the gentleman, Mr. Saurman, seek recognition on germaneness? The gentleman indicates he does and may proceed.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think that this certainly is an issue that is germane. This is a freestanding bill dealing with the budget. The material, the substance of this amendment, also deals with the budget. This amendment does not alter or change the purpose of the original legislation and therefore is not in violation.

Mr. Speaker, I do not see how it could be any more germane. Certainly, it is an issue that should be addressed on its merit, but in this connection, it certainly should be considered germane.

The SPEAKER. On the question of germaneness, those who believe the amendment to be germane will vote "yes"; those who believe the amendment to be nongermane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—79

Adolph	Gerlach	Maitland	Saurman
Argall	Gruppo	Manderino	Saylor
Armstrong	Hanna	Marsico	Scheetz
Baker	Hennessey	Masland	Schuler
Butkovitz	Hershey	McNally	Serafini
Carone	Hutchinson	Melio	Smith, B.
Cawley	Jadlowiec	Michlovic	Stairs
Chadwick	Josephs	Micozzie	Steil
Clymer	Kaiser	Miller	Strittmatter
Conti	King	Nailor	Taylor, E. Z.
Curry	Kirkland	Nickol	Tigue
Dempsey	Krebs	Pettit	Tomlinson
Dent	Kukovich	Piccola	True
Druce	Laub	Pitts	Uliana
Egolf	Lawless	Platts	Vance
Fargo	Lee	Reber	Vitali
Farmer	Leh	Reinard	Waugh
Fleagle	Levdansky	Rohrer	Wright, M. N.
Flick	Lucyk	Rubley	Zug
Freeman	Lynch	Rudy	

NAYS—118

Acosta	Donatucci	Lederer	Santoni
Allen	Durham	Lescovitz	Sather
Barley	Evans	Lloyd	Scrimenti
Battisto	Fairchild	Markosek	Semmel
Bebko-Jones	Fajt	Mayernik	Smith, S. H.
Belardi	Fee	McCall	Staback
Belfanti	Fichter	McGeehan	Steelman
Birmelin	Gamble	Merry	Steighner
Blaum	Gannon	Mihalich	Stern
Boyes	Geist	Mundy	Stetler
Brown	George	Nyce	Stish
Bunt	Gigliotti	O'Brien	Sturla
Buxton	Gladeck	Olasz	Surra
Caltagirone	Godshall	Oliver	Tangretti
Cappabianca	Gordner	Perzel	Taylor, J.
Carn	Gruitza	Pesci	Thomas
Cessar	Haluska	Petrarca	Trello
Civera	Harley	Petrone	Trich
Clark	Hasay	Phillips	Tulli
Cohen, L. I.	Herman	Pistella	Van Horne
Cohen, M.	Hess	Preston	Veon
Colaella	Hughes	Raymond	Williams
Colaizzo	Itkin	Richardson	Wogan

Cornell	James	Rieger	Wozniak
Corrigan	Jarolin	Ritter	Wright, D. R.
Cowell	Kasunic	Roberts	Yandrisevits
Coy	Keller	Robinson	Yewcic
Daley	Kenney	Roebuck	
DeLuca	LaGrotta	Rooney	DeWeese,
Dermody	Laughlin	Ryan	Speaker

NOT VOTING—3

Bishop Snyder, D. W. Washington

EXCUSED—1

Bush

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?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

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

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

NAYS—0

NOT VOTING—7

Barley Gruppo Stairs Wozniak
Bishop Herman Uliana

EXCUSED—1

Bush

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

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. Evans.

Mr. EVANS. Mr. Speaker, I would like to submit my remarks for the record. Thank you.

The SPEAKER. The gentleman's remarks will be forwarded to the clerk for inclusion in the Journal.

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

Taxpayers are ready for a State government that is driven by a mission - to make government services and decisions as efficient and as effective as possible.

The provisions in HB 2396 will help to do just that:

would establish a program of goal-setting, performance measurement, and accountability;

would establish a process for State agencies to produce long-term strategic plans, annual performance plans and interim goals, and program performance reports;

would assure periodic evaluation of all State government programs;

focuses on the policies tied to spending, rather than a line-by-line defense of spending;

ties into the budget reform measures adopted by this House last spring.

We are not alone. Other States are taking similar action - Texas, Minnesota, Oregon, Utah, California.

Last August, President Clinton signed into Federal law a measure which requires the development of explicit goals and performance standards.

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

HB 1109, PN 1227 By Rep. D. R. WRIGHT
An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for unfair practices.

CONSUMER AFFAIRS.

HB 1519, PN 1716 By Rep. D. R. WRIGHT
An Act providing for express warranties for motorized wheelchairs.

CONSUMER AFFAIRS.

HB 2193, PN 3144 (Amended)
By Rep. D. R. WRIGHT
An Act authorizing the Department of Environmental Resources to grant a restricted right-of-way allowing cable television transmission lines to cross Ohio pyle State Park property.

CONSUMER AFFAIRS.

HB 2453, PN 3145 (Amended)
By Rep. D. R. WRIGHT
An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for minimum service requirements; and providing for the regulation of the placement of public telephones in cities of the first class.

CONSUMER AFFAIRS.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. While the House is at ease, the gentleman, Mr. Evans, has an announcement.

Mr. EVANS. Mr. Speaker, I would like to announce that the House Appropriations Committee will be meeting as soon as the House has recessed. We will be meeting in the majority caucus room. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTION

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

Mr. ULIANA. Mr. Speaker, to correct the record.

The vote by which final passage of HB 2396 was taken, I was recorded as not voting. I would like to be recorded as voting in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman from the Lehigh Valley.

HB 2396 RECONSIDERED

The SPEAKER. The gentleman, Mr. Herman, and the gentleman, Mr. Pitts, move that the vote by which HB 2396, PN 3011, was passed on the 1st day of February be reconsidered.

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Bush

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—199

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

NAYS—0

NOT VOTING—1

Pistella

EXCUSED—1

Bush

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative

and the bill passed finally.

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

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Coy, is recognized for the purpose of an announcement.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader intends to recess the House for a luncheon break. The Democratic members will caucus at 1:30 with the expectation that we will return to the floor at 2 o'clock; caucus at 1:30, return to the floor at 2 o'clock.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Geist.

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

The Republicans will likewise caucus at 1:30. We do not have much to do in the way of bills, but we do have one important procedural matter to discuss in caucus, and I would ask the members to please attend. Thank you.

The SPEAKER. The Chair would like to remind the members that the Appropriations Committee meeting will be occurring right now in the majority caucus room.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. Mr. Itkin is recognized for the purpose of an announcement.

Mr. ITKIN. Mr. Speaker, I just want to alert the Democratic Committee chairmen and the leadership that there will be a meeting in 40E at the recess for lunch.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House stands in recess until 2 o'clock.

RECESS EXTENDED

The time of recess was extended until 3 p.m.; further extended until 3:30 p.m.; further extended until 4 p.m.

AFTER RECESS

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

FILMING PERMISSION

The SPEAKER. Mr. John Sanks of WPVI television, channel 6, is here for the purpose of covering HB 185, and Mr. Sanks also will be filming with audio.

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 **SR 43, PN 1673**.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 878, PN 2108**.

SENATE MESSAGE**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1827, PN 2188**; and **HB 2235, PN 2728**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 1827, PN 2188

An Act amending the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for the display of the official POW/MIA flag from public buildings or grounds.

HB 2235, PN 2728

An Act authorizing the Pennsylvania Department of Military Affairs, on behalf of the Commonwealth of Pennsylvania and with the approval of the Governor, to accept a gift of certain real property located in the City of Pittsburgh, Allegheny County, for the purpose of constructing a State veterans' home.

LEAVE OF ABSENCE

The SPEAKER. The Chair would like to momentarily move to leaves of absence.

The gentlelady from Philadelphia, Ms. LeAnna WASHINGTON, will have her name placed on leave of absence for the remainder of the day.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Corrigan, is at the microphone. For what purpose does the gentleman rise?

Mr. CORRIGAN. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. The gentleman should proceed.

Mr. CORRIGAN. On the vote taken this morning, Mr. Speaker, on HB 2396, amendment A268, I was recorded in the negative and wish to be recorded in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread on the record.

LEAVE OF ABSENCE

The SPEAKER. Mr. RAYMOND of Delaware County will also be placed on leave at this time. Mr. Raymond of Delaware County will be placed on a leave of absence.

VOTE CORRECTION

Mr. PISTELLA. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. PISTELLA. Mr. Speaker, while you are doing leaves, would it be appropriate to do a correction of the record?

The SPEAKER. Yes. You may proceed.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, when the House considered HB 2396, PN 3011, finally for the second time on final passage, my vote was not recorded. I wish to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks Mr. Pistella, and his remarks will be spread across the record.

CALENDAR CONTINUED**BILL ON THIRD
CONSIDERATION POSTPONED**

The House proceeded to **HB 690, PN 754**, on third consideration postponed, 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 form of official primary ballots; providing for funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

On the question recurring,

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

Mr. KUKOVICH offered the following amendment No. A0173:

Amend Sec. 1 (Sec. 1002), page 2, lines 12 through 19, by striking out "except on absentee ballots. On" in line 12, all of lines 13 through 18 and "belongs" in line 19

Amend Sec. 3 (Sec. 1605-A), page 5, line 26, by striking out "1994" and inserting

1995

On the question,

Will the House agree to the amendment?

The SPEAKER. Mr. Kukovich is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This amendment amends the part of the bill that deals with the appellate judicial elections in the section which sets up a rotating balance so nobody has an advantage statewide at the front of the ballot.

This amendment deletes the part that says the counties would have to rotate on the absentee ballots. I am doing that for the convenience of the county bureaus of election, some of which have called me and said that it might be too cumbersome for them to do if there were too many candidates. I am much more concerned about the rotating part on the regular ballot, not about absentee ballots. This will just make it easier for counties and simplify the bill.

I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

Dermody	Laub	Robinson	Yandrisevits
Donatucci	Laughlin	Rohrer	Yewcic
Druce	Lawless	Rooney	Zug
Durham	Lederer	Rubley	
Egolf	Lee	Rudy	DeWeese,
Evans	Leh	Ryan	Speaker
Fairchild	Lescovitz	Santoni	

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED—3

Bush Raymond Washington

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. KUKOVICH offered the following amendment No. A0228:

Amend Title, page 1, line 11, by inserting after "elections,"

providing for the publication of a voter pamphlet;

Amend Bill, page 1, lines 18 and 19, by striking out all of said lines and inserting

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a section to read:

Section 204. Voter Pamphlet.—(a) The Department of State shall, for each primary, municipal, general or special election, prepare and mail to each household having at least one registered elector a pamphlet as described in this section. There shall be a separate edition for each county. Pamphlets shall be mailed at least twenty-one (21) days prior to each election.

(b) The pamphlet shall contain information on candidates for the following officer, as applicable:

- (1) President.
- (2) Vice President.
- (3) United States Senate.
- (4) United States House of Representatives.
- (5) Governor.
- (6) Lieutenant Governor.
- (7) Attorney General.
- (8) Auditor General.
- (9) State Treasurer.
- (10) Justice of the Supreme Court.
- (11) Judge of the Superior Court.
- (12) Judge of the Commonwealth Court.
- (13) State Senate.
- (14) State House of Representatives.

(c) (1) A candidate who meets statutory requirements for appearing on the ballot for any of the above offices shall be allocated one page in the voter pamphlet.

(2) Each candidate must provide the following information to the Department of State for inclusion in the pamphlet:

- (i) Current occupation.
- (ii) Occupational background.
- (iii) Educational background.
- (iv) Prior governmental experience.
- (v) Whether or not the candidate has agreed to comply with expenditure limits under this act.

(3) Each candidate shall be given one full page in the pamphlet. A candidate may have his picture included on the page

at his option. If space allows, a candidate may also include a statement of his position on issues of his choice.

(4) The Department of State shall promulgate rules relating to forms and submission dates for the information described in this section.

(d) (1) Each ballot question shall be allocated at least one page in the voter pamphlet. The full text of the ballot question shall be printed. An equal amount of space shall be allocated for a summary of the positions advocating and opposing the ballot question. The summary shall be prepared by the Department of State.

(2) If the ballot question addresses a constitutional amendment, additional space shall be allocated in the voter pamphlet, immediately following the summary, to print the full text of the constitutional amendment.

(e) (1) Candidates for President, United States Senate and Governor shall be charged a fee equalling ten cents (\$.10) times the number of households with one or more registered electors in this Commonwealth for a page in the voter pamphlet.

(2) Candidates for Lieutenant Governor, Attorney General, Auditor General and Treasurer shall be charged a fee of two cents (\$.02) times the number of households with one or more registered electors in this Commonwealth for a page in the voter pamphlet.

(3) Candidates for State Appellate Courts shall be charged a fee of one cent (\$.01) times the number of electors in this Commonwealth for a page in the voter pamphlet.

(4) Candidates for United States Congress, State Senate and State House of Representatives shall be charged five cents (\$.05) times the number of households with one or more registered electors in their district.

(5) Candidates who have notified the Secretary of the Commonwealth that they agree to be in compliance with the campaign expenditure limits established under section 1612-A of this act shall be exempt from the fees of this section. Candidates for Federal offices who agree to expenditure limits established under Federal law shall be exempt from the fees of this section.

Section 2. Section 1002(b) of the act,

Amend Sec. 2, page 3, line 15, by striking out "2" and inserting

3

Amend Sec. 3, page 4, line 6, by striking out "3" and inserting

4

Amend Sec. 4, page 15, line 16, by striking out "4" and inserting

5

Amend Sec. 5, page 15, line 22, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This amendment is a little bit more involved, and I would ask leave of the members to think back to what was passed last week. The Nickol amendment of last week in essence took out entirely the section of the bill that dealt with public financing of elections. I had filed a reconsideration motion on that amendment, but after looking over the size of the vote, I decided we would probably be wasting the time of the members in this chamber by trying to revote that.

I did have a discussion with Representative Nickol about a compromise, and here is why a compromise is needed. Once the Nickol amendment went in, there was no longer any incentive for candidates to voluntarily opt for a system which would put caps on expenditures; also, there was no constitu-

tional way, pursuant to the case law in this area, that you could prevent extremely wealthy individuals from running for office without putting some caps on expenditures.

So what we did was take a look at some successful programs in other States, in particular, Oregon, which I think since the 1920's has had a voter pamphlet put out by their Department of State.

What this amendment would do is have our Department of State put out a voter pamphlet for all offices, from State House and State Senate clear to the Governor and Presidential campaigns. This is all voluntary and there would be various options. Candidates, based on the size of the district in which they run and the nature of their office, could pay to be in that booklet, or if they want to be in that booklet, they could, if they voluntarily accept campaign expenditure caps, have that in the booklet and distributed to every registered voter by household in their district. So you would have an incentive, number one, to participate; number two, you create a constitutional mechanism whereby if a wealthy individual would opt for that, and there are political dynamics that would force them to do so, you could put a cap on expenditures. Keep in mind that as the bill was amended, whether you have a voluntary system or not, there are still limits on contributions in this bill. I might not have wanted it that way, but this chamber decided last week that is the way they wanted it.

In light of all that, Representative Nickol and I thought this was the most reasonable way to try to legally and constitutionally provide an incentive to have an equitable system. Many members on this floor voted for the Nickol amendment to gut public financing under the philosophical reason that they did not think any tax money should be used for political campaigns. There is a major difference in this amendment. None of this is used for political campaigns. It is used to provide a voter service, and the cost, based on the fiscal note that has been circulated, is one-half of what was in HB 690 last week.

According to those States that already provide voter pamphlets, they are extremely popular; voters appreciate it. It has a big influence in the campaigns that occur in States like Oregon. It also provides for a ballot question explanation. It also empowers the Department of State to pass rules and regulations that I think go along with the Reber amendment that was passed last week that work against negative campaigning.

So for all those reasons I would ask the members to vote "yes" on the Kukovich-Nickol amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentlelady, Lita Cohen, from Montgomery County is recognized on the Kukovich amendment.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for interrogation, please?

The SPEAKER. The gentleman indicates that he will, and the lady is recognized.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as I read this amendment, on page 2, number (4), the text states that candidates for the State House of

Representatives, among others, shall be charged 5 cents times the number of households. This means that if there are approximately 30,000 voters in a district times 5 cents, there would be approximately a charge of \$1,500. Since the goal is to encourage people to run and to provide opportunities for people to run for office, it seems to me, Mr. Speaker, that a charge of \$1,500 to be included in the pamphlet is excessive and it certainly penalizes candidates who are running a campaign on a shoestring, that this then becomes a \$1,500 very onerous charge to that shoestring campaign, so that it seems to me, Mr. Speaker, only candidates who are wealthy could afford to participate in this.

Mr. KUKOVICH. It is interesting because in caucus the argument was the other side, that it would help those candidates because this was a cheap way to get a districtwide mailing.

I would submit that based on the average number of households per legislative district, you are right; it would cost about \$1,477 to pay for that mailing. However, if a candidate decides, if they are really running on a shoestring, they can just say, I will accept the cap on expenditures, and they do not have to pay anything, so there is no cost to them whatsoever.

Mrs. COHEN. Thanks, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Allegheny County, Mr. Olasz, on the Kukovich amendment.

Mr. OLASZ. Mr. Speaker, would the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman from Westmoreland indicates in the affirmative, and Mr. Olasz should proceed.

Mr. OLASZ. Mr. Speaker, would this pamphlet say, if there are 14 people running for a single office, would this pamphlet contain a sketch on every officeseeker?

Mr. KUKOVICH. No. This is a voluntary program. It depends on whether each candidate wants to be in it or not. They do not have to be.

Mr. OLASZ. Well, let us say, hypothetically, a dozen candidates or let us say six candidates for each specific office would desire to participate. Would they all be on the same pamphlet?

Mr. KUKOVICH. If they decide to participate, yes, they would be in the same booklet.

Mr. OLASZ. That is the extent of my interrogation, Mr. Speaker.

The SPEAKER. Does the gentleman indicate that he—

Mr. OLASZ. I would like to make a comment, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. OLASZ. Mr. Speaker, we have all been around the political circle. I submit that anyone who thinks that the general public is going to read that pamphlet must have inhaled somewhere along the line, because the number of personal leaflets and mailings that reach houses are comparable to snowflakes in a blizzard, and to me, this is a total waste of anyone's money to think that the general public is going to read it. If this thing originated in California, there is also a

professor of political science at the University of Southern Cal that wrote a book and said that campaign public financing such as this is a complete bust.

So consider who inhaled, think about it, and then vote against it. Thank you.

The SPEAKER. Does Mr. Armstrong wish to debate the Kukovich amendment?

Mr. ARMSTRONG. Yes, sir. I would like to interrogate the maker of the amendment, please.

The SPEAKER. The gentleman indicates that he will respond, and Mr. Armstrong should proceed.

Mr. ARMSTRONG. Mr. Speaker, as Representative Cohen had already asked, as to the 5 cents per household, that would be per election, which could be a primary and then the general, so we could be looking at a total charge here of, what, \$3,000.

Mr. KUKOVICH. To be in the booklet in both the primary and the general if you do not want to accept the expenditure cap.

Mr. ARMSTRONG. Correct. Around \$3,000. Okay.

The other question I have, according to your fiscal note, it says about \$2.3 to \$2.8 million for the State to develop this pamphlet. Again, that is per election cycle, so in a year's time, the State could be assuming a liability of upwards of \$5.6 million.

Mr. KUKOVICH. No. My understanding of that is, based on the experience in other States, that is an annual figure, and again, that is based on an assumption that nobody, no candidate, will pay themselves to get into the booklet and many will, so it will probably be less than that. But again, that is much less than the campaign financing. The previous speaker called this campaign financing. It is not at all.

Mr. ARMSTRONG. Okay. So it is a yearly figure then. It is not just a— Okay.

I am finished with my interrogation and would like to make just a couple remarks.

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

Mr. ARMSTRONG. I appreciated the honesty of the answers, but I would like to say, in line with Representative Olasz, that most of us know that with campaign literature going out, the constituent who reads that normally takes maybe 10 seconds, 15 seconds to read it and then it is just discarded. I think this is a waste of taxpayers' dollars by putting this kind of money out there, spending it, if it is going to be thrown away the second it reaches that person's hand.

I ask for everybody to vote in the negative. Thank you.

The SPEAKER. Mr. Adolph from Delaware County on the Kukovich amendment.

Mr. ADOLPH. Thank you, Mr. Speaker.

I would like to ask the maker of the amendment if he would stand for a brief interrogation.

The SPEAKER. Mr. Kukovich indicates that he is willing.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, my first question is, if you do not go in with the— What is the cap for each candidate?

Mr. KUKOVICH. The cap is—

Mr. ADOLPH. If you do not go in with the program here.

Mr. KUKOVICH. No. If you do not go in the program, there is no cap.

Mr. ADOLPH. There is no cap.

Mr. KUKOVICH. That is right.

Mr. ADOLPH. Okay.

What is the cap?

Mr. KUKOVICH. There is a cap on all the statewide candidates as originally drafted in HB 690.

Mr. ADOLPH. And what is that?

Mr. KUKOVICH. If you are running for Governor, it is \$4 million in a general, \$2 million in a primary; Lieutenant Governor is \$600,000 in a primary only; Attorney General is \$600,000 in a general, \$300,000 in a primary; State Treasurer, \$600,000, half in a primary; Auditor General, \$600,000. For the appellate judiciary it is \$300,000 and then half in the primary.

Mr. ADOLPH. What is the cap for legislative candidates?

Mr. KUKOVICH. That is not in yet because that amendment has not been offered. There are other amendments.

Originally I did not intend to include House and Senate candidates. This body decided last week that they would put those limits in. There are other amendments that are yet to be offered. Rather than bog the bill down, there will be other amendments that will be coming later that will deal with that. It will probably change a number of times.

Mr. ADOLPH. Okay.

Mr. Speaker, this pamphlet that will be sent to every registered voter in the State, is this a similar pamphlet that the League of Women Voters puts out in their voters guide in just about, I think, all major newspapers across the State? If it is, what is the advantage? Why should the Commonwealth incur an expense of \$2.8 million if it is published in their daily newspaper the week before the election?

Mr. KUKOVICH. The main reason is that after you took out public financing last week, there was no constitutional way to provide a mechanism to prevent extremely wealthy people from buying elections. This might not do it either, but it is the only legal way, under the court cases and under the United States Supreme Court, that we would have a chance to do it.

Mr. ADOLPH. But are you not preventing that by setting up caps?

Mr. KUKOVICH. But you cannot apply caps to anybody unless they voluntarily opt for the system. If there is no mechanism to set up such a system, you cannot have caps.

Mr. ADOLPH. You have to have this pamphlet go out at \$2.8 million in order for the caps to mean anything?

Mr. KUKOVICH. You have to have some voluntary system. So far the campaign financing bill, which this body decided to eliminate, is a system that has been used everywhere else in the United States. For whatever reason, this body thinks that is not what they should do. As a compromise, we decided that we would, instead of providing some funding system that would go to candidates, we would provide a voter service, which, by the way, in response to a couple of the other speakers, has been extremely popular in places like Oregon.

According to the experts, it has much more impact than campaign brochures and can be very beneficial to candidates. It is reasonable, it is much less money, and it is a way to legally accomplish what a majority of the members profess they want it to do.

Mr. ADOLPH. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Nickol, is recognized on the Kukovich amendment.

Mr. NICKOL. Thank you, Mr. Speaker.

I know a number of my colleagues are wondering why I am joining Representative Kukovich in offering this amendment. I will attempt to explain. Representative Kukovich and I agree on the goal. Our goal is the need to control campaign spending in Pennsylvania. Where we differ is on solutions. We come from different backgrounds, different districts, different philosophies. I often feel that nationwide, proponents of public financing are the type of people who, whenever they can identify a problem, look for government money to be the solution. To me, I do not feel you should need to bribe public officials running for election to agree to spending limits.

But the issue is much more complex than just public dollars or no public dollars. This whole issue is controlled by the Federal courts. The U.S. Supreme Court in Buckley v. Valeo has basically given us two tests. Number one, the campaign spending limits must be voluntary. We cannot force candidates to comply with them. And number two, we must give candidates something of value if they agree to spending limits.

My amendment last week struck public financing from HB 690. In my amendment, though, only the public advertising before an election could be classified as an advantage. This amendment would beef up the incentives for compliance to improve prospects of withstanding any test of constitutionality in the Federal courts without direct public financing.

HB 690 as originally drafted had a cost of \$18.5 million annually. This amendment, if you broke it down on an annual basis, is probably a little more than \$1 million; a substantial cost savings, a substantial concession from the sponsors. Fourteen States produce voters guides of some nature at this present point in time. Oregon is perhaps the most comprehensive. It is published since the 1920's with nearly 100 percent participation by candidates.

As alluded to by Representative Kukovich, this guide is very popular to voters in Oregon. Citizens rate the voter pamphlet very highly. In a poll conducted by the Oregonian, it indicates voters rate the pamphlet as the most influential source of information in making their decisions on election day. They rated it higher than newspapers, higher than political endorsements, higher than print, TV, or radio ads.

Hopefully, you will understand the need for an amendment to beef up the incentive provisions in HB 690. This allows us to avoid direct public financing of campaigns to reach the same goal that we both agree on — limits on campaign spending.

I urge your thoughtful and full consideration of this issue and request your support for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Lynch, on the Kukovich amendment.

Mr. LYNCH. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman from Manor indicates he will respond. Mr. Lynch can continue.

Mr. LYNCH. For the record, Mr. Speaker, we have talked about this, and you know I am in support of HB 690, but I do have a concern about this amendment. The concern is, do you perceive the possibility that we are getting into more government control in just another facet of our lives?

Mr. KUKOVICH. I do not think this has anything to do with government control of anybody's lives.

Mr. LYNCH. Well, we are talking about the Department of State doing this.

Mr. KUKOVICH. What we are talking about is the Department of State providing a public service. The candidates would be free to put in the information they want about themselves with the restrictions that they cannot use the pamphlet to attack somebody or something to that effect.

Mr. LYNCH. I hear you, but, you know, sometimes perception becomes reality, and I am not totally convinced one way or the other on this, but I have a little bit of a concern on this.

Mr. KUKOVICH. Well, if I could answer further. Oregon has been doing this since the 1920's, and I know of no complaints that the Oregon State government has taken over the lives of the population because of a voter pamphlet.

Mr. LYNCH. No, I do not mean to imply that. I am not implying that either, Mr. Speaker.

I guess that is all I have to say. I just want to make a quick comment on the bill, Mr. Speaker.

The SPEAKER. Mr. Lynch is in order and may proceed.

Mr. LYNCH. Thank you.

I just want to caution, you know, sometimes the public out there takes the right or wrong perception, whatever. But perception can become reality, and if there are those who are bothered by the possibility that this could be conceived as larger government control in the elections or whatnot, I just ask them to consider that. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the gentleman, Mr. King, is recognized on the amendment.

Mr. KING. Thank you, Mr. Speaker.

May I briefly interrogate the maker of the amendment?

The SPEAKER. The gentleman is in order.

Mr. KING. Mr. Speaker, on the first page under number (2) concerning current occupation, would there be necessity there to include any military service, or where do you see inclusion of any military service in the informational background? Would that also possibly come under a prior governmental experience?

Mr. KUKOVICH. As far as I know, the Oregon language does not specifically relate to military experience, but there is not an exclusion. As I look through the Oregon pamphlet, candidates do have the opportunity to include whatever military

experience they have had. So under this language, I would assume that military experience could be included.

Mr. KING. Thank you. Let the record so show that.

Also, I would like to ask, Mr. Speaker, if I may— Do you have an additional answer to that?

Mr. KUKOVICH. No; it just seems under section (2), letters (iv), 4, at the top of page 2, "Prior governmental experience" is probably where the military experience can be used. But I see it in all the other brochures.

Mr. KING. I understand. That is why I brought that into my question. But now let me ask you this question: Mr. Speaker, do you think there would be an advantage to the candidate who was incumbent in listing his governmental experience over a nonincumbent?

Mr. KUKOVICH. I am not sure how to answer that. I mean, the best I can do is give you an opinion.

I do think that there might be an advantage to incumbents, because they do have more governmental experience. They can list accomplishments that would probably, since it is the candidate putting them in, make them more popular than somebody who might be a challenger, who has either limited governmental experience or simply cannot match those kinds of, if you are talking about legislative or gubernatorial races, for example, that do not have the same types of accomplishments as the incumbents have. So there might be a built-in advantage.

Mr. KING. Thank you, Mr. Speaker.

Let the record so speak to that.

The SPEAKER. The Chair thanks the gentleman and recognizes the lady from Indiana County, Representative Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

As a member of the League of Women Voters, I want to comment on the suggestion by an earlier speaker that the pamphlet proposed in the Kukovich-Nickol amendment would duplicate the pamphlet produced by the League of Women Voters during the election cycle. There are two reasons that I do not think that that is true.

First, the format of this pamphlet is different from the format that is typically used in the League of Women Voters' questionnaire, which typically asks candidates to answer a couple of specific questions within a limited number of words; and second, because in many cases, a lot of people who vote in Pennsylvania live in areas where newspapers do not in fact carry the League of Women Voters' questionnaire.

I think under the circumstances that there is at least the potential for this kind of informational pamphlet to have the same sort of beneficial effect in Pennsylvania that it seems to have had in political discourse and in providing information on candidates in Oregon and that it does not in fact duplicate an already available service to voters.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—95

Acosta	Evans	Lloyd	Rubley
Battisto	Fajt	Lucyk	Rudy
Bebko-Jones	Fee	Manderino	Santoni
Belardi	Freeman	Markosek	Scheetz
Belfanti	George	Masland	Scrimenti
Bishop	Gerlach	Mayernik	Staback
Blaum	Haluska	McCall	Stairs
Butkovitz	Hanna	McNally	Steelman
Buxton	Hennessey	Melio	Stetler
Caltagirone	Hughes	Michlovic	Stish
Cappabianca	Hutchinson	Mihalich	Sturla
Carn	Itkin	Mundy	Surra
Carone	James	Nickol	Tangretti
Cessar	Jarolin	Oliver	Taylor, E. Z.
Chadwick	Josephs	Petrarca	Thomas
Clark	Kaiser	Pistella	Trich
Cohen, L. I.	Kasunic	Preston	Van Horne
Cohen, M.	Kirkland	Richardson	Vitali
Corrigan	Krebs	Rieger	Williams
Cowell	Kukovich	Ritter	Wozniak
Curry	LaGrotta	Roberts	Yandrisevits
Daley	Laub	Robinson	
Dermody	Lee	Roebuck	DeWeese,
Donatucci	Levdansky	Rooney	Speaker
Egolf			

NAYS—103

Adolph	Fichter	Lynch	Schuler
Allen	Fleagle	Maitland	Semmel
Argall	Flick	Marsico	Serafini
Armstrong	Gamble	McGeehan	Smith, B.
Baker	Gannon	Merry	Smith, S. H.
Barley	Geist	Micozzie	Snyder, D. W.
Birmelin	Gigliotti	Miller	Steighner
Boyes	Gladeck	Nailor	Steil
Brown	Godshall	Nyce	Stern
Bunt	Gordner	O'Brien	Strittmatter
Cawley	Gruizza	Olasz	Taylor, J.
Civera	Gruppo	Pezel	Tigue
Clymer	Harley	Pesci	Tomlinson
Colafrella	Hasay	Petrone	Trello
Colaizzo	Herman	Petit	True
Conti	Hershey	Phillips	Tulli
Cornell	Hess	Piccola	Uliana
Coy	Jadlowiec	Pitts	Vance
DeLuca	Keller	Platts	Veon
Dempsey	Kenney	Reber	Waugh
Dent	King	Reinard	Wogan
Druce	Laughlin	Rohrer	Wright, D. R.
Durham	Lawless	Ryan	Wright, M. N.
Fairchild	Lederer	Sather	Yewcic
Fargo	Leh	Saurman	Zug
Farmer	Lescovitz	Saylor	

NOT VOTING—0

EXCUSED—3

Bush	Raymond	Washington
------	---------	------------

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?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that HB 690, PN 754, be placed upon the table.

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

BILL REMOVED FROM TABLE

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

Mr. ITKIN. Mr. Speaker, I now move that HB 690, PN 754, be taken off the table and placed upon the active calendar.

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

ANNOUNCEMENT BY MR. S. H. SMITH

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

Mr. S. H. SMITH. To make a brief announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order. Mr. Smith from the Brookville area has an announcement.

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

Actually I speak as a resident of Punxsutawney, and I wanted to bring to the members' attention the fact that a small cookie was placed on their desks.

This is an original groundhog cookie which I commissioned from a baker in my district, a Mrs. Gladys Shaffer. I wanted to bring them in tomorrow, which is officially Groundhog Day, at the point in time when we would announce the official sighting of the groundhog in Punxsutawney, but I have been receiving so many threats due to the rough winter that I thought I would try to sweeten up this crowd a little bit this afternoon.

I hope you all enjoy the cookies and look forward to the official announcement by Punxsutawney Phil tomorrow morning.

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

Mr. TRELLO. Mr. Speaker, I would just like to let the gentleman from Punxsutawney know that when his father was representing that district, our cookies were much bigger. Thank you.

CONSIDERATION OF HB 690 CONTINUED

BILL PASSED OVER

The SPEAKER. Without objection, HB 690, PN 754, will be over for the day. The Chair hears no objection.

BILL REMOVED FROM TABLE

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

Mr. PHILLIPS. To make a motion.

The SPEAKER. The gentleman is in order.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I move that HB 185 be removed from the tabled calendar.

The SPEAKER. The gentleman has moved that HB 185, PN 2217, be brought up from the tabled calendar. This is not debatable except by the floor leaders.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, from Allegheny County on the motion.

Mr. ITKIN. Mr. Speaker, last December Allegheny County Commissioner Pete Flaherty called on Pittsburgh's neighboring municipalities to adopt assault weapon bans. Such bans, he said, would overcome what some saw as the biggest flaw in Pittsburgh's ban — the ability to go outside city boundaries to purchase assault weapons.

The Pittsburgh Post-Gazette, editorializing about Commissioner Flaherty's proposal, had this to say, quote: "While such a ban, even if extended to the suburbs, would account for weapons involved in only a minority of shootings, it is important for two reasons: It would show the need for more comprehensive action by the General Assembly on weapons that lead to street violence and it would demonstrate (contrary to the gun lobby's claims) that the issue can be handled with sufficient restraint to respect the rights of sportsmen," end quote.

For a while this House seemed to be heeding that call. All over the State, newspapers and the people who read them were clamoring for a sensible, substantive, comprehensive, effective anticrime package, and we heard those cries. But during the holiday break I contacted people on all sides of the issue, listening to their concerns and searching for some middle ground. Believe it or not, there is middle ground here. I had already begun drafting language that would delineate and strengthen legal gun owners' responsibilities and make criminals more accountable for the illegal use of weapons.

Mr. RYAN. Mr. Speaker?

Mr. ITKIN. Evidently, that middle ground was too frightening for some people.

Mr. RYAN. Mr. Speaker, will the gentleman yield.

The SPEAKER. The gentleman from Allegheny momentarily yield. The gentleman from Delaware is recognized.

Mr. RYAN. Mr. Speaker, what we have before us is a motion to remove from the table. What I am hearing is the debate on something.

The SPEAKER. The gentleman, Mr. Itkin, will please confine his remarks to the motion to bring from the table.

The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, I am giving the grounds why we should not take this bill from the table at this time, because I think that right now we find that this attempt of trying to come

up with a compromise appears to be too frightening for some people, and apparently they would rather huddle on the fringes, ignoring the reasonable voices of Pennsylvanians who are begging us to bring some sanity into this process.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman yield.

Mr. Ryan.

Mr. RYAN. Please.

The SPEAKER. The gentleman, Mr. Ryan's point is well taken. However, however, the Chair does not feel that Mr. Itkin has punctured the appropriate latitude that I would allow, although it is getting close.

Mr. ITKIN. Thank you, Mr. Speaker.

I think the issue before the House of Representatives should be not to take up reconsideration of HB 185 but really deal with the real issue.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan.

Mr. RYAN. The issue is not to take anything up. The issue is to remove something from the table or not to remove it from the table.

The SPEAKER. With all due respect, the Chair feels that the gentleman, Mr. Itkin, is promulgating reasons why he believes the measure should remain on the table and has not breached the appropriate debate limit that you have suggested.

PARLIAMENTARY INQUIRY

Mr. D. R. WRIGHT. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Wright, from Clarion County is recognized. For what purpose does the gentleman rise?

Mr. D. R. WRIGHT. Point of parliamentary inquiry.

The SPEAKER. The gentleman should state his point, please.

Mr. D. R. WRIGHT. Has the gentleman, Mr. Ryan, by his statement today indicated that he no longer approves of the latitude that is given to majority leaders to speak at length on any issue that comes before this House?

The SPEAKER. The Chair obviously cannot speak for the distinguished colleague from Delaware County.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman from Delaware County is recognized to respond to the gentleman from Clarion.

Mr. RYAN. Mr. Speaker, nor is it necessary for you to speak on my behalf. If the gentleman wants to interrogate me, I would be pleased to answer anything he has to say.

The SPEAKER. The gentleman has purported a question, or proffered a question.

Mr. RYAN. Proffered or proffered?

The SPEAKER. Proffered.

Mr. RYAN. And what was it?

Mr. D. R. WRIGHT. Mr. Speaker, I will rephrase my question.

Mr. RYAN. I think, Mr. Speaker, in response to the gentleman's interruption of the majority leader, I think that I have extended courtesies to the majority leader and he to me

throughout this term. However, even the majority leader occasionally strays from the fold and strays from the straight and narrow, and at the moment that is what I believe he is doing. He is reading a script for final passage rather than the script for removing from the table, and that is the position that I believe I am taking before the Speaker. And I have almost burst that balloon; the Speaker has said that himself, so I am very close.

The SPEAKER. The Chair would like to pronounce that both floor leaders will have maximum flexibility, and I do not want to be presumptuous here, but while I am privileged to be at the dais, I believe it would be appropriate that both floor leaders have maximum flexibility.

The gentleman, Mr. Itkin, should proceed.

Mr. ITKIN. Mr. Speaker, in trying to meet the minority leader's objections, I do not really feel that I have been straying from the point.

The point is that we have a bill on the table. The point is that we should let sleeping dogs lie in their comfortable berth right now. But the minority leader believes that it is appropriate at this time to support to take from the table. Obviously he has an agenda that he supports to revisit HB 185, to revisit a ripper bill that will prevent or preempt the opportunity for communities like Philadelphia and Pittsburgh to impose a ban on assault weapons, and to that extent I am saying to the minority leader and to the members of the House, I do not feel that the time is right. I believe that we do have the opportunity and we have initiated that opportunity to meet with the various sides on this issue and come up with what I consider to be a reasonable compromise that we can negotiate and present to the House.

Nothing is going to be served here today if we remove HB 185 and act on it today. The Governor of the Commonwealth has indicated that he will veto HB 185 if it contains a preemption of the bans in Philadelphia and Pittsburgh. Consequently, it would seem to me that whatever action we might do today would fly in the face of a gubernatorial veto and will not really advance where we should be, and then the question is, how do we gain control over the proliferation of weapons in this Commonwealth and prevent this misuse?

Mr. Speaker, I sincerely request that the House get on with its other business, not address this issue at this time. Let those that are now engaged in trying to come up with some compromise continue to do their positive work, and then in a month or two, we can then revisit this and have a comprehensive amendment that we can all support.

Mr. Speaker, I strongly urge the House today not to take HB 185 from the table.

The SPEAKER. The Chair is pleased to recognize his friend from Delaware County, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, initially, a few brief observations.

The SPEAKER. Maximum latitude.

Mr. RYAN. Thank you. That is about the size of my observation.

The gentleman, Mr. Itkin, towards the end of his brief remarks, was saying the minority leader believes this and the minority leader believes that. I do not know how he knows what the minority leader believes in, because right now the minority leader does not know what he is going to do in a little while because I do not know what this House is going to do any more than you know what it is going to do. But let me say this with respect to my last remark on what this House is or is not going to do.

When we left here prior to Christmas, Mr. Speaker, the first order of business we were going to have was we were going to come back here and handle manufactured housing, because we left that up in the air, and that was going to be the first order of business when we got back from the Christmas break. We have not seen hide nor hair of that one. Then we were going to do gun control, and that is the last thing we were going to do as we broke here a couple of weeks ago; then we got caught up in the snows and the ices of the past several weeks. But we were, nevertheless, going to come back in here and we were going to address gun control, and we never addressed that gun control until we are now trying to bring it back off of the table.

The last thing we were going to do as we broke I think yesterday was we were going to handle campaign reform, and we have not handled campaign reform yet today, and here it is, 5 o'clock in the afternoon. And through all of this, of course—and I think this is the right way to go, incidentally—we talked about having a reasonable schedule and getting out at a reasonable time and not going into 8, 9, 10, 11, 12 o'clock at night in order to meet some kind of a deadline. But I think we have let things slip, frankly.

Now let us come back around to where we are now, a motion to remove from the table. I think it is true that other things are planned by some of the members of this House—whether it is a majority of them or not, I am not sure—if this bill comes off the table.

I for one, I for one, intend to offer a resolution today on gun control. I intend to offer a resolution. I am going to ask first for a suspension of the rules—May I have order, Mr. Speaker?

The SPEAKER. The Republican leader requests order. That is a reasonable request. Staff will please be seated. Members will please come to order.

Mr. Ryan may continue.

Mr. RYAN. I have a concurrent resolution which I intend to ask the House to consider today by suspension of the rules creating a committee to report to us by June 1, a committee made up of members of the Fraternal Order of Police, the Attorney General, Local Government Commission, Pennsylvania District Attorneys Association, a designee of the Governor representing the Pennsylvania State Police, a designee from the Federation of Sportsmen's Clubs, Unified Sportsmen of Pennsylvania, Pennsylvania Game Commission, National Rifle Association, Handgun Control, Inc., and four members of the General Assembly, who would elect a chairman and make a report to us by June 1.

I think this is important. In the meantime, however, I think that we have some obligation to the sportsmen of Pennsylvania, those who hunt in Pennsylvania, to settle this question of primacy. As we sit here today, there are communities throughout this State who are considering adopting gun control laws which will make it impossible for the sportsmen and the hunters of Pennsylvania to practice their various sports and their various hobbies, and I think that neither Philadelphia nor Pittsburgh should guide this Commonwealth in something this important. This is not the tail that should be wagging the dog, but rather, this State should be deciding what is or is not the law of Pennsylvania in connection with the use of firearms, and for that reason I think it is important that we address the issue on HB 185 as promptly as possible and take care of that issue.

For that reason I am asking that this bill be removed from the table and that it be subject to a further motion.

The SPEAKER. Mr. Itkin.

Mr. ITKIN. I just wanted to correct, while I certainly would offer the minority leader the opportunity, as he did, to stray from the issue, probably greater than I did, but secondarily, I want to correct a misstatement of the minority leader.

Not only have we acted on manufactured housing, if the minority leader's memory would serve him correctly, we passed HB 849, HB 850, and HB 851. In fact, one of the bills is already coming out of a Senate committee. Thank you.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan.

Mr. RYAN. The gentleman is absolutely correct. I apologize. I have Irish Alzheimer's. I forget everything except my grudges.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—138

Adolph	Fichter	Lynch	Schuler
Allen	Fleagle	Maitland	Scrimenti
Argall	Flick	Markosek	Semmel
Armstrong	Gannon	Marsico	Smith, B.
Baker	Geist	Masland	Smith, S. H.
Barley	George	Mayernik	Snyder, D. W.
Battisto	Gerlach	McCall	Staback
Belardi	Gigliotti	Merry	Stairs
Belfanti	Godshall	Micozzie	Steelman
Birmelin	Gordner	Miller	Steighner
Boyes	Gruitza	Nailor	Steil
Brown	Gruppo	Nickol	Stern
Bunt	Haluska	Nyce	Stish
Carone	Hanna	O'Brien	Strittmatter
Cawley	Hasay	Olasz	Surra
Cessar	Hennessey	Perzel	Tangretti
Chadwick	Herman	Pesci	Taylor, E. Z.
Civera	Hershey	Petrarca	Taylor, J.
Clark	Hess	Petrone	Tomlinson
Clymer	Hutchinson	Pettit	Trello
Colafella	Jadlowiec	Phillips	True
Colaizzo	Jarolin	Piccola	Tulli
Conti	Kasunic	Pitts	Uliana

Coy	Kenney	Platts	Vance
Daley	King	Reber	Waugh
DeLuca	Krebs	Reinard	Wogan
Dempsey	LaGrotta	Roberts	Wozniak
Dermody	Laub	Rohrer	Wright, D. R.
Druce	Laughlin	Rubley	Wright, M. N.
Durham	Lawless	Rudy	Yandrisevits
Egolf	Lee	Ryan	Yewcic
Fairchild	Leh	Sather	Zug
Fargo	Lescovitz	Saurman	
Farmer	Lloyd	Saylor	DeWeese,
Fee	Lucyk	Scheetz	Speaker

NAYS—60

Acosta	Dent	Kukovich	Ritter
Bebko-Jones	Donatucci	Lederer	Robinson
Bishop	Evans	Levdansky	Roebuck
Blaum	Fajt	Manderino	Rooney
Butkovitz	Freeman	McGeehan	Santoni
Buxton	Gamble	McNally	Serafini
Caltagirone	Gladeck	Melio	Stetler
Cappabianca	Harley	Michlovic	Sturla
Carn	Hughes	Mihalich	Thomas
Cohen, L. I.	Itkin	Mundy	Tigue
Cohen, M.	James	Oliver	Trich
Cornell	Josephs	Pistella	Van Horne
Corrigan	Kaiser	Preston	Veon
Cowell	Keller	Richardson	Vitali
Curry	Kirkland	Rieger	Williams

NOT VOTING—0

EXCUSED—3

Bush	Raymond	Washington
------	---------	------------

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

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

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

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

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

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

Mr. EVANS. Mr. Speaker, are we dealing with HB 185?

The SPEAKER. The gentleman is correct. We are on House supplemental calendar A, HB 185, PN 2217.

Mr. RYAN. Pardon me. Mr. Speaker, would the gentleman yield for a moment?

The SPEAKER. The gentleman indicates he will yield.
Mr. Ryan may comment.

Mr. RYAN. Mr. Speaker, at the moment we have no calendars on— I do not believe anyone on the floor— I just now have it. Thank you.

The SPEAKER. The Chair apologizes to the gentleman. The calendars are being distributed.

AMENDMENT A5095 WITHDRAWN

The SPEAKER. The gentleman, Mr. Evans, will please read the number of his amendment. The gentleman was debating this amendment when we last visited this issue.

Mr. EVANS. Correct.

Mr. Speaker, I wish to withdraw amendment A5095 and offer in its place a corrected amendment, No. A5105.

I am certain, Mr. Speaker, the minority floor leader will remember—

The SPEAKER. The gentleman will yield momentarily. The clerk will please read the new Evans amendment.

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. EVANS offered the following amendment No. A5105:

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

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

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

CHAPTER 61 FIREARMS AND OTHER DANGEROUS ARTICLES

SUBCHAPTER D ASSAULT WEAPONS

Sec.

6181. Definitions.

6182. Determination by court.

6183. Registration.

6184. Relinquishment of weapons.

6185. Licensed gun dealers.

6186. Penalties.

6187. Application of subchapter.

§ 6181. Definitions.

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

"Assault weapon."

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

RIFLES

Algimec AGM 1 type

Australian SAR

Avtomat Kalashnikov (AK) series

Beretta AR-70 (SC-70)

Beretta BM59

Bushmaster Assault Rifle (armgun)

Calico M-900 type

CETME G3

Chartered Industries SR-88 type

CAR-15 series

Daewoo AR-100 type

Daewoo K-1

Daewoo K-2

Daewoo Max 1

Daewoo Max 2

Demro TAC-1 carbine type

Encom MP-9 carbine type

Encom MP-45 carbine type

FAMAS MAS223

G3SA type

Galil type

Heckler & Koch MP-5

Mandall the TAC-1 Carbine

M-16 type

M-900 Assault Carbine

MAC 11-99 Carbine Type

Plainfield Machine Company Carbine

SKS with detachable magazine

SIG AMT

SIG 500 series

SIG PE-57

Sterling MK-6

Sterling SAR

Steyr AUG

Valmet M62 semiautomatic

Valmet M71S semiautomatic

Valmet M76 semiautomatic

Valmet M78 semiautomatic

Uzi carbine type

Weaver Arms Nighthawk

Mac 10

Mac 11

Intratec TEC-9

Intratec TEC-22

Mitchell Arms Spectre Auto

Sterling MK-7

Calico M-900

SHOTGUNS

Encom CM-55

Franchi SPAS 12

Franchi LAW 12

Gilbert Equipment Company Striker 12

Gilbert Equipment Company Street Sweeper

Steyr-AUG semiautomatic type

USAS 12 semiautomatic type

PISTOLS

UZI Pistol

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

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

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

"Automatic firearm." A firearm which uses a portion of the force of a fired cartridge to expel the case of the fired cartridge and load another cartridge into the firing chamber; and which automatically shoots more than one shot by a single function of the trigger.

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

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

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

§ 6182. Determination by court.

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

(1) Another model by the same manufacturer or a copy by another manufacturer of an assault weapon listed in section 6181 (relating to definitions), which is identical to

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

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

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

(c) Notice.—

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

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

(d) Hearing.—After issuing a declaration of temporary suspension under this section, the court shall set a date for hearing on a permanent declaration that the weapon is an assault weapon. The hearing shall be set no later than 30 days from the date of issuance of the declaration of temporary suspension. The hearing may be continued for good cause thereafter. Any manufacturer or Commonwealth distributor of the weapon which is the subject of the temporary suspension order has the right, within 20 days of notification of the issuance of the order, to intervene in the action. Any manufacturer or Commonwealth distributor who fails to timely exercise its right of intervention or any other person who manufacturers, sells or owns the assault weapon may, in the court's discretion, thereafter join the action as amicus curiae.

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

§ 6183. Registration.

(a) General rule.—Any person who lawfully possesses an assault weapon, prior to 90 days after the effective date of this subchapter, shall register the firearm within one year of that effective date, with the commissioner under those procedures which the Pennsylvania State Police may establish. The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name,

address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department may charge a fee for registration of up to \$20 per person but not to exceed the actual processing costs of the department.

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

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

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

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

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

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

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

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

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

§ 6184. Relinquishment of weapons.

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

§ 6185. Licensed gun dealers.

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

§ 6186. Penalties.

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

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

§ 6187. Application of subchapter.

This subchapter shall not apply to the use or possession of assault weapons by State or local law enforcement agencies, the

military forces of this Commonwealth or the armed forces of the United States.

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

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan.

Mr. RYAN. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. RYAN. This is an honest inquiry. I do not know the answer to this.

When did this amendment show up? We have no idea when this amendment arrived.

The SPEAKER. The gentleman, Mr. Evans, indicates he can respond.

Mr. EVANS. Mr. Speaker, the minority leader may recall that when we were debating this issue about a month, a month and a half ago, when we decided to table the bill, the Evans amendment was being debated at that particular point; that there needed to be a technical correction to the Evans amendment. I indicated to the minority leader at that particular time that we would get the technical correction made. It was agreed to set the bill and the amendment aside, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. RYAN. Now a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. RYAN. It has been pointed out to me by a staff member that, at least my amendment—I guess it is true of all of them as I look around—is time-stamped for 5:02, I guess yesterday, beyond the 2 o'clock mark. Does this require a suspension of the rules?

The SPEAKER. The Parliamentarian advises that we do not need to suspend the rules. The rules were suspended on December 8 in order that we deal with this measure, and that suspension is still in effect.

(Conference held at Speaker's podium.)

The SPEAKER. Does the gentleman, Mr. Evans, seek recognition?

Mr. EVANS. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. EVANS. What I was describing earlier, Mr. Speaker, is that this amendment that I had offered, we had to make a correction; that it was brought to our attention by the minority leader relating to the issue of a certain word around the question of "pistols." That has been corrected. That technicality, I expressed to the members of the House that the Reference Bureau has indented and capitalized the particular issue around "pistols," so now I would hope, Mr. Speaker, we can now begin the debate on the amendment.

You may recall, Mr. Speaker, that a month ago I had indicated that California, New Jersey, Connecticut, Virginia,

Colorado, New York, Maryland, Illinois, Florida, and Massachusetts' Governors as well as the Governor of this Commonwealth a week ago indicated his support for a statewide ban.

Mr. Speaker, the amendment that I am offering goes just a little further than what Mr. Ryan had offered. The amendment Mr. Ryan had offered, as you may recall, was an amendment that would have banned about 14 weapons. I have expressed an interest that I think we need to go a little further than the 14 weapons that Mr. Ryan has described. I have said, Mr. Speaker, that there are a number of other weapons that I think need to be addressed, and those weapons, Mr. Speaker, I believe, are very harmful to the people of the Commonwealth of Pennsylvania.

There is no question, Mr. Speaker, that people throughout this Commonwealth want us to deal with the question of violence and crime. This is only one step, Mr. Speaker. I do not believe that this by itself will solve the problems of crime and violence. As a result, Mr. Speaker, I would hope that members on both sides of the aisle, Democrats and Republicans, rural and urban and suburban, would support this particular amendment, because I do believe, Mr. Speaker, we need a ban on assault weapons.

I am expressing to you, Mr. Speaker, that when you look at the list of weapons that we have down here, these weapons are not used for the purposes of hunting or sportsmanship; these weapons are very dangerous to people throughout the Commonwealth of Pennsylvania. As a result, Mr. Speaker, I would hope that members on both sides of the aisle would support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman from Philadelphia.

Mr. Ryan is recognized on the Evans amendment.

Mr. RYAN. Mr. Speaker, I am frankly trying to remember all of the reasons why I voted against and urged people to vote against this bad amendment several weeks ago. My recollection is that one of the very serious flaws, of course, has been corrected. The gentleman, Mr. Evans, did correct what was obviously an error in drafting, but there were a couple of other errors in creation when this particular amendment was put together.

This amendment, as I recall, has in it or the bill has in it and I took out with my amendment, as the case may be, a provision that the firearms that are mentioned, some 50 or 60 in number, may be increased by the action of the Commissioner of State Police, as I recall. I had an amendment that was inserted in this bill which will now disappear because a subsequent amendment, being introduced by the gentleman now, will make it disappear, and that was based on a ruling of the Chair at the last meeting of this august body that the second amendment controls where there is an inconsistency. Let me straighten that out.

PARLIAMENTARY INQUIRY

Mr. RYAN. Point of parliamentary inquiry.

Mr. Speaker, I would be glad to give you time.

Mr. Speaker, either the bill or my amendment—and I frankly do not remember which—had a provision in it—and the gentleman, Mr. Evans, may remember—had a provision in it that additional weapons could be put on the prohibited list, if you will, by my amendment, by the action of this body, my amendment having taken out of the original bill the State Police, the Commissioner of State Police, as the body or the person who would be charged with the responsibility of listing the prohibited firearms, making a recommendation to the Commonwealth Court, but it was originated by the State Police. My amendment came along and I pulled that out of the bill, and in effect, by my amendment, I leave it to the legislature to determine how long this list should get, because the Commonwealth Court and the State Police at that point had been removed from it.

Now along comes today the gentleman, Mr. Evans, with this amendment, and this amendment has a provision in it that puts back in, as I understand, the Commissioner of State Police and the Commonwealth Court. Would you care to comment on that?

I call your attention to page 3 of the amendment 6182.

The SPEAKER. The Parliamentarian advises that the principle of drafting that is applicable here is, when two amendments are drafted to a bill which do relatively the same thing and amend the same section, the last amendment that is incorporated into the body of the bill is the applicable amendment.

Mr. RYAN. I agree, Mr. Speaker, with the Parliamentarian. This amendment coming after my amendment would seem to indicate that this would control, my amendment having gone in 2 weeks ago or 3 weeks ago. Therefore, we are back to a situation where the Commissioner of State Police is going to determine what gun or guns, what firearms are or are not permitted to be—

The SPEAKER. Will the gentleman yield momentarily. The gentleman's point of parliamentary inquiry is concluded?

Mr. RYAN. Yes. I am sorry.

The SPEAKER. The Chair thanks the gentleman. You may proceed.

Mr. RYAN. The Commissioner of State Police now, under this amendment if adopted, is the one who is going to determine and tell your sportsmen, subject to the Commonwealth Court, what firearms they are going to be permitted to own. Now, your sportsmen and your hunters— I do not know what the Commissioner of State Police is going to say. I do not know what this Commissioner is going to say; I do not know what the next one is going to say; I do not know what the one after that is going to say. I liked it better the way I did it. I liked it better when the legislature determined what the law was. So that is one reason I am against this.

The other reason that I quickly stand up against this is that the list that is contained in— The 50-some-odd weapons that are listed on this particular amendment, on page 2, I confess, I am not familiar with all these weapons. I cannot remember the last time I shot a firearm. But I have a lot of respect for a number of sportsmen and a number of hunters who tell me that

many of these weapons are used on a regular basis in sports club shooting, in competitive shooting. I do not know that they are used in hunting or not. I will let someone else address that issue. But essentially, we have looked at this bill before, and let me tell you, Mr. Speaker, it has not gotten any better, this particular amendment; it has not gotten any better.

You know, the simple truth of the matter is, I think there are an awful lot of us here today who really do not know, we really do not know enough about this subject. If you are like me, you are kind of scared of the subject; you are afraid of it. It is something that is perceived as bad if you are from the southeast particularly because the papers say it is bad, but it is not. If you are out in the central part of the State where guns are a way of life or hunting is a way of life, they do not have the same problems that some of us have with it.

So with this great concern, I am asking that this be voted down, and I am asking that at an appropriate time tomorrow—and I am inviting everybody to get on board—that you cosign with me a concurrent resolution and have all of these so-called experts meet over the next month or so and come up with something that makes some sense to all of us — people that we respect. I think that is the sensible way of doing it — people representing both sides of this issue.

Probably the most telling thing—and I am going to meet with some newspaper people tomorrow, and I guess I am going to get in trouble—but one of the things that I know they are going to talk to me about is gun control, and one of the things I am going to ask them about is the very thing that the sportsmen and the hunters tell me day in and day out, that the weapons on this list on only four occasions have been used in the commission of a crime. Now, I do not know whether that is true or not, but I am going to ask these newspaper people if they can show me that that is a lie.

I mean, I am really curious about that. I know handguns are used all the time. I mean, all you have to do is pick up the paper or look at the television. But we are not talking about handguns here; we are talking about far more exotic weapons. From what I hear, what I am told, they are really not used by the criminals of this country. I guess maybe they are too sophisticated for them.

In any event, Mr. Speaker, at this time I am going to ask that the amendment be defeated.

The SPEAKER. The gentleman, Mr. Godshall, from Montgomery County on the Evans amendment.

Mr. GODSHALL. Thank you, Mr. Speaker.

I also rise to ask for the defeat of this amendment.

This amendment is really the Michlovic amendment brought back, and a few guns that were on the Michlovic amendment have been taken off. Really, there are no changes or very few if any changes from that original amendment which was defeated by the House about a month ago.

On this list—and again, I am also not familiar with many of these guns personally—but the M-16 type that is listed on here is target rifles used in competitive shooting around this country by many people in Pennsylvania, by many of your constituents.

I think right now we should be dealing with primacy. That is the real issue, and let us address these guns at a later date.

I ask for a negative vote. Thank you.

The SPEAKER. The gentleman, Mr. McCall, from Carbon County. For what purpose does the gentleman rise?

Mr. McCALL. On the amendment, Mr. Speaker.

The SPEAKER. The gentleman should proceed.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Evans amendment.

If we really look at the facts, the factual evidence, the facts deny the claims made against these so-called assault weapons contained in the Evans amendment, and I challenge you to just review the police files from the Federal Government, from State and local police agencies, most of which have been drafted since 1985. These reports clearly show that the targeted guns are far from the devastating claims made by their detractors. Even with the most generous interpretations of statistics, these guns nationwide are used in well under 2 percent of homicides, and if only data regarding rifles and shotguns defined as "assault weapons" is tabulated, they represent less than 1 percent of the so-called gun crimes. That information and those statistics can be obtained through the FBI (Federal Bureau of Investigation) in their Uniform Crime Report that they have compiled since 1985.

Obviously, subjecting these additional firearms to further regulations or even banning them is not really going to significantly affect the gun crime problem here in the Commonwealth of Pennsylvania. Perceptionwise with the media, if we want to say something to the media like we have done something, maybe you pass the Evans amendment, but in actuality, if you look at the facts, if we pass this amendment, we are going to do absolutely nothing, nothing at all, in solving the gun crime problem.

If we really want to get serious about it, let us establish an instant criminal history and mental health record check program to screen firearm purchases; let us prohibit convicted felons and certain other classes of individuals from possessing any firearm under State law; let us prohibit, with certain exceptions, the possession of firearms in court facilities; let us prohibit, with appropriate exceptions, the loan of firearms; let us extend the 5-day waiting period for handguns; and let us institute a criminal history record check for all handgun purchases. Currently that is in the Brady bill. Let us correct the technical deficiencies in section 6108 of the Uniform Firearms Act, relating to carrying firearms on public streets and on public property in cities of the first class. Let us strengthen and clarify current statutes prohibiting, with appropriate exceptions, possession of firearms by juveniles.

Mr. Speaker, I stand at this microphone and I stand with responsible gun owners and sportsmen to join in that effort and to get these particular pieces of legislation passed.

I urge the defeat of the Evans amendment.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am a little surprised to hear the gentleman, Mr. Godshall, state in his statement a little earlier that he was unfamiliar with a lot of these weapons. He did state that those weapons were the same ones that were listed in the Michlovic amendment December 14. Well, I have a story for you. The Michlovic amendment's weapons—check it—every one of them was listed in the Godshall amendment. He should be familiar with those weapons because they were put on this House floor by the gentleman, Mr. Godshall. They were his list of assault weapons. He was the first one to put "assault weapons" above the weapons, the 69 weapons, that I listed in my amendment. My amendment did not come out of the clear blue. It was exactly a trace of his amendment. He defined them as "assault weapons." Now he does not recognize them.

As for the issue of the weapons used in crime in the United States, I have a list—and I will circulate it, and I am sorry I have not circulated it to your desks, but I will circulate it today—of all the assault weapons' trace statistics from the Federal Bureau of Alcohol, Tobacco, and Firearms, and this is just 10 percent of the entire weapons confiscated and used in crime across the United States. From 1986 to 1992, there were 20,000 assault weapons. The TEC-9, 376 of them were confiscated in 1988; the Mac 10, 333 in 1988. In 1992, that number went to 788.

The big problem with tracing these weapons is, a lot of municipalities and a lot of cities and a lot of police departments heretofore had never logged the make and model of the weapon used. Now they are more specific about that. But even under that older system, we had a lot of weapons, a lot of assault weapons — weapons like the TEC-9, the Mac 10, the AR-15, the Uzi type, the AK-47 that I told you I was wounded with in Vietnam, the HK-91, the F.I.E. SPAS-12 type, the Fabrique Nationale, the Calico type — a lot of those weapons that you saw pictures of. They said, do not worry about the pictures; do not look at the pictures; they do not mean anything. Well, I suggest to you, they mean a lot when you are standing on the barrel of that weapon; they mean a heck of a lot when you are looking down at it. They also mean a lot to that police officer who is standing between you and me and your constituents and that criminal who may not have had an arrest record prior to that moment, but he just may have gone crazy; he just may have had a bad day; he just may have decided to end it and take somebody else with him. That guy might not have a record, but he is standing there with an AK-47, looking down at you, at your wife, at your children. That is what we are talking about.

So do not talk, do not say that there is a zero list that the NRA (National Rifle Association) puts out; none of these weapons have ever been confiscated. Take the list from the Federal Bureau of Alcohol, Tobacco, and Firearms.

There are a variety of things that we can do, very importantly, and I have heard the arguments that banning of assault weapons is not the answer. I suggest to you that, no, it is not the entire answer, and I said that when I offered my amendment a month ago. It is not the entire answer, but it is a flashpoint, and you and I know it. We are politicians. It is a

flashpoint in the public mind, and we are going to have to deal with that issue, and that issue is easy access to guns.

Mr. McCall ticked off a list of things that we can do to address that situation, to try to remove that easy access to guns, and I agree with him. I think there are a variety of things that we can do, and among them, we can make people accountable and responsible for their weapon. If their weapon is used in the commission of a crime, they should be civilly liable, they should be accountable, and somebody ought to be able to sue them because they were not accountable, they were not responsible, they did not lock that weapon up. That is where we ought to be going and that is where we will be going if we deal with some of the legislation that has been introduced, but that is for another day.

Today, right now, we are dealing with the Evans amendment, the flashpoint of the gun issue, and I suggest to you that that list of weapons is an appropriate list. Not 2 weeks ago I was in the majority leader's office with a representative, who is a ballistic expert from the State Police, Mr. Fred Wentling. He pointed out that not one of those weapons on my list, much less the Evans list, was used for hunting in this Commonwealth, and only one, only one could be used in a competitive shoot that is going on today, and that is some models of the AR-15. So when you hear this testimony that a lot of these weapons are used in competitive shoots, take it from the ballistic expert that works for the State Police. He said, no; there is only one, the AR-15, and note that the AR-15 is on the Alcohol, Firearms, Tobacco list, ATF's list, as one of those weapons that has been seen more and more used in crime today. So we have a real problem with that weapon. Do we ban it or not?

But a lot of the testimony that you would hear by the advocates of HB 185 is, I submit to you, false, and the list that we are using, that we are working off, was first submitted in a Godshall amendment that was offered on this floor, and I urge strong support of the Evans amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Godshall, for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

In order to correct the record and the previous speaker, the Godshall amendment which was adopted by this House contained a group of firearms. Those firearms were a composite of the weapons that were banned in Pittsburgh and Philadelphia. It had nothing to do with the Michlovic amendment; it had nothing to do with the guns in the Michlovic amendment, and as I said before, I am not familiar with some of those, but the list was derived from a composite of the Philadelphia and Pittsburgh ban list, and that is where the guns came from. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, on the Evans amendment.

Mr. WILLIAMS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman is in order and may state his point.

Mr. WILLIAMS. Mr. Speaker, are we under suspension of the rules and therefore able to introduce other amendments?

The SPEAKER. Yes.

Mr. WILLIAMS. Thank you, Mr. Speaker.

May I proceed, please?

The SPEAKER. The gentleman is recognized on the Evans amendment.

Mr. WILLIAMS. I understand.

The SPEAKER. And the gentleman should proceed.

Mr. WILLIAMS. Earlier it was stated that, frankly, we did not need to ban these assault weapons under the premise that only 2 percent of the homicides were committed by some of these assault weapons. While I would stand here today with some of the previous speakers who have outlined some very fine ideas which would deal with the issue of firearms or gun reform or gun control, however you might want to describe it, and specifically, the previous speaker who ticked off about five or six items which he would stand in support of, I would suggest that we do that today.

Since we are allowed to further amend HB 185, let us incorporate those fine ideas today, and if in fact only 2 percent of the homicides are committed by the assault weapons, I daresay 80-some percent are committed by handguns, and I would suggest that we further explore that situation today. We do not have to wait any further. Those five items which were outlined, those six items which were outlined, hey, we have plenty of time. I will assist him with my staff to do those issues today. Let us not delay it any further. Let us not beat around the bush. Let us not play games. Let us do it today, amend it today. I will support him today. I am sure that many of the members from Philadelphia County will support him today and Allegheny County will support him today along with the other items. Let us do those today.

But I would also suggest to you that we also like to talk about percentages. Two percent of the homicides in the United States were committed by assault weapons, as if to suggest that those 2 percent, may they be 10, may they be 100, may they be 1,000, are not a significant number. Well, I am not sure how you feel about it, but I know how I would feel about it if someone in my family were murdered by an assault weapon and heard someone else stand on this floor and suggest that, well, they only fell into the 2-percent crack and therefore their life was less meaningful than the other 80 percent. They are still dead. They were still murdered. They were still mangled. A family was destroyed because someone who was irresponsible in our society had possession of assault weapons and we saw fit not to regulate that process, to remove that potential danger from our society.

That FBI report also indicated, that FBI report also indicated there is no need for assault weapons in the larger society and the vast majority of them need not be around. So if we are going to state the record, state the entire record, and if we are going to talk about gun reform and what is responsible and what we should do, let us do it tonight. We stayed

here until 5 o'clock in the morning for fiber optics and education. Well, if we want our children to be educated, let us let them be alive so that they can be educated. Let us do the gun reform A to Z today, today, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Geist from Blair County on the Evans amendment.

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

Will the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. GEIST. Mr. Speaker, in our part of the State, the transition to manhood quite frequently involves gun training — shooting in leagues, whether it be the beginning instruction with BB guns or moving up into skeet, rifle, other kind of competition. On page 5 of your amendment, it reads: "No person who is under 18 years of age and no person who is prohibited from possessing a firearm by this chapter may register or possess an assault weapon."

Now, Mr. Speaker, let me ask you a question. In this list it says "M-16 type." As you well know, a lot of the match weapons, semiautomatics, could fall under the title "M-16 type," which is a listed weapon. So, Mr. Speaker, does this language clearly, as it spells out, mean that juniors, who belong to a club or belong to a league, will no longer be able to shoot that weapon in competition?

Mr. EVANS. Mr. Speaker, if you look over above (5), it indicates the conditions of possession. An answer would be no. They would be allowed, if they meet these conditions, to be able to perform in the sporting club.

Mr. GEIST. I am sorry, Mr. Speaker; I absolutely could not hear you.

Mr. EVANS. Mr. Speaker, what I said to you is, if you look on page 5, conditions of possession, look at conditions of possession. From (1) to (5), it lays it out right there, Mr. Speaker.

Mr. GEIST. Thank you, Mr. Speaker. I have read that, and then when I got to that language down there and saw it, which is clarifying, I believed that what it said then was that a person under 18, really it would take them out of competition shoots.

Mr. EVANS. Repeat your question again, Mr. Speaker.

Mr. GEIST. I said when you read this on the possession, that language could clearly be interpreted, could it not, to limit people from competing in shoots, match shoots?

Mr. EVANS. I do not see it that way, Mr. Speaker.

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

May I speak on the amendment?

The SPEAKER. The gentleman may proceed.

Mr. GEIST. Mr. Speaker, we have gone round and round on this business of gun control and blaming guns for crimes in Pennsylvania. I think it is time that we defeat this amendment and look into meaningful ways to punish criminals who use guns rather than the people that like to possess, collect, shoot. Clearly, it has been pointed out that these weapons are not used as they have been reported by the media.

I would urge everyone to vote "no" on the Evans amendment and let us get on with the business of punishing criminals.

The SPEAKER. The gentleman, Mr. Sturla, from Lancaster on the Evans amendment.

Mr. STURLA. Mr. Speaker, will the maker of the amendment stand for a brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. STURLA. Mr. Speaker, there were some questions earlier about the relationship of the Police Commissioner and his being able to request that certain guns be added to the list. When I read that section, the way I read it anyway, at least my understanding is that this would only apply to those weapons that would be copycats of weapons that are on the list or weapons that had their names changed or numbers changed. Is that correct?

Mr. EVANS. Repeat your question again, Mr. Speaker.

Mr. STURLA. Mr. Speaker, there seemed to be some question about the Police Commissioner's role in your amendment. The way I read that amendment, it would appear that the only time the Police Commissioner has standing is when he is asking for copycat weapons or weapons that have had their names changed from those that are on the list to be added to the list. Is that correct?

Mr. EVANS. Yes, that is, Mr. Speaker.

Mr. STURLA. Would it also be your contention then that any bans that we have passed with previous amendments or anything like that that did not include this type of language would in fact have such a large loophole in it that the next day all gun manufacturers would go out and put a new sticker on their box that they sell the weapon with and therefore all the weapons would again be legal the next day?

Mr. EVANS. Correct, Mr. Speaker.

Mr. STURLA. Thank you.

The SPEAKER. Does the gentleman, Mr. Evans, seek recognition?

Mr. EVANS. Yes.

The SPEAKER. The gentleman is recognized for the second time.

Mr. EVANS. Mr. Speaker, I would like to just clarify a few issues.

One of the issues that the minority leader had raised was over the question about a process in terms of the State Police Commissioner. If you notice in the amendment, Mr. Speaker, we outlined the hearing process, which would be due process available; that the State Police Commissioner would not be able to make an arbitrary decision; that the burden of proof is upon the Commissioner to show the evidence of that particular decision. I think, first, we need to be very clear about that.

Secondly, Mr. Speaker, I would agree with the gentleman from Carbon County, Representative Keith McCall. There is no question that this issue by itself will solve the crime and violence in the Commonwealth of Pennsylvania. However, Mr. Speaker, I do believe that the people of the Commonwealth of Pennsylvania want us to send some type of message, some type of symbolism that we are at least attempting to address

this issue in some way. I am saying to you, Mr. Speaker, no, this is not a perfect answer to crime and violence. But, Mr. Speaker, all of us know that this is just a beginning. There are a lot of other things that we need to do in Washington, DC, here in Harrisburg, and in our local communities. I would ask, Mr. Speaker, that we look at this as a part of an entire strategy, and that strategy is to address the problem of crime and violence.

The real issue, Mr. Speaker, is, yes, we do need more police officers; yes, we do need more boot camps; yes, we do need to do those things, but we also need to control these weapons. We need to send a message, no matter how small the message is, that we are no longer going to tolerate these assault weapons.

I believe, Mr. Speaker, and I want to be very clear that I am not against the idea of people having weapons who are legally responsible for maintaining those weapons. But, Mr. Speaker, there is no justification for the weapons that we have on this particular list. Mr. Speaker, even in the Michlovic amendment, there were between 83 to 85 people on this floor that voted to ban 75 weapons. On the Ryan amendment, Mr. Speaker, 14 weapons, there were 101 members.

Mr. Speaker, the only thing that I have attempted to do is expand on some other weapons that I think are important to be on this list and to add a process. I think, Mr. Speaker, we have to begin to say enough is enough, that we are no longer going to not have any type of responsible approach to these assault weapons.

I would ask you to vote to support the Evans amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Philadelphia and recognizes Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise for defeat of this amendment.

It seems that we always want to put the onus of crime on the gun owner and not on the criminal. I think we really have to look at the root problem. What is the root problem that we have in America today? There are many areas, but one area I think that we should be looking at is our youth. What are we doing for our youth? How much money are we spending on our youth? Are we training our youth? Are we giving our youth jobs? This is what the root problem is of crime today.

When we looked at these weapons that are on these lists, as we know, as research has been done, many of them have never been used to commit a crime. It just does not make much sense banning weapons that have never been used to commit a crime.

A couple of weeks ago when we addressed HB 185, we had the literature that was placed on our desks that showed assault weapons, these terrible looking assault weapons, and everybody got the idea that these were used every day to commit all kinds of crimes, but that is not the case. As a matter of fact, there has been research done on that exact list of weapons, and that will be made available as to how many of them are used for crime and how many of them are really not legal in the United States, have never been imported in the

United States. It is information that is deceiving, and this is what we have to stop, and I believe that this can be done.

I do not think we should take this bill and put a lot of amendments on it, because the purpose of this bill is preemption. The State should have preemption in gun laws. We should not have a hodgepodge of laws throughout this area and have every community throughout the State pass their own gun laws. It is just not— It would cause chaos, and that is the thing that we are trying to address here today, and if somebody has ideas on what should happen on other legislation, let us introduce bills and see what can be done with them.

I believe it is very important that we pass Representative Ryan's concurrent resolution and let us study the facts about these weapons we are talking about. Let us study the true facts, not be deceived by the news media and not try to get into sensational reporting but get out with the true facts as to exactly what these weapons are used for — how many are used for target shooting, how many are used for collection, how many are used for hunting — and get the exact facts, and that way we can make a decision that is right.

Therefore, I ask for the defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hughes.

Mr. HUGHES. Mr. Speaker, this is an interesting discussion. I am sorry we had it at this particular moment. I thought we were going to go in another direction as far as determining good public policy as far as firearms are concerned in the Commonwealth, but unfortunately, for whatever reason we have been brought to this point. We will deal with that issue at another time.

It is interesting, Mr. Speaker, how we can have individuals in opposition to this particular matter. The President of the United States of America just last week called for a ban on assault weapons. The Governor just last week, Mr. Speaker, called for a ban on assault weapons. Recently Time magazine and other national pollsters have reported over 75 percent of the American population—and Pennsylvania still is a part of the United States of America—want some kind of control, some kind of ban on assault weapons.

I disagree, Mr. Speaker, with my good friend, the gentleman from Philadelphia, the chairman of the House Appropriations Committee. I do not think this is a matter of symbolism. I think the support of this amendment is a matter of creating good public policy. It is only a matter of time that some group of individuals, some people, some family members, folks that you may know, folks that may be constituents of yours, folks that are just human beings will be gunned down mercilessly by the use of one of the weapons on this list. The State Police Commissioner, the commissioners in the city of Philadelphia, the commissioners in Allegheny County and all across the State are reporting the growing arrests that are occurring and how in those arrests they are capturing and retrieving more and more weapons that are appearing on lists like are in the Evans amendment and like were in the Michlovic amendment.

We cannot wait until some group of people, some individual is shot down in cold blood by one of the weapons on this

list before we decide to do something about it. It does not make sense. What you are saying by opposing the Evans amendment is saying, okay, let us go ahead and shoot some folks by one of these weapons. It has not occurred yet. Let us wait until it occurs, and then after it occurs, then let us do something about it. What do you say to those families? What do you say to those individuals? They are getting more and more of these weapons; they are confiscating more and more of these weapons on a daily basis. It is only a matter of time.

The Evans amendment is a good proposal. In fact, some would even say it is a compromise. It is not as long as the Michlovic list and it is definitely not as short as the Ryan list. It is good public policy, Mr. Speaker. We should support this. We need to come out of the 19th century and the 18th century. We need to get on board with everyone else in this country who is crying out for us to be real leaders and for us to represent the people who sent us here to this chamber to do something about the excessive proliferation of firearms and especially of unneeded, unnecessary weapons like the weapons on this list.

I encourage, Mr. Speaker, a unanimous "yes" vote on the Evans amendment. Thank you.

The SPEAKER. The gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Will the prime sponsor of the amendment rise for a very brief interrogation?

The SPEAKER. The gentleman, Mr. Evans, indicates he will stand.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, on page 2 of your amendment you have a number of the semiautomatic so-called assault weapons that you would wish to ban. One of those is called the M-16 type, Mr. Speaker. Could you define a little bit for me what you mean by the M-16 type?

Mr. EVANS. I am sorry; I am sorry, Mr. Speaker. I could not tell you very specifically what exactly that weapon would look like at this point.

Mr. SURRA. Mr. Speaker, there is a point to this line of questioning. An M-16, AR-15 type, .223 caliber assault weapon and semiautomatic, which looks like an assault weapon, I believe that is what you wish to ban. Would that also include an M-16 fiberglass stock that looks identical that is a .22 caliber?

Mr. EVANS. Mr. Speaker, with all due respect, the gentleman is much more of an expert than I am on this particularly weaponry. This list has been recommended to us by the local police in the city of Philadelphia, the commissioner. This same list is the list that we used in the ban that we had in the city of Philadelphia. It is the same list that Representative Godshall had on his list. If you look at it, it is the same list that Representative Ryan had on his list. So I would express to you, Mr. Speaker, that these weapons are, in my view, what has very consistently been proposed by all the other various bans. So I could not get into the technicalities that you are raising, Mr. Speaker, but I share with you that this is a list that I view as something that is commonly addressed.

Mr. Speaker, I should even go a step further. Even on the Federal level, you will find that these particular weapons are weapons that we used from the list in terms of the Federal Government.

Mr. SURRA. Mr. Speaker, if I could comment on the amendment?

The SPEAKER. The gentleman is in order and should comment.

Mr. SURRA. Mr. Speaker, I submit to you that an M-16-type weapon would include anything that looks like an M-16, including an M-16-type pellet gun that is sold in the Kmart store or an M-16-type BB gun or an M-16-type .22 caliber. The M-16 type that they should be talking about possibly has a cartridge that is the size of my finger and a bullet that travels at 4,000 feet per second. A pellet gun does not do that. A .22 caliber is a weapon that a child would take out in the backyard and plinker with and shoot cans with, but this would also be banned by this amendment, Mr. Speaker.

Mr. Speaker, this whole issue, as many have said before, although the merits and what they are trying to do is very sincere and we have a serious problem, the banning of these guns is not going to solve this problem, Mr. Speaker. This is just one indication of what we would be doing, and anybody that has an M-16-type .22 caliber, well, I want you to talk to the 14-year-old that is not allowed to use it anymore, Mr. Speaker.

I urge a "no" vote on the Evans amendment.

The SPEAKER. Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, reference was made to some of the remarks by the President, by the Governors. I would suggest that it is good politics to address the concerns of the people, and people are concerned about crime. So it is nice to go with rhetoric and say, look, we are going to do something about crime because we are going to ban these weapons. But, Mr. Speaker, that is not the problem.

One of the major problems is that some of our enforcement people have plea-bargained away mandatory sentences for committing crimes with guns. Some of our parole boards and judges have released violent criminals back into society, people whose intention it is to destroy and to maim other people.

Mr. Speaker, we talk about assault weapons, and the rhetoric is that these weapons are used to kill people; they have no other purpose, and yet statistically, we find that less than 1 percent of the crimes are committed with these kinds of weapons. Why is that?

Mr. Speaker, many years ago I spent 2 1/2 years of my life trained to kill people. I carried a Browning automatic rifle, and I fought through Europe, and my purpose was indeed to seek out and kill people, and I could do that with a long-range weapon. But crime is not committed at distances. Crime is a closeup thing.

I have a constituent whose husband was killed by someone who came into their store, withdrew a handgun, and shot him. This is the weapon of choice for people who are committing crimes. They need to conceal it; they need to get in close; they

need to gain your confidence and then shoot you, not with a long-range rifle. President Kennedy was shot with a long-range weapon with a telescope and with a few shots.

It is not the assault weapon. It is the person who sets out to commit a crime, to be violent, and we need to address that situation — why are people violent and why do people commit crimes? What are we doing with our student assist programs? Are we following through when we find a child or a person, a juvenile, or as former attorney Bill Barr said this morning, do we slap them on the wrist at that time? Juvenile crime is increasing, violence is increasing because we allow these children, these young people, to develop a way of life until they reach the point where violence is the answer to their problems.

As a society we have failed. It is not the weapons, and I think it is cruel, it is cruel to send a message to our seniors who lock themselves inside that the reason they have to do that is because somebody is carrying an assault weapon, so-called long-barreled, unconcealable, or even our young people who are caught in a crossfire in a drug battle, once again not with an assault-type weapon but with a concealed weapon that they can use.

Mr. Speaker, we need to defeat this amendment. We need to get on seriously, not sometime down the future but immediately, on the problems of crime and violence in this State, and we need to be serious about what we are doing and not try to hide behind some act that looks like we are dealing with a problem.

I ask the defeat of the Evans amendment.

The SPEAKER. The gentleman from Philadelphia, Mr. James, on the Evans amendment.

Mr. JAMES. Thank you, Mr. Speaker.

I just want to rise in support of the Evans amendment.

I just want to say that it seems, as I have said before, that everyone, and as my chairman, Representative Hughes, said earlier, is talking about banning assault weapons, and here in Pennsylvania we are talking about it is okay for assault weapons. So that is what you are going to see on C-SPAN. For those of you that want to vote against the Evans amendment and vote for assault weapons, you are going to see yourself on C-SPAN saying, it is okay for assault weapons in Pennsylvania.

I just saw a flier that had Pennsylvania first, and it had a lot of things about Pennsylvania first, and I just hope that it does not come to where an assault weapons ban be opposed as one of Pennsylvania's firsts.

I have seen over time where we have gone from zip guns to revolvers to sawed-off shotguns to semiautomatics to full automatics, and now we are at assault weapons, and that is going to happen.

So I just hope that we would support the Evans amendment. It is similar to the drug problem and how the drug problem escalated, and it went from the urban to the suburban, and then we started doing things about it. Well, that is what is going to happen with assault weapons. It is going to go from urban to suburban if you do not do something about it now.

Thank you, Mr. Speaker, and I hope that we support the Evans amendment.

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

The following roll call was recorded:

YEAS—63

Acosta	Dent	Lederer	Ritter
Adolph	Donatucci	Levdansky	Robinson
Bebko-Jones	Evans	Manderino	Roebuck
Bishop	Fajt	McGeehan	Rooney
Blaum	Freeman	McNally	Santoni
Butkowitz	Gigliotti	Melio	Stetler
Buxton	Harley	Michlovic	Sturla
Caltagirone	Hughes	Mundy	Taylor, J.
Cappabianca	Itkin	O'Brien	Thomas
Carn	James	Oliver	Tigue
Cohen, L. I.	Josephs	Perzel	Trich
Cohen, M.	Kaiser	Pistella	Veon
Cornell	Keller	Pfatta	Vitali
Corrigan	Kenney	Preston	Williams
Cowell	Kirkland	Richardson	Wogan
Curry	Kukovich	Rieger	

NAYS—135

Allen	Fleagle	Lynch	Scrimenti
Argall	Flick	Maitland	Semmel
Armstrong	Gamble	Markosek	Serafini
Baker	Gannon	Marsico	Smith, B.
Barley	Geist	Masland	Smith, S. H.
Battisto	George	Mayernik	Snyder, D. W.
Belardi	Gerlach	McCall	Staback
Belfanti	Gladeck	Merry	Stairs
Birmelin	Godshall	Micozzie	Steelman
Boyes	Gordner	Mihalich	Steighner
Brown	Gruitza	Miller	Steil
Bunt	Gruppo	Nailor	Stern
Carone	Haluska	Nickol	Stish
Cawley	Hanna	Nyce	Strittmatter
Cessar	Hasay	Olasz	Surra
Chadwick	Hennessey	Pesci	Tangretti
Civera	Herman	Petrarca	Taylor, E. Z.
Clark	Hershey	Petrone	Tomlinson
Clymer	Hess	Pettit	Trello
Colafella	Hutchinson	Phillips	True
Colaizzo	Jadlowiec	Piccola	Tulli
Conti	Jarolin	Pitta	Uliana
Coy	Kasunic	Reber	Vance
Daley	King	Reinard	Van Home
DeLuca	Krebs	Roberts	Waugh
Dempsey	LaGrotta	Rohrer	Wozniak
Dermody	Laub	Rublely	Wright, D. R.
Druce	Laughlin	Rudy	Wright, M. N.
Durham	Lawless	Ryan	Yandrisevits
Egolf	Lee	Sather	Yewcic
Fairchild	Leh	Saurman	Zug
Fargo	Lescovitz	Saylor	
Farmer	Lloyd	Scheetz	DeWeese,
Fee	Lucyk	Schuler	Speaker
Fichter			

NOT VOTING—0

EXCUSED—3

Bush	Raymond	Washington
------	---------	------------

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

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

PARLIAMENTARY INQUIRY

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

Mr. McCALL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point.

Mr. McCALL. To make a motion.

Mr. Speaker, I would like to make a motion to revert to a prior printer's number on HB 185.

The SPEAKER. The gentleman's point of parliamentary inquiry is what?

Mr. McCALL. To revert to a prior printer's number.

The SPEAKER. The gentleman is making a motion rather than inquiring.

Mr. McCALL. A point of order.

The SPEAKER. The gentleman will state his point.

Mr. McCALL. The reversion to a prior printer's number.

The SPEAKER. The appropriateness of that—The gentleman will yield momentarily.

BILL REVERTED TO PRIOR PRINTER'S NUMBER

The SPEAKER. The gentleman is in order.

Mr. McCALL. Mr. Speaker, I would like to move that we revert to a prior printer's number, PN 2105, to HB 185.

The SPEAKER. The gentleman is in order, and the gentleman's motion is to revert to a prior printer's number for HB 185, PN 2105. On the motion to revert, the motion is debatable.

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

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Preston, is recognized on the motion to revert.

Mr. PRESTON. A point of parliamentary inquiry.

The SPEAKER. The gentleman will please state his point.

Mr. PRESTON. If this motion passes, under the rules, am I not also entitled to be able to see a copy of the exact bill of the prior printer's number, if this passes?

The SPEAKER. Yes.

Mr. PRESTON. So therefore, we will have to pass them out, right? If we do not have them here.

The SPEAKER. The Parliamentarian advises me that it was in the book, it has been removed from the book, and those copies can be retrieved.

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

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The Chair asks the clerk to strike the vote.

The Chair apologizes to the gentleman from Philadelphia. The Chair did not see the gentleman.

The gentleman, Mr. Hughes, is recognized on the motion to revert to the prior printer's number.

Mr. HUGHES. My apologies, Mr. Speaker, for stepping away from the microphone.

As I understand it, Mr. Speaker—and I would hope that the Chair would correct me on this if I am wrong—a reversion to the prior printer's number effectively eliminates the statewide ban on assault weapons that was done by the Ryan amendment. It eliminates the Godshall amendment, which would have put in place portions of the Brady bill that was passed in the United States Senate several months ago. It eliminates the ban on assault weapons that the cities of Philadelphia and Pittsburgh have put in place if we go to the prior printer's number.

What you are effectively doing by going to the prior printer's number—and I would ask to be corrected, Mr. Speaker, or whoever—is all of the work that we have done to try to put some level of control and restraint on the access of weapons in this Commonwealth, especially around assault weapons, would be undone, and we would basically be saying that it is okay to go forward as we currently exist in Pennsylvania in terms of accessing and acquiring weapons — the law would stay the same, no changes would be put in place; that the current law that we have in Pennsylvania is acceptable; that in fact the 14 weapons that we passed by the Ryan amendment would be off the list. Even they would not be banned.

The Brady bill which we adopted in some form as an amendment done by Representative Godshall—it is probably the first time that I have ever voted for one of his amendments, and he would probably say that is my own good sense—that would be undone. All of that work would be undone, and what we would be saying in Pennsylvania is that current law, *carte blanche*, is okay, that we can just go forward; we do not have to make any changes; you can go anywhere in any fashion and get the weapons that you need, legally or illegally. That is what we are saying if we revert to the prior printer's number, Mr. Speaker.

Do we really want to say that to our constituents? Do we really want to say that to the people who will be voting for us in May, or who may not be voting for us. That is as I understand it, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. HESS. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. HESS. A point of parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Hess, will state his point.

Mr. HESS. Mr. Speaker, is the gentleman debating the amendment we just passed or is he asking a question of the Chair for a ruling?

The SPEAKER. The gentleman is debating whether to revert or not to revert.

Mr. HESS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. HUGHES. Thank you, Mr. Speaker.

All I am saying in conclusion, Mr. Speaker, is that if we do this, we are saying to our constituents, we are saying to the people of Pennsylvania, that the current law as it stands right now — no controls on assault weapons that we just voted for 2 months ago; no implementation of any fashion or any form of the Brady bill that we just voted for 2 months ago; that the city of Philadelphia and the city of Pittsburgh's bans on assault weapons are not acceptable; the areas where we had the most problems that they are trying to correct on their own, that we are dismantling their efforts — we are saying that that is okay if we revert to the prior printer's number.

Mr. Speaker, we cannot be going in that direction. This is not right and not good public policy. We cannot be sending that message to the people of this Commonwealth who want us to do something significant and something real, specifically on controlling access to firearms in this Commonwealth.

I urge a "no" vote on this motion, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Belfanti, rise on the move to revert?

Mr. BELFANTI. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. BELFANTI. Mr. Speaker, in deference to my colleague, Mr. Hughes, whom I respect very much, and I respect the position and opinions of the people on the other side of this issue, they are, for the most part, very ignorant of how people feel about their guns and about weapons in the rural parts of Pennsylvania. And I think I mentioned a few weeks ago, to punish the entire State for the problem in a few areas would be one thing if we were going to remedy their problem, but this bill in its present form with the Ryan amendment included remedies no one's problems. We are talking about 2 percent or 3 percent; some people say 5 percent of the crimes committed with weapons in this State are committed with the types of weapons that are listed in the bill as it is presently before us.

Furthermore, Mr. Speaker, a reversion to a prior printer's number makes sense in one other regard, and that is, simply put, that the people who are for gun ownership, the people who are against banning guns simply because they look like assault weapons, have spoken time and time again by 2-to-1 margins on the floor of this House, and to further delay this legislation reaching final passage with one dilatory tactic and one dilatory amendment and one dilatory argument after another, when I believe the battle lines are very clearly drawn, I believe would be a mistake. We should move the prior

printer's number, adopt that legislation, and I for one, along with the two-thirds of this chamber who have been consistently voting for the right to keep and bear arms, am quite willing tomorrow or the day after or next week to vote a separate Brady-type-bill piece of legislation, providing the other side on the issue is not going to Christmas-tree that to death again.

I think we are all in favor of a Brady-type amendment, and we will vote for it again as we did with the Godshall amendment. But the Ryan amendment is unacceptable and the other amendments that are floating around and have been previously circulated are unacceptable to the vast majority of us and our constituents.

I support the move to revert.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am confused, and I am confused about where we are going, if we are going anywhere. I heard somebody one time say that men and women have to either stand for something or they will fall for anything, and it appears as though a request to revert to the prior printer's number is giving a clear signal that we have very little value for this process and that we have very little value for the concerns of the people in the Commonwealth of Pennsylvania.

The issue is not one of political maneuvering. The issue is not one of whether we go right or left. The issue is really one of doing something substantively to bring an end to, one, the proliferation of assault weapons, of weapons in the Commonwealth of Pennsylvania, and secondly, to try as best as possible to bring an end to the brutal murdering of men, women, and children.

You know, Mr. Speaker, I find it hard to believe that in 1994, that any one of my colleagues in this august body can say that we do not have a responsibility to do something that will prevent another killing, brutal murdering of a law enforcement officer who was doing no more than trying to go to the aid of a citizen that was in trouble, and the person who brutally murdered that officer in Philadelphia County did not have legal access to the weapon that was used, nor did that individual care about the wife and children of that police officer.

Throughout the Commonwealth of Pennsylvania, whether it is in rural Pennsylvania, urban Pennsylvania, or suburban Pennsylvania, we all must agree that there are too many people who have uncontrollable access to weapons of mass destruction, which has nothing to do with legitimate hunting, legitimate gun collection. We all have to agree to that. We also have to agree that these assault weapons in the hands of individuals who care very little about our families or about ourselves, we must bring an end to it. So if we can agree to that, my confusion is in trying to understand, where is it that we want to go?

When we started out on this journey of HB 185, I thought that it was clear that when the preemption amendment, when we attempted to preempt Philadelphia County and Pittsburgh from having assault weapon bans, whoever the author was of

that preemption amendment specifically stated that we should prevent these two municipalities from instituting assault weapon bans because we need a statewide ban; that we cannot limit, we cannot limit a ban to just two municipalities. So we went from the preemption of those two municipalities to the introduction of amendments that call for a statewide ban, and within that statewide ban, we debated the issue of whether it should be a ban on 14 weapons versus 41 assault weapons versus another group of assault weapons.

But, Mr. Speaker, it seemed to be extremely clear to me that whether you supported or opposed preemption, whether you supported or opposed a statewide ban, there seemed to be a consistent commitment to do something about the proliferation of assault weapons in the Commonwealth of Pennsylvania, and so I thought that we were all on the same page. But when we go through that dialogue and a member of this august body stands up and asks for a reversion to a prior printer's number, I say shame on you, shame on you, shame on you. You have disrespected the good intentions of this whole discussion over this very lengthy period.

Mr. Speaker, in conclusion, I urge every member of this body that if you stand for something, reject this request to revert to the prior printer's number out of hand without any further discussion. If you are prepared to fall for anything and if you have never been serious about what is going on in the Commonwealth of Pennsylvania, then you put a green button up for reversion back to a prior printer's number. But if you believe that something needs to be done, whether we are going on the right track or not, then reject this request out of hand and reject it without further discussion. I am ashamed to even have to entertain a reversion to the prior printer's number, knowing very clearly what the effect of such a reversion would be.

Mr. Speaker, I urge each and every member, a "yes" vote will mean that you have been serious about this discussion and about no interest in doing something about what is going on in Pennsylvania. A "yes" vote means that you are saying that it is okay for assault weapons and other weapons to get into the hands of individuals who care nothing about our lives. A "no" vote, a "no" vote means that we are prepared to stand up for something and not fall for anything.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

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

Mr. PHILLIPS. Thank you, Madam Speaker.

I rise to support the motion to revert to the new printer's number.

I think we have got to remember that back in June, HB 185 was passed 45 to 2 in the Senate.

Like Representative Belfanti said, I have respect for every member here and their views concerning gun control, but I feel that the issue here is preemption. If anybody has different views and feels different things should be done in gun control,

let them introduce their own legislation and have those bills moved through the proper process.

I think the big question, like I mentioned, is preemption. We in the rural areas certainly do not want every one of our communities coming up with their own gun laws. I do not think any city or municipality in this State should be excluded and be allowed to have their own gun laws. It should be statewide preemption, and that is the intent of HB 185. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, in 20 years in the House of Representatives, I have seen a lot of very odd parliamentary maneuvers, but this has to rank up there among the oddest.

The Republican Party, the minority party in this House, has succeeded in attaching two amendments to this bill with considerable Democratic support on each amendment. Mr. Godshall spent over 2 hours convincing the House of Representatives that his amendment was worthwhile. He did a tremendously effective job, getting virtually every member of the House to vote for it. At one point in the debate he said, and I quote, "There is no logical reason to be opposed to this amendment," and he convinced virtually every member of the House that he was right. Then Mr. Ryan came up with his amendment and he got a bipartisan majority, not as overwhelming as Mr. Godshall got; it was a relatively close vote, but Mr. Ryan got his amendment through.

Now, we have heard talk of dilatory amendments that are being offered against this bill, but it would seem to me that if the people who voted for the Ryan and Godshall amendments, which I think and a majority of the House thought in December were meritorious votes, that voting to get rid of these amendments now would be admitting that they were dilatory. I do not think they were dilatory; I think they were worthwhile.

I am frankly puzzled. I have asked Mr. Godshall for explanations as to what the strategic gain is in getting rid of these amendments. I frankly do not understand the rationale. Reverting to the prior printer's number will not end debate on other amendments to the bill. It merely wastes paper. All the amendments that can be attached to the current printer's number of the bill can be attached to a new, prior printer's number of the bill.

We are going to be here a long time debating this, either tonight or some subsequent day, some subsequent night. The only thing this motion accomplishes is the purpose of requiring that people who had amendments drafted to the current printer's number of the bill have these amendments drafted to the previous printer's number of the bill.

All this motion does is waste a lot of paper. It wastes the time of the Legislative Reference Bureau. It may eventually waste the time of members of the House as we have to wait for the old amendments to be drafted to this new prior printer's number.

This amendment, in my judgment, serves absolutely no purpose. We could, if there is a desire, reconsider the vote on the Ryan amendment. We could, if there is a desire, reconsider the vote on the Godshall amendment. We are wasting a lot of paper; we are wasting a lot of time. I seriously doubt there is any purpose at all to this motion.

I strongly urge the defeat of this motion to revert to the prior printer's number.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Michlovic.

Mr. MICHLOVIC. Thank you, Madam Speaker.

Madam Speaker, the gentleman, Mr. Cohen, was right. When we debated this bill a month or so ago, there were only two amendments that got in, and they were the amendments advocated by the advocates of HB 185, Mr. Ryan and Mr. Godshall. Now, not a month later—and at that time we were told that those amendments were supported by the various sportsmen's groups and the gun lobbies, et cetera—now it is a month later, and there is a change.

It should be a little embarrassing for us to come back here so quickly and recognize that and say oh no, that was not true; that statement I said on December 13 was not true. We have a new reality today, and the new reality is that those groups have changed their minds. What was a compromise, what was supposedly supported by those groups, is no longer supported, and we are going to do their bidding on this floor. We have to do it. We have to do it today. We cannot even wait. That is the reality.

Do you not think that that press out there is going to pay some attention to how you voted last month and now how you voted this month? Do you not think they are going to pay some attention to how you flip-flopped on that vote? That is what this is. We are voting out the Ryan amendment and the Godshall amendment that was accepted last month. We are flip-flopping on that vote, and every one of you that votes to accept this motion that voted for those amendments, you had better take a look and see how you were last month. You are flip-flopping.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Lita Cohen.

Mrs. COHEN. Thank you, Madam Speaker.

Madam Speaker, I have several hunters, gun collectors, people who target shoot as a sport in my district, and I truly believe that they are responsible citizens and that their rights should be protected.

Some of these amendments — the Ryan amendment, the Evans amendment — will indeed create a burden on them, and to that I certainly am sympathetic. However, during the course of the debate on this bill, I have heard many Representatives in this room state that there are several things that we must do: that we must be more strict in our law enforcement; that we must provide for our juveniles; that we must increase police protection; the courts must be more strict in their enforcement of all these laws, and that is true.

Today I heard many Representatives enumerate all the different things that must be done and should be done. Perhaps it is my naivete as a freshman. I have not seen any of these bills come forth. Many of the Representatives that have spoken here during the debate on this bill have stated many measures and concepts that should be incorporated in legislation, yet no one has submitted this legislation. No one has proposed legislation to cure some of these ills.

What we are trying to do is take one step at a time. If we can stop the 2 percent of homicides that are committed by assault weapons, then it is the first step of many, many steps that must be taken. But we must stop the slaughter, and if this is the way to do it, then we will ban these assault weapons and find another means to protect the legitimate hunters and gun collectors in our districts.

I urge a "no" vote on this motion. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Representative Curtis Thomas for the second time.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I strongly support the request of the prior speaker.

This is not a question of whether or not you support or you oppose a ban or no ban on assault weapons. This is a question of whether or not we go back to square one and whether or not there is a reasonable basis for even going back to square one.

I submit to you that we spent a lot of time. I applaud Minority Leader Ryan; I applaud the other members of this General Assembly who worked hard to craft measures that this body came together bipartisanly to adopt. To support reversion to the prior printer's number wipes out that hard work, wipes out the efforts of members of this General Assembly to try and put something in place. And as the prior speaker mentioned, it is time for us to go forward into daylight and not revert to darkness. If we go back to the prior printer's number, we will revert to darkness, we will go back to where it all started, and we will be saying that all that we have done, up until now, was for naught.

Madam Speaker, this is not a question of whether you are Republican or Democrat. It is a question of, what are you prepared to stand for? I say that it is time for us to stand, to go forward on this issue and debate the reasonableness of the pros and the cons on the whole issue of gun control. But what I cannot accept, what I cannot accept, and that is, regardless of whether you are Republican or Democrat, to go back to where we started.

It is time for us to go forward, and I urge you to go forward by putting up a "no" vote to a request to revert to the prior printer's number. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—126

Allen	Fichter	Markosek	Semmel
Argall	Fleagle	Marsico	Serafini
Armstrong	Gamble	Masland	Smith, B.
Baker	Gannon	Mayeraik	Smith, S. H.
Barley	Geist	McCall	Snyder, D. W.
Belardi	George	Merry	Staback
Belfanti	Gerlach	Micozzie	Stairs
Birmelin	Godshall	Miller	Steelman
Boyes	Gordner	Nailor	Steighner
Brown	Gruitza	Nickol	Steil
Bunt	Gruppo	Nyce	Stern
Carone	Haluska	Olasz	Stish
Cessar	Hanna	Pesci	Strittmatter
Chadwick	Hasay	Petrarca	Surra
Civera	Herman	Petrone	Tangretti
Clark	Hershey	Pettit	Taylor, E. Z.
Clymer	Hess	Phillips	Tomlinson
Colaafella	Hutchinson	Piccola	Trello
Colaizzo	Jadlowiec	Pitts	True
Conti	Jarolin	Platts	Tulli
Coy	Kasunic	Reber	Uliana
Daley	King	Reinard	Vance
DeLuca	Krebs	Roberts	Waugh
Dempsey	LaGrotta	Rohrer	Wozniak
Dermody	Laughlin	Rudy	Wright, D. R.
Druce	Lawless	Ryan	Wright, M. N.
Durham	Leh	Sather	Yandrisevits
Egolf	Lescovitz	Saurman	Yewcic
Fairchild	Lloyd	Saylor	Zug
Fargo	Lucyk	Scheetz	
Farmer	Lynch	Schuler	DeWeese,
Fee	Maitland	Scrimenti	Speaker

NAYS—72

Acosta	Dent	Kukovich	Rieger
Adolph	Donatucci	Laub	Ritter
Battisto	Evans	Lederer	Robinson
Bebko-Jones	Fajt	Lee	Roebuck
Bishop	Flick	Levdansky	Rooney
Blaum	Freeman	Manderino	Rubley
Butkovitz	Gigliotti	McGeehan	Santoni
Buxton	Gladeck	McNally	Stetler
Caltagirone	Harley	Melio	Sturla
Cappabianca	Hennessey	Michlovic	Taylor, J.
Cam	Hughes	Mihalich	Thomas
Cawley	Itkin	Mundy	Tigue
Cohen, L. I.	James	O'Brien	Trich
Cohen, M.	Josephs	Oliver	Van Horne
Cornell	Kaiser	Perzel	Veon
Corrigan	Keller	Pistella	Vitali
Cowell	Kenney	Preston	Williams
Curry	Kirkland	Richardson	Wogan

NOT VOTING—0

EXCUSED—3

Bush	Raymond	Washington
------	---------	------------

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

On the question recurring,

Will the House concur in Senate amendments as amended?

MOTION TO RESCIND SUSPENSION OF RULES

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

Mr. PHILLIPS. To make a motion.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PHILLIPS. I want to make a motion to rescind the motion to suspend the rules.

The SPEAKER pro tempore. The gentleman has moved to rescind the motion to suspend the rules to amend HB 185.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

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

Mr. STURLA. Is this motion debatable, Madam Speaker?

The SPEAKER pro tempore. The motion is debatable.

The gentleman is recognized.

Mr. STURLA. Madam Speaker, would in fact the amendments that have already been drafted and distributed on this printer's number be allowed if the motion is accepted?

The SPEAKER pro tempore. If the motion is accepted, no further amendments would be in order.

Mr. STURLA. So in essence, the effect of this motion is the same as calling the previous question. Is that not correct?

The SPEAKER pro tempore. The effect of the motion is to return to the rules of the House.

Mr. STURLA. Okay. So I guess it would still allow debate, but it would not allow any further changes to the bill?

The SPEAKER pro tempore. That is correct.

Mr. STURLA. Even if they were submitted in the appropriate time? I mean, what about the ones that were submitted to this printer's number even before we came to the House and debated it before it—

The SPEAKER pro tempore. No further amendments would be permitted if this motion passes.

Mr. STURLA. Even ones that were drafted to this printer's number?

The SPEAKER pro tempore. That is correct.

Mr. STURLA. For that reason, Madam Speaker, I rise to oppose this motion.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. That is all I want to say.

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

Mr. BELFANTI. Thank you, Madam Speaker.

Madam Speaker, a point of personal privilege.

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

Mr. BELFANTI. Thank you, Madam Speaker.

Madam Speaker, I think the confusion about what the effect is of rescinding can be cleared up rather succinctly, and that is, if this motion is adopted, since this is a bill here from the

Senate on concurrence, we move immediately to the issue of concurring on the Senate amendments to HB 185. Therefore, all amendments would in effect be out of order because our normal rules do not allow us to amend a bill here on concurrence.

The SPEAKER pro tempore. The gentleman is correct.
Mr. BELFANTI. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes Representative Itkin.

Mr. ITKIN. Madam Speaker, this House has always allowed for spirited and meaningful debate. This issue certainly is something that practically every person in this Commonwealth has a great concern. To not allow the people's representatives to fully debate and try to develop a meaningful bill, I think, does our constituents a gross disservice.

Madam Speaker, what is to be lost if we allow those that have amendments already here, distributed on this floor, to be able to offer their amendments? It seems to me that would be the prudent course of action rather than act very quickly and then do something that we would regret.

Madam Speaker, I would oppose the motion to suspend the rules and allow the members of the House to offer those amendments, especially those amendments that have already been drafted and circulated.

The SPEAKER pro tempore. The Chair thanks the gentleman.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes Representative Manderino.

Ms. MANDERINO. Thank you, Madam Speaker.
Point of order, please.

The SPEAKER pro tempore. The lady will state her point.
Ms. MANDERINO. Thank you.

It is my understanding that what the prior speaker, Mr. Belfanti, said is incorrect. The effect of this is not going to be a vote on concurrence. This prior printer's number is not the printer's number that was passed by the Senate and sent over here. This is a printer's number even prior to that. As a matter of fact, the version that was passed by the Senate, if you will recall, and sent over here is the one that also had the amusement park liability language in it that made it a crime to horse around in amusement parks, and so I do not know quite how that fits in with what we are doing here, but I want to make that point, that this is not a concurrence vote.

The SPEAKER pro tempore. This vote is a concurrence in Senate amendments as amended by the House.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I would like to make a point of parliamentary inquiry first.

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

Mr. COHEN. Under what provision of House rules or other parliamentary authority can a motion be made to rescind a motion that has already passed to suspend the rules?

The SPEAKER pro tempore. Section 482 of Mason's Manual.

Mr. COHEN. Thank you, Madam Speaker.

Will the minority leader consent to interrogation?

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

Mr. COHEN. Thank you, Madam Speaker.

Will the minority leader state his position on this motion?

Mr. RYAN. No.

Mr. COHEN. Madam Speaker, I asked the minority leader for his position on this motion because the minority leader has been a very strong and very outspoken opponent of attempts to disallow members to introduce amendments. The minority leader has taken this position over a very long period of time. The minority leader indeed has listed the Democratic votes in the prior session to block minority members from introducing amendments as a key grievance that he wanted addressed. Mr. Itkin, as the predominant House leader, and I and other members of the leadership in this legislative session have abstained at any time from cutting off Republicans from introducing amendments.

I believe that it is a mistake. There may well be a majority in this House of Representatives on this particular issue that sees no point and no reason to make further amendments to this bill. There may well be such a majority, but there is also a Democratic majority, generally, and there will be times in the future in which members of the minority party will wish to make amendments and they will be asking members of the Democratic majority, which may be united on a bill, not to cut off amendments.

I think it will be a very serious mistake for members of the minority party to take the position that we ought to cut off debate on an issue. It may be that you can win the votes on this particular issue, but I think, very seriously, it changes the rules in the House. We operate under formal rules and we operate under informal rules, and an informal rule that we have been operating under has been a general tolerance of amendments and a general allowing people to introduce amendments that are important to them, and this motion represents a serious challenge to the informal rules of the House.

I would urge that all members, especially members of the minority party, vote against this motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Ryan is recognized.

Mr. RYAN. This wonderful, wonderful vision that the gentleman, Mr. Cohen, has of the way we operate must have taken place since the adoption of the last budget, because my recollection of a lesson in how to straight-arm and stiff a party from participating in legislative deliberations was set forth in great detail by the experts of moving the previous question, the

majority party and its leaders, when last year they adopted the budget for the Commonwealth of Pennsylvania without ever showing it to us, without giving us an opportunity to look at it, let alone amend it. I could—but I would need probably a half a day to go through the Journals—point out how many times you moved the previous question.

What we are doing, we are not doing by ourselves. You are going to find, if in fact this passes, it is going to pass with a mixed crowd of votes. These votes are going to be all jumping back and forth on this board. It is not going to be a majority party, or a minority party, by definition, cannot do it. It is going to be a majority of the House that does whatever happens, and it is going to be a majority of the House, Republicans and Democrats, Democrats and Republicans, that do it, either pass it or defeat the motion.

So do not tell me what is or is not the policy of this place, because we suffered through the policy of your rule last May or June when you were thumping on your chest, telling us about the great budget you passed without us, without letting us see it. So you better look up some other set of documents before you start preaching that sermon.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

I recall, when I was first new here, standing up with my leaders to second a motion to move the previous question, and the minority leader, whom I respect very much, got up and remonstrated with us and said, especially with respect to me, that he thought that I was somebody who really respected the First Amendment, the exchange of ideas, and I should not have stood up, and I took his lesson to heart. I do not think that since that day I have stood up to be one of those people who moved the previous question.

So I expect, having learned that lesson from him, that he would have learned that lesson as well and that when this comes up for a vote, he will vote on my side to allow us to continue to debate this very important issue. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Mr. RYAN. Madam Speaker, if I may?

The SPEAKER pro tempore. Mr. Ryan is recognized.

Mr. RYAN. No one has moved the previous question. There is no limitation on debate. No one has suggested a limitation on debate. I believe everyone is invited to debate. Have a wonderful time. Debate, debate, debate. Just do not amend.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Saurman.

Mr. SAURMAN. Thank you, Madam Speaker.

I have maybe a short memory span, but I wish that someone could go back and tell me when the rules were suspended with regard to this particular piece of legislation and

for what purpose and how that suspension of rules continues to affect everything that happens. It seems to me that I do not recall today anyone suspending the rules. It was suspended back at the time when the bill was first considered, and subsequent to that suspension of the rules, the bill was then put on the tabled calendar.

I did not realize that the suspension of rules was indefinite in its sway, and I know that there was a ruling earlier, but that was confusing to me. Now I am even more confused that somehow a suspension of the rules which took place several weeks ago, under certain circumstances, somehow was carried over with the bill and now we can rescind that suspension from that period of time and then not allow a piece of legislation currently under debate, which is an entirely different piece because it is a different printer's number, to not be amended.

I would appreciate it if someone could go through the procedure so that I can follow the order, logical or not, to arrive at the conclusion of the point where we currently are.

The SPEAKER pro tempore. Mr. Saurman, initially the motion to suspend the rules was made by Mr. Godshall to allow the offering of amendments to HB 185. The bill was subsequently placed upon the table. Mason's Manual, section 492, states that "When taken from the table, the question, with everything adhering to it, is before the house exactly as when it was laid on the table." Thus, a suspension of the rules carried with it.

Mr. SAURMAN. But when this bill was taken off the table, there was a motion to move to a prior printer's number, not the prior printer's number but to a prior printer's number. It would seem to me that that changes the whole game plan, because now we are talking about something entirely different than the bill originally, where there was a suspension to HB 185, a different printer's number, but now we are talking about the same bill but a different printer's number by a motion that took place subsequent to the rules change.

The SPEAKER pro tempore. The motion originally made by Mr. Godshall specifically referenced HB 185. It did not reference any particular printer's number, and therefore, all printer's numbers are at issue here.

Mr. SAURMAN. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes Representative Michlovic.

Mr. MICHLOVIC. Thank you, Madam Speaker.

One of the prior speakers on this motion talked about this being the normal way of doing business. I would suggest to you that abiding by discharge resolutions is not our normal way of doing business. The normal rules would not contain provisions for a motion to remove from the table in the middle of debate on another issue. This, from its very instance, has not been a normal process for this legislation. Everybody here knows it.

Now we are basically cutting off debate. The gentleman, Mr. Ryan, said that we are not cutting off debate; we are just cutting off the opportunity to offer amendments. I suggest to you that in the hall of this House, that opportunity to offer amendments is one very sure way that we debate issues and

side issues on any subject that comes before us. So do not kid yourself; we are cutting off debate.

This is limiting the process here, and all to avoid the embarrassment of having to come back and change your vote a month or 2 months later from what you did vote. I think it shows the hypocrisy of the statements that have been made in the past on these various amendments, and I remind you that the only two amendments that right now we have offered are the very amendments that passed in this legislation, that were acceptable a month ago, and that is the problem. That is the problem because it highlights the change of one's position from last month to this month and it also highlights who is pushing for that change, who the advocates of that change are, and who is playing that tune, who is dancing to that tune. That is what this motion is trying to avoid - trying to avoid the embarrassment of having to change a position of a month ago, which was certainly supported a month ago but now no longer applies.

We heard earlier in the debate promises that, well, let us pass this and we will move on to other debates of the real issues and we will pass Brady bill legislation. Do you think for 1 minute, given the scenario that we are going through with these various kinds of motions, that we have any reason to believe any of those kinds of promises? Absolutely not. They are given as falsely as, a month ago, the promises that this legislation was supported by the sportsmen's groups.

Madam Speaker, I strongly urge opposition to this motion.

For my 15 years in the House, I have always avoided voting for motions of calling the questions on substantive issues. Yeah, we have had a few motions on budget debates, but that is part and parcel to the budget process, and I have seen it from both sides. I am here long enough to have been in the minority and experience that kind of motion from the other side. But generally, it has been applied in budget debates, and the gentleman, Mr. Ryan, is correct. Last year's budget we did it again. But on substantive issues, generally, we do not call that question.

There are a number of us over in this majority, and when you had the majority on that side of the aisle, there were a number of you that would never vote for a calling of the question, and that is what this motion is. Believe me, it serves for certain; it is calling the question.

I oppose the motion. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. COY. Madam Speaker, point of parliamentary inquiry.

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

Mr. COY. Madam Speaker, the motion to revert to a prior printer's number and the bill before us, what is the printer's number of that bill?

The SPEAKER pro tempore. PN 2105.

Mr. COY. Was that bill with that printer's number a House bill which passed the Senate in that form?

The SPEAKER pro tempore. It was a House bill that went to the Senate, was amended in the Senate in Appropriations, came back to the House as amended by the Senate, and was further amended by the House.

Mr. COY. So HB 185, PN 2105, passed the Senate of Pennsylvania?

The SPEAKER pro tempore. Not in the form of PN 2105.

Mr. COY. So if the House on this occasion or a subsequent occasion passes this bill, it will require a vote in the Senate?

The SPEAKER pro tempore. That is correct.

Mr. COY. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes Representative Hughes.

Mr. HUGHES. Thank you, Madam Speaker.

I just want to do my best to provide some clarity on my perception of this particular motion and what this vote really is.

This vote, Madam Speaker, is not necessarily about parliamentary maneuvering, and I do not want the members, the media, those who may be listening outside, to perceive this particular vote as a vote about parliamentary maneuvering. It is good to have the history of what we have done in this legislature on issues like this, but the substance of this vote really does not go to the parliamentary maneuvering.

What this vote does, if you vote "yes" on this motion, what you are doing is again voting against a statewide ban on assault weapons. If you vote "yes" on this motion, you are voting to repeal Philadelphia's and Pittsburgh's bans on assault weapons. If you vote "yes" on this motion, Madam Speaker, you are voting to keep the laws as they are in Pennsylvania as far as firearms and assault weapons and the like. You are declining the opportunity for those amendments that are already drafted to this bill to be offered, so when you decline that opportunity, Madam Speaker, you are saying that you are not supporting those particular amendments, that you are opposed to those amendments. You are voting again, for the second or third or fourth time, if you will, to say that the laws as they currently stand in the Commonwealth of Pennsylvania are acceptable; that it is okay to get an assault weapon anywhere that you can, it is okay for Philadelphia and Pittsburgh not to have the opportunity to control their own situations, and that the current laws in this Commonwealth are acceptable as far as firearms are concerned.

That is what you are saying, Madam Speaker. Do not be kidded or do not be fooled by the discussions about parliamentary maneuvering. They are a false issue as it goes to the substance of this particular vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Preston.

Mr. PRESTON. Thank you, Madam Speaker.

I have several questions in relationship to parliamentary inquiry.

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

Mr. PRESTON. If the Parliamentarian can answer my questions.

Currently before us we have HB 185, PN 2105. We have a motion that is before us in relationship to this bill. Now, have we ever voted to suspend the rules on HB 185, PN 2105?

The SPEAKER pro tempore. We voted on the motion of Representative Godshall to suspend the rules to consider HB 185, which encompasses all printer's numbers.

Mr. PRESTON. But when we made the motion, was it not a different printer's number?

The SPEAKER pro tempore. Yes.

Mr. PRESTON. Who determined that we should be voting now on HB 185, PN 2105?

The SPEAKER pro tempore. The motion to revert to a prior printer's number passed, and therefore, that is the printer's number that we are considering.

Mr. PRESTON. But who made the determination on which printer's number should be passed out for the vote?

The SPEAKER pro tempore. Representative McCall, I believe, rose and made the motion that we revert to PN 2105, and that motion passed.

Mr. PRESTON. Mr. McCall made a motion to revert to prior PN 2105?

The SPEAKER pro tempore. That is correct.

Mr. PRESTON. So in other words, what we are saying is that originally what came over from the Senate was HB 185, PN 2150, and that one came over on concurrence. If I am correct, we are not voting on the bill as it came over under PN 2150 on Senate concurrence; we are only voting on a bill of HB 185, PN 2105, that was voted out of the Appropriations Committee in the Senate but was never voted out on that printer's number on the full Senate floor. Am I correct?

The SPEAKER pro tempore. That is correct.

Mr. PRESTON. So if we vote on this bill as far as PN 2105, what happens to the most current printer's number, PN 2150? What happens to that bill?

The SPEAKER pro tempore. It has no effect.

Mr. PRESTON. But the full Senate sent it over to us, and we received it and we did vote on it, as a point of record. That was the bill that we voted to suspend the rules on.

My question is, now we are being asked to cancel suspending the rules on a different printer's number and not on the whole bill that was actually sent over to us by the full Senate. So somewhere along that line, that printer's number that was voted on to suspend the rules has to somehow still be in existence, but we are going to be voting on another version. How can we do that?

The SPEAKER pro tempore. That is the legislative process.

Mr. PRESTON. Well, let me ask you then about this legislative process.

In other words, is it possible that we may have two House bills — HB 185, PN 2105 — that we can vote to send back to the full Senate and we would still have that we suspended the rules for HB 185, PN 2150, of which we still have a current vote on record as far as suspending the rules and we have not rescinded that rule yet as far as that printer's number is concerned?

The SPEAKER pro tempore. That printer's number is no longer in effect. We have reverted to a prior printer's number.

Mr. PRESTON. May I speak on what we are trying to do here?

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

Mr. PRESTON. What we are being asked to do, I have a saying in my days of history of what I would call laissez-faire; in other words, literally going backwards. You have heard the Speaker say that we are voting on HB 185, PN 2105. Please take note that the full Senate never voted on that House bill — HB 185, PN 2105. What they did was vote on HB 185, PN 2150. They sent that over to us. We debated on the bill at great length; we have argued; we suspended the rules; we added amendments; we have had another printer's number, PN 2217. Somehow we are not voting again on the bill that was sent over to us from the Senate; we are not voting on concurring in the Senate amendments. What we are voting on is whether we agree with a House bill that was voted out of the Appropriations Committee with amendments and never voted on in the full Senate.

Now, I do not know about you, but I have a lot of respect for the House of Representatives that we are part of. This just does not make a lot of sense — that we are going to vote on something that the full Senate has not voted on — and it is also confusing because we are right now suspending the rules on a printer's number that we never voted on to suspend the rules on, and I would really ask the Speaker to please and the Parliamentarian to create some form of logic, because this is embarrassing to the people who are making the decisions here about voting on something that we never voted on to suspend the rules.

PARLIAMENTARY INQUIRY

Mr. PRESTON. So I ask this parliamentary inquiry to our Parliamentarian.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. PRESTON. Can we vote to not suspend the rules anymore on something that we never voted to suspend the rules on?

The SPEAKER pro tempore. Representative Preston, we did vote to suspend the rules on HB 185. That motion was made by Representative Godshall some weeks ago. Therefore, all printer's numbers related to HB 185 were effective.

Mr. PRESTON. Then I would like to be able to see a copy of the PN 2150 since I am voting on that one, too.

The SPEAKER pro tempore. The page will please get a copy of the printer's number that Mr. Preston is requesting.

Mr. PRESTON. I think the other members should also be able to see a copy that they are voting on, too, even though it is not part of that bill.

Please understand what I am saying. The bill that we are voting on is not the original bill that we voted on to suspend the rules.

I asked for PN 2150; this is PN 2105.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman, Mr. Belfanti, is recognized.

Mr. BELFANTI. Parliamentary inquiry, Madam Speaker.

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

Mr. BELFANTI. Madam Speaker, if the gentleman, Mr. Preston's assertion is that the paper trail gets chopped up somehow by Mr. McCall's move to revert to a specific prior printer's number that does not contain the amusement park language and then a subsequent motion by Representative Phillips to rescind, if that trail is broken because of the change in printer's number and we are out of order by accepting the motion to rescind, as is the contention of Mr. Preston, then the next order of business would have to be a motion to suspend the rules to this printer's number so that amendments could be offered. We cannot have it both ways. I believe my point is that either way we are going to have a single vote. We are going to have a single vote to rescind on that prior printer's number or we are going to need a vote to suspend the rules to offer amendments to that prior printer's number. So either way, the House is looking at a single vote. I wish we would just move to that point. Thank you very much.

The SPEAKER pro tempore. *The gentleman is correct.*

To answer Representative Preston's point of parliamentary inquiry, HB 185 came over from the Senate in PN 2217.

Is that the printer's number that Mr. Preston is looking for?

Mr. PRESTON. No.

My real question is that we are being asked to rescind our rules. When the motion was originally made to suspend the rules, it was made to suspend the rules, House bill so-and-so 185, printer's number so-and-so.

PARLIAMENTARY INQUIRY

Mr. RYAN. Madam Speaker, point of parliamentary inquiry.

The SPEAKER pro tempore. Mr. Ryan.

Mr. RYAN. Madam Speaker, I believe I see the difficulty. I may be wrong.

My understanding of what happened was that the suspension of rules was for HB 185, period, no identification by printer's number. So all these suspensions attached to the

House bill, not to the printer's number. So as the House bill goes up and down with or without amendments, with or without printings, the suspension attaches to it. It does not matter whether it is 2115, 2130, 1080, whatever it might be; it is 185, House bill, that has the suspension, is my understanding—and I see the Parliamentarian nodding in the affirmative—and I believe that is where the confusion is.

The SPEAKER pro tempore. The Chair thanks the gentleman for that clarification.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The gentleman, Mr. Mihalich, is recognized.

Mr. MIHALICH. On a point of parliamentary inquiry, I would like to pursue that just one step further.

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

Mr. MIHALICH. Okay.

In that event, in the minority leader's interpretation and in the Parliamentarian's interpretation, then any one of us could have drawn amendments to any prior printer's number. Is that correct then?

The SPEAKER pro tempore. The House would have to be considering the printer's number to which the amendment was drawn.

Mr. MIHALICH. Well, then I could have drawn any printer's number.

Let me ask you this question: Would the amendment clerk have accepted an amendment from me drawn to a printer's number, say 403, or whatever the first one was? Would they have accepted it?

The SPEAKER pro tempore. They would have accepted it. That does not mean it would have been in order to be voted on.

Mr. MIHALICH. Madam Speaker, I would like to make a comment, if I may.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MIHALICH. I do not think that that is correct. I do not think that this House could function if we were allowed to draw amendments on bills on any printer's number that we choose. That would result in utter chaos. We see it right here now, and if this is going to be the case in the future, it is going to be chaos.

We have only to consider one bill at a time, and if you refer to Mason's Manual, you will find language that says we can only address one bill in one form at a time. I wish you would research that, because this is going to set a very, very bad precedent, regardless of what side you are on on this issue.

If we are allowed to shotgun on anything—excuse the pun—on any one of the bills that come up here now, you are going to cause confusion. If you read Mason's Manual correctly, you will know that we can only consider one order of business at a time or one bill at a time. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Snyder is recognized.

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, we have had about an hour of dissertation on parliamentary procedure, and I am sure that most people are just totally confused on what we are voting on.

The minority leader tried to clarify to some degree why the motion to suspend is still applicable to HB 185. The only motion before us is to rescind the motion to suspend the rules on HB 185. By rescinding that motion to suspend, therefore, the regular House rules go into effect. The only reason why people are complaining about the amendments not being able to be introduced is the rule that requires the amendments to be introduced the preceding day prior to 2 o'clock.

Madam Speaker, also, the prior printer's number motion is essentially an amendment motion to allow the language of the bill to be changed to the language that was similar to the way the bill looked when it was SB 2105. If we review that motion simply as an amendment rather than someone presenting a piece of paper and saying, strike out all the language in HB 185, the current printer's number, and insert the new language, we basically just use a procedure that allowed us to go back to that specific printer's number. It simply was an amendment to HB 185 that changed the language.

So we should not be getting hung up today on whether or not the prior printer's number has changed somehow the right to introduce amendments. It is the rules that require the amendments to be in 24 hours before that is the stumbling block, which has nothing to do with this debate. So all we are doing is asking for the motion to rescind the suspension, which I support and hope that others will also do. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Thomas.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, is it within the rules for me to move that we recess and allow somebody to come up with some continuity to the current process, because I am getting the impression—I mean, I have heard the minority speaker and the minority speaker said that we suspended the rules on the bill itself, and because we suspended the rules on the bill itself, then the printer's numbers are really of little consequence. Then I have heard that we do not need to be consistent in our reference to the printer's number. So I am left to believe that the printer's numbers have little relevance to the conduct of this House and how we respond to legislative proposals.

At best is confusion and at worst it represents a dangerous path to travel down if in fact the printer's numbers have very little relevance to the conduct of this House.

MOTION TO RECESS

Mr. THOMAS. So I move that we recess until somebody gets this together and is able to provide some clarity and some continuity.

MOTION RULED OUT OF ORDER

The SPEAKER pro tempore. Mr. Thomas, the motion is out of order because there is sufficient clarity on this issue right now.

Mr. THOMAS. You are saying there is sufficient clarity? So the printer's number is of little relevance to the conduct of this House on this particular issue?

The SPEAKER pro tempore. We are currently considering PN 2105.

Mr. THOMAS. So the fact that this bill with this printer's number was never voted on by the Senate is of little consequence?

The SPEAKER pro tempore. It is of no consequence.

Mr. THOMAS. Thank you.

MOTION TO TABLE

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, we have had a very long vote on this motion, and we are going to have a very long debate on this bill after the motion passes. We could easily be here until midnight. Personally, I would rather not be here until midnight.

Therefore, I move this bill be tabled.

The SPEAKER pro tempore. The gentleman is in order.

The question before the House is a motion to table HB 185.

The motion is not debatable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—51

Acosta	Fajt	Levdansky	Roebuck
Bebko-Jones	Freeman	Manderino	Rooney
Bishop	Gigliotti	McGeehan	Santoni
Butkovitz	Haluska	McNally	Steelman
Buxton	Hughes	Michlovic	Stetler
Caltagirone	Itkin	Mihalich	Sturla
Cappabianca	James	Oliver	Thomas
Carn	Josephs	Pistella	Tigue
Cohen, M.	Kaiser	Preston	Trich
Cowell	Keller	Richardson	Veon
Curry	Kirkland	Rieger	Vitali
Donatucci	Kukovich	Ritter	Williams
Evans	Lederer	Robinson	

NAYS—146

Adolph	Fargo	Lloyd	Saylor
Allen	Farmer	Lucyk	Scheetz
Argall	Fee	Lynch	Schuler
Armstrong	Fichter	Maitland	Scrimenti
Baker	Fleagle	Markosek	Semmel
Barley	Flick	Marsico	Serafini

Battisto	Gamble	Masland	Smith, B.
Belardi	Gannon	Mayernik	Smith, S. H.
Belfanti	Geist	McCall	Snyder, D. W.
Birmelin	George	Melio	Staback
Blaum	Gerlach	Merry	Stairs
Boyes	Gladeck	Micozzie	Steighner
Brown	Godshall	Miller	Steil
Bunt	Gordner	Mundy	Stern
Carone	Gruitza	Nailor	Stish
Cawley	Gruppo	Nickol	Strittmatter
Cessar	Hanna	Nyce	Surra
Chadwick	Harley	O'Brien	Tangretti
Civera	Hasay	Olasz	Taylor, E. Z.
Clark	Hennessey	Perzel	Tomlinson
Clymer	Herman	Pesci	Trello
Cohen, L. I.	Hershey	Petrarca	True
Colaella	Hess	Petrone	Tulli
Colaizzo	Hutchinson	Pettit	Uliana
Conti	Jadlowiec	Phillips	Vance
Cornell	Jarolin	Piccola	Van Horne
Corrigan	Kasunic	Pitts	Waugh
Coy	Kenney	Platts	Wogan
Daley	King	Reber	Wozniak
DeLuca	Krebs	Reinard	Wright, D. R.
Dempsey	LaGrotta	Roberts	Wright, M. N.
Dent	Laub	Rohrer	Yandrisevits
Dermody	Laughlin	Rublely	Yewcic
Druce	Lawless	Rudy	Zug
Durham	Lee	Ryan	
Egolf	Leh	Sather	DeWeese,
Fairchild	Lescovitz	Saurman	Speaker

NOT VOTING—1

Taylor, J.

EXCUSED—3

Bush Raymond Washington

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

The SPEAKER pro tempore. The question recurs on the motion to rescind the suspension of the rules.

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

The following roll call was recorded:

YEAS—121

Allen	Fleagle	Maitland	Scheetz
Argall	Gamble	Markosek	Schuler
Armstrong	Gannon	Marsico	Scrimenti
Baker	Geist	Masland	Semmel
Barley	George	Mayernik	Serafini
Belardi	Gerlach	McCall	Smith, B.
Belfanti	Gigliotti	Merry	Smith, S. H.
Birmelin	Godshall	Micozzie	Snyder, D. W.
Boyes	Gordner	Miller	Staback
Brown	Gruitza	Nailor	Stairs
Bunt	Gruppo	Nickol	Steighner
Cessar	Haluska	Nyce	Steil
Chadwick	Hanna	Olasz	Stern
Clark	Hasay	Perzel	Stish
Clymer	Herman	Pesci	Strittmatter
Colaella	Hershey	Petrarca	Surra
Colaizzo	Hess	Petrone	Tangretti
Conti	Hutchinson	Pettit	Taylor, E. Z.

Corrigan	Jadlowiec	Phillips	Tomlinson
Coy	Jarolin	Piccola	Trello
Daley	Kasunic	Pitts	True
DeLuca	King	Platts	Tulli
Dempsey	LaGrotta	Reber	Uliana
Dermody	Laughlin	Reinard	Vance
Druce	Lawless	Roberts	Waugh
Egolf	Leh	Rohrer	Wozniak
Fairchild	Lescovitz	Rudy	Wright, D. R.
Fargo	Lloyd	Ryan	Wright, M. N.
Farmer	Lucyk	Sather	Yewcic
Fee	Lynch	Saylor	Zug
Fichter			

NAYS—76

Acosta	Donatucci	Lederer	Rooney
Adolph	Durham	Lee	Rublely
Battisto	Evans	Levdansky	Santoni
Bebko-Jones	Fajt	Manderino	Saurman
Bishop	Flick	McGeehan	Steelman
Blaum	Freeman	McNally	Stetler
Butkovitz	Gladeck	Melio	Sturla
Buxton	Harley	Michlovic	Thomas
Caltagirone	Hennessey	Mihalich	Tigue
Cappabianca	Hughes	Mundy	Trich
Carn	Itkin	O'Brien	Van Horne
Carone	James	Oliver	Veon
Cawley	Josephs	Pistella	Vitali
Civera	Kaiser	Preston	Williams
Cohen, L. I.	Keller	Richardson	Wogan
Cohen, M.	Kenney	Rieger	Yandrisevits
Cornell	Kirkland	Ritter	
Cowell	Krebs	Robinson	DeWeese,
Curry	Kukovich	Roebuck	Speaker
Dent	Laub		

NOT VOTING—1

Taylor, J.

EXCUSED—3

Bush Raymond Washington

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

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Itkin, is recognized.

Mr. ITKIN. Madam Speaker, I assume that this is now the final action of the House this evening. This motion is a debatable motion, and I would expect that those that feel strongly on the issue, on both sides of the aisle, be given the opportunity to react to the bill.

I would like to begin to say tonight that this move by certain members of the House of Representatives that has been triggered by the National Rifle Association and other sportsmen's groups is, to say the least, disappointing.

Since the bill was tabled in December, I have talked to people who represent gun owners, gun control advocates, and law enforcement officials, attempting to forge a compromise. The NRA and the other Pennsylvania sportsmen's groups were involved in these discussions. They shared their legislative

agenda with me, and I shared that agenda with gun control supporters and law enforcement officials. Both sides presented ideas that have merit and that indicated the existence of room for compromise.

But suddenly this reasonable and reasoning process was not good enough. Yesterday I learned that gun control opponents planned to call up HB 185, strip its assault weapons ban, and return it to its original form as a preemptor of local weapons bans. Not only is this move in direct opposition to our efforts at compromise, it is downright regressive. It erases our progress and makes no significant contributions to public safety.

Just a little while ago on this House floor Representative Ryan said that this issue is too complicated to be dispatched on the House floor. I agree, and that is why I turned to law enforcement officials for their input. They told me that assault weapons are not commonly used to murder Pennsylvanians, but they are turning up in more and more drug dealers' arsenals.

As Representative Michlovic noted earlier, they told us which weapons are used for hunting and sport shooting. They told us about their problems with weapon sales and with the courts and with a lack of education about gun owners' rights and responsibilities.

We were getting from the people in the field the kind of information, the hard facts needed for truly meaningful legislation. We were addressing their concerns, drafting language that could make crime fighting at least a little bit more effective. But as my office prepared that language, I was informed of today's end run about a reasonable, comprehensive anticrime approach.

Do not vote in favor of this bill, because it is a vote against the sanity that your constituents are clamoring for. It is a vote in direct opposition to Governor Casey's stated intent to veto the bill. It is a vote that says the House of Representatives will not pass laws controlling crime and demanding weapons accountability, but we will not let local governments do anything about their crime problems either.

Do not vote for this bill. It is not, as some advocates say, at the heart of the matter. The issue has grown much bigger than the original question of local preemption. It is like a sponge that fit in its original container when it was dry but that will not fit again now that you have pulled it out and soaked it with water.

Do not vote for this bill. It is antiprogress. It ignores the work we have done to this point, and it denies the existence of a reasonable compromise in the effort to free all Pennsylvanians from the fear of deadly crime. Thank you.

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

Mr. RYAN. Madam Speaker, I am going to keep my remarks very short.

This is one of those issues— The gentleman is right; I did say that I found this bill to be personally very confusing. I find this issue to be personally very confusing as to what is right and what is wrong.

I mentioned earlier that I was having a resolution drafted, and I really question sometimes the validity and the worth of many of our resolutions. I would hope that that is not the case of this one. At least I am putting it forward with the idea that it may be of some value. I hope that it is amended, if need be, or with better minds looking at it, that amendments are offered either here or in the Senate.

I have a resolution that I am going to leave here on my desk, and I will leave it here all day tomorrow morning, and I invite cosponsors from anywhere to sponsor this concurrent resolution in hopes that we can come up with something that will address the issues that face all of us.

Briefly, though, the question of gun control is something that goes beyond the borders of Philadelphia and Pittsburgh. It does cross over into the counties of the suburban southeast and the suburban southwest. It is here in the center part of the State. It is in the southwest; it is in the northwest. It is all over this State. It is not just Philadelphia and Pittsburgh's problem. Maybe with all of us making an honest effort, maybe our committees can address this with the input of the experts that we are looking to involve in this committee. We can get something that we can all not only review but look on proudly and vote for with some pride and satisfaction that some good will come of it.

Thank you, Madam Speaker. I am voting, of course, to concur and recommending concurrence.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Ms. Josephs.

Ms. JOSEPHS. Thank you, Madam Speaker.

I do not speak very often. I will try and be brief.

I want to go back, I think, to some of the things that were said in the debate as we progressed through the evening and the afternoon. One of them was a statistic that was sort of bandied around that said that only 2 percent or some supposedly small number of people were murdered by these weapons that we are trying to keep out of the hands of our citizens. I think it was Mr. Williams who made the point that if the person who is murdered is your child or your parent, you do not care if it is only 2 percent, and I agree with that.

I would like to see some statistic, however, on the numbers of people who are terrorized, who are wounded, who are intimidated, the numbers of neighborhoods and localities where people are afraid to leave their homes and afraid to walk on the streets because they know that these weapons are possessed by folks who are only too willing to use them. I hope that in a subsequent debate—and I know there will be many—we will have those statistics produced. I certainly hope that the number of people who are murdered by these things, the percentage does not go up, but I do not think that is a reason for rejecting these bans.

I was also very appreciative of some of the people who do not agree with me when they said that they felt that they had respect for the pro-gun-control side. I hope that in future debates and as we go on this evening, those people who say they respect us will stop accusing us, those of us who would like to ban these weapons, will stop accusing us of advancing

this as a solution, a total solution, to crime and violence. We have not; we will not; we will continue not to, and I do not appreciate having my argument mischaracterized.

On concurrence, I am very disappointed. In December this House took a giant step forward. We moved to reflect what our constituents and what the public in general wants. We were tough on crime, and now we are taking it back. As had been said, it seems all too obvious to anybody paying any attention to this that the special interest groups just have a number of people in this chamber, unfortunately too many on a chain, and when they yank the chain, the hand goes to the button and the vote is changed. We are watching this House, which was elected by the public, by our constituents, by the voters, just bow to special interests, and I am very disappointed. I do not believe that the majority of us have constituents who want these kinds of weapons out in the hands of the public, and I do not even believe that the leadership of these special interest groups represent the rank-and-file members of their organizations.

I think we are going to see very soon a very big turnaround on this issue. I think each one of us who has voted here to rescind sensible, sane, and reasonable gun control, who has been tough on crime by keeping these weapons out of the hands of criminals, is going to find his or her opponent making that point.

I have watched public opinion change long enough in this State on a whole variety of issues, some of which I thought I stood alone in the beginning and turned out the majority was there, and I really think that is what is happening now.

So again I would urge a nonconcurrence, and I hope that we continue to be a little bit more sane than we must appear now to the public, who pays our bills and pays our salaries and elected us. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes Mr. Preston.

Mr. PRESTON. Thank you, Madam Speaker.

We have a chance, I guess, to do what some people are going to say is the responsible thing. You will probably hear people who talk after me say this is a liberal thing or whatever it is, but it is not about that, Madam Speaker.

If we as responsible elected officials can save one life, one life, from one piece of legislation, we have a responsibility to do that, and if we do not want to vote for that, then if one child dies in my legislative district from any of these lists that we could have prohibited, you should be held responsible. If one person dies in the next 20 years because of this vote, you should be held responsible, because basically you helped kill them. Oh yes, you did. And this is not about liberalism; this is not about conservatism; this is about an individual's right to live. This is just as bad as a prolife or a prochoice vote just as well, because you are going to help put somebody's little baby in a coffin. It could be in a rural district; it could be in an urban district; it could be in a suburban district. Death shows no color, no height, no weight, no age. But people, Madam Speaker, are dying, and if we as responsible legislators can

prevent one person from dying, we should have the right to do that.

But some of you are going to think, oh, who cares; I have got to vote for the NRA; I do not care about some 13-year-old kid getting shot on the corner as somebody drives by. Not last week, maybe today, maybe next week it is going to be on your hands, and God forbid it should be any of our children. This is a very serious thing that we are trying to do, and you got elected to come up here to preserve the right and the integrity for the right to life of your citizens of your respective elective districts.

Yes, you may have the right to bear arms, but there is a certain logical sense that how many times can you fire a bullet, 300 times a minute? How many ducks can you kill? How many bears can you shoot? How many walls or bottles can you break? Madam Speaker, this is a very serious thing, and I will be honest with you. Maybe none of you have ever seen anybody shot in your respective district, but I have. Maybe you have never been close to that bullet, but I have. And this is not just about the responsible thing; it is about the right thing to do, because that is what you are here elected to do. And you cannot color it up. You can put all the speeches ahead of you. But if we can save one life today, that is the vote that you should make, and if you do not care that much about doing the responsible thing, about saving one child or one adult, then go ahead and vote for HB 185.

And I am telling you just like it is. Yes, I have a permit to carry a weapon. Yes, I have been a former member of the NRA—I do not know if my dues are still current. But this is really about logic, about common sense, and if you think that it is that important, then go ahead and support seeing people live and die on different streets. We have a clear responsibility about the Commonwealth of Pennsylvania and life and liberty and giving those people the right to be able to walk down the street, but we are not going to do this if we pass HB 185.

Please, let us try to save some lives. Please, let us not let some mother be standing in her house wishing that her son or daughter was still alive today because of a vote that we are going to make. And I hope it does not happen today, I hope it does not happen tomorrow, but I will tell you the truth: It will happen. You know it and I know it. Someone will get killed. Whether it is today, tomorrow, or next year, somebody will get killed from one of these weapons we are trying to make illegal. Someone will die from it, and it is going to happen for it, and we have a responsibility to be able to do it.

This is not about trying to protect a special interest group. This is really trying to provide a quality of life for the next generation to come, and I have young people in my legislative district who are losing that right. Every year people are being shot and killed.

This is not over; we are going to come back to it. We are going to come back to it over and over again. And do you know what history will always show you? Eventually some of you are going to have this problem. Someone in your legislative district is going to die from one of these guns that we could have banned today. It might be 5 years from now; it

might be 10 years from now; it might be your children who sit in the same seat in years to come, and we could have prevented a life from being taken today.

That is the responsibility that we have in front of us. It is going to happen eventually one way or another, and then you are going to come back, oh, I have got this problem; let us try to do something about it; people are being shot at. This is not about liberals; this is not about conservatives; it is about being responsible elected officials and trying to preserve lives.

Let us vote this bill down.

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

The SPEAKER. The Chair recognizes, on concurrence, Representative Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

I rise in support of HB 185, prior printer's number 2105. This bill will preserve our 20-year-old preemption in regulating firearm and ammunition regulations.

Without the "primacy," Pennsylvania's responsible, law-abiding gun owners will be expected to comply with more than 2,000 local firearm ordinances. That would be absolutely unacceptable.

This is a commonsense bill, and I would like to ask my colleagues on both sides of the aisle for support of this bill. Thank you.

The SPEAKER. The Chair thanks the lady.

Does the gentleman, Mr. George, from Clearfield seek recognition on concurrence? The gentleman is recognized.

Mr. GEORGE. Mr. Speaker, I do not intend to delay the proceedings. I think we all know what we must do. We have heard many arguments for and against. My only argument is that good people need not have imposed upon them controls that are just not needed.

I have heard that we need the "three strikes and you're out" or "four balls and you take a walk." I do not know what is going on with this society, but I am telling you this: There are countries not as civilized as we are, that if you are caught stealing, they cut off your hand; if you are caught messing around with somebody's wife, they cut off your hand.

So let us not cut off anything. Let us vote to allow decent, honest, respectable individuals to bear arms. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hughes. Mr. Hughes is recognized on concurrence.

Mr. HUGHES. It is not the hand anymore, Mr. George; it is not the hand anymore. You have got to be a little bit more careful.

Wow, how do you follow that? Whew.

Mr. Speaker, within all of the discussion, I think we need to try to keep this real simple in terms of what it is that we are about to do if we vote to concur on HB 185, and let us just make it plain; let us not make it complicated. Let us just make it plain.

Forty-five days ago, Mr. Speaker, we decided that we wanted to have a ban on assault weapons, a statewide ban on assault weapons in Pennsylvania, Mr. Speaker. We voted 101 votes in support of Matthew Ryan's amendment to ban assault weapons in the State of Pennsylvania. But let us make it plain. Forty-five days later we are overturning that ban. Let us make it plain, Mr. Speaker. We are overturning Philadelphia and Pittsburgh's bans on assault weapons. We are saying that for those of you in Philadelphia and Pittsburgh, it is okay to carry assault weapons. We are overturning the cities of the first and the second classes and their right and responsibility to address issues within their own communities. We are saying, Mr. Speaker, that the current laws, as I have said before and I will say it again, the current laws in the State of Pennsylvania are acceptable as far as carrying firearms and carrying assault weapons and doing whatever it is that we are doing.

But let us make it even more plain, Mr. Speaker. In light of the President's statement, in light of the statement by the Governor of banning assault weapons, in light of the overwhelming wishes of the citizens of Pennsylvania and the people of this country, we are making Pennsylvania a laughingstock, a joke, in the national scene. When folks turn on the nightly news tonight and tomorrow morning, the stories will read that the Pennsylvania House of Representatives said that it is okay to carry assault weapons. It will be on CNN and it will be on C-SPAN and all the rest of the shows in the morning when you wake up in the morning and you watch a little TV. The headlines of the newspapers will say and the editorials of the newspapers will say that the Pennsylvania House of Representatives reversed itself from 45 days ago and said that it is okay to have assault weapons in Pennsylvania. It is okay to traffic them; it is okay to carry them; it is okay to use them. Whatever you feel is appropriate.

Pennsylvania. This House of Representatives, all 203 of us, the Keystone State, the birthplace of liberty and democracy, mom's apple pie, and all of the other things will be a laughingstock in the United States of America. The joke, unfortunately, as Representative Preston said, will be played out on someone's family, will be played out on someone's neighborhood, will be played out on someone's child, someone's parent, someone's senior citizen, some neighbor, some constituent of someone in this room; the unfortunate joke will be played out on them, because they will suffer. Whether it be 2 percent or 20 percent or 200 percent, they will suffer from the continued proliferation of assault weapons and firearms in this State, and they will suffer brutally, because they will be killed, and it will be the result of the actions of the members of this General Assembly. These 203 members, from the highest on high to the lowest freshman rank-and-file member, will be responsible for some tragic incident that will have occurred.

We had the opportunity to be courageous in this General Assembly, but we looked the other way.

If we vote to concur on HB 185, we will be the laughingstock of this Nation. We will not have done what we have been constitutionally sworn to do — to represent all of the people in our legislative districts. Unfortunately, we will suffer

the consequences, and some poor family, some poor soul, some constituent of ours, will bear the brunt of our irresponsibility.

I am urging everyone, Mr. Speaker, to vote "no" on concurrence in HB 185.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Michlovic, still desire to comment? The gentleman is in order and may proceed on concurrence.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, in a few minutes, or a few hours the way this is going, but in a short time we are going to be voting to override the authority of local officials in our communities to decide whether they wish to ban or not to ban certain weapons that we call assault weapons.

This vote is not going to be the end of the issue. We are going to be back in this hall of this House again and again until we do the right thing, and what we have done tonight is simply framed the issue. We framed the issue as an issue in Campaign '94. We will see pictures of children shot with bullets. We will see law enforcement officers standing, saying it is time we do something about banning these weapons. We will visit rehabilitation officers. We will see it splashed across our screens, and not simply because of some of us that are active on the issue but because the President is dealing with it, the Congress will be dealing with it. The Governor, it has been said, is going to veto this issue. If you want to get it passed, you are going to have to override that veto.

This issue is going to keep coming back and those pictures of those assault weapons are going to keep coming back in those districts, in those campaigns. Every time you bring this issue up and you do not deal with it in a responsible manner, the issue is coming back. Mr. Speaker, the next time we are here, I will be debating it then, too.

I urge you to oppose the passage of HB 185.

The SPEAKER. The Chair thanks the gentleman.

It appears that we have three more members who will be speaking.

The gentleman, Mr. Thomas, is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise for nonconcurrence on HB 185, and, Mr. Speaker, I would like to do two things very quickly: One, I would like to restate the facts which gave rise to why we are voting to concur or nonconcur on HB 185, and I secondly would like to issue a challenge and a charge to each and every member of this General Assembly.

But on the first issue, Mr. Speaker, let us be clear about the facts and why we are dealing with this issue today. Philadelphia County last year and the year before that had over 400 people brutally murdered. In many instances, a large number, a large number of the people who were killed were children — children.

In my district, I have seen a family torn apart. I have a young man right now that went to St. Joseph's School, graduating, on his way to college and a bright future. A Mac 10 was used to rip his spine, and he is paralyzed at 18 for the

rest of his life, paralyzed from his neck down; mother trying to take care of him and trying to take care of his brothers and sisters; a single parent.

And is it not interesting that the children that have been brutally murdered with assault weapons in Philadelphia County and in the city of Pittsburgh are not from rural or suburban Pennsylvania; are not gainfully employed; do not come from decent and affordable housing situations. Mr. Speaker, these children are the same children that make up the 300,000-plus children in Pennsylvania that are without access to affordable health care.

Mr. Speaker, Philadelphia, because this Pennsylvania General Assembly failed to do something about the 500 people murdered in Philadelphia in 1992, because the Pennsylvania General Assembly failed to do something about the proliferation of assault weapons and the brutal murders which took place in the city of Pittsburgh in years 1992 and 1993, because this body failed to act, local municipalities moved to try and do something. In Philadelphia's case, they moved to put a ban on weapons which were commonly being used to cut down the lives of children and police officers. The city of Pittsburgh, reacting to an overwhelming number of murders by assault weapons, moved to institute a ban in that municipality.

Mr. Speaker, we are only here because those two municipalities set out in an affirmative way to try and do something about a problem that the municipalities were facing. They have taken affirmative steps to try to do something by putting in motion this ban on assault weapons, and somebody decides all of a sudden, no municipality should have the right to take steps to protect the interests of its citizens and we must stop the cities of Philadelphia and Pittsburgh from trying to prevent children from being brutally murdered by assault weapons. All of a sudden this august body jumps up and says, we have got to do something; we cannot have municipalities running around instituting laws that allegedly interfere with the rights of good people, and so the Pennsylvania Senate decided to gut a bill into HB 185, develop a preemption clause to preempt Philadelphia, Pittsburgh, and all 67 counties from doing what they think is in the best interests of their residents. That is why we are voting to concur or nonconcur on HB 185. It was our inaction, our inaction, which led to affirmative conduct by the municipalities of Philadelphia and Pittsburgh. Let us never forget that.

We are not taking affirmative steps to protect the rights of people who deserve to bear arms; we are taking affirmative steps to stop the rights of municipalities to do what is necessary to protect the interests of their citizens. So let the record be clear: When you talk about what we did on HB 185, be ever so mindful to lay out the facts and not fiction.

Secondly, the challenge that I issue to each and every member of this House—the challenge that I issue—and that is that when we leave this body this evening, let each and every one of us take a minute and think about whether or not, whether or not, we concur on HB 185, because the Marcuses that were cut down with assault weapons do not live in our districts. Ask yourselves, are the lives of our children, should

their lives ever be reduced to whether or not we are rural, suburban, or urban? Should little Marcus, should the young punk that used an assault weapon to kill a police officer, should that punk be permitted to go around gaining access to weapons anytime he gets ready because he is not from rural Pennsylvania, because he is not from suburban Pennsylvania, because he is not a member of a sportsmen's club?

As Dr. King used to say so often, in 1994, either we learn to live together as brothers and look out for one another or we will die as fools.

Mr. Speaker, so the challenge I issue to you, and that is, would you concur on HB 185 if the 300-and-some children killed in Philadelphia County had come from Greene County, Mr. Speaker, or come from west Chester County or come from another county? Would our position on HB 185 have been the same if our brother, a police officer, was cut down with an assault rifle if he had come from Erie County or York County rather than Philadelphia County? Is your position on HB 185 this evening one that is guided by the color of one's skin or one's geography or one's economic status or one's environmental conditions? Or is your decision on HB 185 one measured by the life, one's life, one's inner self? How would you stand up on HB 185 this evening?

I would submit to you that given the facts over the fiction, you cannot in good faith concur on HB 185 and choose life over death, choose excellence and education over ignorance. You cannot do that this evening.

Nonconcurrency will only mean that you have chosen life over death, regardless of where an individual comes from. One life taken unnecessarily in the Commonwealth of Pennsylvania, whether it be in Erie County or Philadelphia County, should be treated equally, regardless of one's economic status. That life should be treated equally, regardless of one's housing conditions. That life should be treated equally, and we should never reduce the precious value of what God has given based on rural versus suburban versus urban, and that is what it has come down to this evening.

I hope I am not taking up too much time, but I issue that challenge to you. Let us do something since we do not want Philadelphia, Pittsburgh, and other municipalities going off and trying to do what they think is best for the residents of their municipalities. Since we do not want them to go off in these many different directions, I say to you that when you return tomorrow morning, when you return tomorrow morning, let us shut the House calendar down and the only thing that should be on the calendar is how can we as a collective body, whether we be Democrat or Republican, bring an end to this senseless killing of women, children, and families in the Commonwealth of Pennsylvania. That is the challenge that I leave with each and every one of you. What is in your heart and what is in your mind will be measured by your conduct when we return to session tomorrow. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Belfanti, is recognized.

Mr. BELFANTI. Thank you, Mr. Speaker.

I do not intend to be part of the filibuster on final passage. However, speaker after speaker rose to the podium and made remarks that they resented what the people who are for preemption have been saying throughout this debate. They resent this, they resent that. They have also talked about the onerous special interest groups and the influence on those of us in this chamber on this issue, and that is simply poppycock. I have not been contacted by one special interest group. Verbally, not one person talked to me about doing anything on this issue. I got as many letters one way as I did the other. It is not a special interest issue.

Those of us who feel strongly that municipalities and counties in this State should not have the right to selectively ban any type of weapon, particularly when there is no justification for it, as is in the case of the weapons that we have talked about today and the weapons we have talked about a few weeks ago, look-alike assault weapons—not the real ones, not the military hardware that is already covered, as some of the other speakers mentioned, under the Uniform Firearms and Tobacco Act; they are already banned—we are talking about a smokescreen here; we are talking about a ruse. We are talking about punishing millions of law-abiding citizens, gun owners, gun shop dealers, hunters, and other sportsmen so that somebody can try and make a statement in one of the municipalities in one of the corners of this State.

Mr. Speaker, if passage of a bill would correct their problem, if it would eliminate the murders on the streets, I would vote for it; I would vote for it. But they are not even suggesting they are going to do that. They are talking about if one life would be saved by a vote to reject concurrence today, it would be worth punishing millions of sportsmen, if only one life were saved.

But talk about resentment. I resent the fact that some of the most passionate speeches given today were people who consider themselves and flaunt the fact that they are pro-choice; they are pro-choice. But one life does not matter there; one life matters on this issue. I respect the fact that they might be pro-choice when it comes to abortion. They should also respect the fact that those of us from parts of the State that do not have the problem and do not believe we should be subject to a snowball effect that could occur as a result of municipalities being allowed to ban any type of weapon, it is unfair to us, and they should respect that from us.

In New Jersey they have had a ban on some of these weapons for 2 years. It has had no impact whatsoever on crime, because the real assault weapons are military hardware. They are sold through the black market. They do not have serial numbers. They are not the kinds that are in the gun stores in Shamokin, Pennsylvania, and in Sunbury, Pennsylvania.

Whom are we trying to kid here? That is what this whole debate has been about — trying to kid people. I do not want to kid anybody. I firmly believe that we should not allow any municipality to ban a weapon unless there is at least some rationale that it would prevent the vast majority, the bulk of crimes that are committed in that municipality.

One of the speakers said that, again, one or two or three, if we save four lives, if less than 2 percent of all crimes committed with guns in this State are committed with the assault weapons that they have tried to ban, it would be worth it.

Mr. Speaker, more crimes are committed, more murders are committed in this State with butcher knives and scissors. Should we be banning them? Should we ban baseball bats, because more murders are committed in this State with baseball bats than any of the weapons that are on this list?

This is a colorful debate and it is a passionate debate, but by and large, it is a ruse, and I do not believe that this legislature should do anything but protect those constituents of ours who are law-abiding citizens who sent us here and who believe in the constitutional right to keep and bear arms.

If there is a compromise set up, if there is a discussion set up, as was suggested by some of the folks from the urban areas, to really do something about crime, I will participate in it, but I think we better start with punishment of the criminals, not just incarceration. I think if a crime is committed with a gun, that particular criminal ought to do hard time in jail, not just sit around shooting pool and watching TV. When we start getting to the root of the problem that way, not through these surreptitious means of punishing sportsmen and gun shop owners and law-abiding citizens, then we may see a reduction in crimes committed with weapons — not assault weapons, not look-alike weapons, but any weapon.

Thank you, Mr. Speaker. I urge concurrence.

The SPEAKER. The Chair thanks the gentleman.

Mr. Williams from Philadelphia is recognized on concurrence.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I have watched the proceedings with great interest, obviously. I am from Philadelphia County. But what has amazed me, frankly, is that we have been fortunate enough to have technology within our chamber, and it specifically means that these particular proceedings are being documented by the news media. They are being taped. They are a part of something which is permanent. What I find to be ironic is that when people decide or come to some conclusion with regard to this, their constituencies will obviously ask, what were you doing during the course of this debate? Fortunately, we will have the media here to document that I was either sleeping, eating, dreaming, or obviously celebrating this particular moment.

Regardless of where you are on this issue, to me, it certainly is as important as some of the other issues of choice which have been outlined. Obviously, we, for some reason, take what I consider to be very serious within our society — and that is, how we use firearms or how we rule on the issue of how we use firearms — and we relegate it to some kind of side activity, and we want to talk about some other things which are obviously of more importance.

I agree that the ban on assault weapons is not the central issue. The ban on assault weapons in the State of Pennsylvania, let alone the city of Philadelphia, will not stop crime nor save all the lives which we are feeling so impassioned about.

Clearly, people who are suggesting that they want to fight for decent, law-abiding citizens have brought up two major issues. The preponderance of homicides in this State occur by handguns. I do not think there is any fact, any recreativity, any avoidance tactic which can remove that. Even Mr. Ryan's discussion of a resolution which would create a commission which would articulate and define how these homicides are occurring, I think it is going to be perfectly obvious that the handguns are the overwhelming culprit in this particular activity. I hope it does not take us another 10 to 20 years or another generation of politicians to take up the issue of how we are going to reform that particular area, because, see, as much as we like to design and say, hey, we voted on the issue of primacy, guess what? Those suburbanites, those suburbanites who wanted to play games around this issue will have to face that fact, because they work in Philadelphia County and they, too, feel the urgency of us reforming how we deal with guns in our society.

So we can play cutesy and talk, debate, debate, debate. Hey, I want to talk, hate, hate, hate. We want to talk about locking up people? Fine; talk about locking up people. I will vote for that. I will vote for creating another prison. There are not enough prisons to protect us in society from those pernicious people who want to do something to us. They are going to get out, and they are going to get ahold of these weapons, whether you like it or not.

The other thing which was perfectly obvious to me was, we are talking about accessibility, accessibility to these weapons, and we have got to come up with some stronger medicine that we obviously do not want to face. The manufacturing of this weapon or these types of weapons hurts our society. We talk about law—I mean, earlier a Representative talked about good, decent, law-abiding citizens; let them have the right to bear arms. Well, guess what? There are good, decent, law-abiding citizens who do not want that weapon in their community.

I am quite confused by how we proceeded with this debate tonight. We argued that we want to have the sportsmen, we want to have the people who know how to conduct themselves the right to bear that arm. I do not think anybody in Philadelphia County or Allegheny County went to Lackawanna County, Erie County, or even to Montgomery County or Delaware County and said, hey, you cannot have that anymore. All they simply said is, do not bring it into my neighborhood; do not bring it into my neighborhood because we have a problem. I am not sure why that is such a complicated kind of thing to deal with.

This discussion by the previous speaker suggesting that he was never contacted by any group is out-and-out balderdash. Every member of this House received a letter from the coalition, the coalition of sportsmen, et al., that said, hey, here is the crime prevention process that we would support. There is a coalition out there and there is a very strong coalition out there, and I am not suggesting that they do not have the right to articulate their points of view, but do not suggest that they are the only law-abiding, decent citizens in this State. The only law-abiding, decent, taxpaying citizens in this State do not all

own guns and they do not all give a hoot about the sportsmen's groups who do own guns, but what they are concerned about is the safety within their community and the sanctity of their community.

This legislation which you are attempting to deal with in Philadelphia County and Allegheny County is, frankly, government at its worst; it is government at its worst. It is government saying, hey, you do not have a right; we have a right. And if you try to remedy your situation, we may not have a resolution, but we certainly have an almighty mandate; we have an almighty mandate. The mandate is, you will not have that law, you will not have that rule, you will not have the regulation that you see fit in your particular area, because we mandate what happens across the State of Pennsylvania. We will define how you will live, even those law-abiding, decent, taxpaying Philadelphians or people from Allegheny County, because, see, those of us who consider guns a toy, to be beautiful, to be things that should be respected and revered, hey, we are so paranoid of what you are doing in Philadelphia County that somehow it is going to creep up into our county—God knows how it would creep up into their county—that we are going to rule that out, we are going to wipe that out.

I can only say that those folks who feel the absurdity of suggesting that you outlaw bats, rubberbands, Band-Aids, scissors, or knives, because they are instruments of crime and instruments that hurt people more frequently than assault weapons, I think that is the height of hypocrisy. The fact is that the police, the law enforcement community in Philadelphia County, the D.A. in Philadelphia County, the city councils in Philadelphia County and in Allegheny County have spoken. They said the best that we can come up with today is the beginning, the beginning of this anticrime package, and the beginning of it is to send a statement, a statement to those people who would bring these kinds of weapons of death and destruction into our community, and I think people should simply respect that. There is nothing complicated about it. There is no tap dance around it, certainly. Those people who think they are going to tap-dance around it, there is no tap dance around it.

The bottom line is, you feel that Philadelphia County should not have it. Therefore, you are paranoid; your belief or your coalition should rule above us. We will have to live by that.

It is clear to me that this whole activity today was prescribed and laid out quite carefully. Those coalitions did their jobs, they swayed those votes, they did skirting, and trust me, they will even, in front of this particular videotape, do tap dancing and spinning to suggest that they are doing something which is benefiting our society. But to continue deaths, to continue recklessness, and certainly, the movement of these guns, illegally or legally, through our society are not to our benefit. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, first, I would like to ask a question.

Mr. Speaker, may I ask you a procedural question?

The SPEAKER. Certainly. The gentleman is in order and should proceed.

Mr. JAMES. If it just happens that the vote to concur wins, what happens then?

The SPEAKER. It would go immediately to the Senate, and they would have to concur or nonconcur in our amendments.

Mr. JAMES. Even without any amendments?

The SPEAKER. The reversion to a prior printer's number would in effect be perceived as an amendment.

Mr. JAMES. All right. Okay. Thank you, Mr. Speaker.

The SPEAKER. I am glad you asked that question because I did not know either.

Mr. JAMES. Okay. Thank you, Mr. Speaker.

I would just like to say, Mr. Speaker, you know, I was sitting here, and I know as politicians or representatives of people, we are about counting votes, and I was just looking at these vote counts, and it just does not look like we might prevail. I see we had 51; we came up to 72, then 76. So it does not seem that we might win.

But I would just like to remind everyone, even though I urge you to vote not to concur, in watching the President's speech the other night, I thought it was a very great, dramatic speech, and there was something that he did that was very, very dramatic. I do not know if anybody is here from the Governor's Office, but if they happen to watch C-SPAN tonight, I would hope that—I am going to take out my pen and do like the President—I hope the Governor would veto this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, the hour is late, the debate has been long, and I promise to keep my remarks brief, but there are a couple observations that I would like to offer regarding this legislation.

Rarely in my 10 years in the General Assembly have I seen such a difference, such a chasm, such a gulf between what the public interest is and what a narrow special interest is. This vote today on concurrence is going to illustrate better, better than most votes I have ever seen in the last 10 years that distinction and that difference between what is in the public interest and what is a vote for the special interest.

We have a choice here today — a choice to stand up to those who practice the politics of fear and intimidation, to those who try to make us cower to agree with their perspective. We have a chance today to stand up and to define what the public interest is on the issue of semiautomatic weapons of mass destruction, but unfortunately, I have no doubt that the

vote instead will be to continue to pander to those special interest groups in the hope that we will get their support come election time.

This vote today, Mr. Speaker, really represents, I think, the triumph of special interest over the public interest, and especially, I feel ashamed to be a member of this chamber at a time when so many people are calling for gun control, be it gun control on assault weapons or limitations on handgun ownership. Without a doubt, you have seen polls in Newsweek, in CNN, in Time. Other professional polling organizations all show that the public supports gun control, yet this chamber will move in the opposite direction while the public sentiment is moving in that direction. This chamber will backslide when the Governors of this State and other States call for limitations on these weapons of mass destruction. Mr. Speaker, I am ashamed to be a member of this chamber at a time when we backslide, when we have an opportunity of making real progress to save people's lives and we pass up that opportunity.

Mr. Speaker, I have no doubt that the NRA and their allies will win this vote, but I question, to be honest with you, whether or not we are voting with them because we are looking after protecting the sportsmen's interest. I do not think that is the case at all, Mr. Speaker. I think the majority will make this vote to pander in order to receive the political support of the NRA and their allies in the sportsmen's community.

Mr. Speaker, we have an opportunity to defend the public interest. My fear is, we are going to sell it out in the hopes of gaining some support for some darn political mailing or some independent expenditure or some campaign contribution. It is really what is affecting this vote. It is not the concern for the public interest.

And the next time somebody gets killed in this State, in our communities, I think we need to be in the face of those of you who are going to vote with the NRA, to see the faces of those families who are going to be wrought with distress, because they are going to lose a loved one because they are going to be shot with an automatic assault weapon. Mr. Speaker, do not forget that day, because it is going to happen pretty soon.

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

Mr. CESSAR. Thank you, Mr. Speaker.

I will be rather brief.

In the edition of the Pittsburgh Post-Gazette today, there was an article on this subject, and I would like to read for the record what was spoken to in this newspaper article by the president of city council, Jim Ferlo, and he said he voted against the ban. He said, "Personally, I'd rather arm bears than bear arms. But the bill was a knee-jerk reaction to the on-street crime problem.... It is a misguided approach to the crime problem.

"The real answers to the city's crime problem are sentencing violent juveniles to jail and remedying the social problems that breed crime, not making criminals out of law-abiding gun owners," Ferlo said.

ARTICLE SUBMITTED FOR THE RECORD

Mr. CESSAR. I submit this for the record, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and the article shall be incorporated into the Journal.

Mr. CESSAR submitted the following article for the Legislative Journal:

Council President Jim Ferlo, who voted against the ban, said it never should have been passed in the first place.

"Personally, I'd rather arm bears than bear arms," he said. "But the bill was a knee-jerk reaction to the on-street crime problem.... It is a misguided approach to the crime problem."

The real answers to the city's crime problem are sentencing violent juveniles to jail and remedying the social problems that breed crime, not making criminals out of law-abiding gun owners, Ferlo said.

Mayor Murphy's spokeswoman, Judy Kelly, could not be reached to comment on the suit.

Post-Gazette Harrisburg correspondent Frank Reeves contributed to this report.

The SPEAKER. The gentleman from Allegheny County, Mr. McNally, seeks recognition on concurrence, and the gentleman is recognized.

Mr. McNALLY. Mr. Speaker, I just rise to place on the record some thoughts and observations on the rationale for my vote this evening. I will vote to concur in HB 185.

I believe that the weapons that have been described in this legislation and in the amendments that have been considered today and on previous days are very serious and very dangerous weapons. They are deserving of a statewide ban. It seems to me they are so hazardous and so dangerous that in fact a simple summary offense with a few-hundred-dollar fine is much too light a penalty and that the best way to address this problem is in fact to have a statewide ban, the sort that Mr. Michlovic has proposed here in this chamber.

I have heard arguments, for example, from constituents and here in the House chamber that these particular weapons are rarely used to commit crimes, but it seems to me that there are other types of dangerous weapons or items that can be used as weapons. Dynamite is an item that is rarely used in crimes, but we do not, for that reason, legalize it. It seems to me that when you look at these weapons, they were designed originally as automatic weapons; they were designed and manufactured explicitly for war purposes, military purposes; and they have been modified as a semiautomatic version and that in fact what we see here is really a loophole — a loophole that was never intended to permit these weapons to be handled by civilians for civilian purposes.

I hope that we will in the future promptly enact a statewide regulation of these weapons. I think that this idea of municipal regulation is ill advised and will, in both the short term and long term, be ineffective. Thank you very much.

The SPEAKER. Mr. Olasz is our final speaker.

Mr. OLASZ. Very briefly, Mr. Speaker.

Prohibition did not stop the flow of illegal booze in this country, and anyone who thinks that this is going to stop the flow of arms better go see their surgeon for a brain transplant.

The two areas in this country that have the strictest gun controls are New York and Washington, DC. You know who has the highest rate of murders? New York and Washington, DC. Think about it.

On the question recurring,

Will the House concur in Senate amendments as amended?

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

YEAS—134

Allen	Freeman	Marsico	Scrimenti
Argall	Gamble	Masland	Semmel
Armstrong	Gannon	Mayernik	Serafini
Baker	Geist	McCall	Smith, B.
Barley	George	McNally	Smith, S. H.
Battisto	Gerlach	Merry	Snyder, D. W.
Belardi	Godshall	Miccozzie	Staback
Belfanti	Gordner	Miller	Stairs
Birmelin	Gruitza	Mundy	Steelman
Blaum	Gruppo	Nailor	Steighner
Boyes	Haluska	Nickol	Steil
Brown	Hanna	Nyce	Stern
Bunt	Hasay	Olasz	Stish
Carone	Herman	Pesci	Strittmatter
Cessar	Hershey	Petrarca	Surra
Chadwick	Hess	Petrone	Tangretti
Clark	Hutchinson	Pettit	Taylor, E. Z.
Clymer	Jadlowiec	Phillips	Tomlinson
Colafella	Jarolin	Piccola	Trello
Colaizzo	Kasunic	Pitts	Trich
Conti	King	Platts	True
Coy	Krebs	Reber	Tulli
Daley	LaGrotta	Reinard	Uliana
DeLuca	Laub	Roberts	Vance
Dempsey	Laughlin	Robinson	Waugh
Dermody	Lawless	Rohrer	Wozniak
Druce	Lee	Rudy	Wright, D. R.
Egolf	Leh	Ryan	Wright, M. N.
Fairchild	Lescovitz	Santoni	Yandrisevits
Fargo	Lloyd	Sather	Yewcic
Farmer	Lucyk	Saurman	Zug
Fee	Lynch	Saylor	
Fichter	Maitland	Scheetz	DeWeese,
Fleagle	Markosek	Schuler	Speaker

NAYS—63

Acosta	Curry	Keller	Rieger
Adolph	Dent	Kenney	Ritter
Bebko-Jones	Donatuoci	Kirkland	Roebuck
Bishop	Durham	Kukovich	Rooney
Butkovitz	Evans	Lederer	Rubley
Buxton	Fajt	Levdansky	Stetler
Caltagirone	Flick	Manderino	Sturla
Cappabianca	Gigliotti	McGeehan	Taylor, J.
Carn	Gladeck	Melio	Thomas
Cawley	Harley	Michlovic	Tigue
Civera	Hennessey	O'Brien	Van Horne
Cohen, L. I.	Hughes	Oliver	Veon
Cohen, M.	Itkin	Perzel	Vitali
Cornell	James	Pistella	Williams
Corrigan	Josephs	Preston	Wogan
Cowell	Kaiser	Richardson	

NOT VOTING—1

Mihalich

EXCUSED—3

Bush Raymond Washington

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

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

The SPEAKER. There will be no further votes taken this evening. Some housekeeping activity will take place.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 878, PN 2108

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the distribution of asset maintenance funds; authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons; authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission; authorizing the acceptance of grants from Federal, State and local governments; limiting actions against such an authority and exempting it from taxation; authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts; creating a citizen advisory committee; conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority; providing for suspensions for offenses involving controlled substances, for certain out-of-State documentations, for reports by courts and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making a repeal.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. ITKIN. Mr. Speaker, I move that the following bills be removed from the table:

- HB 2202;
- HB 2205;
- HB 2207;
- HB 2208;
- HB 2209;
- HB 2210;

HB 2211;
 HB 2212;
 HB 2213;
 HB 162;
 HB 558;
 HB 1760;
 HB 1858; and
 HB 2340.

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

BILLS RECOMMENDED

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

HB 2202;
 HB 2205;
 HB 2207;
 HB 2208;
 HB 2209;
 HB 2210;
 HB 2211;
 HB 2212;
 HB 2213;
 HB 558;
 HB 1858; and
 HB 2340.

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

BILLS ON SECOND CONSIDERATION

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

HB 162, PN 179; and HB 1760, PN 3130.

VOTE CORRECTION

Mr. SNYDER. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. SNYDER. To correct the record.

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

Mr. SNYDER. Mr. Speaker, after reviewing the voting
 record for today, I noted that I was not recorded on the
 question of germaneness on amendment 268 to HB 2396. My
 vote should have been recorded as "yes." Thank you.

The SPEAKER. The Chair thanks the gentleman from
 Lehigh, and his remarks will be spread across the record.

BILLS REREPORTED FROM COMMITTEE

HB 484, PN 3161 (Amended) By Rep. EVANS

An Act amending the act of July 7, 1980 (P.L.380, No.97),
 known as the Solid Waste Management Act, further providing for
 management of residual waste and for transportation of residual
 waste.

APPROPRIATIONS.

HB 1479, PN 3162 (Amended) By Rep. EVANS

An Act providing for dual party relay services and for
 telecommunication device distribution.

APPROPRIATIONS.

HB 2249, PN 2808 By Rep. EVANS

An Act providing for sale of automobiles owned by the
 Commonwealth.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

**HB 484, PN 3161; HB 1479, PN 3162; and HB 2249, PN
 2808.**

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2398, PN 3013 By Rep. CALTAGIRONE

An Act amending the act of December 19, 1990 (P.L.1391,
 No.215), known as the Motivational Boot Camp Act, further
 defining "eligible inmate."

JUDICIARY.

HB 2495, PN 3163 (Amended)

By Rep. EVANS

An Act amending the act of December 13, 1988 (P.L.1190,
 No.146), known as the First and Second Class County Property
 Tax Relief Act, further providing for deferral or exemption
 authority and for conditions of deferral or exemption; and
 providing for applications for relief.

APPROPRIATIONS.

SB 1404, PN 1700 By Rep. EVANS

A Supplement to the act of June 28, 1993 (P. L. 134, No. 31),
 entitled "Highway Supplement to the Capital Budget Act of 1993-
 1994," itemizing public highway projects to be constructed by
 current revenues of the Department of Transportation, together
 with the estimated financial costs; and making appropriations.

APPROPRIATIONS.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes Mr. Itkin from Allegheny County.

Mr. ITKIN. Mr. Speaker, I move that HB 162, PN 179, be recommitted back to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 906, PN 3105**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, from Allegheny County to convene a Rules Committee meeting immediately at the majority leader's podium.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes Mr. Itkin.
Mr. ITKIN. Mr. Speaker, I move that HB 2495 and SB 1404 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 231, PN 3126

By Rep. ITKIN

A Resolution proclaiming the week of January 30 through February 4, 1994, as "National Catholic Schools Week" in Pennsylvania.

RULES.

**BILL ON CONCURRENCE REPORTED
FROM RULES COMMITTEE**

HB 906, PN 3105

By Rep. ITKIN

An Act requiring timely payment to certain contractors and subcontractors; and providing remedies to contractors and subcontractors.

RULES.

HOUSE BILLS**INTRODUCED AND REFERRED**

No. 2500 By Representatives STURLA, FAJT, COY, LAUB, MUNDY, KUKOVICH, PRESTON, TRELLO, WILLIAMS, JOSEPHS, MELIO, PISTELLA, ROONEY, LAUGHLIN, STEELMAN, CURRY and BISHOP

An Act providing for standby guardians for infants; regulating procedure; and providing for designation, for petitions and approval by the court.

Referred to Committee on JUDICIARY, February 1, 1994.

No. 2508 By Representatives SCHULER, PERZEL, KREBS, HERSHEY, BAKER, SAYLOR, ZUG, FAIRCHILD, NYCE, MANDERINO, HENNESSEY, HESS, SATHER, CLYMER, ARMSTRONG, CLARK, BARLEY, BELFANTI, B. SMITH, SEMMEL, GODSHALL, KING, STAIRS, MAITLAND, ROONEY, GERLACH, LYNCH, MILLER, GRUTZTA, MARKOSEK and LESCOVITZ

An Act making an appropriation to the Future Farmers Foundation of Pennsylvania.

Referred to Committee on APPROPRIATIONS, February 1, 1994.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 1089, PN 1846

Referred to Committee on JUDICIARY, February 1, 1994.

RECESS

The SPEAKER. This House stands in recess until the call of the Chair.

AFTER RECESS

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

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

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 486, PN 2706**, entitled:

An Act amending the act of July 13, 1988 (P.L.530, No.94), known as the Environmental Hearing Board Act, granting jurisdiction to the Commonwealth Court.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

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

Mr. ITKIN. Mr. Speaker, I move that HB 486 be placed on the table.

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

* * *

The House proceeded to third consideration of **HB 1245, PN 1362**, entitled:

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

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

BILL TABLED

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

Mr. ITKIN. Mr. Speaker, I move that HB 1245 be placed on the table.

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

* * *

The House proceeded to third consideration of **HB 714, PN 2709**, entitled:

An Act designating the Gray Fox as the State Furbearer.

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

BILL TABLED

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

Mr. ITKIN. Mr. Speaker, I move that HB 714 be placed on the table.

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

BILLS REMOVED FROM TABLE

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

Mr. ITKIN. Mr. Speaker, I move that HB's 486, 1245, and 714 be removed from the table.

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

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. The Chair recognizes the gentleman, Mr. Yewcic.

Mr. YEWIC. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 2, 1994, at 11:10 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 10:59 p.m., e.s.t., the House adjourned.