

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 7, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. DR. JAMES W. GRUBB, Chaplain of the House of Representatives and pastor of Grace United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

O Lord, our Sovereign, how majestic is Your name in all the earth.

When we look at the heavens, the work of Your fingers, the moon and stars which You have established; what are human beings that You are mindful of them, mortals that You take care of them? Yet You have made them a little lower than God and crowned them with glory and honor. You have given them dominion over the works of Your hands.

With these words of the psalmist, we begin our session in this House of Representatives acknowledging You as our creator and sustainer, the one who gives us all good things and charges us to be faithful stewards. Help us then, O God, today and always, to keep in perspective Your divine majesty and purpose and our human frailty, but also our dignity and responsibility to each other.

O Lord, our Sovereign, how majestic is Your name in all the earth. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, December 6, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2107 By Representatives BARD, ARGALL, BASTIAN, BATTISTO, M. COHEN, FREEMAN, GRUCELA, RAMOS, SEYFERT, STEELMAN, STURLA, SURRA, THOMAS, TIGUE and YUDICHAK

An Act establishing a program for obtaining information from school districts in a uniform manner to permit statistical comparison; imposing additional powers and duties on the Department of Education, the Auditor General and the various school districts; and providing for financial penalties for noncompliance.

Referred to Committee on EDUCATION, December 7, 1999.

No. 2108 By Representatives ARGALL, THOMAS, J. TAYLOR, BAKER, CORRIGAN, FARGO, FICHTER, FRANKEL, FREEMAN, GIGLIOTTI, HARHAI, LAUGHLIN, RAMOS, ROBERTS, RUBLEY, SAYLOR, SEYFERT, E. Z. TAYLOR, TRELLO, VAN HORNE, WALKO, WOGAN and YOUNGBLOOD

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for the members of an authority.

Referred to Committee on URBAN AFFAIRS, December 7, 1999.

No. 2109 By Representatives ARGALL, McCALL, BATTISTO, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BUNT, COY, DAILEY, DALLY, FICHTER, FRANKEL, FREEMAN, GEIST, GEORGE, GRUCELA, HENNESSEY, HERSHEY, JOSEPHS, LAUGHLIN, LUCYK, LYNCH, MUNDY, ORIE, PETRARCA, PETRONE, PLATTS, READSHAW, SAINATO, SATHER, SAYLOR, SCRIMENTI, SEYFERT, SHANER, SOLOBAY, STABACK, STEELMAN, STEVENSON, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRAVAGLIO, WALKO, WILT, WOGAN, WOJNAROSKI, YEWIC, YOUNGBLOOD and YUDICHAK

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for refills for ophthalmic medications.

Referred to Committee on AGING AND YOUTH, December 7, 1999.

No. 2110 By Representatives STETLER, BELARDI, BELFANTI, BROWNE, M. COHEN, DALLY, FRANKEL, GRUCELA, HARHAI, LaGROTTA, MASLAND, R. MILLER, PLATTS, RUBLEY, SCHULER, SHANER, SOLOBAY, STABACK, STEELMAN, STURLA, E. Z. TAYLOR, J. TAYLOR, TIGUE, VAN HORNE, WILLIAMS, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, COY, EVANS, GEIST, HALUSKA, KIRKLAND, LAUGHLIN, MELIO, NICKOL, ROONEY and SAYLOR

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for police attendance officers; and further regulating arrest of truant children.

Referred to Committee on EDUCATION, December 7, 1999.

No. 2111 By Representatives GIGLIOTTI, DeWEESE, MAHER, WOJNAROSKI, BARRAR, WOGAN, GEORGE, READSHAW, COSTA, YOUNGBLOOD, BEBKO-JONES, SAINATO, HORSEY, WALKO, LAUGHLIN, GRUCELA, LUCYK, TRAVAGLIO, BROWNE, FREEMAN, PESCI, PLATTS, TRELLO and MELIO

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for free fishing licenses for certain military personnel.

Referred to Committee on GAME AND FISHERIES, December 7, 1999.

No. 2112 By Representatives CALTAGIRONE, FREEMAN, LEDERER, SHANER, SOLOBAY, THOMAS, YOUNGBLOOD and WATERS .

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, restricting operators from using cellular telephones; and imposing penalties.

Referred to Committee on TRANSPORTATION, December 7, 1999.

No. 2113 By Representatives COSTA, DeWEESE, VEON, DeLUCA, BELARDI, READSHAW, WALKO, TRELLO, VAN HORNE, MICHLOVIC, FRANKEL, GRUCELA, SOLOBAY, YUDICHAK, FREEMAN, CURRY, DALEY, MANN, STURLA, STABACK, GEORGE, HALUSKA, HARHAI, HORSEY, JOSEPHS, LAUGHLIN, MELIO, MYERS, ROONEY, SHANER, STEELMAN, TANGRETTI, THOMAS, TRAVAGLIO, YOUNGBLOOD and BROWNE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further defining "managed care plan"; further providing for responsibilities of managed care plans; providing for transfer of liability prohibition; and further providing for emergency services, for confidentiality, for required disclosure and for preemption.

Referred to Committee on INSURANCE, December 7, 1999.

No. 2114 By Representative DeWEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, prohibiting the operation of private prisons.

Referred to Committee on JUDICIARY, December 7, 1999.

No. 2115 By Representatives HERMAN, PLATTS, ADOLPH, ARGALL, BARD, BARRAR, BELARDI, BELFANTI, BROWNE, CAWLEY, CLARK, L. I. COHEN, M. COHEN, CORRIGAN, COSTA, COY, DALLY, DeLUCA, DeWEESE, FAIRCHILD, FICHTER, FORCIER, FREEMAN, GEORGE, GIGLIOTTI, GRUCELA, HANNA, HARHAI, HENNESSEY, HESS, HORSEY, LAUGHLIN, MAHER, McCALL,

McILHINNEY, MICOZZIE, S. MILLER, MUNDY, MYERS, ORIE, PESCI, PETRARCA, READSHAW, RUBLEY, SAINATO, SATHER, SAMUELSON, SAYLOR, SCHULER, SEYFERT, SHANER, SOLOBAY, STABACK, STEELMAN, STERN, STURLA, THOMAS, TIGUE, TRAVAGLIO, VAN HORNE, WALKO, WASHINGTON, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the definition of "income."

Referred to Committee on FINANCE, December 7, 1999.

No. 2116 By Representatives HERMAN, BENNINGHOFF, ARGALL, BAKER, BARD, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, BUNT, CHADWICK, CLARK, M. COHEN, CORRIGAN, COSTA, DeLUCA, DeWEESE, DiGIROLAMO, FAIRCHILD, FICHTER, FRANKEL, GEORGE, GIGLIOTTI, GODSHALL, GRUCELA, HARHAI, HENNESSEY, HERSHEY, HESS, HORSEY, JOSEPHS, LEDERER, LESCOVITZ, LYNCH, MANN, MARSICO, McCALL, METCALFE, S. MILLER, MYERS, NAILOR, ORIE, PESCI, PHILLIPS, PIPPY, PLATTS, RAYMOND, READSHAW, ROBERTS, ROBINSON, ROONEY, RUBLEY, SATHER, SAYLOR, SCHULER, SEYFERT, SHANER, B. SMITH, SOLOBAY, E. Z. TAYLOR, TIGUE, TRAVAGLIO, TRUE, WALKO, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

An Act designating U.S. Route 220 within Pennsylvania as the Disabled American Veterans Highway.

Referred to Committee on TRANSPORTATION, December 7, 1999.

No. 2117 By Representatives DALEY, FARGO, HERMAN, MARKOSEK, ARGALL, McILHATTAN, BELFANTI, WOJNAROSKI, McCALL, ROBERTS, HALUSKA, LAUGHLIN, DeWEESE, BASTIAN, PETRARCA, PIPPY, ROBINSON, GEIST, MAHER, YOUNGBLOOD, VAN HORNE, COSTA, SHANER, COLAFELLA, KIRKLAND, LEVDANSKY, STAIRS, STEELMAN, YUDICHAK, RAMOS and HARHAI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a credit against capital stock-franchise tax.

Referred to Committee on FINANCE, December 7, 1999.

No. 2118 By Representatives BROWNE, DALLY, GRUCELA, HARHART, MANN, SAMUELSON and SNYDER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Community Services for Children, Inc., certain lands situate in the City of Allentown, Lehigh County.

Referred to Committee on STATE GOVERNMENT, December 7, 1999.

No. 2119 By Representatives HASAY, BARRAR, BELFANTI, BENNINGHOFF, BLAUM, BUNT, CALTAGIRONE, CLARK, CORRIGAN, DeLUCA, HALUSKA, HENNESSEY, HERSHEY, HORSEY, LAWLESS, METCALFE, MICHLOVIC, NAILOR, PHILLIPS, ROHRER, SAYLOR, SCHRODER, SNYDER, STERN, STEVENSON, TIGUE, VANCE and WOJNAROSKI

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 election of district superintendents.

Referred to Committee on EDUCATION, December 7, 1999.

No. 2120 By Representatives GANNON, VEON, E. Z. TAYLOR, BAKER, BARRAR, BATTISTO, BEBKO-JONES, BELARDI, BELFANTI, BISHOP, BUXTON, CASORIO, CAWLEY, CIVERA, M. COHEN, COLAFELLA, COSTA, CURRY, DALEY, DALLY, DeLUCA, DERMODY, DeWEESE, FRANKEL, FREEMAN, GEIST, GIGLIOTTI, GRUCELA, HABAY, HALUSKA, HASAY, KAISER, KREBS, LAUGHLIN, LESCOVITZ, LEVDANSKY, LYNCH, MANDERINO, MANN, MARKOSEK, MELIO, MICHLOVIC, MUNDY, NICKOL, O'BRIEN, ORIE, PETRONE, PISTELLA, PRESTON, RAYMOND, READSHAW, ROBERTS, ROBINSON, ROONEY, RUFFING, SANTONI, SATHER, SCRIMENTI, SERAFINI, SHANER, SOLOBAY, STAIRS, STEELMAN, STURLA, SURRA, TANGRETTI, THOMAS, TIGUE, TRAVAGLIO, TRELLO, VAN HORNE, WALKO, WOJNAROSKI and YEWIC

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for utility industry restructuring.

Referred to Committee on LABOR RELATIONS, December 7, 1999.

No. 2121 By Representatives MAJOR, SERAFINI and CHADWICK

An Act designating the portion of SR 6 between its intersection with SR 107 in Wyoming County to La Plume in Lackawanna County as the "Big Six" Christy Mathewson Memorial Highway.

Referred to Committee on TRANSPORTATION, December 7, 1999.

No. 2122 By Representatives STERN, FICHTER, HARHAI, CAPPABIANCA, LYNCH, ORIE, BARRAR, SHANER, MANDERINO, GEORGE, COY, MARKOSEK, WALKO, FAIRCHILD, READSHAW, JOSEPHS, PHILLIPS, WRIGHT, BELFANTI, MAJOR, ROSS, HANNA, ALLEN, GRUCELA, SEYFERT, RUBLEY, SCHRODER, TANGRETTI, BAKER, LEH, BROWNE, S. H. SMITH, PIPPY, L. I. COHEN, SATHER, ARMSTRONG, YOUNGBLOOD, GEIST, MARSICO, FREEMAN, STEELMAN, LAUGHLIN, ADOLPH, DeLUCA, THOMAS, GODSHALL, S. MILLER, DeWEESE, FLICK, YUDICHAK, McILHINNEY, SAINATO, HALUSKA, HENNESSEY, HESS, FARGO, MYERS, SAYLOR, SEMMEL and RAMOS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for special tax provisions for age and infirmity.

Referred to Committee on FINANCE, December 7, 1999.

No. 2123 By Representatives THOMAS, O'BRIEN, MANDERINO, McGEEHAN, WOGAN, BUTKOVITZ, J. TAYLOR, DONATUCCI, RIEGER, OLIVER, KELLER, HARHART, DeLUCA, LESCOVITZ, ROBINSON, DALEY, VEON, BUNT, EVANS, COLAFELLA, TRAVAGLIO, McCALL, GEORGE, CALTAGIRONE, LUCYK, ROEBUCK, JOSEPHS, MYERS, KIRKLAND, PESCI, M. COHEN, STETLER, YEWIC, CAWLEY, TIGUE, FLICK, MICOZZIE, YOUNGBLOOD, WATERS, SCHULER, TRUE and CORNELL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for hepatitis C coverage for firefighters and other emergency personnel.

Referred to Committee on LABOR RELATIONS, December 7, 1999.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 323 By Representatives MARSICO and RAYMOND

A Resolution amending House Resolution No. 251, adopted November 15, 1999, entitled "A resolution calling for a cost and services study of the county adult probation system by the Legislative Budget and Finance Committee," by extending the due date of the report.

Referred to Committee on RULES, December 7, 1999.

No. 325 By Representatives DeWEESE and VEON

A Resolution expelling a member of the House of Representatives.

Referred to Committee on RULES, December 7, 1999.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 739, PN 2710**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the

House of Representatives by amending said amendments to **SB 167, PN 1550**.

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

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
December 6, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, January 4, 2000, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns on January 4, 2000, it reconvene on Monday, January 24, 2000, 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 Tuesday, January 4, 2000, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns on January 4, 2000, it reconvene on Monday, January 24, 2000, 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.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of the gentleman, Mr. Gladeck, from Montgomery County, a group of students who represent the winners of Mr. Gladeck's D.A.R.E. (Drug Abuse Resistance Education) poster contest. From North Wales Elementary School, Matthew Macarelli, Michelle Gallagher, Tiffany Branson; from St. Helena's Elementary, Casey Anderson, Warren Basla, and Kristen Keane; from Bridle Path Elementary, Katie Moyer, Jimmy Levens, and Matthew Kelly; from Montgomery Elementary, Brandon Serroni — who, I am told, was the overall winner — Elizabeth Flanagan, Samantha Dowson; and from Wissahickon Middle School, Kathlene Frisbie and Courtney Zapor.

The House is happy to see you. Please rise in place so that we know where the guests are.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The majority whip indicates there is no request for a leave today.

The minority whip is recognized, who asks that the lady from Philadelphia, Mrs. LEDERER, be placed on leave for the remainder of the week, and the lady from Philadelphia, Ms. BISHOP, be placed on leave for today.

For the information of the members, the gentlemen, Messrs. DEMPSEY, BELFANTI, and CORRIGAN, remain on leave for the week.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1639, PN 2766 (Amended) By Rep. HERMAN

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments to spouses; and making an editorial change.

LOCAL GOVERNMENT.

HB 1863, PN 2298 By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the advertisement for letting of contracts.

LOCAL GOVERNMENT.

HB 2094, PN 2727 By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for certain recognition by Commonwealth departments and agencies.

LOCAL GOVERNMENT.

SB 369, PN 1559 (Amended) By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for the procedure for assessment.

LOCAL GOVERNMENT.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who asks that an immediate meeting of the Rules Committee take place at the majority leader's desk.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 739, PN 2710 By Rep. PERZEL

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Emergency Management Assistance Compact.

RULES.

SB 167, PN 1550 By Rep. PERZEL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm or other dangerous weapon in court facility, for terroristic threats, for harassment and stalking, for grading of theft offenses, for harassment and stalking by communication or address and weapons or implements for escape and for persons not to possess, use, manufacture, control, sell or transfer firearms; providing for possession of firearms with altered manufacturer's number; further providing for the sale or transfer of firearms and for registration of firearms; providing for locking device for firearms; and limiting certain lawsuits.

RULES.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 308, PN 2602 By Rep. PERZEL

A Resolution directing the Committee on Health and Human Services to conduct an investigation relating to the scope of the suspected hepatitis C outbreak among firefighters in this Commonwealth.

RULES.

HR 321, PN 2730 By Rep. PERZEL

A Resolution condemning recent remarks by the Superintendent of the School District of Philadelphia and calling on the Mayor-elect of the City of Philadelphia not to reappoint him.

RULES.

HR 323, PN 2746 By Rep. PERZEL

A Resolution amending House Resolution No. 251, adopted November 15, 1999, entitled "A resolution calling for a cost and services study of the county adult probation system by the Legislative Budget and Finance Committee," by extending the due date of the report.

RULES.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members, please report to the floor; please report to the floor for the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Belfanti	Corrigan	Dempsey	Lederer
Bishop			

LEAVES ADDED—3

LaGrotta	O'Brien	Rohrer
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LEAVES CANCELED—1

Rohrer

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Stanley Saylor, Michael Stampler, who is serving as a guest page, and his mother, Carol Stampler, who is seated in the balcony. Would the guests please rise.

SUSQUEHANNOCK HIGH SCHOOL GIRLS VOLLEYBALL TEAM PRESENTED

The SPEAKER. Members, please take your seats. The Chair recognizes the gentleman, Mr. Miller. Sergeant at Arms, hold the conversations down on the other side of the rail. The Chair recognizes the gentleman, Mr. Miller. Mr. MILLER. Mr. Speaker, thank you for the opportunity to present to the House of Representatives the 1999 PIAA Class AAA girls State champion volleyball team from Susquehannock High School.

These athletes had a truly remarkable run through the league, district, and State tournaments, having a stellar season of 42 wins and 0 losses. In the games played, they won 84 with only 3 losses.

Two of the young ladies had interesting role models to inspire them in their pursuit of this State championship. The mothers of Sarah Brown and Abby Phillips were members of the 1974 State championship volleyball team.

With me up here are captains Sarah Brown, Amy Gnibus, and Jackie Hill. They are accompanied by head coach Eric Myers.

Their teammates, along with several parents and friends, are seated in the rear of the House. I ask those players to stand — would the players in the back please stand? — and ask the House members to join me in recognition of these athletes.

Thank you, Mr. Speaker.

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. B. SMITH called up HR 324, PN 2747, entitled:

A Resolution commending the observance of December 22, 1999, as "Teen Driving Awareness Day."

On the question, Will the House adopt the resolution?

The SPEAKER. On the question of the adoption of the resolution, the Chair recognizes the gentleman, Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker. I will be very brief.

I want the members to be aware of this resolution, because it is teenage driver awareness day in Pennsylvania. It establishes it December 22.

I had several students visit me at my district office, and I thought they were going to complain about the changes that we instituted for teenage drivers. Just the opposite. These teenagers were members of the DECA Club at Northern High School. They have adopted as their statewide project publicizing the four important changes in the law that will occur December 22. I think

it is very important that teenage drivers be aware of the changes in the law, because as we all know, ignorance of the law is no excuse.

So I hope you will join with me in voting for this resolution and then recognize the people in the back of the hall of the House, four members of the DECA Club, their teacher, and the superintendent of Northern High School. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it is not coming up on our computers.

The SPEAKER. The Parliamentarian advises me there is a problem at Reference Bureau, and that is the reason for that. If you like, Mr. Smith could read the resolution—

Mrs. COHEN. I just want to know if it has been changed, because that is what we are getting on our screens, that it has been revised. I mean, I am just assuming it is okay.

The SPEAKER. We have copies here we will send back to you.

Mrs. COHEN. Thank you, Mr. Speaker.

On the question recurring, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Bastian, Battisto, Bebko-Jones, Belardi, Benninghoff, Birmelin, Blaum, Boyes, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cam, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Cornell, Costa, Coy, Dailey, Daley, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Eachus, Egolf, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Leh, Lescovitz, Levdansky, Lucyk, Lynch, Maher, Maitland, Major, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Plats, Preston, Ramos, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigie, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waters, Williams, Wilt, Wogan, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zimmerman, Zug

Evans	Manderino	Sather	
Fairchild	Mann	Saylor	Ryan,
Fargo	Markosek	Schroder	Speaker
Feese	Marsico	Schuler	

NAYS—1

Curry

NOT VOTING—0

EXCUSED—5

Belfanti	Corrigan	Dempsey	Lederer
Bishop			

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Freeman, Jessica Rudy, a student at Harrisburg Area Community College and the niece of Democrat staffer Leon Rudy. Would the guest please rise. She is to the left of the Speaker.

The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Mundy, Stephen Urbanski and his daughters, Katie and Trisha. Mr. Urbanski is a member of council in the municipality of Kingston. The Chair is pleased to welcome the gentleman and his two daughters to the floor. Would they kindly rise.

ADDITIONS AND DELETIONS OF SPONSORS

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

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the lady from Berks County, Mrs. Miller, for the purpose of making a statement.

Mrs. MILLER. Thank you, Mr. Speaker.

I would like to correct the record for the vote on December 6 for HB 1757, amendment 4532. My negative vote was not recorded, and I would like the record to reflect that.

The SPEAKER. The remarks of the lady will be spread upon the record.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the gentleman, Mr. ROHRER, be placed on leave for the balance of today's session.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 167, PN 1550**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm or other dangerous weapon in court facility, for terroristic threats, for harassment and stalking, for grading of theft offenses, for harassment and stalking by communication or address and weapons or implements for escape and for persons not to possess, use, manufacture, control, sell or transfer firearms; providing for possession of firearms with altered manufacturer's number; further providing for the sale or transfer of firearms and for registration of firearms; providing for locking device for firearms; and limiting certain lawsuits.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. Does the gentleman, Mr. Vitali, desire recognition on this?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

As SB 167 moved through the House, this House almost unanimously approved an amendment that would cap the fee that inspection station owners could charge under certain circumstances for inspections. In particular, it capped at \$10 the exemption.

Now, the exemption, as many of you know, is pure paperwork, and we passed this exemption aimed at certain people who really were not causing the pollution, people who were driving, for example, less than 5,000 miles a year, many of whom are our senior citizens, people who are not causing the problem and should not be given the burden of having to pay for these fees. Mr. Speaker, what has happened is that service station owners are charging these people for the exemption for this pure paperwork a high price and in many cases the same price as those who have to go through the test and use the equipment.

Mr. Speaker, I believe that an abuse has occurred here, and I think that we need to address this. Mr. Speaker, the Senate in considering this bill has deleted that provision, Mr. Speaker. I think this is an important provision, and I think that it would merit a nonconcurrence on the bill. Therefore, I would ask that we nonconcur, sending a message to the Senate that this provision should be contained in it. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate somebody from the other side?

The SPEAKER. I do not see any volunteers.

Mr. ROONEY. That being the case, Mr. Speaker, may I interrogate the chairman of the Appropriations Committee?

The SPEAKER. Mr. Barley? Mr. Barley, will you consent to be interrogated by the gentleman, Mr. Rooney?

Mr. BARLEY. Mr. Speaker, could I inquire of you a moment? If it is of a fiscal nature or has a fiscal impact, I may be prepared

to respond, but it is a Senate bill and I am not in a position to respond to interrogation on a Senate bill.

The SPEAKER. Mr. Rooney, would you, just to try and take some shortcuts, what is the nature of your interrogation?

Mr. ROONEY. It pertains to a fiscal issue.

Mr. BARLEY. Mr. Speaker, if we could be at ease just momentarily, I would like to get my fiscal note on the bill.

The SPEAKER. All right. The gentleman has no problem with that, I assume.

Mr. ROONEY. Not at all.

The SPEAKER. The House will be momentarily at ease.

The House will come to order.

The Chair recognizes the gentleman, Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

I believe the chairman addressed my question. Is there a fiscal note available?

Mr. BARLEY. I just doublechecked, Mr. Speaker, and the Senate amendment does not create any fiscal impact on the Commonwealth.

Mr. ROONEY. Thank you.

I am finished with my interrogation.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman desire to be recognized on concurrence?

Mr. ROONEY. Mr. Speaker, I respectfully disagree that there are no fiscal implications to local governments within the Commonwealth of Pennsylvania as a result of the action that the Senate took last evening on SB 167, but, Mr. Speaker, I rise at this point to make a motion to lay SB 167 on the table.

(Conference held at Speaker's podium.)

MOTION TO PASS OVER

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

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, at this time I would like to amend my motion, to pass over this bill temporarily until the next day that we are in regular voting session.

The SPEAKER. Mr. Rooney—

Mr. ROONEY. In January.

The SPEAKER. That is right. I was going to say you wanted it passed over for this week until the next general voting day.

Mr. ROONEY. That is correct, and if I may be allowed to explain my reasons why.

On the question,

Will the House agree to the motion?

The SPEAKER. The gentleman is in order.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, this bill has some very serious ramifications for local governments in this Commonwealth. The will of those who live in areas such as mine and other larger urban areas is strong, and the action that the Senate took last night is highly questionable as it relates to the will of the people who live in urban areas.

Now, the reason I ask that we pass over this bill for this week until the next day that we are in regular voting session is to allow for a few things to occur. First of all, it would give all the members

of this chamber the opportunity to review in detail specifically and exactly what action the Senate took last night. Many of us, the first opportunity we had to review this particular bill came this morning. Also, the distinguished chairman of the House Judiciary Committee has scheduled additional hearings on the issue of firearms, and it is my understanding that those hearings will take place early in January.

So for those reasons, Mr. Speaker, I request an affirmative vote on my motion to pass over this bill until the members have had a sufficient time to fully understand the ramifications contained in SB 167 and also to give those people most directly affected the opportunity to express their thoughts on this very important issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Godshall, from Montgomery County is recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

With all due respect, I oppose the motion to pass over this bill. This bill passed the Senate last night by a vote of 43 to 7, and we knew this bill was coming. We know what is in the bill. It is not complicated. It is of paramount importance to the sportsmen of Pennsylvania that we act on this legislation and we act on it now.

I ask for a vote against the passing over of this bill. Thank you.

The SPEAKER. Any further comments on the question? Mr. Rooney.

Mr. ROONEY. Mr. Speaker, I hold the previous speaker with very, very high regard. I think he is a man of sincerity and he is genuine. But the fact of the matter is, this is a complicated issue. This is an issue that has far-, far-reaching ramifications. The idea that somehow we knew this was coming I think is not entirely correct, at least from our perspective. We would have preferred the opportunity to thoroughly understand what action was taken by the Senate last evening. We would like to have the opportunity for those people who are most directly affected by our actions on SB 167 to have the opportunity to convey their thoughts to us in the appropriate setting, which the chairman of the Judiciary Committee will provide in early January.

So for those reasons, Mr. Speaker, I am asking that we pass over this bill today and allow us sufficient time to fully understand what it is the Senate passed last night.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

The language in this bill is very similar if not almost exactly the same as the language that was passed overwhelmingly in the Senate 2 weeks ago—2 weeks ago—and I think it is time that we act on this bill. It is time we bring this bill up and vote on it today and get it over with.

Thank you.

The SPEAKER. On the question of the motion of the gentleman, Mr. Rooney, to pass over this bill until the first voting day in January, full voting calendar day in January, those in favor will vote "aye"; those opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—85

Bard	Freeman	Melio	Smith, B.
Bebko-Jones	Gigliotti	Metcalf	Solobay
Birmelin	Habay	Michlovic	Steelman
Boyes	Haluska	Mundy	Steil
Butkovitz	Harhart	Myers	Stetler
Buxton	Hennessey	Oliver	Stevenson
Cappabianca	Horsey	Orie	Sturla
Carn	Hutchinson	Perzel	Taylor, J.
Cawley	Jadlowiec	Pippy	Thomas
Cohen, L. I.	James	Pistella	Tigue
Cohen, M.	Josephs	Preston	Trello
Costa	Keller	Ramos	Trich
Curry	Kenney	Rieger	Vitali
Dally	Kirkland	Roberts	Walko
DeLuca	Leh	Robinson	Washington
Donatucci	Lescovitz	Roebuck	Waters
Evans	Levdansky	Rooney	Williams
Fairchild	Lynch	Rublely	Wilt
Fargo	Manderino	Samuelson	Wogan
Flick	Mann	Scrimenti	Yewcic
Forcier	McIlhattan	Seyfert	Youngblood
Frankel			

NAYS—112

Adolph	Eachus	Marsico	Schroder
Allen	Egolf	Masland	Schuler
Argall	Feece	Mayemik	Semmel
Armstrong	Fichter	McCall	Serafini
Baker	Fleagle	McGeehan	Shaner
Barley	Gannon	McGill	Smith, S. H.
Barrar	Geist	McIlhinney	Snyder
Bastian	George	McNaughton	Staback
Battisto	Gladeck	Micozzie	Stairs
Belardi	Godshall	Miller, R.	Stem
Benninghoff	Gordner	Miller, S.	Strittmatter
Blaum	Grucela	Nailor	Surra
Browne	Gruitza	Nickol	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Pesci	Travaglio
Casorio	Hasay	Petrarca	True
Chadwick	Herman	Petrone	Tulli
Civera	Hershey	Phillips	Vance
Clark	Hess	Platts	Van Horne
Clymer	Kaiser	Raymond	Veon
Colafella	Krebs	Readshaw	Wojnaroski
Cornell	LaGrotta	Reinard	Wright
Coy	Laughlin	Ross	Yudichak
Dailey	Lawless	Ruffing	Zimmerman
Daley	Lucyk	Sainato	Zug
Dermody	Maher	Santoni	
DeWeese	Maitland	Sather	Ryan,
DiGiroiama	Major	Saylor	Speaker
Druce	Markosek		

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	Lederer	Rohrer
Bishop	Dempsey		

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On concurrence, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, SB 167 was okay until the Senate inserted the provision to prohibit local government entities from bringing lawsuits against gun manufacturers. I have several problems with that provision, and therefore, I intend to vote "no" on a bill that has an enormous amount of merit, but I think that this one provision is so outrageous that I am compelled to vote "no" on concurrence, and I am concerned for several reasons.

A minor detail: I do not think it is constitutional for us to prohibit municipalities from suing gun manufacturers, but my major concern is the protection of our law enforcement agencies. If a gun is manufactured in a defective manner and it hurts or kills or maims a cop, a law enforcement agent, someone working for the government, a municipality, that municipality is restricted from suing the gun manufacturer. Therefore, we cannot protect the people that are protecting us — our law enforcement agents, our police, our fire personnel. Anyone who uses a defectively manufactured gun will no longer be able to recover with this provision in it, and I think that is outrageous that we as legislators cannot even protect the people that are protecting us, our own law enforcement agents.

Additionally, because we restrict our municipalities from suing, we are really giving license to the gun manufacturers to slacken up on their quality control, and I think that is very important. We have to have restrictions and specific strong standards for gun manufacturers. By letting them off the hook, by not allowing— I cannot hear myself talk, Mr. Speaker, please.

The SPEAKER. You are exactly right.

Conferences, please break up. Conferences on the side aisle, please break up. Members, please take your seats. Please.

Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in addition to not providing for the safety and good health of our law enforcement agents, we are sending a message to gun manufacturers that they can slacken up a bit on the standards that we have set for safety in the manufacture of firearms, and I think that is sending a bad message.

What will happen after we approve of this? Will the car manufacturers then want to be off the hook and not allow us to sue them?

We are restricting ourselves from a seat at the table, as we had in the tobacco matters. If we cannot sue the gun manufacturers, when a deal is cut, when discussions are made, Pennsylvania does not have a seat at the table, and I think that is an important factor to protect our gun folks, because they will not be able to say to the gun manufacturers, these are the standards that we want to set; these are what we want to give you; these are the things that we want to take from you. So even the NRA (National Rifle Association) will not have a seat at the table if we restrict our municipalities from litigation.

Therefore, when a deal is made, as in the tobacco settlement, Pennsylvania will not see a nickel of any settlement. We are doing a disservice to the people of Pennsylvania. We are cheating them out of a voice at the table. We are cheating them out of dollars. We are not protecting our law enforcement agents.

So I urge everyone to please vote "no," even though the bill has an awful lot of merit to it, but this is so egregious that it really destroys all the merits of SB 167. It is incumbent upon us, as members of the House, to protect our police, to protect our

law enforcement agents, and we cannot do it with this provision in the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady from Montgomery County, Ms. Williams, on the question of concurrence in the Senate amendments. Ms. Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the vote to concur on this bill. Like my colleague across the aisle, what are we doing, giving one manufacturer rights that no other manufacturer has?

I would ask all of my colleagues, if you have a moment over our recess the next few weeks, to see a very important movie called "The Insider." It tells a very important story about the tobacco industry. Why should we let one industry control who can sue and who cannot sue?

Suppose the gun industry decides that they want to target our children more than they have to be consumers of guns. Will we have any recourse? Will cities have any recourse in the advertising of guns as toys?

This is another way— It breaks my heart, because there are some good provisions in here, and it is also very interesting to see that the NRA, in a letter that we have received from them, also agrees that we should make illegal the possession of a firearm with obliterated or altered serial numbers. The Judiciary Committee in Philadelphia held hearings, where it was clearly stated that we ought to have some laws about this. Well, I would hope that we could pass some legislation that is not all messed up; that has some of these good, safe procedures in it. Many of us want to have safe gun control, safe use of guns.

So I urge my colleagues to think very seriously about this wacky bill and not to vote for it. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I also rise in opposition to the concurrence on SB 167.

Again, in conjunction with my colleagues on this side of the aisle and the other side of the aisle, I find this to be another heavy-handed attempt by this General Assembly to handcuff local governments from trying to institute gun safety laws, to get a recovery for costs that they have expended that are enormous for gun violence throughout their communities. This Assembly has at every turn prohibited local governments from doing what is necessary to protect their citizens from violence. Here is another tool — the legal process, the civil liability process — that is attempted to be taken away from us as a matter of recourse to deal with this. First, this Assembly has taken away the rights of our municipalities to pass their own gun legislation. Now they are taking away the opportunity for us to impose civil liability and pursue justice through the civil courts on gun violence.

At every turn we have been stymied, and unfortunately, the majority members in this House do not have to deal with the ongoing issues of gun violence in their communities to the extent that we do in the larger cities in this Commonwealth. Across the country, we know that gun violence on an average every year costs this country \$20 billion. Fifty percent of that cost is paid for by the taxpayers, and here again is another opportunity for us to be able to permit our municipalities who bear the brunt of those costs to go and recover them, to hold gun manufacturers accountable for their behavior, for their manufacture, the same way that we have held

automobile manufacturers accountable, pharmaceutical companies accountable, and most recently, tobacco companies accountable.

This makes no sense to sit here and say that we are going to exempt an entire industry from legal liability for their actions when they are manufacturing one of the most lethal weapons. To not allow the courts to determine what is their liability, and we are trying to determine it here and handcuff our municipalities, I think is an outrageous effort, and I think I join my other colleagues who have spoken here in opposition to this, and I urge all of us to vote against this measure. Thank you, Mr. Speaker.

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

Mr. CARN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the chairman of the Judiciary Committee, if I could, please.

The SPEAKER. Mr. Gannon indicates that he will stand for interrogation. You may begin. Will the gentleman yield.

There are too many conferences on the floor. Please, go outside if you must confer.

Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

Mr. Speaker, I notice in the amendments that the Senate introduced and passed that they changed the definition of trigger lock. Can you give me an explanation of their definition of trigger lock compared to your definition that we passed when the bill was in the House?

Mr. GANNON. Mr. Speaker, on page 12, lines 23 through 29, the Senate has not made any change with respect to the "locking device" definition.

Mr. CARN. Okay. You do not see a change in the definition? Well, can you explain to me, with the insertion of the Senate amendment, what is the incentive or is there an incentive for gun owners to use the trigger lock?

Mr. GANNON. Well, there is a general incentive for gun safety, and I think that would be sufficient.

Mr. CARN. Well, is there any language in the bill that would be an incentive further than just someone's personal desire to be safe?

The SPEAKER. Will the gentleman yield.

The matter before the House is concurrence or nonconcurrence in the actions of the Senate. We are not going to redo this bill.

Mr. CARN. I agree. I am asking about the Senate's changes, Mr. Speaker.

The SPEAKER. Fine. Thank you.

Mr. GANNON. Well, Mr. Speaker, the Senate did not make any change with respect to the "locking device" language, so therefore, we would be debating exactly what was passed by the House.

Mr. CARN. Mr. Speaker, if someone purchased a trigger lock and threw the trigger lock in the trash, are they still immune from civil lawsuits?

Mr. GANNON. Once again, Mr. Speaker, that was language that was addressed in the House amendments passed by the House and not something that was dealt with by the Senate.

Mr. CARN. Well, but I am saying there is a change by the Senate. That is why I am asking you, that the change that they made, under the amendment that the Senate made, if someone purchased a trigger lock, kept his receipt, and threw the trigger lock in the trash, does that person still, under the provisions inserted by the Senate, have immunity?

Mr. GANNON. Well, Mr. Speaker, if you will direct me to the language that the Senate inserted, I can try to answer your question.

Mr. CARN. Mr. Speaker, I am finished with my interrogation. I would like to speak on the amendment.

The SPEAKER. The gentleman is in order and may proceed. Will the gentleman yield a moment.

Members, please; please take your seats.

Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

I stand to urge this House to vote to nonconcur in Senate amendments.

Clearly, the issue of guns in our society needs to be addressed, and as I review the amendments inserted by the Senate, it becomes very clear to me that gun owners do not have to use trigger locks, and still, under the amendments inserted by the Senate, they will receive civil immunity. That is why I raised the question. What if someone purchased a trigger lock and threw it in the trash, because my interpretation of the amendments inserted by the Senate is that this person who purchased that trigger lock and threw it away, under these amendments, would have civil immunity. Now, I just do not understand the logic in that, because again, we are trying to provide incentives or encourage folks, gun owners, to use trigger locks, and when we offer immunity, I would hope that there is some incentive to encourage the use of trigger locks. But under the provisions instituted by the Senate amendments, anyone can buy a trigger lock, throw the trigger lock in the trash, and still have civil immunity.

And for this reason, Mr. Speaker, I suggest that we vote "no" on concurrence in Senate amendments.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Rooney, who advises the Chair he wishes to make a motion. Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the sentiments expressed by those who have preceded me to the microphone, and I just ask the members to reflect back to November 9 of this year, when we passed this bill containing the trigger lock provision by a vote of 117 to 78. At that time, Mr. Speaker, I think our actions reflected the beginning of a new day for those of us who believe in commonsense, reasonable, rational firearm safety measures and those who feel strongly about the need to protect the Second Amendment. I think we all share a desire to not infringe on the Second Amendment, but for those of us who believe strongly and passionately about reasonable gun safety measures, I think our actions on November 9 dawned the beginning of a new day.

I have noticed from those commenting on the provisions inserted last evening by the State Senate dealing with civil liability, there is a great deal of concern, and the debate has already been witnessed here on the floor today. Mr. Speaker, there is a way, I believe, that we can reassert our strong beliefs as a body by sending a very clear message that the issues concerning civil liability warrant more time to review. We should at the very least allow those most directly affected to express their opinions and beliefs.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Mr. ROONEY. So for that reason, Mr. Speaker, I move to revert to a prior printer's number, that printer's number being 1486.

The SPEAKER. The gentleman, Mr. Rooney, come to the desk.

(Conference held at Speaker's podium.)

MOTION TO SUSPEND RULES

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

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, in an attempt to effectuate the motion that I just made, it is my understanding, based upon my conversation with you and the Parliamentarian, that I will be required to ask for a motion to suspend the rules to allow us to revert to a prior printer's number, again that being PN 1486. I do so move at this time.

The SPEAKER. The gentleman, Mr. Rooney, moves that the rules of the House be suspended to permit him to have a motion immediately considered, which reverts to a prior printer's number on this particular bill.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, the gentleman, Mr. Godshall. The leader yields to the gentleman, Mr. Godshall. The only persons eligible to speak on this are the two leaders or their designees. Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Reverting to a prior printer's number would mean the only language left in the bill would be the trigger lock language. It would take out the immunity as far as lawsuits; it would be stripped from the bill.

At this time I would oppose the motion to suspend the rules for the reverting to a prior printer's number. Thank you. I ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Democrat leaders yield to the gentleman, Mr. Rooney, who is recognized on the question.

Mr. ROONEY. Thank you, Mr. Speaker.

I believe the gentleman stated my intentions very well and clearly. It is my desire to revert back to that language which passed this House on November 9, 1999, at 5:35 in the evening, whereby we engendered a great deal of bipartisan support for an issue that enjoys vast popular appeal in Pennsylvania. To not revert and not send this back to the Senate the way it arrived to them, I think would be doing all of Pennsylvanians a great disservice, and again, I cannot overstate the importance of the action that the Senate took last night and, at the very least, allowing those most directly affected to have a say, to allow their fates to be determined in a way that is not unilateral on the part of the General Assembly but, rather, in a way that makes sense for all of us who live and breathe and live and work in urban areas.

So for that—

The SPEAKER. The question before the House is on suspension of the rules.

Mr. ROONEY. I would again, Mr. Speaker, respectfully ask for a "yes" vote to suspend the rules to revert back to a prior printer's number.

The SPEAKER. On the question of suspension, those in favor vote "aye"; opposed, "no." One hundred and twelve votes.

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

The following roll call was recorded:

YEAS—73

Bard	Evans	McGill	Santoni
Battisto	Flick	Melio	Scrimenti
Bebko-Jones	Frankel	Michlovic	Solobay
Boyes	Freeman	Mundy	Steelman
Bunt	Gigliotti	Myers	Stetler
Butkovitz	Haluska	Perzel	Sturla
Buxton	Harhai	Pesci	Tangretti
Caltagirone	Horsey	Petrarca	Taylor, J.
Cappabianca	James	Pistella	Thomas
Carn	Josephs	Preston	Tigue
Casorio	Keller	Ramos	Trich
Cawley	Kenney	Rieger	Vitali
Cohen, L. I.	Kirkland	Roberts	Walko
Cohen, M.	Lescovitz	Robinson	Washington
Costa	Levdansky	Roebuck	Waters
Curry	Lucyk	Rooney	Williams
DeLuca	Manderino	Rublely	Wogan
Dermody	Mann	Samuelson	Youngblood
Donatucci			

NAYS—124

Adolph	Fleagle	Masland	Serafini
Allen	Forcier	Mayemik	Seyfert
Argall	Gannon	McCall	Shaner
Armstrong	Geist	McGeehan	Smith, B.
Baker	George	McIlhattan	Smith, S. H.
Barley	Gladeck	McIlhinney	Snyder
Barrar	Godshall	McNaughton	Staback
Bastian	Gordner	Metcalfe	Stairs
Belardi	Grucela	Micozzie	Steil
Benninghoff	Gruitza	Miller, R.	Stern
Birmelin	Habay	Miller, S.	Stevenson
Blaum	Hanna	Nailor	Strittmatter
Browne	Harhart	Nickol	Surra
Chadwick	Hasay	O'Brien	Taylor, E. Z.
Civera	Hennessey	Oliver	Travaglio
Clark	Herman	Orie	Trello
Clymer	Hershey	Petrone	True
Colafella	Hess	Phillips	Tulli
Cornell	Hutchinson	Pippy	Vance
Coy	Jadlowiec	Platts	Van Horne
Dailey	Kaiser	Raymond	Veon
Daley	Krebs	Readshaw	Wilt
Dally	LaGrotta	Reinard	Wojnaroski
DeWeese	Laughlin	Ross	Wright
DiGirolamo	Lawless	Ruffing	Yewcic
Druce	Leh	Sainato	Yudichak
Eachus	Lynch	Sather	Zimmerman
Egolf	Maher	Saylor	Zug
Fairchild	Maitland	Schroder	
Fargo	Major	Schuler	Ryan,
Feese	Markosek	Semmel	Speaker
Fichter	Marsico		

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	Lederer	Rohrer
Bishop	Dempsey		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia County, Mr. Thomas. Mr. Thomas, on the question of concurrence.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to nonconcur in the Senate amendments to SB 167.

Mr. Speaker, I have reviewed the amendments, and I reviewed the basic components of SB 167, and, Mr. Speaker, by all standards, regardless of which standard of review you apply, SB 167 must not receive concurrence by this House. It reminds me of a principle that many of us are familiar with from the body of criminal law, and that principle is the fruit of the poisonous tree. Mr. Speaker, this amendment which deals with limitation on the regulation of firearms and ammunition is so erroneous and is so festered with bad public policy until it destroys everything else that SB 167 would provide.

Mr. Speaker, I know of no other interest in the Commonwealth of Pennsylvania or in the United States that has risen to a level that requires the kind of protection that is provided in the Senate amendments. Mr. Speaker, I wish many of the young people who are now paralyzed or are now in the grave as a result of gun violence had the kind of protection that we are providing to manufacturers in the Senate amendment.

Mr. Speaker, further, SB 167 must be nonconcurrent primarily because, Mr. Speaker, why are we providing a protection that has not ripened for review by this legislative body, by the courts, or by the executive branch of government? I do not know of a municipality in the Commonwealth of Pennsylvania that has taken affirmative steps to sue gun manufacturers. I do not know of a municipality in the Commonwealth of Pennsylvania that has even threatened to sue gun manufacturers. Yes, I know of a mayor in one of our counties who has said that the facts are so overwhelming until it might be time to consider fashioning a legal remedy against gun manufacturers, but at no time has this mayor said that I am going to sue the gun manufacturers. I know of candidates for public office who have indicated that they might consider bringing a lawsuit against gun manufacturers, but those were candidates for public office who raised concerns without taking any affirmative steps to give reality to those concerns.

So, Mr. Speaker, the fact is, out of the 66 or 67 counties in the Commonwealth of Pennsylvania, no county has taken affirmative steps to seek legal redress against the gun manufacturers, and in the absence of a county or municipality taking such affirmative steps, it is wrong, it is bad, and it is sinister for us to fashion a public policy proscription for something that has not occurred.

This whole question of suing gun manufacturers is not ripe for review by this legislative body. Now, I do not know what the

Senate was thinking, and I do not know whom the Senate focused its attention on, but I say that the 39 members who supported this amendment, Mr. Speaker, I would like to bring them to Philadelphia County and let them look into the face of the children who are now walking in wheelchairs rather than walking upright as a result of senseless gun violence. Mr. Speaker, it is a fact, in Philadelphia County, Allegheny County, and even in Delaware County, we still have not reached a point where 9-, 10-, 11-, 12-year-olds are able to go to a gun manufacturer or go to a gun store and purchase guns. That is not occurring. What is occurring is that licensed holders of guns, legal holders of guns, are putting guns in the hands of children. It is a fact that there are certain manufacturers who have targeted certain communities throughout Pennsylvania, to flood those communities with products that end up maiming and destroying the lives of innocent people.

But, Mr. Speaker, the truth of the matter is that nobody, no municipality, is talking about suing gun manufacturers, and therefore, this amendment to SB 167 is not only not ripe for review but it is unnecessary. Now, if it should happen that a municipality does in fact bring a lawsuit against a gun manufacturer, then, yes, we might need to step up to the plate and provide for some kind of legislative proscription, but until that happens, it is wrong for us, it is wrong for us to support this amendment.

In this whole notion of civil immunity, Mr. Speaker, I know of no other proscription within Purdon's that provides for this broad category of civil immunity. I know of no other amendment in the statutes, I know of no case law that provides for this kind of broad civil immunity to a single interest group, to a single interest group.

Now, I think that it is time for the National Rifle Association, if they are behind these amendments to SB 167, I think it is time for them to either put up or shut up. But you cannot put up by clamping the hands of a whole municipality that has failed to act or has not acted in an affirmative way that requires our attention.

Mr. Speaker, we are here to represent the interests of 12.7 million people in Pennsylvania. We are here to act proactively, not reactively or regressively. This Senate amendment is tantamount to a regressive act that is going to have long-term consequences on people throughout the Commonwealth of Pennsylvania.

Here we are on the brink of a new millennium, and we are acting like we are still in the 18th century. Here we are on the foundation of a new tomorrow, and we are prepared to send us back over 100 years.

Mr. Speaker, I not only urge, I beg my members from both sides of the aisle to nonconcur in SB 167. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Gannon.

The question before the House is the question of concurrence, not the bill itself.

Mr. Cohen, for what purpose do you rise?

Mr. COHEN. To speak on concurrence, Mr. Speaker.

The SPEAKER. You are on our list.

Mr. COHEN. Okay.

The SPEAKER. I will get to you, as is Mr. Freeman.

Let me read the list: Armstrong, Sturla, Wilt, Freeman, Cohen, and Rooney.

Mr. Gannon.

Mr. GANNON. Mr. Speaker, I will pass at this time.

The SPEAKER. The Chair recognizes the gentleman, Mr. Armstrong. He passes.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the chairman of the Judiciary Committee rise for a brief interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed. Will the gentleman yield for a moment.

Conferences in the aisles, please break up.

Will the Sergeants at Arms remind the members in the back of the House to go into the conference rooms, please.

We will try it. Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, with regard to the Senate amendment that was inserted on pages 10 and 11 of the bill relating to lawsuits, I am not familiar with what kind of warranties and contracts that gun manufacturers currently provide municipalities when they sell firearms to their police departments. In the event that there was a situation like there was many years ago with the auto manufacturers with the Pinto, assuming that a gun manufacturer would sell my municipality a bunch of Pintos, they would be, as was described in this thing, lawfully designed, they would be lawfully marketed, they would be lawfully sold to the municipality, but if I get a bunch of Pintos and I am having problems with those guns and several officers are killed as a result of poor design, still lawful but poor design, would the municipality still be able to sue the gun manufacturer, and under what portion do you believe that they would be allowed to, under the amendment?

Mr. GANNON. Mr. Speaker, the amendment inserted by the Senate contains an exception, and that exception is lawsuits where there was a breach of contract or warranty. A contract, of course, would be some written agreement between the municipality and the manufacturer. The warranty is a general warranty, and there is what they call a warranty of merchantability and fitness of use. If a product does not meet the standard of merchantability or fitness for use for its intended purpose, then the municipality would have a right to bring an action against the manufacturer for any damages caused as a result of that breach. That is expressed in a section of the Restatement of Torts, which has been adopted by the State of Pennsylvania. There are two sections. One is section 402(a), and the other is section 402(b). Section 402(a) goes to with respect to a manufacturing defect, so even if there was a manufacturing defect in a weapon that was sold to a municipality and it was not even done intentionally or negligently and that defect caused harm to, say, a police officer, then the manufacturer would be liable for any damage caused as a result of that defect. Section 402(b) goes to the issue of the general warranty of merchantability and fitness for use and whether or not there are any specific warnings that would have been made. You might have a very sophisticated piece of weaponry that requires special handling or whatever. The manufacturer would be required, under 402(b), to advise the user of any of these special dangers that may be attributable to the handling of that weapon, and if they failed to do that and it was established that that failure to notify them caused injury, then they would be liable also. The third one is that general warranty of merchantability and fitness for use. If that was breached, the manufacturer would be liable.

Mr. STURLA. Okay. So what you are saying is that the warranties and the way the law is currently written, the guns and ammunition that are sold to municipalities have to perform

100 percent of the time or the manufacturers are liable for lawsuits anyway. Is that correct?

Mr. GANNON. I am sorry. Would you repeat the question, Mr. Speaker.

Mr. STURLA. Are you saying then that the products that the firearms and ammunition manufacturers sell have to perform 100 percent of the time or else they are liable for lawsuits?

Mr. GANNON. If they fail to perform because of the breach of warranty or a manufacturing defect and that failure caused an injury, then they would be responsible for that injury.

Mr. STURLA. Okay. So then what you are saying this language does is not prohibit lawsuits for guns not working; it prohibits lawsuits for guns working. Is that correct?

Mr. GANNON. That would be a fair statement. If a weapon is lawfully manufactured and it is working properly and it is doing what it is intended to do, then this would prohibit a lawsuit based upon that.

Mr. STURLA. Okay. So as long as the gun is killing people, you cannot sue for that. Is that—

Mr. GANNON. Correct.

Mr. STURLA. Okay.

Mr. Speaker, I am done with that interrogation. Could I now interrogate Representative Rooney?

The SPEAKER. Mr. Rooney indicates he will stand for interrogation. You may begin.

Mr. STURLA. Mr. Speaker, you know, not being versed in this section of the law, I guess I want to get both sides' interpretation of the discussion I just had with the prior Representative. Is it your opinion that those manufacturers could still be sued if in fact there were problems with the products that they sold the municipalities?

Mr. ROONEY. Thank you, Mr. Speaker.

I think you raise a very good and valid point. This is an issue that we asked our staff to look at early this morning, and it is their belief and I share their belief that a very strict interpretation of the way this language is constructed could very well prohibit a law enforcement entity who purchases in mass quantity a specific firearm that otherwise is designed and intended properly, has an appropriate warranty to, you know, follow that transaction, that if those firearms or one of those firearms were to malfunction, the law enforcement or local government entity's hands could be tied. So in answer to your question, we have a vastly different interpretation of the way this language is constructed than the previous speaker had indicated to you.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could make a brief comment.

The SPEAKER. The gentleman is in order.

Mr. STURLA. Mr. Speaker, because I, too, believe that this language is not specific and specifically permits lawsuits in those cases, I would urge a nonconurrence on the Senate amendments, and I would remind members, as we often do when we are looking at concurrence, that we are not talking about killing this piece of legislation by nonconcurring; what we are talking about doing is sending it to a conference committee so that this language, if nothing else, can be cleaned up to make sure that we are not prohibiting those types of lawsuits from occurring.

So while I believe, as some other people have expressed, that there are many good portions of this legislation and I believe, as many of the members agreed, that when it left the House, it was a very good piece of legislation, I would urge members to nonconcur so that we can at least get this section verified and corrected and

then bring it back to the House the first of the year. So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been requested to recess the House now for the Pearl Harbor memorial service, which is going to take place in the rotunda at 12:55. We have kept a list of speakers in order, and as soon as we come back, we will start on them again.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Fargo, with respect to any announcements.

Mr. FARGO. Thank you, Mr. Speaker.

The Republican members will caucus at 1:30, and we will plan on coming back at 2 o'clock for additional votes. It is extremely important that all of the members be there, because we will be discussing not only some of the matters that we have discussed so far this morning but some additional legislation. So please be there at 1:30. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen. Does the gentleman, Mr. Cohen, have any announcements, caucus announcements?

Mr. COHEN. Yes.

Mr. Speaker, there will be an immediate Democratic caucus at 12:30. Members who wish may wish to leave the meeting to go to the Pearl Harbor memorial, but there will be an immediate Democratic caucus at 12:30.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the House Appropriations Committee in the conference room at the room 245 complex.

The SPEAKER. At what time?

Mr. BARLEY. Immediately upon recess.

The SPEAKER. The Chair thanks the gentleman.

Any further announcements?

CALENDAR

BILL ON SECOND CONSIDERATION

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

SB 1097, PN 1524.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that SB 1097 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

GUEST INTRODUCED

The SPEAKER. Before the members leave the hall, I would like to introduce a guest, an exchange intern from Poland. He has been in the United States 2 months now. He is a Polish student from the University of Economics in Wroclaw, a 17-week program. This year he is graduating from the university with a master's degree, and he started work for Ernst & Young in Poland and is over here looking for an opportunity to be an intern. Would the gentleman please rise. His name is Michal Malinka. I missed that part of it. Forgive me.

RECESS

The SPEAKER. Any further announcements prior to the call of the recess? Any reports? Corrections of the record?

Hearing none, this House will stand in recess until 2 p.m., unless called back sooner or extended by the Chair.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 3 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING****SENATE MESSAGE****AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 555, PN 1555**.

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who requests that the gentleman, Mr. LaGROTTA, from Lawrence County be placed on leave for the remainder of the session. The Chair hears no objections.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that HB 159 and HB 839 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS TABLED

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

Mr. PERZEL. Madam Speaker, I move that HB 159 and HB 839 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HR 321 be placed in the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REREPORTED FROM COMMITTEE

SB 818, PN 1549

By Rep. BARLEY

An Act regulating certain transfers of structured settlement payments.

APPROPRIATIONS.

SB 1097, PN 1524

By Rep. BARLEY

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Transitional Housing and Care Center of Columbia and Montour Counties certain land and a building, referred to as the Gatehouse, situate on Danville State Hospital, Montour County; and authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Public Auditorium Authority of Allegheny County certain land situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

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

SB 818, PN 1549.

SUPPLEMENTAL CALENDAR B CONTINUED

CONSIDERATION OF SB 167 CONTINUED

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

The SPEAKER pro tempore. Returning to consideration of SB 167, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on concurrence.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, on Monday, December 6, 1999, the front page of the Philadelphia Daily News contained a full-page picture of W. Russell Byers, a columnist for the Philadelphia Daily News, whose range of activities and range of associations far exceeded that of the normal newspaper columnist. Mr. Byers was on the front page of the Daily News because, just shortly before, he had been killed while going to a Wawa in the affluent Philadelphia neighborhood in which he lived. Mr. Byers was attempting to buy ice cream, and a man put a gun to his head, threatened to kill him if he did not turn over his wallet. Mr. Byers then attempted to run away to be closer to people, and the assailant, apparently believing that a knife would make less noise than a gun, then killed him with a knife.

This is the kind of thing that happens in Philadelphia almost every day. There are 365 days in a year, and in some years in Philadelphia, there are more than 365 murders; in some years there are less than 365 murders. But murders with guns, without guns, are a common fact of life in Philadelphia.

But Russell Byers was different than the average Philadelphia murder victim. He was a graduate of Yale. He had grown up in Sewickley. He was an heir to the Grace fortune. He had been married to somebody in the Mellon family. He had been an aide to U.S. Senator Hugh Scott. He had been an aide to U.S. Senator Arlen Specter. He had worked for Nelson Rockefeller. He had worked for Gerald Ford. He was a very active Republican financier. He contributed very heavily to the Republican city committee. He contributed very heavily to Sam Katz' recent campaign, and for all I know, he probably contributed to the House Republican Campaign Committee. He gave enormous amounts of money to Republican candidates.

But Mr. Byers' tragic murder is an example of the kind of deadly assault that people of Philadelphia are under day after day, year after year, for many, many years, and this legislation, among other things, takes away one remedy that the city of Philadelphia might have in trying to stem the tide of murder. This legislation sends a message to people who send guns into Philadelphia that there is one less legal mechanism that can be used against them.

The opponents of Philadelphia being able to file lawsuits, the NRA, have no real stake in this legislation. The only people who have real stakes in this legislation are people living in high-crime areas. Philadelphia is a high-crime area. Pittsburgh is a high-crime area. There are many other high-crime areas throughout the Commonwealth. A vote to concur in this legislation is a vote to make it easier for people to be killed or seriously hurt by guns.

I would strongly urge anybody who is at all persuadable to vote against concurrence in SB 167.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, would the gentleman, Mr. Gannon, stand for a brief period of interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, to follow up on the interrogation that we had before the recess in which Representative Sturla interrogated the gentleman, Mr. Gannon, concerning that provision of the Senate amendments which would prohibit political subdivisions of the Commonwealth from being able to take a right of action to sue gun manufacturers for their manufacturing and design, under that provision, the gentleman, Mr. Gannon, had stated previously that there is a provision of current law which would allow municipalities to be able to bring suit for defective products under the provision of statute, I believe, he referred to as a general warranty. Is that true?

Mr. GANNON. No. That is not a statute. That is general case law in the Commonwealth of Pennsylvania. Pennsylvania follows in its case law what is called the Restatement of Torts, and also, from a statutory standpoint, there is the Uniform Commercial Code, Article 9, which deals with warranties, and Pennsylvania follows that also.

Mr. FREEMAN. So, Madam Speaker, even if there was not a contractual agreement between the municipality and the gun manufacturer and even if there was not a written warranty covering that product, it is your contention that they could still bring suit for defective products from the gun manufacturer?

Mr. GANNON. Absolutely; yes.

Mr. FREEMAN. Shifting gears slightly to talk about another issue which deals with liability, if a gun manufacturer were to manufacture a firearm which would not take fingerprints on that firearm, the firearm would not be able to retain a fingerprint, and then would target the selling of that firearm to its stores and outlets in high-crime areas, would the political subdivision in which that activity went on be able to bring suit against the gun manufacturer for promoting a type of firearm which would make it difficult for law enforcement individuals to be able to track down the perpetrator of a crime committed with that firearm?

Mr. GANNON. Can you cite a specific instance?

Mr. FREEMAN. Well, I am citing that as the example because I think it is a very real possibility and scenario.

Mr. GANNON. Madam Speaker, I cannot address speculation, innuendo, and inference. If you want to deal with hard facts and actual situations, I will be happy to try to answer the question, but if you are going to come up with these bizarre, speculative scenarios and ask me to give a response, I simply cannot do it.

Mr. FREEMAN. Madam Speaker, I would contend that it is not a bizarre scenario, that in fact a product could be manufactured

that would not retain the fingerprints of the owner or user of the firearm, and all I am seeking to find out from the gentleman, Mr. Gannon, is, under his interpretation and understanding of the bill we have before us, whether a political subdivision would be able to bring suit against that gun manufacturer who purposefully put on the market a firearm which would make it very difficult for our law enforcement individuals to trace down the perpetrator of a crime with the use of that firearm. I do not find that to be a bizarre scenario. I simply want to know, under the statute, under the section which we prohibit the ability to take a right of action by a municipality against a gun manufacturer, whether in fact they would still have the ability to sue that manufacturer for selling a product obviously geared and targeted to an audience within that municipality bent on using a firearm in such a way that their fingerprints could not be traced on that firearm.

Mr. GANNON. Madam Speaker, I understand that there is a weapon that is currently manufactured where it is difficult to lift a fingerprint and that the manufacturer has marketed, used that as part of its marketing strategy, that fact, but I think it is also important to note that that weapon is unlawful in Pennsylvania and therefore would not be covered by this immunity.

Mr. FREEMAN. Madam Speaker, could you cite which statute would make such a weapon unlawful?

Mr. GANNON. It is defined as an assault weapon. If you remember a couple years ago, we went through a list of weapons that we said were assault weapons, and that is one of the weapons on that list, so it is unlawful in Pennsylvania to sell that kind of weapon, so being an unlawful weapon, it would not be covered. In fact, any weapon on that list would be unlawful and therefore would not be immune from lawsuit under this statute. So I believe that answers your question.

Mr. FREEMAN. Madam Speaker, under that statute, if the same technology to prohibit or to prevent fingerprints from being taken on the firearm was applied to a standard firearm that does not appear on the assault weapons list, would that be then considered illegal to be sold and manufactured in Pennsylvania?

Mr. GANNON. Once again, that is a totally speculative question, and I cannot answer on speculation. I just gave him a factual instance of a weapon that is difficult to lift fingerprints from, that is unlawful in Pennsylvania. It is an assault weapon as defined on that list. If the Representative wants to go out and go through every weapon that is manufactured and introduce a bill to put it on that list and make it unlawful, then we can take a look at it, but it would be purely speculative for me to try to answer your question based on that scenario.

Mr. FREEMAN. Well, Madam Speaker, I contend again it is not speculative to ask whether that particular aspect of the firearm which makes it illegal is because of that aspect or whether it is because a technology has been applied to a particular type of what is known as an assault weapon. Is it in fact applied to a particular type of weapon known as an assault weapon or is it the technology itself to prohibit fingerprints from appearing on the firearm which is in fact illegal in Pennsylvania?

Mr. GANNON. Once again, Madam Speaker, I mean, I cannot answer a question on this bizarre scenario of something that does not exist. The one weapon we know about that does exist is unlawful. It is illegal to sell that weapon in Pennsylvania, and it would be specifically exempt from the protections afforded by this amendment.

Mr. FREEMAN. I appreciate the gentleman bringing that to my attention. What I would like to find out is whether it is illegal because of the technology which prevents fingerprints from being taken or is it illegal because of the type of weapon it is, and that is an assault weapon.

Mr. GANNON. It is illegal because this General Assembly determined that it is illegal. That is why it is illegal.

Mr. FREEMAN. If the gentleman would kindly answer my question. Is it illegal under that statute because it is an assault weapon or because of the technology that is at question at the very moment?

Mr. GANNON. You would have to go back and read the debate that took place when those weapons were determined to be illegal in Pennsylvania, and that would answer your question. Now, you may not like the answer, but that is the answer.

Mr. FREEMAN. Let me try again.

Mr. GANNON. You do not have to try again. I am going to refuse to answer any more questions. I am standing up here as a courtesy and a right to interrogate. You are asking questions to which I believe you already know the answer, and if you are going to keep on asking the same question—

Mr. FREEMAN. Madam Speaker? Madam Speaker?

Mr. GANNON. —because you do not like the answer—

Mr. FREEMAN. Madam Speaker?

Mr. GANNON. —I am not answering any more questions.

Mr. FREEMAN. Madam Speaker?

The SPEAKER pro tempore. Would the gentleman like to proceed with a statement?

Mr. FREEMAN. Yes. I think it is unfortunate that the gentleman, Mr. Gannon, refuses to answer my questions. I think they are in fact legitimate questions pertaining to the issue we have before us.

If the technology exists, as is quite obvious from the interrogation, which makes it impossible to take a fingerprint off of a type of firearm and if that technology is applied to firearms which are illegal here in Pennsylvania, the question that lies before this body, are we in fact by endorsing this statute, by endorsing the Senate amendment against allowing municipalities to sue gun manufacturers for such practices, are we giving them immunity from such a practice when such a practice could very well be used to target guns to be placed in the hands of criminals who will not be able to be traced by law enforcement officials?

Now, I think that is a serious question which deserves the attention of this House before we pass judgment on the language in this bill. Are we giving civil immunity to a practice which will make it very difficult for our law enforcement officials, in fact impossible for the municipality where those law enforcement officials practice, to be able to bring the gun manufacturers who use such technologies, who apply such technologies in the manufacture of firearms, to some form of justice? That is the serious question I think each and every member of this House has to consider before we embrace this language, and frankly, given the comments by the gentleman, Mr. Gannon, I do not think he has clarified that point.

I hope the members will keep this in mind as they make their judgment on this bill. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Returning to leaves of absence, the Chair notes the presence in the hall of the House of the gentleman from Berks County, Mr. ROHRER, and asks that he would be added to the master roll call.

CONSIDERATION OF SB 167 CONTINUED

The SPEAKER pro tempore. On concurrence, the Chair recognizes the gentleman from Mercer County, Mr. Wilt.

Mr. WILT. Thank you very much, Madam Speaker.

Madam Speaker, I rise on SB 167, the concurrence thereof, because I, as many of the members on our side of the aisle and perhaps some on their side of the aisle, really have some tough decisions to make today, and those decisions revolve around perhaps getting something in SB 167 that we do not like in order to get something that we very much like, and that is the limitation of any local municipality or any local government entity from suing the gun manufacturers, and in the letter that we all received from the NRA today, I think that they outline their position on this issue very well.

My challenge comes, first of all, in the fact that, you know, most of what we have read about trigger locks has been given to us on the emotional issue that this is at least one step that we could keep something accidental from happening with a loaded firearm. The fact of the matter is that we could debate from now until the new millennium about whether trigger locks work or they do not work. The fact of the matter is that, in many cases, when trigger locks are in place and you have an opportunity to defend yourself, it is very difficult and very cumbersome to get to the point where you would have the opportunity to defend yourself because of that lock being in place.

But we are not debating whether locks should be in place or not today, Madam Speaker. What we are debating though is whether these laws that are put on the books work, do they work, and do the people of Pennsylvania have a better chance of living a fulfilled life because we have SB 167 or we do not?

And I would just offer to the members this afternoon that in an article that appeared in the New York Times on May 23 talking about shootings in the schoolhouse — and this pertains to laws that are on the books that are simply not enforced — there were 6,000 kids that brought guns to school last year. Thirty of them were charged with a crime; 30 of 6,000 kids were charged with the crime of bringing a gun to school. Six thousand kids brought the gun to school; 30 of them got charged with the crime. And, Madam Speaker, we are not doing anything in SB 167 today to ensure that more of those kids who bring guns to schools are being made an example of. Instead, we are offering that trigger locks must be sold with handguns. We are offering in exchange for that we get perhaps a protection from lawsuits of the manufacturers.

So on that note, Madam Speaker, I would like to ask the chairman of the Judiciary Committee to stand for a very brief interrogation.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. WILT. Thank you, Madam Speaker.

I want to thank the chairman. I know he is put in a difficult situation today, and I thank him for his time on this particular issue.

Madam Speaker, my question revolves around on page 10, the bottom of page 10, this statement that calls for the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of those firearms. And I guess my question is, would a gun manufacturer be subject to a lawsuit if it is deemed that that gun dealer sale to a criminal was unlawful in that the criminal somehow got around the background check either through falsified information or some other type of information? They illegally obtained the firearm. Would that constitute then a lawful sale?

Mr. GANNON. The way the amendment was drafted, it applies to the manufacturer and his lawful marketing or sale of the firearm. So the scenario that you are talking about would not even apply to the manufacturer since the manufacturer's conduct in the sale and marketing of the weapon was in fact lawful. As I understand it, you have a person with a criminal intent attempting to subvert a system that is put in place with respect to the retail sale of firearms to protect the citizens from firearms getting into the hands of criminals. You know, the criminal mind is very fruitful, and you will probably find all different types of schemes to get around the system, as tight as we can make it.

But to answer your question briefly, no, this would not apply in that instance, because from the scenario that you just gave to me, the manufacturer did engage in lawful conduct.

Mr. WILT. And I guess overall, Madam Speaker, that is my fear, that if it was effectively argued in a court of law that that sale would be deemed unlawful because of the criminal intent of the person who lied about their background or somehow got around the instant check system, that that would open up Pandora's box for the manufacturer. And I guess that is where some of us are really getting in between a rock and a hard spot, because we represent constituencies who are members of the NRA but are also members of other groups such as the gun owners or the sportsmen's clubs of America, some of those that are really looking hard at our Second Amendment freedoms.

Madam Speaker, I guess all I would offer — this is not in the form of a question but in a statement — you know, HB 957 has about 140 signatures on it from members of this House that limits a political entity's right to sue a gun manufacturer, and it specifically left out that word "lawful" because of the gray area or the loophole that may be created by the inclusion of that "lawful" language. Now, the Senate has included that.

I guess one last question for the chairman. Can you think — and I am putting you on the spot here — but can you think of any circumstance where this term or this word "lawful" could form a loophole — perhaps under the scenario that I outlined earlier — but anyone that you can think of that really would leave our manufacturers open to a suit by any municipality where a gun was used to perpetrate a crime?

Mr. GANNON. Well, I can answer the question as best I can. It would not really be a loophole. It is specifically intended, and I can give you an example. If a manufacturer of an assault weapon attempted to market or marketed and sold that weapon in Pennsylvania and that weapon is defined under our statute as an assault weapon and therefore its sale and marketing is unlawful, then that manufacturer would be open up to a lawsuit by a municipality, but that would be because that sale is of a weapon that is unlawful to sell that type of weapon in Pennsylvania. But that is not a loophole; that was specifically intended.

Mr. WILT. One final question then. Without the term "lawful" in there, would the circumstance that you just outlined, would we

not also be able to go after the manufacturer without this— Are you telling me that the inclusion of the “lawful” term within this language is necessary to allow something that you just described or could it also happen without the term “lawful” in there?

Mr. GANNON. Yes. It could be argued that in fact that is the case, because the inverse would be true. If the word “lawful” was not in there, then arguably if someone sold a weapon, for example, a weapon that is prohibited under our statute as an assault weapon, if a person sold that, then they may seek immunity under the statute because it does not say that the sale had to be unlawful; it simply said the sale or manufacture or marketing. But what we have done is we have specifically said that where that weapon is unlawful in Pennsylvania, we are not going to provide immunity to that manufacturer if they want to come into Pennsylvania and market and sell weapons that we have determined are unlawful.

Mr. WILT. All right. Thank you, Madam Speaker. That is all. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, would the chairman of Judiciary stand for interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. THOMAS. Thank you, Madam Speaker.

To the chairman of the Judiciary I have a question. My question is whether or not the limitation on access to the courts by a municipality is tantamount to a denial of access to the courts as guaranteed in the Constitution.

Mr. GANNON. No; absolutely not, Madam Speaker. This does not deny access to the courts. This is an immunity statute, and all of the conditions with respect to what is set out in the statute would have to be met before any immunity would apply. It does not deny any municipality access to the courts.

Mr. THOMAS. Well, within the context of, if we conclude that a municipality is a corporation and a corporation is treated as a legal person under the law, would this not be tantamount to denying access, and I am specifically talking about the provision which precludes a municipality from bringing a lawsuit against a gun manufacturer.

Mr. GANNON. No, it would not deny access to the courts.

Mr. THOMAS. Thank you.

Madam Speaker, are there any municipalities in the Commonwealth of Pennsylvania that have brought suit against a gun manufacturer?

The SPEAKER pro tempore. Is the gentleman, Mr. Gannon, still undergoing the interrogation?

Mr. GANNON. I am sorry, Madam Speaker. I thought the gentleman had concluded.

Mr. THOMAS. No. My second question is whether or not there are any municipalities in the Commonwealth of Pennsylvania that have brought suit against a gun manufacturer.

Mr. GANNON. I do not know. I do not know the answer to that question, Madam Speaker.

Mr. THOMAS. Is it safe to conclude that, to the best of your knowledge, no municipality has?

Mr. GANNON. That would be a fair statement; yes.

Mr. THOMAS. Madam Speaker, you being an attorney, is it also safe to conclude that this particular Senate amendment proscribes for something that has not occurred? In other words,

this particular provision is not ripe for review if we were in— Is that correct, Madam Speaker?

Mr. GANNON. Well, Madam Speaker, we have all types of statutes and regulations in place that protect against events that have not occurred. We have the civil immunity for municipalities from lawsuits, and they are immunized from lawsuits that have not even taken place yet. We have immunized ski resorts from lawsuits for accidents that have not even taken place yet. So that is not really anything that is novel or unique.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I have concluded my interrogation, and I would like to comment.

The SPEAKER pro tempore. You may proceed.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I once again rise to ask for nonconcurrency on SB 167.

As I reiterated this morning, I would like to reiterate the comments I made this morning and then add to those comments.

Number one, Madam Speaker, this bill looks so far into the future that there is no reasonable circumstance upon which we can determine that it is necessary for us to act as outlined in the Senate amendment. In other words, Madam Speaker, we are proscribing for something that we have no rational basis for determining that it is even necessary since we live in a Commonwealth made up of 66 counties representing over 12 million people and we have no circumstances upon which we can determine why this type of legislative proscription is necessary. So, Madam Speaker, once again, I articulate that this proscription is not ripe for review by this legislative body.

Secondly, Madam Speaker, I indicated this morning that we have provided immunity for a class of persons unlike anybody else in the Commonwealth of Pennsylvania. We have said that gun manufacturers who have not been sued are entitled to a protection that we cannot duplicate with any other class of people within the Commonwealth of Pennsylvania, and to that end that is wrong, it is unfair, and it goes beyond reasonable public policy.

And thirdly, Madam Speaker, I would like to offer an additional reason why we should nonconcur. Madam Speaker, I have the utmost faith in both the trial and appellate courts of this great State. I believe that the men and women on our appellate courts and the men and women at the trial level are probably the best that we can find in the United States, because I believe that even though the electoral process is sometimes questioned over a merit system, I still believe that the people of Pennsylvania, including each and every 203 members of this House, made intelligent decisions about those people who sit on our trial and our appellate courts.

And so to that end, Madam Speaker, I am convinced that any lawsuit against this protected class, that judicial temperance would determine the outcome of that lawsuit because of the fine men and women that sit on our trial and our appellate courts. I believe that they will make the right decision when confronted with the possibility of this particular class being sued by a municipality. And for us to intervene, for us to collaterally attack that opportunity, is wrong, Madam Speaker. We should not cut off nor should we provide immunity for anyone from being subject to review by the courts of this great State. I think it is almost tantamount to the slap in the face of the good men and women who sit on the trial and appellate courts in this great State, because I think that, in most cases, they all possess a level of judicial

temperance that would allow them to not rule in favor, rule in favor of one group at the behest of another. I think that their decisions will be balanced, their decisions will be based on facts, their decisions will be based on relevant case law, and their decisions will be based on real-world circumstances. And so for us to provide an immunity provision for something that has not existed and deny municipalities an opportunity to utilize the courts, the judicial branch of government, for addressing these kinds of issues, I think represents an outright denial of access to the courts. It represents an outright denial of the kind of competence that I believe that we should be placing in the good men and women who sit at the trial and appellate court levels in this great State.

So, Madam Speaker, I offer as an additional reason of nonconurrence, do not allow, do not allow this Senate amendment to go forward and cut off the rights of any municipality, of any municipality to exercise its rights through the judicial branch of our government, and take note and be assured that the judicial branch is very capable of resolving these kinds of disputes in the interest of all parties, and they do not need their big brothers and sisters in the General Assembly defining what should come before the courts and what should not. They do not need us doing that. They are very much capable of doing that themselves.

And, Madam Speaker, as I said earlier, there are some good provisions in SB 167. When SB 167 left this chamber, it was standing up. It had some good features. It was something that we all could buy into, but, Madam Speaker, once again, a good bill that had a good body, a good head, a good heart on it went over to the Senate, and over in the Senate it has been disgraced. This good bill has been disgraced by this bad amendment, Senate amendment, and the Senate amendment is so bad until it has the whole bill smelling from top to bottom; it has the whole bill tainted, and so that the good public policy that could be gleaned from the bill when it left the House now has come back stinking in the House. And, Madam Speaker, we must show our disgust towards the Senate tampering with good public policy in the way that it has by voting to nonconcur in SB 167.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Rooney.

Mr. ROONEY. Thank you, Madam Speaker.

Madam Speaker, it is not my intention to delay consideration of this much longer, but I want to state the reasons why I believe SB 167 is deficient.

First of all, gun manufacturers possess both the technology and the capacity to make guns that are safer. For example, the technology and capacity exists today to manufacture a weapon that can be fired only by its owner. What the industry lacks, however, is an incentive, an incentive to bring to the market a more safe product.

There is a purpose that is served by local governments initiating civil action against gun manufacturers. Number one, it serves as an incentive, again, to bring a safer product to the market in a more expedient fashion, and second, it affords local governments the opportunity to recoup financial damages from an industry that is negligent in the product that it sells.

The other fundamental difficulty I have with the language inserted by the Senate deals with the way guns are regulated, and the reality is they are not. The carpet that I am standing on, the chairs that you are sitting in are all protected by and regulated by the Consumer Product Safety Commission. Firearms are exempt from oversight from the Consumer Product Safety Commission.

Again, no incentive exists today to do better. We are taking away or we would propose to take away from local governments one avenue that they currently possess. If our efforts today are to pass this bill, that is what we will have done – taken away one of the only avenues of recourse that our municipalities and local governments have.

On the issue of trigger locks, trigger locks are intended to prevent accidental death by children primarily. It has been suggested by a previous speaker that the value of trigger locks, at least in his estimation, is suspect or questionable. I can tell you, Madam Speaker, that every State that has a mandatory trigger lock provision has seen a reduction in unintended death by children, and the numbers are dramatic.

One of the issues that we did not address when this bill passed this House in November was the issue of how trigger locks would be part of the – how they would be used, how they would be employed by their users, and some have made the argument that trigger locks actually could be a deterrent; they could stand in the way. If you need that gun for protection, if some intruder barges into your home or your bedroom on any given night and the gun has a lock on it, it is rendered useless. Madam Speaker, the reality is, again, trigger locks are intended for homes where minor children permanently reside, and they are employed so those children do not accidentally stumble upon a loaded weapon, discharge it, and cause irreparable harm.

Madam Speaker, there is a way that we can do good and at the same time make sense out of an effort that has been scuttled by the State Senate as it relates to trigger locks. More often than not, when children use guns to commit crimes and an investigation ensues, it is determined that the child when they bring a gun to school, when they commit a random act of violence in our communities, oftentimes those guns are obtained in the home. And I know this General Assembly cares deeply, as do I, about accountability and responsibility, and I believe that fundamental to this debate should be the issue, the idea, the notion of parental accountability.

MOTION TO SUSPEND RULES

Mr. ROONEY. Therefore, Madam Speaker, it is my intention at this point to make a motion to suspend the rules to offer amendment A4784, which would impose a parental accountability piece in the trigger locks. So, therefore, if you have a minor child permanently residing in your home, your child uses your unsecured weapon to commit a crime, obviously you charge the youthful offender, but so, too, would you have the ability to charge the parent who negligently left the firearm—

The SPEAKER pro tempore. The gentleman has made the motion. Thank you.

The gentleman, Mr. Rooney, moves that the rules be suspended in order to offer an amendment.

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

Mr. ROONEY. Madam Speaker?

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

Mr. ROONEY. Is the motion not debatable, Madam Speaker?

The SPEAKER pro tempore. Only by the leaders or their designees.

The amendment number is 4744. Is that correct?

Mr. ROONEY. 4784, Madam Speaker.

The SPEAKER pro tempore. 4784. Thank you.

The Chair recognizes the gentleman, Mr. Godshall, as a designee of the Republican leadership.

Mr. GODSHALL. Thank you, Madam Speaker.

Can I ask exactly what this motion is?

The SPEAKER pro tempore. The motion is to suspend the rules, sir, for the purpose of offering an amendment.

Mr. GODSHALL. Thank you, Madam Speaker.

This is about the fourth or fifth time, I think, we have gone through this process. This is another motion to suspend the rules to offer an amendment, and the amendment will serve to gut the bill.

I would ask for a negative vote on the amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. And are you speaking as a designee of the Democrat leadership, sir? You may proceed.

Mr. ROONEY. Madam Speaker, if I could correct the gentleman, this is the fourth attempt that I will have made today to suspend the rules to try to salvage a bill that has been otherwise ruined by the State Senate, and this is not intended to gut the bill as has been asserted.

What my amendment would do would impose accountability on parents who leave firearms unsecured within reach of children and then that gun is used to commit a crime. This is not a novel approach. This is not a new idea. Fifteen other States in this nation have passed similar legislation with the blessing of groups like the National Rifle Association—

The SPEAKER pro tempore. Will the gentleman cease. Will the gentleman cease, please. You are getting into the argument now. It is only on suspension.

Mr. ROONEY. Madam Speaker, it is within our reach by suspending the rules to impose and write into law a measure that will save lives in this Commonwealth as it has in the other States that have been thoughtful enough to pass such a proposal as I am presenting in this motion to suspend the rules.

Thank you. I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—59

Battisto	Freeman	Mundy	Solobay
Bebko-Jones	Gigliotti	Myers	Steelman
Butkovitz	Haluska	Oliver	Stetler
Buxton	Horsey	Pesci	Sturla
Cappabianca	Josephs	Pistella	Thomas
Carn	Kaiser	Preston	Tigue
Cawley	Keller	Ramos	Trello
Cohen, L. I.	Kirkland	Rieger	Trich
Cohen, M.	Lescovitz	Roberts	Vitali
Costa	Levdansky	Robinson	Walko
Curry	Manderino	Roebuck	Washington
DeLuca	Mann	Rooney	Waters
Donatucci	McGeehan	Ruffing	Williams
Evans	Melio	Samuelson	Youngblood
Frankel	Michlovic	Santoni	

NAYS—137

Adolph	Fargo	Markosek	Semmel
Allen	Feese	Marsico	Serafini
Argall	Fichter	Masland	Seyfert
Armstrong	Fleagle	Mayernik	Shaner
Baker	Flick	McCall	Smith, B.
Bard	Forcier	McGill	Smith, S. H.
Barley	Gannon	McIlhattan	Snyder
Barrar	Geist	McIlhinney	Staback
Bastian	George	McNaughton	Stairs
Belardi	Gladeck	Metcalfe	Steil
Benninghoff	Godshall	Micozzie	Stern
Birmelin	Gordner	Miller, R.	Stevenson
Blaum	Grucela	Miller, S.	Stritmatter
Boyes	Gruitza	Nailor	Surra
Browne	Habay	Nickol	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhai	Orie	Taylor, J.
Casorio	Harhart	Perzel	Travaglio
Chadwick	Hasay	Petrarca	True
Civera	Hennessey	Petrone	Tulli
Clark	Herman	Phillips	Vance
Clymer	Hershey	Pippy	Van Horne
Colafella	Hess	Platts	Veon
Cornell	Hutchinson	Raymond	Wilt
Coy	Jadlowiec	Readshaw	Wogan
Dailey	Kenney	Reinard	Wojnaroski
Daley	Krebs	Rohrer	Wright
Dally	Laughlin	Ross	Yewcic
Dermody	Lawless	Rubley	Yudichak
DeWeese	Leh	Sainato	Zimmerman
DiGiroIamo	Lucyk	Sather	Zug
Druce	Lynch	Saylor	
Eachus	Maher	Schroder	Ryan,
Egolf	Maitland	Schuler	Speaker
Fairchild	Major	Scrimenti	

NOT VOTING—1

James

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

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

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, will Chairman Gannon stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Gannon, agrees. The gentleman may proceed. You may proceed, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, as I read, it says that any manufacturer, trade association, or dealer that sells firearms to a municipality and that municipality finds that the products are damaged, then they would have the right to sue. Right?

Mr. GANNON. Correct, Mr. Speaker.

Mr. MYERS. Okay.

Now, on the other side it says that no political subdivision may bring or maintain an action. Maybe for my own personal benefit and maybe for the benefit of some of the members in the House, can you explain to me why this is good public policy? I mean, I am trying to understand and I might be convinced to go with you. Why does this make sense that a political subdivision cannot take any legal action?

Mr. GANNON. Well, Mr. Speaker, it does not say that a political subdivision cannot take any legal action. It simply says that where a manufacturer has sold or manufactured, marketed, or designed a weapon in a lawful manner, that he is protected from a lawsuit by the municipality, but it does not prevent, it does not prevent a city or a municipality from filing a lawsuit. If the weapon was designed or manufactured or marketed in an unlawful manner, then that manufacturer would be susceptible to liability and would not be provided any limited immunity.

Mr. MYERS. Okay. Well, what is the good public policy that we are trying to push forward here? I mean, I am philosophically trying to connect with what you are saying. I mean, why are we limiting the political subdivision's ability to take action?

Mr. GANNON. Well, as with any citizen of the State, if they are engaged in a lawful activity, certainly we would not want to see anyone, whether it is a municipality or corporation or group of individuals or whatever, get involved in litigating with that individual when they are engaged in lawful conduct, and I guess the real answer goes back to the motivation of those who would initiate that type of litigation. The proponents of that type of litigation — that is, suing somebody for their lawful conduct — have stated publicly that their purpose is to bankrupt the other side, file so many lawsuits that they cannot afford to even defend them and force them into bankruptcy to put them out of business, and I think that as a matter of public policy, if someone is engaged in lawful conduct, we should not let anyone use the courts and our judicial and our legal system as a tool to put that person out of business or to harm that individual or to harm that business.

Mr. MYERS. Okay. Just one other question. If this in fact is such good public policy, why are so many of the members not for it?

Mr. GANNON. Well, Mr. Speaker, we will not know that until the vote is taken how many members are for it and how many members are against it. We have had members speak against it and we have had members speak for it, but every member is going to be guided by his own conscience and his own district, and we will find that answer when the votes are cast.

Mr. MYERS. All right. Thank you, Mr. Speaker. I appreciate your answer.

Mr. Speaker, on concurrence.

The SPEAKER. The gentleman may proceed.

Mr. MYERS. Mr. Speaker, I have heard a lot today. I certainly have not heard very much from those speakers that have chosen to stand up to support the concurrence. It seems that the majority of the people who have chosen to stand up are opposed to the concurrence, and I think there is a legitimate reason.

I understand some of what Chairman Gannon says, but I, for one, feel it is a bad precedent for us to limit and tie the hands of our municipalities, which are the people's government. You know, the people elected these elected officials in our municipalities, in our political subdivisions, and they have every right to represent their constituents' issues.

Therefore, I ask that we nonconcur on SB 167. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon, on the question of concurrence.

Mr. GANNON. Mr. Speaker, I rise to urge that we concur in the amendments inserted by the Senate. This is good public policy. This is legislation that affords protection, limited immunity, to those folks who are engaged in lawful conduct.

As I stated earlier, the proponents of this type of frivolous litigation have stated publicly that their intent, that their sole intent, is to bankrupt these businesses that are legitimate and that have been doing business in this Commonwealth and this State, some of them for more than 100, 200 years. The sole intent is to put them out of business, and I think it is good public policy to protect legal businesses and legal enterprises.

We manufacture automobiles in Pennsylvania; we did at one time, and automobiles are sold and used around this State in far greater numbers than weapons. Yet our courts have defined an automobile as an inherently dangerous instrumentality, yet I do not see any move by municipalities or cities or whatever to begin filing lawsuits against automobile manufacturers, but that gets off the issue a little bit, Mr. Speaker.

Mr. Speaker, what we are asking for is concurrence in the Senate amendments, which incorporated the language dealing with the lawsuits by municipalities, but a vote for nonconcurrence also affects other aspects of this bill which are very important to the people of the Commonwealth. For example, a vote for nonconcurrence would affect the trigger lock section of the bill. That would go by the wayside. We all approve of that. I think most of us do, if not all of us do. It would affect the operation hard-time provisions in the bill. It would affect the weapons in court facilities provisions in the bill. It would affect our provisions to strengthen our terroristic threats and stalking law, and it would affect the project exile provisions. These are all very important, and a vote to nonconcur would affect those provisions as well as the Senate language that was inserted.

Now, I have listened to a lot of the debate and a lot of the argument, Mr. Speaker, and what I am seeing is a lot of visceral hate, visceral reaction, to guns and gun ownership.

By the way, it is a constitutional right, and it seems to me that a lot of the opponents to this legislation miss that point. It is not only a constitutional right under our Federal Constitution but it is a constitutional right under our State Constitution, and that is for our citizens to keep and bear arms.

So what we hear is this visceral attack on guns and gun ownership. We see labels; we hear hysterical scenarios that do not make any sense, that may or may not ever occur and probably will not; we hear speculation about what may or may not occur. We do not hear hard facts; we are not hearing hard issues. We are not dealing with this issue and confronting this issue the way we should, and that is to protect our citizens' rights to keep and bear arms, to purchase lawful weapons, to defend themselves, and that, Mr. Speaker, is the principal reason why someone, in my view, would purchase a weapon to carry — to defend themselves.

Now, we saw just recently a newspaper reporter was tragically murdered in Philadelphia, and he was murdered with a knife, not a gun. I do not know what would have been the result had that reporter been carrying a weapon at the time of that brutal attack, but he had the right to carry one in Philadelphia because of what this General Assembly did. He elected not to exercise that right, I am assuming from the reports, but he still had that right, and I think it would be a mistake on the part of this General Assembly to erode that right in any way, shape, or form. Our citizens have that right. We have an obligation to protect that right. These amendments and this bill protect those rights, and I urge a "yes" vote on concurrence.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Again I want to rise to ask members to nonconcur with SB 167.

I just in the last few remarks from the chairman of the Judiciary Committee heard that he wants to protect the gun industry from bankruptcy, from lawsuits, and, you know, I think that is very admirable. However, we in this country and this State do not create civil liability immunity for many entities. At this point, to my knowledge, those people or entities that we provide this type of immunity to are doctors acting as good samaritans; we also provide it to blood banks who are shielded from some lawsuits for infected blood; and currently we provide it to HMOs (health maintenance organizations), and that is currently under debate. That is quite a list. Gun manufacturers along with good samaritans and blood banks — that makes a tremendous amount of sense. Who is calling the shots here? Are we going to walk lockstep with the NRA and the gun manufacturing industry and single them out along with blood banks and HMOs and doctors acting as good samaritans? That is not what I was sent here for.

There are very legitimate issues here. Our municipalities are under attack dealing with gun violence. This Assembly does not want to deal with that issue to allow our municipalities and our law enforcement officials and our municipalities to protect themselves. At every turn we are told this by this Assembly we cannot legislate laws to protect our citizens. This is an outrage, and I urge all this membership to stand up for once against the gun industry and nonconcur with SB 167. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, for the second time on the question of concurrence.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Gannon said some things that are contradictory. First he said the goal of the people filing lawsuits is to bankrupt the gun industry, but there are at this time no lawsuits against the gun manufacturers in Pennsylvania. He knows of no lawsuits against gun manufacturers in Pennsylvania, no lawsuits against gun distributors in Pennsylvania. I know of none. I think it is pretty safe to say there are none. Could there be in the future? Yes. If there are in the future, is the goal to bankrupt the gun industry? No. The goal of lawsuits is to gain monetary damages and to gain changes in practices. That is what the goal of the suits against the tobacco industry is, and if there were to be any suits against the gun manufacturers, that would be the goal there.

Indeed, Mr. Speaker, some critics of the tobacco litigation have pointed out that now the beneficiaries of the tobacco money, which would include the Commonwealth of Pennsylvania, now have a vested interest in the continuing economic success of the tobacco

industry. If the tobacco industry would go bankrupt, we would not get our money for 25 years. Similarly, if there were any lawsuits against the gun industry and if there were any damages against the gun industry, then the winners of those lawsuits would have a vested interest in the continued existence of the gun industry. The fact is there are no demands, no desire to bankrupt the gun industry; there is no demand to stop people using guns, holding guns for legitimate reasons.

There is a tremendous reality of a dangerous crime problem — roughly one murder a day in Philadelphia. Year after year, decade after decade, far, far too many murders in other cities, in other suburbs, in other parts of Pennsylvania. That is the reality. Any lawsuits would seek to try to make it safer to walk the streets of Pennsylvania; any lawsuits would seek to try to encourage gun manufacturers to do things — in the way they design their weapons, in the way they market their weapons — that would limit the accessibility of guns to criminals.

Yes, people in this House favor tougher sentences, and yes, every year we have more and more people in prison serving longer and longer periods of time, but there are still far, far too many murders in Pennsylvania; there are far too many assaults with guns; there is far too much danger from guns. SB 167 is just one more step in the wrong direction towards taking away one more attempted remedy as people throughout this State seek to find ways to try to deal with the menace of murder on a daily basis in this Commonwealth.

For these reasons, Mr. Speaker, as well as the fact that the Senate took out very worthwhile legislation inserted by Mr. Vitali and inserted by Mr. George, I would urge a "no" vote on concurrence.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Mr. Godshall, on the question of concurrence.

Mr. GODSHALL. Thank you, Mr. Speaker.

First of all, I would like to answer a few of the comments that were just made. The gentleman from up in the Lehigh Valley area as far as technology existing with smart guns, if such technology exists, I do not know about it. I know that such technology is being looked at; it is being developed, but it does not exist today, to the best of my knowledge.

It is interesting to talk about the lawsuits, and no lawsuits have been filed in Pennsylvania. That is absolutely, totally correct. But Mayor Rendell of Philadelphia has said time and again that he wanted to and was looking at filing such a lawsuit. The present mayor of Philadelphia, when he ran for election, promised that he would file such a lawsuit. Right now against the firearms industry, there are 22 lawsuits that I am aware of that have been filed across the country; 22 lawsuits have been filed to date, and maybe we should look at the industry we are talking about here.

The handgun industry in this State, which has been in existence probably for 150 or more years — I am thinking right off the top of my head about Colt — that industry is a \$500-million-a-year industry, a \$500-million-a-year industry. I look at Merck Sharp & Dohme back home in Montgomery County. Merck Sharp & Dohme is a very substantial industry. Merck Sharp & Dohme's sales at the end of 9 months of this year totaled just under \$24 billion. The entire firearm industry is a \$500-million-a-year sales industry.

We have 22 lawsuits to date, and to say that these lawsuits will not put this industry out of business is totally wrong. And

contradicting some of the other things that have happened here and have been said today, we refer to articles. In front of me here, May 16, 1999, the Philadelphia Inquirer. The headline is "Old cases in Phila. get new attention." "Many murders in Philadelphia never get solved. But thanks to a significant drop in the current homicide rate, police now have more time and staff available to devote to closing the books on those older whodunits.

"By the end of summer, a special squad will be set up to work full time on the city's unsolved murders." The Philadelphia Inquirer goes on to say, "Philadelphia's current murder rate is now the lowest it has been in more than a decade." Now, even that is too much, but it is the lowest it has been in more than a decade. "So far this year, the city has recorded 100 murders. That is 10 fewer than this time last year — more than a 9 percent drop.

"That follows a decline of nearly 19 percent in 1998...." That article goes on.

I want to also quote from an article in the Washington Post, "Youth Violence Declines." The Centers for Disease Control's national study paints a promising picture that again youth violence has declined in '97, the lowest level it has been since 1991.

On Monday, September 13, 1999, Paul Evanko, State Police Commissioner, said, "The murder rate in Pennsylvania is the lowest it's been since 1985...murder dropped from 689" cases "in 1997 to 605 in 1998...juvenile arrests dropped nearly 6 percent to the lowest number since State Police record keeping started in the mid 70s...."

We were quoting from articles in the press pertaining to murders that happened in Philadelphia. I have probably 15, 20 pages here of articles when guns were used for self-defense, basically in Philadelphia. I will just read one. December 16 of the Philadelphia Daily News: "...city councilman Richard Mariano was winding up his midnight town watch shift when he noticed a strange man walking in his neighborhood. When next he spied the man sitting behind the steering wheel of a neighbor's van, he confronted the would-be car thief. Mariano used a few Tae Kwon Do moves to subdue the angered suspect and then held him with his .380 Smith & Wesson as a fellow town watch neighbor called police. The newspaper article said Mariano is 'one of three city councilmen who are licensed to carry arms. You know, the sort of fellas you don't want to mess with, especially on a dark street in the middle of the night.' " I could go on and on on that, but I am not going to.

But I do have, on the issue at hand, the firearms industry is among the most heavily regulated in the nation. In the lawful chain of commerce, not one gun is manufactured, imported, shipped, distributed, or sold without total Federal scrutiny, not one. Every entity in the lawful firearms trade is Federally licensed, and every aspect of the illegal sale, purchase, transportation, or possession of firearms by criminals and others prohibited from owning guns is punishable by a host of Federal felony laws including felonies in the State of Pennsylvania. No violent felon, drug dealer, or fugitive anywhere in the United States can lawfully possess any gun. If found in possession, under any circumstance, the penalty is 5 years in prison, and even attempting to acquire a firearm illegally is a Federal felony.

I have an article that I want to share just briefly with you written by Bill Pryor, who happens to be the Attorney General of the State of Alabama. "In 1997," Bill Pryor says, "I wrote several newspaper opinion pieces warning that the lawsuits filed by state attorneys general against the tobacco industry threatened

'the entire business community.' Recently, the tobacco precedent has been followed by big-city mayors, including Bill Campbell of Atlanta, who have filed suit against the gun industry. This dangerous marriage of tort lawyers and governments must be severed soon before it further weakens what remains of limited government, the rule of law and respect for individual responsibility in this nation.

"When the first tobacco suits were filed, few observers considered the suits a threat to the industry. That miscalculation should not recur. Trial lawyers, richly rewarded for providing financial support for the tobacco suits, have even more resources as they now undertake the gun suits....

"These lawsuits threaten limited government because they shift political disputes from legislatures to the judiciary....

"The mayors claim they are acting to fight crime, but they are playing a blame game. They are unwilling to take responsibility for the crime problems....

"As a survivor of the tobacco wars, I pray that the gun industry (and then the alcohol industry, the fast-food industry,...)" the baseball bat industry, the car industry, "will prove to be tougher opponents of the trial lawyers and their political allies than Big Tobacco was.

"The free market and the cause of human liberty cannot survive much more of this litigation...."

What the Attorney General of Alabama said I guess can come home to roost in Pennsylvania.

Mr. Speaker, could I—

The SPEAKER. Members, please take your seats.

Mr. GODSHALL. What the Attorney General of Alabama said can come home to roost—

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

Conferences on the floor, please. If you must confer, go to one of the outer chambers.

Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

As I said, what the Attorney General of Alabama said can come home to roost here in Pennsylvania.

Back on March 10 of 1999, the mayor of Philadelphia was up here in Harrisburg. He was talking about gun laws. He was asked by a reporter, quote, "Isn't it true that your judges don't enforce the mandatory sentencing law? Isn't that part of the problem in Philadelphia?" The mayor answered, yeah. " 'Isn't it ironic,' he says sadly, 'that when I talked about having written the mandatory sentencing law' " back in '82, " 'it came right back to bite me?' "

"District Attorney Ed Rendell fathered the 1982 state law that mandates five years in prison for gunpoint robbery.

"Governor Richard Thornburgh said that gun thugs faced 'certain imprisonment for their acts — not some of the time, but all of the time.' "

There were ads printed. The gun violations went down, and then the mayor says, "Then... 'Philadelphia judges who didn't like mandatory sentences started finding ways to pervert — and I don't mean subvert, I mean pervert — the law.' "

"A favorite hug-a-thug judge trick was, and still is, to downgrade the gun in a gunpoint robbery to an 'instrument of crime.' "

"That downgrades the crime from a first-degree felony to a second-degree one, and allows the judge to sentence the thug to months in county jail instead of years in state prison."

“At the time, Rendell said, ‘It is extremely frustrating the way many Philadelphia judges have compromised verdicts to avoid the law. The problem is devastating. It is almost a sinister act.’” The mayor also said that the judge’s refusal to follow the law is “reprehensible.”

I guess what the mayor was talking about was another article in the Daily News — “Judge’s leniency can be fatal.” When a convicted felon was found carrying a 9mm, he was hauled into prison. The judge gave him 9 months’ probation and put him out on the street. Three months later he shot up a crowd coming out of the Palestra. The man should have been in jail.

What was said earlier and is true that the unfortunate circumstance surrounding the reporter from the Daily News that was recently murdered — when he tried to escape by running, he was knifed — if he would have been possibly carrying a defensive weapon, he might still be alive today.

Another thing I would like to— I believe strongly that when they catch this thug who committed that unfortunate crime, I daresay that this individual is going to have a record, probably a long record, and that if all the laws that we pass in this legislature were adhered to, he would probably be in prison today.

I want to conclude with just a statement which was in the U.S. Daily News. It says:

STYMIED BY LEGISLATURES, ACTIVISTS TURN TO COURTS

Activists pursuing a zero-risk society have teamed up with trial lawyers in search of untold wealth to sue companies with deep pockets — all in the name of banning legal non-defective products—

and I repeat—

legal non-defective products that have occasionally caused harm when used improperly.

Critics say the activists — having seen paternalistic, big-government solutions fail at the ballot box — have given up on democracy and turned to the courts, thereby challenging the constitutional separation of powers.

Since a lawsuit is already underway against toothbrush manufacturers for the wear on teeth caused by regular brushing, who can doubt that makers of sport-utility vehicles, prescription drugs, alcohol and sellers of fatty fast-foods will not be next...?

In hearings, Sen. Orrin Hatch...pointed out that such lawsuits challenge the doctrine of the separation of powers, saying they “raise the issue of whether the courts and the trial attorneys, or the democratically-elected legislatures of this country, should set policy for the American people.”

Specialists in constitutional law warn that replacing the will of the majority as expressed through the legislature with the determinations of an unelected judiciary will further erode democracy and the concept that individuals are responsible for their actions.

To avoid the erosion of democracy and consumer choice, advocates of limited government are urging judges to exercise their responsibility to throw meritless lawsuits out of court. Moreover, judges should impose court costs, fines and lawyers’ fees on the plaintiffs and their attorneys.

And legislators could ban lawsuits against manufacturers of legal, non-defective products when those products are criminally, negligently or self-destructively misused.

Such moves would promote individual responsibility, while protecting consumer choice.

Mr. Speaker, what is before us today, what the sportsmen of Pennsylvania are facing, is the problem of frivolous suits being filed by local government entities with the intent of putting firearm manufacturers out of business, and it is the most serious threat that law-abiding Pennsylvania gunowners and sportsmen face today. The NRA position is very clear: They support this bill, and I believe the vast majority of the sportsmen of Pennsylvania support this bill.

I ask for your concurrence.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—122

Adolph	Feese	Masland	Semmel
Allen	Fichter	Mayernik	Serafini
Argall	Fleagle	McCall	Shaner
Baker	Gannon	McGeehan	Smith, B.
Barley	Geist	McIlhinney	Snyder
Barrar	George	McNaughton	Solobay
Battisto	Gigliotti	Micozzie	Staback
Belardi	Godshall	Miller, R.	Stairs
Benninghoff	Gordner	Miller, S.	Steelman
Blaum	Grucela	Mundy	Stern
Browne	Gruitza	Nailor	Strittmatter
Bunt	Haluska	Nickol	Surra
Caltagirone	Hanna	O’Brien	Tangretti
Casorio	Harhai	Pesci	Taylor, E. Z.
Cawley	Harhart	Petrarca	Tigue
Chadwick	Hasay	Petrone	Travaglio
Civera	Hennessey	Phillips	Trello
Clark	Herman	Platts	Trich
Clymer	Hershey	Raymond	True
Colafella	Hess	Readshaw	Tulli
Coy	Kaiser	Reinard	Vance
Dailey	Krebs	Ross	Van Horne
Daley	Laughlin	Ruble	Veon
Dalty	Lawless	Sainato	Wojnaroski
DeLuca	Leh	Samuelson	Wright
Dermody	Lescovitz	Santoni	Yudichak
DeWeese	Lucyk	Sather	Zimmerman
DiGirolamo	Maitland	Saylor	Zug
Druce	Major	Schroder	
Eachus	Markosek	Schuler	Ryan,
Fairchild	Marsico	Scrimenti	Speaker

NAYS—75

Armstrong	Flick	McGill	Ruffing
Bard	Forcier	McIlhattan	Seyfert
Bastian	Frankel	Melio	Smith, S. H.
Bebko-Jones	Freeman	Metcalfe	Steil
Birmelin	Gladeck	Michlovic	Stetler
Boyes	Habay	Myers	Stevenson
Butkowitz	Horsey	Oliver	Sturla
Buxton	Hutchinson	Orie	Taylor, J.
Cappabianca	Jadlowiec	Perzel	Thomas
Carn	James	Pippy	Vitali
Cohen, L. I.	Josephs	Pistella	Walko
Cohen, M.	Keller	Preston	Washington
Cornell	Kenney	Ramos	Waters
Costa	Kirkland	Rieger	Williams
Curry	Levdansky	Roberts	Wilt
Donatucci	Lynch	Robinson	Wogan
Egolf	Maher	Roebuck	Yewcic
Evans	Manderino	Rohrer	Youngblood
Fargo	Mann	Rooney	

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS SUBMITTED FOR THE RECORD

Mr. EVANS. Mr. Speaker?

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

Mr. EVANS. Mr. Speaker, I would like to just submit my comments on that last bill for the record.

The SPEAKER. The gentleman will send them to the desk.

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

SB 167, as it has been amended in the Senate, prevents our local governments – our locally elected officials – our representatives – us – from seeking legal recourse in the courts against the manufacturer of a consumer product.

The consumer product is guns. Some have argued that since guns are designed to be lethal, that by being lethal they are doing what they were meant to be. The tobacco industry also produces a legal and lethal product. And yet, those lawsuits were allowed to proceed. In fact, most States, including Pennsylvania, will receive billions of dollars as the result of the recent settlement.

What makes the makers of guns so special that this body would vote to allow them such an escape from the same responsibility and liability faced by the manufacturer of just about any other item sold in this country?

The General Assembly already has taken away local communities' ability to regulate the sale, use, or possession of guns within their borders.

In 1994, we told Philadelphia and Pittsburgh that we, the General Assembly, know better than we, the local government, in serving

we, the people, when it overturned the cities' bans on assault weapons. Assault weapons!

Among industrialized countries, the U.S. ranks dead last in protecting our children against gun violence.

Without stepping on anyone's legitimate right to own a gun, something is wrong when deadly weapons fall into the hands of our children and we do not take the simple steps that might prevent it.

An average of 13 children die each day from gunfire in America.

That is approximately one child every 100 minutes.

We lose the equivalent of a classroom of children every 2 days.

We need to listen to what the American people are telling us – including what gun owners are telling us – and not only enforce the existing laws but make the laws stricter.

Proposals to limit the purchase of handguns to no more than one a month per person; requiring all handguns to be smart guns; holding parents responsible for gun crimes committed by their children; allowing greater local control over gun laws; and allowing individuals and cities to sue manufacturers, all register more than a majority of support among voters.

If the stories about the death, destruction, and the crippling effects of guns in the hands of the wrong people do not move you, perhaps the hard-core economics of the issue will.

In these days of health-care cost cutting, it is appropriate to consider the costs gun-related injuries and death add to the national health-care bill. Gun injury is one of the most debilitating and expensive medical problems facing the United States today.

It costs more than \$14,000 to treat each child wounded by gunfire – enough to pay for almost 3 full years' tuition at a State System university.

The average total cost of a gun-related crime can be as high as \$268,000. Most of the cost is borne by the taxpayer.

The total lifetime cost of a gun-related crime, including medical care, rehabilitation of the injured, and incarceration of the assailant, can run as high as \$1 million for each incident. Again, most of this cost is borne by the taxpayer.

I represent a district in Philadelphia. Philadelphia has the highest gun-related homicide rate in the United States. There were 340 homicides in Philadelphia in 1998 alone. In 80 percent of them the weapon of choice was a gun.

Children are killing children – with guns. That must change. It is past time for us to get guns off our streets and out of our schools.

We talk a good game about being tough on enforcement, but as a body we have systematically taken away local officials' ability to rein in inappropriate ownership or use of firearms.

This legislation would take away their final recourse, their ability to recover costs associated with the escalating rates of gun violence.

Some of you may feel the urge to point to recent reports about violent crime being on the downswing. While that may be true for much of the country, according to the Pennsylvania State Police, in 1998 Pennsylvania's violent crime rose by 5 percent. Philadelphia's violent crime rose by 10.7 percent in 1998. Philadelphia accounted for 44 percent of the violent crimes committed in Pennsylvania last year.

The vast majority of Americans support both reasonable and responsible gun control measures. Democrats and Republicans alike need to drop pseudoconstitutional doctrines that shield the gun industry from heightened scrutiny and regulations. What that does is prevent any public discussion of limits.

We need to let common sense prevail. Sometimes common sense includes limits. That includes rejecting do-nothing proposals that actually weaken current law in some instances or mirror existing law, while at the same time doing nothing to protect our children from injury or promoting safety education and training.

In Pennsylvania, one child dies every second day as the result of gunfire. One child every other day!

We must be committed to protecting our children from injury by limiting their access to firearms. We must limit handgun purchases to responsible adults. We must promote firearms safety education and training. We must strengthen local control and law enforcement efforts by

combating illegal firearms sales and trafficking. We must implement a fair and comprehensive background check system with appropriate safeguards designed to prevent firearm injury and violence. And we must enhance law enforcement safety by banning assault weapons and junk guns.

Article I, section 11, of the Pennsylvania Constitution provides: "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and...justice administered without sale, denial or delay."

This is part of the "Declaration of Rights" article of the Pennsylvania Constitution, the equivalent of the Federal Bill of Rights. It guarantees individuals access to the courts.

If the House votes for the current version of SB 167, we are cutting off that constitutional guarantee to the people, as represented by our local officials.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2057, PN 2635**, entitled:

An Act amending the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, providing for definitions and for performance-based loans; and making editorial changes.

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

Mr. **GEORGE** offered the following amendment No. **A4525**:

Amend Sec. 3 (Sec. 2), page 3, line 10, by inserting after "Eligibility."
Loans shall be restricted to persons who did not cause or contribute to the contamination on property used for industrial activity on or before the effective date of this act and who propose to undertake a voluntary cleanup of the property.

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

The **SPEAKER**. On the question of the adoption of the George amendment, the gentleman from Clearfield is recognized.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment restricts the eligibility of loans issued in this bill to persons who did not cause or contribute to the contamination of the property used for the industrial activity on or before the effective date of this act and who propose to undertake a voluntary cleanup of the property.

Mr. Speaker, this is an agreed-to amendment. I hope you would vote for it.

The **SPEAKER**. The gentleman, Mr. Strittmatter.

Mr. **STRITTMATTER**. Thank you.

During committee debate it was brought up that we should make sure that people who were polluters do not benefit from this legislation. At the direction of the committee chairmen of the Environmental Resources and Energy Committee, Representative Hershey and Representative George, I support the amendment as well. Thank you.

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

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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

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

Mr. GEORGE offered the following amendment No. A4718:

Amend Title, page 1, line 5, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 5, by inserting after "loans" and for annual reports

Amend Sec. 3, page 2, line 5, by striking out ", 3 and 5" and inserting
and 3

Amend Bill, page 4, by inserting between lines 4 and 5

Section 4. The act is amended by adding a section to read:

Section 4.1. Annual report.

The department shall by October 1 of each year report to the General Assembly on the loans, expenditures and commitments made from the Industrial Sites Environmental Assessment Fund. The annual report shall include details of the performance-based loan agreements and any recommendations for additional changes if necessary to improve the effectiveness of the fund.

Section 5. Section 5 of the act is amended to read:

Amend Sec. 4, page 4, line 9, by striking out "4" and inserting
6

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

The SPEAKER. On the question of the adoption of the amendment, the gentleman from Clearfield is recognized.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer amendment 4718. This amendment requires the DCED (Department of Community and Economic Development) to submit to the General Assembly by October 1 of each year an annual report detailing the loans, expenditures, and commitments made from the Industrial Sites Environmental Assessment Fund. The report shall include details of the performance-based loan agreements and any recommendations for additional changes if necessary to improve the effectiveness of this fund.

I urge an affirmative vote, Mr. Speaker. I believe it is agreed to.

The SPEAKER. On the question, Mr. Strittmatter.

Mr. STRITTMATTER. We believe that the bill does address the issues raised by the chairman, and so we will not — Chairman George, the Democratic chairman of the committee — so we will not oppose the amendment.

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Masland	Scrimenti
Allen	Fichter	Mayemik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhartin	Smith, B.
Barley	Freeman	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Melio	Solobay
Battisto	George	Metcalfe	Staback

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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

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

Mr. YUDICHAK offered the following amendment No. A4661:

Amend Sec. 3 (Sec. 2), page 3, by inserting between lines 1 and 2
(iii) Mine-scarred lands. This subparagraph includes culm banks and other mining waste at abandoned coal-mining sites.

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

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

Mr. YUDICHAK. Thank you, Mr. Speaker.

I rise to offer amendment 4661 to HB 2057. I want to thank Representative Strittmatter and Representative George, the chair of the Environmental Committee, for their help and their leadership on HB 2057.

What my amendment will do is literally transform thousands of acres of environmentally degraded land in the 13 communities that I represent in Luzerne County and communities throughout the Commonwealth. It will help them recover from the environmental spoils of mine-scarred land, and I urge and would appreciate the support of the members on this amendment. It is an amendment that will benefit business, create jobs, improve the tax base of our local communities by getting this environmentally degraded land back to economically productive use.

I would appreciate the members' support.

The SPEAKER. The Chair thanks the gentleman.

Mr. Strittmatter, do you seek recognition on this question?

Mr. STRITTMATTER. Yes. In consultation with Chairman Hershey and his staff and with the department, we feel that the culm bank that the Representative is talking about is included in the legislation, and this would just clear that for the Senate to consider. So we would ask for a "yes" vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Adolph	Feese	Masland	Scrimenti
Allen	Fichter	Mayernik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhattan	Smith, B.
Barley	Freeman	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Melio	Solobay
Battisto	George	Metcalfe	Staback
Bebko-Jones	Gigliotti	Michlovic	Stairs
Belardi	Gladeck	Micozzie	Steelman
Benninghoff	Godshall	Miller, R.	Steil
Birmeiin	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	O'Brien	Surra
Buxton	Harhai	Oliver	Tangretti
Caltagirone	Harhart	Orie	Taylor, E. Z.
Cappabianca	Hasay	Perzel	Taylor, J.
Cam	Hennessey	Pesci	Thomas
Casorio	Herman	Petrarca	Tigue
Cawley	Hershey	Petrone	Travaglio
Chadwick	Hess	Phillips	Trello
Civera	Horsey	Pippy	Trich
Clark	Hutchinson	Pistella	True
Clymer	Jadlowiec	Platts	Tulli
Cohen, L. I.	James	Preston	Vance
Cohen, M.	Josephs	Ramos	Van Horne
Colafella	Kaiser	Raymond	Veon
Cornell	Keller	Readshaw	Vitali
Costa	Kenney	Reinard	Walko
Coy	Kirkland	Rieger	Washington
Curry	Krebs	Roberts	Waters
Dailey	Laughlin	Robinson	Williams
Daley	Lawless	Roebuck	Wilt
Dally	Leh	Rohrer	Wogan
DeLuca	Lescovitz	Rooney	Wojnaroski
Dermodity	Levdansky	Ross	Wright

DeWeese	Lucyk	Rubley	Yewcic
DiGirolamo	Lynch	Ruffing	Youngblood
Donatucci	Maher	Sainato	Yudichak
Druce	Maitland	Samuelson	Zimmerman
Eachus	Major	Santoni	Zug
Egolf	Manderino	Sather	
Evans	Mann	Saylor	Ryan,
Fairchild	Markosek	Schroder	Speaker
Fargo	Marsico	Schuler	

NAYS-0

NOT VOTING-0

EXCUSED-6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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

On the question recurring,

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

Mr. NICKOL offered the following amendment No. A4636:

Amend Sec. 3 (Sec. 2), page 2, line 21, by inserting after "class" where it appears the second time
and any borough with a population large enough for the borough to qualify to be chartered as a city under provisions of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Nickol, is recognized.

Mr. NICKOL. Thank you, Mr. Speaker.

My amendment deals with grant eligibility under this law. At present, there are certain industrial sites in distressed communities and also sites in the various cities of the Commonwealth that are eligible for environmental assessment grants for their industrial sites. What my amendment does is expands the definition of "cities" to also include those boroughs in this Commonwealth who have populations sufficient that they could be chartered as a city; in other words, boroughs with a population of 10,000 or greater.

There are currently 32 boroughs in the Commonwealth with a population that makes them eligible to be a city. Many of these are older industrial communities that decided for whatever reason not to charter as a city, and I think they should be equally eligible for grants as are the cities of the Commonwealth. These include boroughs like my own borough of Hanover, which is fully larger than one-half the third-class cities in the Commonwealth, and boroughs such as Carlisle, Chambersburg, Norristown, Bristol, et cetera.

I would urge the members to support the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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

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

Mr. VITALI offered the following amendment No. A4703:

Amend Title, page 1, line 5, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 5, by inserting after "loans"
and for a land recycling program audit

Amend Bill, page 4, by inserting between lines 8 and 9

Section 4. The act is amended by adding a section to read:

Section 5.1. Land recycling program review.

(a) Selection of firm.—The Pennsylvania Department of Environmental Protection Citizens Advisory Council shall select a qualified firm capable of performing an objective program review to conduct a program review of the land recycling program.

(b) Scope of program review.—With regard to those sites for which a final report has been submitted and for which the Department of Environmental Protection considers the site remediation to have been completed pursuant to the act of May 19, 1995 (P.L. 4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, this program review shall:

(1) Identify those sites which relied on institutional and engineering controls and did not meet Statewide health standards in achieving a release of liability under the Land Recycling and Environmental Remediation Standards Act.

(2) Describe to the extent possible what levels above background pollutants have been left on site.

(3) Identify those persons or entities that have been released from liability with regard to the cleanup of those pollutants.

(c) Completion date.—The program review shall be completed within six months of the effective date of this section. The council shall manage the program review and the Department of Environmental Protection shall pay the cost of and provide the necessary contractual services in securing the firm to conduct the program review. A copy of the program review report shall be given to each member of the General Assembly.

Amend Sec. 4, page 4, line 9, by striking out "4" and inserting

5

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

AMENDMENT WITHDRAWN

The SPEAKER. On the question of the adoption of that amendment, the Chair recognizes the gentleman from Delaware.

Mr. VITALI. Mr. Speaker, I am going to be withdrawing this amendment, but if I could just make a few brief statements before I do.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Mr. Speaker, what this amendment would have done would be to require an analysis of Pennsylvania's land recycling program. Although this program claims to have closed many of the brownfield sites throughout the State, I am very concerned that these sites have been remediated, quote, unquote, without really cleaning up the pollution. I am also very concerned that many of those persons and entities who have caused the pollution have not cleaned that pollution up and been released from liability. I am also concerned that pollutants remain in the community and potentially expose Pennsylvania's residents to dangers of cancer and other agents. Therefore, what this would

have done was had a comprehensive study of those sites so we as a legislature could analyze the effectiveness of this program.

Mr. Speaker, I have been assured by the DEP (Department of Environmental Protection) that they will be coming out with a study at the first of the year and will be working with me with my concerns. So for that reason I will be withdrawing this amendment. Thank you, Mr. Speaker.

The SPEAKER. Mr. Vitali, it is my information that you are also withdrawing the second amendment that you sent to the desk?

Mr. VITALI. That is correct, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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.)

The SPEAKER. The board— Mr. Thomas, do you seek recognition?

Mr. THOMAS. Okay. I thought that the Vitali amendment had been withdrawn, and I voted while the Vitali amendment was still showing on the board, and I just want to make sure that you and I were on the same page.

VOTE STRICKEN

The SPEAKER. We will strike the vote.

The board appears to be all right now. It is showing it as a final-passage vote. But members should revote, because the board to a certain extent was eliminated.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Masland	Scrimanti
Allen	Fichter	Mayernik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhattan	Smith, B.
Barley	Freeman	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Melio	Solobay
Battisto	George	Metcalfe	Staback
Bebko-Jones	Gigliotti	Michlovic	Stairs
Belardi	Gladeck	Micozzie	Steelman
Berninghoff	Godshall	Miller, R.	Steil
Birmelin	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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 1370, PN 1603**, entitled:

An Act amending the act of July 1, 1937 (P.L.2532, No.470), known as the Workers' Compensation Security Fund Act, further providing for contributions, for regulations and for custody and management of fund.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. George, has withdrawn his amendments to 1370.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Corrigan	LaGrotta	Lederer
Bishop	Dempsey		

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.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests that the gentleman from Philadelphia, Mr. O'BRIEN, be placed on leave for the balance of today's session. Without objection, leave is granted. The Chair hears no objection.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. HB 2 is over.

* * *

The House proceeded to third consideration of **HB 6, PN 2060**, entitled:

An Act authorizing certain officers in the Department of Corrections to perform certain peace officer duties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Feese	Masland	Scrimenti
Allen	Fichter	Mayernik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhatten	Smith, B.
Barley	Freeman	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Melio	Solobay
Battisto	George	Metcalfe	Staback
Bebko-Jones	Gigliotti	Michlovic	Stairs
Belardi	Gladeck	Micozzie	Steelman
Benninghoff	Godshall	Miller, R.	Steil
Birmelin	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	Oliver	Surra
Buxton	Harhai	Orie	Tangretti
Caltagirone	Harhart	Perzel	Taylor, E. Z.
Cappabianca	Hasay	Pesci	Taylor, J.
Carn	Hennessey	Petrarca	Thomas
Casorio	Herman	Petrone	Tigue
Cawley	Hershey	Phillips	Travaglio

Chadwick	Hess	Pippy	Trello
Civera	Horsey	Pistella	Trich
Clark	Hutchinson	Platts	True
Clymer	Jadlowiec	Preston	Tulli
Cohen, L. I.	James	Ramos	Vance
Cohen, M.	Josephs	Raymond	Van Horne
Colafella	Kaiser	Readshaw	Veon
Cornell	Keller	Reinard	Vitali
Costa	Kenney	Rieger	Walko
Coy	Kirkland	Roberts	Washington
Curry	Krebs	Robinson	Waters
Dailey	Laughlin	Roebuck	Williams
Daley	Lawless	Rohrer	Wilt
Dally	Leh	Rooney	Wogan
DeLuca	Lescovitz	Ross	Wojnaroski
Dermody	Levdansky	Rublely	Wright
DeWeese	Lucyk	Ruffing	Yewcic
DiGiolamo	Lynch	Sainato	Youngblood
Donatucci	Maher	Samuelson	Yudichak
Druce	Maitland	Santoni	Zimmerman
Eachus	Major	Sather	Zug
Egolf	Manderino	Saylor	Ryan,
Evans	Mann	Schroder	Speaker
Fairchild	Markosek	Schuler	
Fargo	Marsico		

NAYS-0

NOT VOTING-0

EXCUSED-7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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.

BILLS PASSED OVER

The SPEAKER. HB 1071 is over.
All of the bills on page 3 are over.
The bills on page 4 are over.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to allow for the immediate consideration on concurrence in Senate amendments of HB 1268, PN 2665.

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

The following roll call was recorded:

YEAS-192

Adolph	Fargo	Masland	Schuler
Allen	Feese	Mayernik	Scrimenti
Argall	Fichter	McCall	Semmel
Armstrong	Fleagle	McGeehan	Serafini

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

NAYS-4

Hanna	Krebs	Steelman	Steil
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NOT VOTING-0

EXCUSED-7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1268, PN 2665**, entitled:

An Act designating the walkway which crosses I-279 from East Street to Howard Street in the City of Pittsburgh as Gerst Way; and designating a section of the Southern Tier Expressway in Erie County as the Hopkins-Bowser Highway.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

Krebs

NOT VOTING—0

EXCUSED—7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The balance of the bills on page 5 are over.

RESOLUTIONS

RESOLUTIONS PASSED OVER

The SPEAKER. The resolutions on page 5 are over.

SUPPLEMENTAL CALENDAR C CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. CAPPABIANCA called up HR 322, PN 2745, entitled:

A Resolution recognizing Joseph F. D'Andrea upon his retirement as honorary consul of Italy in Pittsburgh, Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

Dailey	Laughlin	Roebuck	Williams
Daley	Lawless	Rohrer	Wilt
Dally	Leh	Rooney	Wogan
DeLuca	Lescovitz	Ross	Wojnaroski
Dermody	Levdansky	Rubley	Wright
DeWeese	Lucyk	Ruffing	Yewcic
DiGirolamo	Lynch	Sainato	Youngblood
Donatucci	Maher	Samuelson	Yudichak
Druce	Maitland	Santoni	Zimmerman
Eachus	Major	Sather	Zug
Egolf	Manderino	Saylor	
Evans	Mann	Schroder	Ryan,
Fairchild	Markosek	Schuler	Speaker
Fargo	Marsico		

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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

SUPPLEMENTAL CALENDAR B CONTINUED

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 739, PN 2710**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Emergency Management Assistance Compact.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—196

Adolph	Feese	Masland	Scrimanti
Allen	Fichter	Mayernik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhattan	Smith, B.
Barley	Freeman	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Melio	Solobay
Battisto	George	Metcalfe	Staback
Bebko-Jones	Gigliotti	Michlovic	Stairs
Belardi	Gladeck	Micozzie	Steelman
Benninghoff	Godshall	Miller, R.	Steil
Birmelin	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkowitz	Hanna	Oliver	Surra
Buxton	Harhai	Orie	Tangretti
Caltagirone	Harhart	Perzel	Taylor, E. Z.

Cappabianca	Hasay	Pesci	Taylor, J.
Cam	Hennessey	Petrarca	Thomas
Casorio	Herman	Petrone	Tigue
Cawley	Hershey	Phillips	Travaglio
Chadwick	Hess	Pippy	Trello
Civera	Horsey	Pistella	Trich
Clark	Hutchinson	Platts	True
Clymer	Jadlowiec	Preston	Tulli
Cohen, L. I.	James	Ramos	Vance
Cohen, M.	Josephs	Raymond	Van Horne
Colafella	Kaiser	Readshaw	Veon
Cornell	Keller	Reinard	Vitali
Costa	Kenney	Rieger	Walko
Coy	Kirkland	Roberts	Washington
Curry	Krebs	Robinson	Waters
Dailey	Laughlin	Roebuck	Williams
Daley	Lawless	Rohrer	Wilt
Dally	Leh	Rooney	Wogan
DeLuca	Lescovitz	Ross	Wojnaroski
Dermody	Levdansky	Rubley	Wright
DeWeese	Lucyk	Ruffing	Yewcic
DiGirolamo	Lynch	Sainato	Youngblood
Donatucci	Maher	Samuelson	Yudichak
Druce	Maitland	Santoni	Zimmerman
Eachus	Major	Sather	Zug
Egolf	Manderino	Saylor	
Evans	Mann	Schroder	Ryan,
Fairchild	Markosek	Schuler	Speaker
Fargo	Marsico		

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 739, PN 2710

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Emergency Management Assistance Compact.

HB 1268, PN 2665

An Act designating the walkway which crosses I-279 from East Street to Howard Street in the City of Pittsburgh as Gerst Way; and designating a section of the Southern Tier Expressway in Erie County as the Hopkins-Bowser Highway.

SB 1011, PN 1267

An Act amending the act of December 28, 1994 (P.L.1445, No.171), entitled Automobile Theft Prevention Act, repealing sunset provisions of the act.

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

STATEMENT BY MR. DRUCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Druce, under unanimous consent.

Mr. DRUCE. Thank you, Mr. Speaker.

I just wanted to make a comment to the House about a resolution that I introduced which was in our Rules Committee and was moved back to Rules earlier today.

When this House had last met, I had indicated that I was going to introduce a resolution which was critical of the remarks made by the superintendent of the Philadelphia School District about the way we allocate money for public education in our Commonwealth. As a result of those comments that I made on this House floor, our colleague, Representative Dwight Evans, initiated a telephone call, which we participated in, with Mayor-elect John Street, and through that conversation, which I would describe as very encouraging and positive, one in which he committed to me, and I share with all of you here, a style which he says he does not intend to employ when dealing with us in Harrisburg about the educational needs of the kids of the city of Philadelphia, that he wants to come in a much different style and manner before us, I have at this time asked our leadership not to move this resolution out of our Rules Committee and not ask for the House to take action on it but wanted instead to alert you to the conversation with the mayor-elect, and out of respect to him and his commitment, I believe, to all of us, I am not going to pursue this resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN AND DEMOCRATIC CAUCUSES

The SPEAKER. I would like the leadership from both sides to listen to me.

It is my understanding that at this time there is an agreement that we go into recess, the two caucuses meet immediately in the caucus rooms where there is the possibility of two matters to be caucused upon, and we will come back to the floor at 5:30, and maybe or maybe not, there will be a need for a further caucus, as I understand. Oh, there will not be.

So unless anyone has objection or they have any homework to do — correcting the record, making reports, and the like — I will declare this House in recess until 5:30.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to yield to the gentleman, Mr. Ramos, who wishes to introduce to the members— The gentleman will yield.

Please.

—who wants to introduce to us a new school board member for the city of Philadelphia. Mr. Ramos.

Mr. RAMOS. Thank you, Mr. Speaker.

I would like to thank the members for taking a minute. But I want to acknowledge the new president-elect of the

Board of Education of the city of Philadelphia, Mr. Pedro Ramos, who is in the back here. We want to welcome you.

Everybody is asking me whether there is any relation, and I said that he is a brother; he is a good friend, a very longtime friend. But above all, he is a person that is committed to the education of our children, and I think his presence here sends a very clear message that he is someone who is going to listen, who is going to work with us, and ensure the best quality of education for all the children of Philadelphia and this State.

So we want to welcome you, we are proud of you, at least I am very proud of your work, and hopefully it will produce the best result for our Commonwealth. Thank you.

The SPEAKER. Mr. Ramos, you left some question in my mind: Is the gentleman your brother or just has the same name?

Mr. RAMOS. Well, no, he is a brother because he is a fellow Puerto Rican, but he is a very longtime friend and we have worked together many years.

The SPEAKER. All right; I understand that.

Welcome to the hall of the House, sir.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 5:30, unless extended or called back by the Chair.

AFTER RECESS

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

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1848, PN 2767 (Amended)

By Rep. PERZEL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development capital stock and franchise tax exemptions; continuing and expanding a tax credit to employers who hire certain individuals; and making a repeal.

RULES.

SB 555, PN 1555

By Rep. PERZEL

An Act regulating electronic transactions.

RULES.

STATEMENT BY DEMOCRATIC LEADER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman will yield a moment.

Members will please take their seats.

Mr. DeWeese.

Mr. DeWEESE. At the appropriate time, Mr. Speaker, I would like to be recognized for a brief comment on the Rules Committee meeting, which was just conducted at the podium of the majority floor leader.

The SPEAKER. You may speak now under unanimous consent.

Mr. DeWEESE. Thank you, Mr. Speaker.

We are in the second day of a brand-new phenomenon in the last 100-year experience of this chamber. Since time immemorial, the Constitution and its sacred writ were adhered to by this chamber when members were tried by juries of their peers, were found guilty, were sentenced by Federal judges, and we are for the first time ever allowing an abrogation of the Pennsylvania Constitution to take place in our midst, to seethe and to fester and to rot. What we are doing with that sacred parchment that Benjamin Franklin and our forebears sculpted from the enlightenments of Europe is a sham and a mockery, especially among those warrior elders of the Republican Party who have the experience of law training past the baccalaureate, those of you who are trained in the law and realize the constitutional injunction against a member serving on this floor once convicted of Federal perjury.

We are going to make the announcement tonight, Mr. Speaker, that you can run but you cannot hide. As you continue to sully and beslobber and besot the Pennsylvania Constitution day in and day out by your arrogant actions—

The SPEAKER. Mr. DeWeese?

Mr. DeWEESE. —on the floor of this chamber—

The SPEAKER. Mr. DeWeese?

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. You said you desired recognition to make reference to a Rules Committee meeting. I wonder if you would contain your remarks to that subject.

Mr. DeWEESE. Thank you, Mr. Speaker, for the admonition.

The Rules Committee meeting was one in which the Democrats moved HR 325 to be brought out of the Rules Committee. We were told yesterday by your debaters on the Republican side of the aisle that our parliamentary efforts were not appropriate. So the resolution of expulsion, the same kind that the Speaker of the House engendered against Matthew Cianciulli in 1979, the same kind of resolution that was stalemated by Mr. Ryan in 1975 against Representative Sweeney, the same kind of resolution that was activated then has now been introduced, and the Rules Committee meeting just now was an appropriate forum for this disputation to be brought forth.

So again, on day 2 of this unhappy saga, traditions of the House, precedents of the House, precedents that were sculpted in the legislative history of the 1970s when crime-fighting people like our Speaker and Richard Thornburgh, our future Governor and United States Attorney, when you realize that this Rules Committee today had a chance to do things the way we have been doing them for 100 years in this chamber and realize an expulsion resolution, and we were thwarted by a straight party-line vote, as long as the Republican leaders want to continue to plumb the subterranean depths of constitutional depredation, you can go ahead, but you will be the unhappy beneficiaries of public opprobrium from the swiftly coursing Lehigh to the broad-bosomed Ohio. The political hypocrisy manifest on this issue is coruscating with such a blinding sheen that it is absolutely

unprecedented, and the Rules Committee meeting today would have helped correct that.

So without further comment, let me just express, Mr. Speaker, my umbrage, my vexation, my perplexity, at the fact that the Republican privy counselors, the Republican leaders in the State House of Representatives, refused to adhere to section 7 of the Constitution that expels people convicted on Federal perjury. It is unambiguously clear, and your dereliction is monumental.

The SPEAKER. The Chair thanks the gentleman — I think.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

In the case the minority leader spoke about, I want the members to hear again that the Federal government gave the witness who wrote the check — that is the key piece of evidence in this case — immunity from prosecution on perjury and immunity from prosecution on drug charges. He faced up to 5 years in Federal prison if convicted of those charges. After being granted immunity on the drug charges, he changed his testimony in a court of law from supporting Mr. Serafini's position to being the key witness against Mr. Serafini. If this were a State case, the judge would have at a minimum declared a mistrial because of the immunity issue by itself. In State cases, that is an automatic mistrial because it is not fair to the defendant's rights to a fair trial, Mr. Speaker.

If you believe in the rule of law and the basic due-process rights that every citizen is afforded in Pennsylvania, expelling the gentleman should not be an immediate option; it should be the last thing we consider when his appeal is over. Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The confusion that reigns heavy tonight, in my perspective, is that the constitutional officer of this chamber — we only have two; we only have two, Robert Jubelirer in the Senate and the Honorable Speaker at the podium tonight, only two — but the confusion that upwells within me is that the constitutional officer is not leading the vanguard for adherence to Article II, section 7, and Article II, section 9.

The gentleman's observations notwithstanding, and—

The SPEAKER. Mr. DeWeese?

Mr. DeWEESE. —quite frankly—

The SPEAKER. Mr. DeWeese, if it were anyone else but myself, I would tell you you are going astray. You are mentioning names and you are attacking the motives of people and the methods by which an individual votes. Because I am here in both capacities, as a member and as a presiding officer, I am reluctant to do anything about it. But I would ask you to follow the rules, which you are part of and have been in this position where I am, and you understand the natural reluctance of the presiding officer to entertain or engage in a debate. I would ask you simply to pay attention to the rules. Thank you.

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

If I had been privileged to have been the presiding officer, I would have done what Leroy Irvis did in 1975 and 1979. When Mr. Irvis was one of the leading elements on this side of the aisle and his membership was found guilty in Federal court for misdeeds, notwithstanding the fact that their appeals were still pending, in strict congruity with that sacred parchment, he led the charge for expulsion under Article II, section 7, and Article II, section 9.

I will not refer to any member, but I certainly, I certainly have the option of referring to a constitutional officer in general, and since I am not referring to Mr. Jubelirer, one can surmise my disappointment and where it is lodged.

But, but, the honorable gentleman from Philadelphia by his definitive pronouncements relative to the case is inherently making commentaries that sully the jury's deliberations. We were not there. This is not the place to rehash, resuscitate that Federal courtroom drama. Juries were chosen, juries of their peers are chosen every day in this country, and a guilty verdict was rendered. I said it yesterday and let me say it again, although in these rough-and-tumble moments I know my words do not echo well on your side of the aisle, but no more hail-fellow-well-met, no more good guy could be the unhappy beneficiary of these references. But notwithstanding that, our Rules Committee tonight, our Rules Committee tonight, on Pearl Harbor night, had the chance to stand up for the Constitution, and as that flag still waves, I cannot for the life of me figure out how these Republican lawyers and Republican members can shave tomorrow morning when their constitutional obligations have been so casually and cavalierly cashiered.

SUPPLEMENTAL CALENDAR E

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 555, PN 1555**, entitled:

An Act regulating electronic transactions.

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—196

Adolph	Feese	Masland	Scrimenti
Allen	Fichter	Mayernik	Semmel
Argall	Fleagle	McCall	Serafini
Armstrong	Flick	McGeehan	Seyfert
Baker	Forcier	McGill	Shaner
Bard	Frankel	McIlhattan	Smith, B.
Barley	Freeman	McIlhinney	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder
Bastian	Geist	Melio	Solobay
Battisto	George	Metcalfe	Staback
Bebko-Jones	Gigliotti	Michlovic	Stairs
Belardi	Gladeck	Micozzie	Steelman
Benninghoff	Godshall	Miller, R.	Steil
Birmelin	Gordner	Miller, S.	Stern
Blaum	Grucela	Mundy	Stetler
Boyes	Gruitza	Myers	Stevenson
Browne	Habay	Nailor	Stritmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	Oliver	Surra
Buxton	Harhai	Orie	Tangretti
Caltagirone	Harhart	Perzel	Taylor, E. Z.

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR D

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1848, PN 2767**, as further amended by the House Rules Committee:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development capital stock and franchise tax exemptions; continuing and expanding a tax credit to employers who hire certain individuals; and making a repeal.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Belfanti	Corrigan	LaGrotta	O'Brien
Bishop	Dempsey	Lederer	

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

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

The SPEAKER. Will the majority leader come to the desk, please.

(Conference held at Speaker's podium.)

The SPEAKER. The majority leader advises that there will be no further votes on issues of substance, although there may be some necessary for the moving of bills by the Chair.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Fargo desires recognition for a Republican caucus announcement.

Mr. FARGO. Yes. Thank you, Mr. Speaker.

The Republican members will caucus tomorrow at 10 o'clock, and we will be in session at 11. So 10 o'clock tomorrow morning. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a Democratic caucus tomorrow morning at 10:30; 10:30 tomorrow morning, House Democratic caucus.

The SPEAKER. The Chair thanks the gentleman.

RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Are there any corrections to the record? Reports of committee? Announcements?

Hearing none, the Chair recognizes the gentleman, Mr. Solobay, from Washington County.

Mr. SOLOBAY. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 8, 1999, at 11 a.m., e.s.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:15 p.m., e.s.t., the House adjourned.