

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 1, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 23

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

#### PRAYER

The SPEAKER. The prayer will be offered by the Reverend Steven T. McComas, guest of Representative Quinn.

REV. STEVEN T. MCCOMAS, Guest Chaplain of the House of Representatives, offered the following prayer:

I would like to say thanks to Speaker O'Brien and Representative Quinn for this opportunity.

Let us pray:

Gracious creator, redeemer, and sustainer of us all, this day we turn to You in prayer. We humble ourselves before You. We repent of those things that we have done that we should not have done and those things that we did not do that we should have done. May we rise above evil in our striving for the good. We repent of our divisiveness and mean-spirited behavior. We confess that there are numerous issues which divide this State into them versus us. Enable us to truly listen to each other and seek the common good for all the residents of Pennsylvania. We acknowledge that the line between good and evil does not run clearly between them and us but through each one of us. Therefore, in the spirit of humbleness and repentance, we ask that You would forgive our sin and heal our Commonwealth. Enable us to love and work with those with whom we agree and those with whom we disagree. Bless our Governor as he seeks to lead this Commonwealth into a new day, a new day where there is a just and equal sharing of all this Commonwealth affords, a new day where there is good stewardship of our natural resources and energy resources, and care for our environment. May we pass this Commonwealth on to future generations even better than it was passed to us.

Bless our legislators. May the laws they pass in this chamber be for the common wealth of all Pennsylvanians and not just for a few. May laws be enacted with compassion for all, including children, those battling illness, and those who are impoverished. Guide this House of Representatives as they deal with tough issues such as property tax reform, gun control, health care, public education, and transportation. Guide them as they seek a path through the various issues and special interests which require action and resolution.

Bless each resident of this Commonwealth. We have journeyed and settled here from every part of planet Earth so

that for a brief period we might call this home. May we be hospitable to the stranger coming into our Commonwealth. May we see each person as an integral part of Your good creation, as persons with worth and dignity. May we surround our youth with caring adults. May we seek effective education and opportunities for service. May we seek meaningful employment. May our homes and streets be safe from the threat of violence. May our homes be safe havens of love and peace. May we truly love our neighbor as ourselves.

All this we ask in the name of the one who creates, sustains, redeems, and loves us more than we can ever describe, the one who has prepared a future for us more glorious than we could even imagine. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, March 31, 2008, will be postponed until printed. The Chair hears no objection.

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. In response to the rumors that there will be no further votes today and that Barack Obama is addressing the Republican Caucus, the Chair will inform the members that it is April Fools' Day.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to the majority whip, who indicates there will be no leaves.

The Chair turns to the minority whip, who indicates there will be no requests for leaves today.

Members will report to the floor.

#### MASTER ROLL CALL

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

The following roll call was recorded:

## PRESENT—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhatten	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Bianucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman			

## ADDITIONS—0

## NOT VOTING—0

## EXCUSED—0

## LEAVES ADDED—2

Helm Marshall

## LEAVES CANCELED—2

Helm Marshall

The SPEAKER. A quorum being present, the House will proceed to conduct business.

HOUSE RESOLUTION  
INTRODUCED AND REFERRED

**No. 673** By Representatives LENTZ, DONATUCCI, RAYMOND, ADOLPH, CALTAGIRONE, CIVERA, FRANKEL, JOSEPHS, KULA, LEACH, MICOZZIE, MURT, SIPTROTH, K. SMITH, WATSON, YOUNGBLOOD and HORNAMAN

A Resolution memorializing the Congress of the United States to oppose the New York/New Jersey/Philadelphia metropolitan airspace redesign proposals.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, April 1, 2008.

HOUSE BILLS  
INTRODUCED AND REFERRED

**No. 2403** By Representatives J. TAYLOR, W. KELLER, SCAVELLO, WALKO, BEYER, CAPPELLI, CIVERA, CREIGHTON, HERSHEY, JAMES, KENNEY, KORTZ, MCGEEHAN, MUNDY, M. O'BRIEN, SURRA, WATSON, MOYER, JOSEPHS, YOUNGBLOOD, SOLOBAY and PAYTON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for viable alternatives to mortgage foreclosure.

Referred to Committee on COMMERCE, April 1, 2008.

**No. 2404** By Representatives REED, BASTIAN, CAPPELLI, ELLIS, EVERETT, GILLESPIE, GINGRICH, GODSHALL, HENNESSEY, HERSHEY, HORNAMAN, HUTCHINSON, MAHONEY, PHILLIPS, PYLE, RAPP, ROHRER, SONNEY, SURRA and WOJNAROSKI

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the definition of "safety zone."

Referred to Committee on GAME AND FISHERIES, April 1, 2008.

**No. 2405** By Representatives REED, ARGALL, BASTIAN, BEYER, BROOKS, CARROLL, CLYMER, DALLY, DONATUCCI, EVERETT, FAIRCHILD, FLECK, GABIG, GILLESPIE, GRELL, HALUSKA, HENNESSEY, KAUFFMAN, KORTZ, KULA, LONGIETTI, MARSHALL, McILHATTAN, MELIO, R. MILLER, MILNE, MOUL, MURT, PAYNE, PETRONE, PHILLIPS, PICKETT, REICHLEY, ROAE, SAYLOR, SIPTROTH, SONNEY, SWANGER, VULAKOVICH and WANSACZ

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for distributors' and importing distributors' restrictions and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Referred to Committee on LIQUOR CONTROL, April 1, 2008.

**No. 2407** By Representatives REICHLEY, HUTCHINSON, KAUFFMAN, MANN, MURT, RAPP and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for award of custody, partial custody or visitation.

Referred to Committee on JUDICIARY, April 1, 2008.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 874, PN 2261**, with information that the Senate has passed the same without amendment.

### BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

#### **HB 874, PN 2261**

An Act providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

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

### SENATE MESSAGE

#### RECESS 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,  
March 31, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, April 7, 2008, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, April 7, 2008, 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 recognizes, as the guests of Representative Jerry Nailor, guest pages from the Mechanicsburg Area Senior High School, Abby Komlenic and Lee Kennedy Shaffer. They are seated in front of the Speaker. Would you please stand and be recognized. They are in the center aisle.

The Chair would like to recognize, as the guests of Representative Mike Carroll, the Schrader family – Dan, Toni, Tina, Mellissa, Jesse, and Angel. They are from Effort, Monroe County, and they are seated in the balcony. Would you please stand and be recognized.

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

#### **HB 1438, PN 2482**

By Rep. FREEMAN

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appeals by corporate authorities.

#### LOCAL GOVERNMENT.

#### **HB 1439, PN 2483**

By Rep. FREEMAN

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, further providing for appeals by municipalities.

#### LOCAL GOVERNMENT.

#### **HB 2117, PN 3025**

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for exceptions to prohibition of interception and disclosure of communications.

#### JUDICIARY.

#### **HB 2168, PN 3512 (Amended)** By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for false reports to law enforcement authorities, for persons not to possess, use, manufacture, control, sell or transfer firearms and for sale or transfer of firearms.

#### JUDICIARY.

### BILLS REPORTED FROM COMMITTEE

#### **HB 2310, PN 3385**

By Rep. FREEMAN

An Act providing for municipal volunteer fire service incentives.

#### LOCAL GOVERNMENT.

**SB 987, PN 1741**

By Rep. FREEMAN

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for emergency services.

LOCAL GOVERNMENT.

**BILLS REREFERRED**

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 2310, PN 3385, and SB 987, PN 1741, be rereferred to the Committee on Veterans Affairs and Emergency Preparedness.

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

**GUEST INTRODUCED**

The SPEAKER. The Chair would like to recognize, as the guest of Representative Brennan, Steve Repasch, who is the former mayor of the borough of Fountain Hill, and he is seated in the rear of the House. Mayor, would you please stand and be recognized.

**UNDERGRADUATE RESEARCH POSTER  
CONFERENCE MEMBERS INTRODUCED**

The SPEAKER. I would like to introduce the members to some of Pennsylvania's best and brightest college students. Would the students, faculty members, and administrators who are participating in today's poster conference on undergraduate research please stand to be recognized.

This poster conference features 36 outstanding and award-winning undergraduate research projects, conducted by students from 25 colleges and universities in the Commonwealth. I encourage all members and staff to meet with these students today in the East Wing Rotunda and Atrium, where they have set up posters to showcase their research. Stop by and let them explain their projects to you and tell you how this research experience has contributed to their undergraduate education.

I must say that I am deeply impressed with the high level of scholarship and intellectual curiosity of these students. I am also impressed with the high standards imposed by their faculty advisers. The schools they represent truly can be proud of their achievements.

This poster conference was organized by Dr. Carl Salter of Moravian College with the assistance of faculty members from Penn State Hazleton, Widener University, Cabrini College, Indiana University of Pennsylvania, Westminster College, Dickinson College, Carnegie Mellon University, and Susquehanna University.

The Association of Independent Colleges and Universities of Pennsylvania, the Pennsylvania Association of Colleges and Universities, and LORL (Legislative Office for Research Liaison) have joined me in sponsoring today's event. Welcome to the floor of the House.

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome and recognize the Ladies of Mount Carmel from Doylestown and their men who are seated in the gallery. They are the guests of Representative Marguerite Quinn. Would you please stand and be recognized.

Also a very, very special guest, Representative Quinn's mother, Mary Lee Corr, who is also one of the Ladies of Mount Carmel and is seated to the left of the rostrum. Would you please stand and be recognized. Is she up in the balcony, Marguerite? Your mom? She is up in the balcony. She tricked us. Would you please stand again and be recognized.

In addition, I would like to recognize additional guests of Representative Quinn. Seated to the left of the rostrum and in the back of the House are friends and family of our guest pastor today, Pastor McComas of Rolling Hills United Methodist Church in Pipersville. Would you please stand and be recognized.

The Chair would like to recognize, as the guests of Representative Jeff Pyle, students from the Purchase Line High School accompanied by their teacher, Melinda Knapp. They are seated in the balcony. Would you please stand and be recognized.

The Chair would like to recognize, seated to the left of the rostrum, as the guests of the Bucks County delegation and a friend of the Speaker, Mike Mabin. Would you please stand to be recognized.

**CALENDAR****RESOLUTIONS PURSUANT TO RULE 35**

Mr. JAMES called up **HR 661, PN 3466**, entitled:

A Resolution honoring Kenneth Gamble and Leon Huff on their induction into the Rock and Roll Hall of Fame.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Members will please take their seats. Conferences will break up.

Representative James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker and to the members, it gives me great pleasure to introduce HR 661, and it is a resolution honoring the legendary songwriting and production team of Kenneth Gamble and Leon Huff on their introduction into the 2008 Rock and Roll Hall of Fame.

Since 1963, Gamble and Huff have earned 175 gold and platinum records, dominating the pop and R&B (Rhythm & Blues) charts for 20 years. As pioneers of Philadelphia soul, they gave birth to the internationally recognizable, unique sound of Philadelphia – the Sound of Philadelphia – and in 1971, created their record label, Philadelphia International.

They are credited with creating a musical legacy that has brought fame and pride to the city of Philadelphia through entertaining audiences worldwide and spreading the Philadelphia sound and having one of the most sought-after

pop and soul catalogs in the world, with instantly recognizable tunes and influential lyrics.

They serve as favorites to advertising agencies and music production houses, commercials, motion pictures, and television sitcoms all throughout the world.

In 1995, they were inducted into the National Academy of Popular Music Songwriters Hall of Fame.

In 1999, they received the prestigious Grammy Trustees Award from the National Academy of Recording Arts and Sciences, an award reserved for such musical visionaries as the Beatles and Frank Sinatra.

And in 2005, they were inducted into the Dance Music Hall of Fame, and on March 10, 2008, they were inducted into the Rock and Roll Hall of Fame.

GUESTS INTRODUCED

Mr. JAMES. It gives me great pleasure, to the left of the Speaker, to introduce Mr. Kenneth Gamble, if he would stand; his partner, Leon Huff; and of course Ms. Faatimah Gamble, who runs the men's wellness program; Mr. Chris Bravacas, and Mr. Chuck Gamble, and Mr. Raheim Islam – mostly all from my district in south Philadelphia, 186th District. Give them a round of applause, and I would encourage you to vote up for this resolution, HR 661.

Thank you. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative James.

The Chair would like to make one observation. The Chair was taken a little bit aback when he glanced over and looked at Mr. Gamble; he looks remarkably like our friend Dave Richardson.

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

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Bianucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti

Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

\* \* \*

Mr. STURLA called up **HR 576, PN 3169**, entitled:

A Resolution designating April 4, 2008, as "Thaddeus Stevens Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Bianucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil

Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

The SPEAKER. The Chair apologizes for not seeing Representative Gabig. Does he wish to be recognized?

Mr. GABIG. Thank you, Mr. Speaker.

It was just on the last resolution, and I do not want to delay things, but I was proud to vote for that resolution for that great Republican, Thaddeus Stevens.

The SPEAKER. The Chair thanks the gentleman.

\* \* \*

Mr. CURRY called up **HR 593, PN 3220**, entitled:

A Resolution recognizing the week of April 13 through 19, 2008, as "National Library Week" in Pennsylvania, and congratulating the American Library Association on its celebration of the 50th anniversary of National Library Week.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina

Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Capelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

\* \* \*

Mr. McCALL called up **HR 610, PN 3262**, entitled:

A Resolution honoring Jacobus Franciscus "Jim" Thorpe by designating May 17, 2008, as "Jim Thorpe Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Verbe
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

\* \* \*

Mr. READSHAW called up **HR 647, PN 3444**, entitled:

A Resolution designating April 6, 2008, as "Tartan Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Verbe
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

\* \* \*

Mr. HANNA called up **HR 656, PN 3461**, entitled:

A Resolution designating April 2, 2008, as "Pennsylvania Farm Bureau Day."

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roe	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 982, PN 2498**, entitled:

An Act establishing the Code Enforcement Challenge Grant Program; and providing for the powers and duties of the Department of Community and Economic Development.

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.

(Bill analysis was read.)

The SPEAKER. 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-203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters

DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Dan Surra for an announcement.

Mr. SURRA. Thank you, Mr. Speaker.

Just for the attention of the members, I want to go over the schedule for the next few hours. We will break right now and then the House Democrats will caucus at 12:30 in the majority caucus room, and we plan on being back on the House floor at 1:30 for session.

Thank you.

### REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus at 12:30. That is, Republicans will caucus at 12:30, and then we will be back on the floor at 1:30.

Thank you.

The SPEAKER. The Chair thanks the lady.

Are there any other announcements? Any other announcements?

### RECESS

The SPEAKER. This House will stand in recess until 1:30 p.m.

### AFTER RECESS

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, today is the anniversary of the birth of Edwin Austin Abbey, the gentleman who painted the murals in the House chamber, and he was born on April 1, 1852.

The House will be at ease.

The House will come to order.

### CALENDAR CONTINUED

### RESOLUTIONS PURSUANT TO RULE 35

Mr. BASTIAN called up **HR 670, PN 3485**, entitled:

A Resolution designating the week of April 2 through April 6, 2008, as "Maple Producers Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams

Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

\* \* \*

Mrs. GINGRICH called up **HR 672, PN 3487**, entitled:

A Resolution designating the month of March 2008 as "Junior Achievement Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causser	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko

Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative MARSHALL be placed on leave for the remainder of the day. Without objection, that leave will be granted. The Chair sees no objection.

**SUPPLEMENTAL CALENDAR A**

**RESOLUTIONS PURSUANT TO RULE 35**

Ms. JOSEPHS called up **HR 676, PN 3502**, entitled:

A Resolution designating April 2, 2008, as "Kick Butts Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-202

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback

Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longiatti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Marshall

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

\* \* \*

Ms. JOSEPHS called up **HR 677, PN 3503**, entitled:

A Resolution memorializing the Governor to proclaim the seven days of May 2 through May 9, 2008, as "Days of Remembrance of the Victims of the Holocaust."

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-202

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro

Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siproth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Steil
Causer	Hennessey	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Pyle	Waters
DiGirolamo	Kula	Quigley	Watson
Donatucci	Leach	Quinn	Wheatley
Eachus	Lentz	Ramaley	White
Ellis	Levdansky	Rapp	Williams
Evans, D.	Longiatti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D.,
Frankel	Mann	Roebuck	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Marshall

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair recognizes the presence of Representative Marshall on the floor. His name will be added to the master roll.

**RESOLUTION PURSUANT TO RULE 35**

Mr. M. O'BRIEN called up **HR 679, PN 3505**, entitled:

A Resolution commemorating the 25th anniversary of Associated Services for the Blind and Visually Impaired.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Verbe
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

The SPEAKER. The House will be at ease.

The Chair announces his intention to recess regular session and go into special session at 2:28.

## RECESS

The SPEAKER. The regular session of the House is now in recess.

## AFTER RECESS

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

## CALENDAR CONTINUED

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2005, PN 3449**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for small group health benefits.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The House will come to order. Members will please take their seats. The Chair will ask members to please hold their conversations to a minimum. The noise level is entirely too loud.

The Chair recognizes Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, HB 2005 focuses on the small group market of 2 to 50 employees because that is where the businesses have the most difficulty with affordability of health insurance. Small businesses do not have the market leverage that larger firms have, and they are subject to rate spikes because of one or two expensive claims.

Mr. Speaker, passage of this bill will allow Pennsylvania to finally join the other 48 States, let me mention that, 48 States that have already adopted small group insurance reforms to protect our small businesses out there. Also, HB 2005 will make premiums more stable and predictable. We have heard that throughout the years, what small businesses want. Myself and Representative Micozzie have had hearings, and that is one of the things that came out of the hearings, stability and predictability by limiting rating variations and prohibiting rate increases based on health status.

HB 2005 also requires insurers to stabilize rates in the small group market by rating all groups within a 2 to 1 rate band and eliminating the use of health status and other rating practices that make rates highly volatile. Large businesses can spread their risk across a large workforce, but small businesses need protection to prevent rate spikes simply because one worker incurs an expensive claim or a new employee has a

chronic medical condition. Small businesses should be able to hire qualified, experienced workers without the fear of discriminatory health insurance rate hikes.

HB 2005 will promote effective cost control by giving the Insurance Department authority to require insurers to follow best practices for cost control rather than simply passing on unnecessary costs to our small businesses in the Commonwealth of Pennsylvania.

Last year, Mr. Speaker, you helped make Pennsylvania a national leader in addressing key cost drivers of medical inflation such as reducing hospital-based infections, managing chronic conditions, and enhancing transparency. HB 2005 will give the Insurance Department the rate review authority to make sure that insurers adopt best practices for cost control and then pass those cost savings through in reduced premiums, which we have been hearing about out there.

Mr. Speaker, it simply makes no sense that the department currently has more authority over auto insurance than they have over health insurance in this Commonwealth. HB 2005 will enhance efficiency and ensure operations by requiring insurers to meet an 85-percent loss ratio standard. In other words, 85 percent will go to health care. Also, HB 2005 requires insurers to spend, as I said before, 85 percent of every premium dollar, which is important, on claims costs.

Now, opponents of HB 2005 have argued that it will not solve all of our health-care problems. Of course it will not, but it will solve a big one: reducing the medical inflation rate and controlling health-care costs is a multifaceted challenge. HB 2005 is a critical part of the solution for small businesses that need more predictable rates and want laws to ensure that insurers are doing their part in operating efficiently in controlling costs.

You know, Mr. Speaker, I received – I know we all get correspondence out there – but I would like to commend Representative Schroder for his letter, and I hope everyone has read his letter, and I just want to allude to the bottom part of his letter, because I think it says a lot. It says a lot about what we are here, and it says a lot about what we should be doing. "Before casting your vote," this is a quote from Representative Schroder, "Before casting your vote on House Bill 2005, ask yourself if health insurance should be for the benefit of the companies selling it or the small employers and their employees whose lives and health depend on it." Mr. Speaker, I think that says a lot.

Let me also state the fact that the Philadelphia Chamber of Commerce supports this legislation. On behalf of the greater Philadelphia Chamber of Commerce, we write to support HB 2005, small group health insurance reform that we believe will enable employers to continue to offer health-care benefits to our employees. The consumers organization, we think your insurance premiums ought to be spent on your care not on profits. We support HB 2005. The Jewish federation, labor federation, supports HB 2005. The Pennsylvania AFL-CIO supports HB 2005. The small business manufacturers, the business council that represents nearly 3,000 Pennsylvania member companies which employ 100,000 workers, supports HB 2005.

Mr. Speaker, I am asking this body, on both sides of the aisle, to vote affirmatively on HB 2005 on behalf of our small employers in the Commonwealth of Pennsylvania.

Thank you.

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman, Representative DeLuca, indicates he will stand for interrogation. Representative Mustio is in order and may proceed.

Mr. MUSTIO. Thank you, Mr. Speaker.

First, I would like to compliment the maker of the bill for tackling an issue that has been around this House for many years, and I appreciate all the hard work.

There are a couple of questions that I need some clarification on, if you would please help me. You had indicated 48 States have adopted legislation similar to this, and so certainly it is about time that Pennsylvania looks into this issue. Could you please define for me what the definition of "small group" is as to who is covered under this legislation?

Mr. DeLUCA. Mr. Speaker, if you have the bill, it is on page 25, but at least any employer that employees 2 to 50.

Mr. MUSTIO. Okay. Where I am concerned a little bit is the analysis that we had for our caucus indicated that coverage would apply for individuals and small groups 2 to 50, and we just received notification from the Insurance Department—

Mr. DeLUCA. Mr. Speaker? I cannot hear the gentleman.

The SPEAKER. The House will come to order.

Members will please take their seats. Conferences on the floor will break up.

Mr. MUSTIO. Thank you, Mr. Speaker.

Just for the record, I was an original cosponsor of this legislation based on the cosponsorship memo that indicated this was for small groups, which in my world is, as an insurance person, 2 individuals to 50 members. But in speaking with the Insurance Department after some questions were raised in caucus today, they indicated, Mr. Speaker, that this legislation would also apply to individuals, and I just wanted to get the maker's interpretation of that since the Insurance Department has apparently made a decision that this will apply to individuals.

Mr. DeLUCA. You are correct, Mr. Speaker.

Mr. MUSTIO. It will apply to individuals.

Mr. DeLUCA. Yes.

Mr. MUSTIO. Okay. That, to me, opens up a little bit of Pandora's box that I would like to get into in a little bit. The definition of "loss ratio," is that in the legislation, defining what is to be taken into consideration other than just payments for health care?

Mr. DeLUCA. Mr. Speaker, if you have the bill, it is on page 25 and it is defined as "Medical loss ratio. The ratio of incurred medical claim costs to earned premiums."

Mr. MUSTIO. Okay. Now does that mean just payments that are made to health-care providers and suppliers of medical durable equipment, that type of thing?

Mr. DeLUCA. You are right, Mr. Speaker.

Mr. MUSTIO. So we are not taking into consideration then the buildings that the health carriers rent, the employees' salaries that they have, if they are investor-owned companies, any returns that would go to those investors, any type of regulatory reviews that they need to pay for when they are audited by insurance departments, any filings that they might make for rate filings, any legal reimbursements – all those types of things. Is that included in this?

Mr. DeLUCA. Mr. Speaker, that would come out of the 15 percent.

Mr. MUSTIO. That would come out of the 15 percent.

Mr. DeLUCA. That would come out of the 15 percent, and really, if you look at page 25, it has nothing to do with that part of it. What you are discussing, it has nothing to do with the loss ratio.

Mr. MUSTIO. Okay. Thank you.

In caucus, Representative Schroder had indicated that other States have similar legislation but their numbers are maybe 75 or 80 percent. I was just wondering why the number 85 percent was selected for Pennsylvania?

Mr. DeLUCA. Some individual companies, Mr. Speaker, average between the midseventies. Some companies average in the nineties. We felt that 85 percent was in the middle, and that is what we came up with.

Mr. MUSTIO. Okay. Thank you.

I think that, Mr. Speaker, that is all the interrogation that I would like to make. I would like to make a couple comments on the bill.

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

Mr. MUSTIO. Thank you, Mr. Speaker.

Again, I would like to compliment the maker for attacking this issue.

Again, I became a cosponsor on the original piece of legislation when it indicated that this was for small groups, and in the insurance world, a group is two or more people. The problem that I foresee when we start applying this legislation to individuals is that if I do not have insurance coverage today, and tomorrow I learn that I have cancer, I can go apply for coverage and start paying premium. That, to me, violates what basic insurance is all about, which is the spread of risk, the sharing of risk, and the law of large numbers. At that point, what we are doing is not sharing risk at all, and I think we might have some others that might come up to speak to that and give some better examples than I will at this point.

The other thing that I think that we need to start doing as a body is instead of starting to manage premiums, which is what the legislation we debate on this floor seems to do, we are spending a lot of time managing premiums instead of managing health care, and I know the Governor has some other plans that we are trying address those issues as well, but I think our real costs need to be addressed, and that is the only way we are going to start lowering premiums. So I would like to see us start to look at some innovative things, like perhaps privacy officers in companies that can review some of the treatments that employees have and start educating employees on how to manage their own health, those types of things.

Mr. Speaker, at this point, because the legislation now encompasses individuals and allows individuals to only purchase insurance when they are sick as opposed to having all the healthy people pay for insurance to reduce costs for everyone, I think we have swung the pendulum the other way and now we are only going to have people purchasing insurance when they are ill, and I do not know that that is going to create a competitive environment in Pennsylvania and bring new carriers to Pennsylvania; I think, rather, the opposite will happen.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally? Representative Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

First, I would like to commend my colleague for bringing this up, even though I disagree on some of the provisions within HB 2005.

I would like to give a little history about this community rating, modified community rating demographics.

Back about 3 or 4 years ago, we had hearings on what the Governor had proposed as far as breaking up the different areas of the State by market share. We had two or three hearings on that issue, that bill. We had a hearing on a modified one, because there was no consensus. I conducted – myself and Representative Colafella and Representative DeLuca – many informational meetings with all the stakeholders, and there was no consensus, and there still is not much consensus on community rating, modified community rating. NFIB (National Federation of Independent Business), the small business community, is against this bill. Many of the insurers themselves are against the bill.

The preexisting elimination is a flaw in this bill. We try to get people to buy health insurance, and if they wait, what they do— If you are going to eliminate preexisting conditions, what you are going to do, of course, you are going to allow a person not to have insurance, and then as soon as they get sick, they go out and get health insurance.

I am concerned about the HSAs (health savings accounts) allowing the department to make decisions on— Mr. Speaker? Mr. Speaker? Could I have some quiet, please?

The SPEAKER. The gentleman is correct. Conferences will break up.

The gentleman is in order.

Mr. MICOZZIE. —allowing the department to determine what the deductibles are or the copayments are. In view that the administration had some problems with HSAs in the beginning, I am concerned about the future of HSAs.

And the basic question here, Mr. Speaker, in passing this bill, HB 2005 as modified, as amended, will it reduce premiums on health care? Will it bring more competition to the marketplace? They are the questions that we should be focusing on instead of passing a bill that there is no consensus, that there are problems within the bill like eliminating preexisting conditions.

Therefore, for those reasons and many other reasons, I will vote "no" on HB 2005.

Thank you, Mr. Speaker.

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker, and I will be brief.

I first want to congratulate the chairman on his work on this bill. We all have been working hard to see what we can do to lower health premiums throughout the Commonwealth, but I have a concern, following up on Representative Mustio's comments, on what we just found out, the bill applying to individuals.

People need to understand, the individual insurance market in health care and the group health insurance market – 2 to 50 lives – operate entirely differently. They make decisions for different reasons. I do not think for a minute that a group plan would make a decision based upon whether or not someone was ill at that moment, but an individual one would. Let me give you an example: If you were an individual and you knew that after, after you had a car accident you could call State Farm or Allstate and get it covered, if you knew that, would you buy auto insurance? I do not think so.

I think the bill has great prospects if it stuck to the 2 to 50 market, but as Representative Mustio just pointed out, we only found out about an hour ago that the bill from the Insurance Department also includes individuals, and I think it is a huge mistake to mix those 2 markets together, because they operate entirely differently.

So for that reason, although regrettably, I will be voting "no" on this bill. Thank you, Mr. Speaker.

### GUESTS INTRODUCED

The SPEAKER. The Chair would like to acknowledge the presence of the AFSCME (American Federation of State, County and Municipal Employees) retirees from Greene, Fayette, and Washington Counties. They are the guests of Representatives DeWeese, Kula, Mahoney, Harhai, and Daley. Welcome to the floor of the House.

### CONSIDERATION OF HB 2005 CONTINUED

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

At this moment in time, more than 90 percent of Pennsylvanians already have health insurance, and to the extent that we are devoting attention to this question, I think the goal ought to be, what can we do to help the others? But in looking at that question, we have discovered that a significant portion of those who do not have insurance for health now have made a decision not to. It is available to them, often through an employer or otherwise, but they are making the risk decision as to whether or not they believe it is a good bargain for them.

So some people choose simply not to have coverage, and that is true, of course, not just in health care but in all sorts of insurance – home insurance, flood insurance, down the list. But what is different with this bill is it will end the reason that anyone would buy insurance. Instead of having more people insured, I guarantee you we will wind up with fewer people insured.

Now, why is that? Well, if you could, as Representative Killion pointed out, if you had an auto accident and you were uninsured, but you knew you could then – you had a preexisting condition; a wrecked car – you could call your insurance company and buy insurance that covers that preexisting condition of a wrecked car, well, why would you ever buy insurance until that moment?

And if no one is buying insurance except for those who have an immediate claim to put on it, well, obviously the cost for those who have insurance is going to go up, because those who are not utilizing the system will not be buying premiums. So all the weight will come on the burdens of those who have got serious health conditions. That is going to make health insurance more expensive, not less expensive. It is going to mean fewer Pennsylvanians are covered, not more.

Think about house insurance. Imagine if your house burned down, and you were uninsured and you could call the insurance company the next day and get that preexisting condition covered. Your house has burned down; it is a preexisting condition, but yes, sir, you will be covered now. Well, who would ever buy insurance on their home? It would not make any sense, would it? Well, that is what this bill is proposing to do with health insurance.

Consider another case: life insurance. Now, Ben Franklin has been dead a long time, and I would suppose that would be a preexisting condition for Ben Franklin; he is already deceased. But if I could buy life insurance on Ben Franklin, payable to me, despite this preexisting condition, well, I guess I would. That would be quite a bargain. But of course, you have got to ask yourself, who would be foolish enough to be on the other side of that transaction? Who would sell such insurance? No one. No one in their right mind would sell you life insurance that allows for the preexisting condition of someone having already passed away.

So you might feel noble by saying that all preexisting conditions can be covered for individuals who can choose not to be insured until the moment they need a claim, but the fact of the matter is, insurance companies will not want to sell that product because it is a losing proposition, a guaranteed losing proposition. So if this bill as amended were to become law, I assure you, we will have fewer insurance companies in Pennsylvania offering insurance, we will have fewer individuals covered by insurance, and those who are covered will be paying a much higher price. Now, that does not seem to me to be a recipe for success.

But it is interesting who does support this bill. This bill is supported by the behemoths of the health insurance industry – Highmark, Independence Blue Cross, Northeast PA – who all seem to be sort of connected at one point nowadays. Now, why would they like it? Well, they think it is grand that there will be fewer insurance companies operating in Pennsylvania, that their hegemony in the marketplace can be extended, that they will be able to dictate from a near monopoly status. Now, is that good for the residents of Pennsylvania? Is that going to help your constituents have more affordable health care by promoting the monopoly? And the monopolists here are those who support the bill.

Now, if this bill was really about delivering health care at a lower cost in a way that would be adverse to the interests of the behemoths of the health insurance industry, I expect they would not be supporting it, but instead, they are enthusiastic. They support this because it is really going to serve the big health insurers. It is really going to hurt the little folks, the small companies that want insurance.

Consider one other facet, the notion that 85 percent of all expenditures by a health insurance company in Pennsylvania would have to be for medical claims. Well, that sounds pretty good, and we would like to think that the money is being spent on health care, and that is pretty good. But the fact of the matter is, if a new company comes into Pennsylvania, they have got to open offices, they have got to hire agents, or whatever else they do to conduct their business, but in a startup mode, you are not going to find 85 percent of your expenditures are going towards medical claims, because you have a lot of overhead initially. It is like any growing business; you are always fighting the overhead monster.

But if it is illegal in Pennsylvania to offer insurance unless 85 cents on the dollar is being paid for medical claims, what does that tell us? That tells us that there will be no new entrants in the insurance market in Pennsylvania. If there is no new competition in Pennsylvania, who benefits? Do your constituents benefit by less competition? No. Who benefits? The mega health-care insurance companies benefit, and your constituents lose.

At the end of the day, we can vote and pretend to be noble, but also understand that this bill contains a real poison pill for your constituents, which is that it tells insurance companies that they cannot pay claims that arise from mistakes made by a health-care provider, but it does not inoculate the patient from responsibility for those hospital and doctor bills. So what it is doing, it is saying to a health-care insurance company, we do not want you paying those claims, but it does not take the patient off the hook. So what is happening here? You are actually taking risk, and you are giving insurance companies – the big insurance companies – another reason to decline paying a bill, without protecting the individual from having that bill laid on their back.

Now, we have all heard stories about hospital bills and doctor bills that run into the hundreds of thousands of dollars, and I am not sufficiently expert on anything medical to know how much of that is from mistakes and how much of that is from good medicine, but I do know that I hear an awful lot from folks who are concerned about having claims denied and a hitting onto their pocketbook. Well, this bill gives a huge loophole to health insurance companies; they can dodge responsibility for big claims, and those big claims will go right onto the backs of the very people we are supposed to be representing today.

Now, I do applaud the gentleman who offered the bill, and I know the gentleman who offered the amendment is well-intended, and at first blush, I thought this was a pretty interesting proposal. But when you cut through it, you recognize that the folks that will benefit are Highmark, Independence, Northeast PA, Blue Cross; the folks that will pay are folks with severe medical problems who will now have insurance claims denied and dropped onto their backs. There will be less competition in Pennsylvania, there will be fewer health insurance companies, there will be fewer people insured, and that is not a good answer. We are not going to improve beyond the 90-percent coverage by setting up a system that guarantees that we are going to go backwards.

So I would ask you to join me in voting "no" on HB 2005 and continuing to search for real solutions to make insurance coverage more attractive, affordable, and available for that 10 percent of Pennsylvanians that are not covered currently. Thank you, Mr. Speaker.

The SPEAKER. Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I have been a member of the Insurance Committee for about 25 years, and I know we have wrestled with this problem – Chairman DeLuca, Chairman Micozzie, and others over the years – and I do have a question. I would like to interrogate the maker of the bill, if I may, please.

The SPEAKER. The gentleman, Representative DeLuca, indicates he will stand for interrogation. Representative Godshall is in order and may proceed.

Mr. GODSHALL. On the preexisting condition, I had a gentleman in my office in his thirties 2 weeks ago, and he, all of a sudden, was diagnosed— He became diabetic, and he said, he complained that he could not get insurance. I asked him what happened to his previous insurance plan, and he said he never had any insurance because he did not need any. He does need it now, and he cannot get it. Would he be covered, under this bill?

Mr. DeLUCA. Mr. Speaker, he would be eligible to get it, but he would have to pay for it, Mr. Speaker.

Mr. GODSHALL. Who would set the rates that he would be paying?

Mr. DeLUCA. The Insurance Commissioner would set the rates, Mr. Speaker.

Mr. GODSHALL. And would the Insurance Commissioner also set the benefits that he would receive, or is it an open-ended deal?

Mr. DeLUCA. No, the benefits would not be open-ended, Mr. Speaker; the benefits would not be open-ended. They would give him all kinds of benefits. It would be like anybody else. We are not giving the Insurance Commissioner the power to give all the benefits out there, under this bill.

Mr. GODSHALL. Okay. So he would be allowed to buy insurance – he would have to pay for it – and would that be at any insurance company, or would it be an insurance company as established by the Insurance Commissioner? I mean, who would pick up this preexisting condition of a diabetic? This is an actual story, and I am asking straight out.

Mr. DeLUCA. Mr. Speaker, I would imagine any insurance company who wanted to insure him, that the Insurance Commissioner would okay it, and he would have to make a case to be insured.

Mr. GODSHALL. Okay. Thank you, Mr. Speaker.

I would like to comment on the bill, if I could, please.

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

Mr. GODSHALL. On this situation, I had a meeting in my office today with certain representatives of NFIB who were extremely concerned about this situation. I got a letter from Representative Schroder, sent out to the members, and as he says, "Before casting your vote on House Bill 2005, ask yourself if health insurance should be for the benefit of the companies selling it, or the small employers and their employees whose lives and health depend on it. If you believe the latter, as I do, then let's level the small group insurance playing field and support House Bill 2005...."

Let us level the small group insurance playing field, yet at the same time, with the representatives of NFIB who were in my office this morning and also who had sent you a letter, the NFIB said, "NFIB would encourage you to look closely into these results and evaluate the possible devastating affects in Pennsylvania. I thank you in advance for your consideration of the position of small business on the amended version of HB 2005. Please let me know if I can be of assistance to you on this or any other issue affecting small business...in Pennsylvania." But the very people, the very people here that we are trying to help, supposedly, are the people that are vigorously opposing this legislation, and there is a direct contradiction of that situation.

And if I could interrogate, again, the maker of the bill.

The SPEAKER. The gentleman, Representative DeLuca, indicates he will stand for interrogation. Representative Godshall is in order and may proceed.

Mr. GODSHALL. Thank you, Mr. Speaker.

Have you spoken at all with NFIB and why they vigorously, in their terms, oppose this legislation with the amendment that was put in?

Mr. DeLUCA. Mr. Speaker, did I personally speak to them? No. I received their correspondence, Mr. Speaker, the same way as I received the AARP correspondence, the Jewish Labor Committee's correspondence.

And let me state to you that there are all kinds of different small businesses out there, Mr. Speaker. As I stated before in

my opening remarks, the Small Business Council, which supports it, is a leading advocate both in Pennsylvania and nationally on behalf of all small businesses. As I said before, they represent 3,000 businesses in Pennsylvania and 100,000 workers.

Now, certainly we heard from your small business group; I heard from this small business group. Are we going to satisfy all the people out there, Mr. Speaker? No, we are not going to satisfy everybody, Mr. Speaker. But as my colleagues from the west, they are familiar with the Small Business Council in western Pennsylvania, and they know the individual who supports this has been working on health care for a long time.

And, Mr. Speaker, as a member of the Insurance Committee, you remember them coming in to testify on behalf of this legislation when Representative Micozzie had it, and they also are supporting this bill today, Mr. Speaker.

Mr. GODSHALL. Thank you, Mr. Speaker.

In conclusion, I guess, you know—

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

Mr. GODSHALL. Thank you, Mr. Speaker.

As the gentleman said, there are different groups representing different viewpoints here, but the people we are trying to help are the small businesspeople. The NFIB, probably universally in this State, is a representative of many of the small business groups that we all have, and they have a serious concern pertaining to, actually, the amendment that was put in late in the proceedings.

Thank you, and I personally, on the strength of what I was asked to do by these people, I am going to be voting "no." Thank you.

The SPEAKER. Representative McIlvaine Smith.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

I would like to ask if the maker of the bill will stand for interrogation?

The SPEAKER. Representative DeLuca indicates he will stand for interrogation. Representative Smith is in order and may proceed.

Ms. McILVAINE SMITH. Thank you.

I was wondering where it says, in the bill, that an individual will be covered, not just small businesses from 2 to 50? What page, what line, please?

Mr. DeLUCA. Do you have the bill in front of you?

Ms. McILVAINE SMITH. I do not.

Mr. DeLUCA. It is on page 26, Mr. Speaker, and it is line 10: "THIS SECTION SHALL APPLY TO ALL SMALL GROUP HEALTH BENEFIT PLANS AND INDIVIDUAL HEALTH BENEFIT PLANS ISSUED, MADE EFFECTIVE, DELIVERED OR RENEWED IN THIS COMMONWEALTH AFTER THE EFFECTIVE DATE OF THIS SECTION."

Ms. McILVAINE SMITH. I had page 28, line 27. If you would go to that where it says, "EACH INDIVIDUAL IN THIS COMMONWEALTH WHO APPLIES TO AN INSURER FOR ENROLLMENT IN A PLAN OFFERED BY THE INSURER SHALL BE ACCEPTED AS AN ENROLLEE," and I was wondering if that also backs up the individual being covered? Page 28, line 27.

Mr. DeLUCA. Mr. Speaker, if you go up to line 6, that is under the standard plan that each insurer would have to offer. If you go up on page 28, under line 6.

Ms. McILVAINE SMITH. Page 28, okay, because I am wondering when some of our colleagues are questioning whether or not someone who has an accident in a car, that they

could go to an insurer and say, well, now I would like to be covered because I have had a car accident. I do not really understand how that would happen if we have to have car insurance to drive, number one, you could not do that. But number two, if you could explain to me why would an insurer say, sure, I will cover you now that you have had a car accident.

Mr. DeLUCA. If I am not mistaken, Mr. Speaker, that could not happen because the other insurance is required by law. You have to have it, so I do not think that is going to happen.

Ms. McILVAINE SMITH. So it would not happen if somebody—

Mr. DeLUCA. No; not at this point.

Ms. McILVAINE SMITH. Okay.

Mr. DeLUCA. I do not think.

Ms. McILVAINE SMITH. And if I may make a comment, Mr. Speaker.

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

Ms. McILVAINE SMITH. Thank you.

The SPEAKER. But if the lady will suspend for one moment. The House will come to order. The noise level on the floor is entirely too loud. Conferences in the side, center aisles will please break up. Members are entitled to be heard. Conferences will break up. Conferences in the side aisles will break up.

Representative McIlvaine Smith is in order.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

I think this is as low as it is going to go, noise level-wise here.

I just wanted to speak to this bill. Having been a 28-year small businessperson myself, my husband and I had insurance through Independence Blue Cross. You never know how good or how bad your insurance is until you actually need it. But preexisting conditions are a concern of mine, because if you move or you have to go someplace else in the State and now you have to change your insurance, that preexisting condition could keep you from buying new insurance. I also had people in my office today from AFSCME, and they said that they had been required by Governor Rendell's office – I have not tracked this down yet, but I found it interesting – that they are saying that they are being forced off of Medicare, that they must go to a new plan, Aetna or some other plan, because Advanta, which was their insurer, is no longer being accepted by their doctors and by their hospitals in their areas. So now they have a problem. If they have a preexisting condition, my concern is for them, that they will not be able to find someone to cover them with that preexisting condition. So I believe that for portability reasons and for people who have insurance that is no longer being accepted, I think that this 2005 bill is very important, and I will support it. Thank you, Mr. Speaker.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2005, and I think this is a very positive step for us to take.

The SPEAKER. If the gentleman will suspend. The noise level is entirely too loud. Members will take their conversations off the floor or reduce the noise level. The gentleman is entitled to be heard.

The gentleman is in order.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, once again, I rise in support of HB 2005. I think this is a very positive step that we can take to reform the small group health insurance market. And I commend

Chairman DeLuca for his hard work and pushing forward on this issue and his cooperation on the issue as well.

Mr. Speaker, there have been a number of concerns raised, and I would just like to attempt to address some of those concerns before we take a vote here. A lot of concern has been raised about the individual policies and how that plays into this bill, regarding small group insurance and particularly regarding the elimination of any preexisting exclusions.

Mr. Speaker, I am informed that some insurance companies today do not even use the preexisting exclusions that they have available to them. Under HIPAA (Health Insurance Portability and Accountability Act of 1996), there is a 6-month period, I believe, and because of administrative costs and administrative burdens, some of those companies are no longer even looking at that. So to some extent, we already have that occurring in the insurance marketplace today.

I would also point out that those who are concerned about the subsidization of the individual policies by the small group, that we have some of that going on right now, as well. Believe it or not, there are small group policies that insure one individual. They are called small groups of one. So we have that kind of thing that is happening right now, and as I said, this is not radical or new.

Mr. Speaker, the topic of HSAs came up on the floor today, and with all due respect, I believe that issue and the concern about whether HSAs would be allowed or included under this, that issue really has been put to rest by the communication from our Insurance Commissioner who assured me in an e-mail – which I sent to all members of the House – that HSAs indeed would be allowed and would not be excluded at all under the language of this bill. So the commissioner made a very clear statement on that that I think should put that issue to rest once and for all.

Mr. Speaker, the bottom line is we just cannot continue in moving the same way we have been in the small group insurance market. Pennsylvania is second only to California in the number of insureds that have lost their private health-care insurance over the past 5 or 6 years, and a big part of that is in the small group marketplace. And, Mr. Speaker, while a previous speaker cited the fact that 90 percent or so of Pennsylvanians are insured, when you bore down through those numbers you will see that that is not 90 percent that were insured in the private marketplace. In fact, a very large percentage of that 90 percent are insured under some sort of government or government-subsidized insurance – whether it is Medicare, Medicaid, CHIP (Children's Health Insurance Program), adultBasic, or any of the other programs that we have. So I bring that up just to say that the fact that 90 percent are insured in Pennsylvania does not necessarily mean that we have a healthy small business market and healthy private insurance market in this State.

It was also mentioned about some of the behemoth companies that support this bill. Well, Mr. Speaker, believe it or not, there are some behemoth companies who are opposed to this bill, as well. Mr. Speaker, companies like Aetna, UnitedHealthcare, these are companies that will dwarf the Blues' plans in their capitalization and the amount of money that they have behind them. Mr. Speaker, they are opposed to this bill. So if you are saying that big is bad in this situation, which is what I think I heard the message actually was, then I think you have to take a look at some of the big companies that are opposing this, as well. And, Mr. Speaker, these same large

commercial insurers compete against the Blues in other States. Forty-eight other States have consistent standards for the small group market. Other insurers compete in those States just fine. So, Mr. Speaker— Oh, and I would just add before I close that there are small business groups that are supporting this effort, as well. The SMC Business Councils are in support of this bill, as is the Greater Philadelphia Chamber of Commerce. So, Mr. Speaker, I just wanted to note that for the record.

Mr. Speaker, as I said, this is a complicated issue. The answers are not always as clear cut and black and white as we would all like them to be. And I respect the arguments of those from the other point of view who have spoken up here. But, Mr. Speaker, the status quo is not acceptable. We have a good bill, I think, here, which is a good start in moving forward to reform the small group market. It will stop the wild price swings that we see from year to year in that market as one individual or maybe two individuals of a small employer has a health problem which causes a health insurance meltdown for that particular company.

Mr. Speaker, we need to level this out. We need to bring more predictability to the small group playing field, and I think that is what this bill does. So, Mr. Speaker, I thank you for your attention and ask for your support for the bill. Thank you.

#### FORMER MEMBERS WELCOMED

The SPEAKER. The Chair would like to welcome two distinguished former members of this chamber to the floor. They are Representative Ray Bunt and Representative John Fichter. They are seated to the left of the Speaker. Welcome back.

#### CONSIDERATION OF HB 2005 CONTINUED

The SPEAKER. Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if the chairman would stand for a couple of questions. Thank you.

The SPEAKER. The gentleman, Representative DeLuca, indicates he will stand for interrogation. Representative Boyd is in order and may proceed.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, under this current legislation as it had been amended on second consideration, can an insurer medically underwrite?

Mr. DeLUCA. No, Mr. Speaker.

Mr. BOYD. Okay. To help clarify that for me, does that mean an insurer, as an example, cannot ask questions like, do you smoke, do you drink, those kinds of questions?

Mr. DeLUCA. There is nothing to prohibit them from asking them, but you cannot use it in the rate structure, Mr. Speaker.

Mr. BOYD. Okay. So, you may ask the questions, but it cannot be used in terms of rating the premium. So in effect, there would probably not be, necessarily, any reason to ask them. And if I understand it correctly, can an insurer ask about preexisting conditions?

Say that, as an example, if I have high blood pressure, I am being treated for high blood pressure – that is where everybody says this dark complexion comes from – the question is, when I get that policy, could I be asked if, in fact, I have been treated for high blood pressure?

Mr. DeLUCA. Mr. Speaker, there is nothing in the bill that says they cannot ask that, but it cannot be used in the rate structure.

Mr. BOYD. Okay. So really, the answer is whether the questions would be asked or not; it would not be able to be used in terms of either acceptance or the premium rate for the individual and/or the group that the individual is in.

Mr. DeLUCA. That is correct.

Mr. BOYD. Okay. The gentleman from Montgomery County, the Representative, asked a question earlier about an individual who was in his office and was diagnosed with diabetes. And the question is, that individual, if they had come to work for my company and I wanted to put them on my group policy, was adding them, my insurer would not be able to ask any questions about his preexisting condition. Is that a correct statement?

Mr. DeLUCA. Mr. Speaker, I am not sure about whether you could not ask the question, but it is not going to increase the rate for your company – nor should it, Mr. Speaker. He might be an excellent worker. You might need that excellent worker there in your company, and you might want to hire him. And I do not think that should preclude you, as a successful businessperson, of not hiring somebody who is qualified to work.

Mr. BOYD. Thank you, Mr. Speaker.

In that question, the speaker said, under current law, the concern is, I guess, that he could be denied coverage; I think in your dialogue that came up. However, under current law, they cannot be denied coverage, there is the insurer of last resort, i.e., the Blues. Is that a correct statement?

Mr. DeLUCA. Mr. Speaker, that is probably correct—

Mr. BOYD. Okay.

Mr. DeLUCA. —under current law.

Mr. BOYD. If I understand some small group policies, oftentimes the employer will make a contribution towards the health insurance policy and the employee will make a contribution – might be 25 percent paid by the employee. I mean, really, that can be negotiated between the employer and the employee's group, under current statute. Correct? I mean, there is nothing to preclude that?

Mr. DeLUCA. There is nothing in the bill that would preclude that.

Mr. BOYD. Employees are not forced to opt in to their insurance policies that their companies provide? There are some provisions within certain policies where an employee group must have 75 percent or less than that, but basically, I could have a company and have half of my employees in and half of my employees out?

Mr. DeLUCA. Yes, certainly.

Mr. BOYD. Okay. Very good. Thank you, Mr. Speaker.

That really answers most of my questions. Mr. Speaker, if it would be appropriate to speak on the bill briefly.

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

Mr. BOYD. Thank you.

Mr. Speaker, I wanted to get the answers to those questions, because one of the concerns that I have— And I do compliment the chairman for his efforts on this. As a member of the Insurance Committee, I can say we had many hearings; we talked a lot about this issue. There were a couple different versions of bills out there and how we ultimately were going to do this, and an amendment went in on second consideration that I personally feel takes this too far. I believe the chairman's

original bill, 2005, was what we would have called modified community rating; this is really more in the line of a pure community rating. And my concern is this: As a small employer, someone who has had an employee base of 8, 10, 12 employees, the concern is is that young people today, and probably when the chairman and I were young people, we thought of ourselves as indestructible. And given the choice between spending \$200 or \$100 a month for health insurance, or a \$100 a month – now it is for gas; when I was a kid, it was to actually make a car payment. But we made these decisions probably based more on our emotions than rationality. And one of the things that, under the current state of things, that really drives an individual to consider the need for health insurance is that cataclysmic event that is out there. The concern that, hey, if I get something terrible, if I need back surgery as a young person or something, I am going to make sure I have a health insurance policy that takes care of that.

The way this bill is drafted, there is no incentive to drive that individual into the insurance market, because if they find out they need back surgery, they can sign up for their company's policy, jump in, wait a month or so, and then go to the doctor and ultimately have that surgery. I do not know that that was the intent of the maker of this. I do not think that that is what we are after. In fact, I think, to the contrary, what we want is, we want that 23-year-old individual in the pool because they are going to spread that risk and ultimately lower premium rates for everybody. And I am afraid with the way this ended up getting constructed as it got amended through the process, that what we have really done is, again, created an unintended adverse risk pool; that people who do not need insurance will not be required to get it, so they will not sign up until they need it. And then, ultimately, their premiums are higher. So while I commend the maker of this bill and his efforts and the great work that the Insurance Committee has been doing on this subject, I am going to have to vote "no" on this one. But regardless of what happens, I am sure it will go over to the Senate, or not, but we will get a chance to relook at this, and hopefully we can get at the crux of those issues in a future brush at this. Thank you, Mr. Speaker, for your time.

The SPEAKER. Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise in support of HB 2005. Traditionally in Pennsylvania, and really across the nation, insurance coverage was based on a community rating and it spread the risk among the greatest number of people. Demographic rating seeks out smaller groupings of people with lesser risk of injury or ill health and insures those smaller groups for a lot less expensive premiums, because they expect fewer and less expensive claims in return.

Extrapolated out, only the healthiest and the least at risk among our people or our groups of employees would ever find insurance available. And clearly, that is not a desired result. As a Commonwealth, I believe we need to return more toward a community rating model or perhaps the modified community rating. This bill, flawed as it may be, moves us in that direction. Is it perfect? No. Does it have its flaws? Yes. And the language that has been inserted about preexisting conditions is obviously one major issue that has to be looked at. Nonetheless, it does move us in the right direction. I support HB 2005 and ask for an affirmative vote. Thank you.

The SPEAKER. Is there any member seeking recognition? Representative Mustio, for the second time.

Mr. MUSTIO. Thank you, Mr. Speaker.  
 Just to follow up on a comment that was made by the Representative from Chester County. She was talking about portability of insurance should she change jobs or move to another part of the State. Mr. Speaker?

The SPEAKER. Members will please take your seats. The noise level is entirely too loud. Conferences will break up. Conferences will please break up.

Mr. MUSTIO. Thank you, Mr. Speaker.  
 I will be brief. She had indicated that changing jobs or moving to another part of the State, being concerned about having insurance and then taking the new job and not having coverage because of a preexisting condition. Well, the HIPAA law addresses that issue, and you get a certificate of coverage when you leave one job and you have insurance, and you take that with you to indicate that you do have coverage so that you do not have to worry about that. That was one of the concerns previously addressed with HIPAA legislation.

Secondly, Mr. Speaker, there have been, identified, two groups that endorse this bill, one of them being the Philadelphia Chamber of Commerce. And it is my understanding that the president of the Philadelphia Chamber of Commerce is the president of Independence Blue Cross. It was also indicated that SMC endorses this bill as well, and SMC, many need to know, is a Highmark insurance agency in Pittsburgh, so I just want the members to know before they vote that there is a little bit of additional information that they might want to take into consideration. Thank you.

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—131

Adolph	Galloway	Markosek	Scavello
Barrar	George	Marshall	Schroder
Belfanti	Gerber	Marsico	Seip
Bennington	Gergely	McCall	Shapiro
Beyer	Gibbons	McGeehan	Shimkus
Biancucci	Goodman	McI. Smith	Siptroth
Bishop	Grucela	Melio	Smith, K.
Blackwell	Haluska	Moyer	Smith, M.
Brennan	Hanna	Mundy	Solobay
Buxton	Harhai	Murt	Staback
Caltagirone	Harkins	Myers	Sturla
Carroll	Harper	O'Brien, M.	Surra
Casorio	Hennessey	Oliver	Tangretti
Causar	Hornaman	Pallone	Taylor, J.
Civera	James	Parker	Taylor, R.
Clymer	Josephs	Pashinski	Thomas
Cohen	Keller, M.	Payne	Turzai
Conklin	Keller, W.	Payton	Vereb
Costa	Kenney	Petrarca	Vitali
Cruz	Kessler	Petri	Wagner
Curry	King	Petrone	Walko
Daley	Kirkland	Preston	Wansacz
DeLuca	Kortz	Quigley	Waters
DePasquale	Kotik	Quinn	Wheatley
Dermody	Kula	Ramaley	White
DeWeese	Leach	Rapp	Williams
DiGirolamo	Lentz	Readshaw	Wojnaroski
Donatucci	Levdansky	Reichley	Yewcic
Eachus	Longjetti	Roebuck	Youngblood
Evans, D.	Mahoney	Sabatina	Yudichak

Evans, J.	Manderino	Sainato	
Fabrizio	Mann	Samuelson	O'Brien, D.,
Frankel	Mantz	Santoni	Speaker
Freeman			

NAYS—72

Argall	Gabig	McIlhattan	Raymond
Baker	Geist	Mensch	Reed
Bastian	Gillespie	Metcalfe	Roae
Bear	Gingrich	Micozzie	Rock
Benninghoff	Godshall	Millard	Rohrer
Boback	Grell	Miller	Ross
Boyd	Harhart	Milne	Rubley
Brooks	Harris	Moul	Saylor
Cappelli	Helm	Mustio	Smith, S.
Cox	Hershey	Nailor	Sonney
Creighton	Hess	Nickol	Stairs
Cutler	Hickernell	O'Neill	Steil
Dally	Hutchinson	Peifer	Stern
Denlinger	Kauffman	Perry	Stevenson
Ellis	Killion	Perzel	Swanger
Everett	Mackereth	Phillips	True
Fairchild	Maher	Pickett	Vulakovich
Fleck	Major	Pyle	Watson

NOT VOTING—0

EXCUSED—0

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 2098, PN 3450**, entitled:

An Act establishing a system for payment or reduction in payment for preventable serious adverse events within Commonwealth programs; informing health insurers of payment policies used by Medicaid and Medicare; and providing for the powers and duties of the Department of Public Welfare, the Insurance Department, the Department of Health and the Department of State.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative DeLuca.  
 The House will come to order. The House will come to order.  
 Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Before I begin, I want to thank the House for their affirmative vote on HB 2005. I believe it will help our small business community out there. And hopefully, when it comes

back, we will have some of our other colleagues who will vote for it, coming back from the Senate.

We are considering HB 2098, the Preventable Serious Adverse Events Act, which would allow health payers to include, within their hospital contract language, calling for nonpayment in the event of serious preventable mistakes in their facilities. Health payers would be permitted to withhold payment to a facility in the same manner and for the same preventable adverse events as is being used by the Federal Medicare program and also, by Executive order from the Governor, the Medicaid program. A health-care provider cannot seek payment directly from a patient or other responsible party for a preventable error. I want to specify that: A health-care provider cannot seek payment directly from a patient or other responsible party for a preventable error. As the Medicare program adds preventable events on this list, they also will be added to the Pennsylvania list, too.

We have been working, the Insurance Committee and the members out there and I have been working hard with the medical profession and the hospitals out there who strongly support this legislation, and I would ask for an affirmative vote on HB 2098. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

Adolph	Galloway	Marshall	Ross
Argall	Geist	Marsico	Rubley
Baker	George	McCall	Sabatina
Barrar	Gerber	McGeehan	Sainato
Bastian	Gergely	McI. Smith	Samuelson
Bear	Gibbons	McIlhattan	Santoni
Belfanti	Gillespie	Melio	Saylor
Benninghoff	Gingrich	Mensch	Scavello
Bennington	Godshall	Metcalfe	Schroder
Beyer	Goodman	Micozzie	Seip
Biancucci	Grell	Millard	Shapiro
Bishop	Grucela	Miller	Shimkus
Blackwell	Haluska	Milne	Siptroth
Boback	Hanna	Moul	Smith, K.
Boyd	Harhai	Moyer	Smith, M.
Brennan	Harhart	Mundy	Smith, S.
Brooks	Harkins	Murt	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Carroll	Hennessey	Nickol	Steil
Casorio	Hershey	O'Brien, M.	Stern
Causer	Hess	O'Neill	Stevenson
Civera	Hickernell	Oliver	Sturla
Clymer	Hornaman	Pallone	Surra
Cohen	Hutchinson	Parker	Swanger
Conklin	James	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Verbe
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko

Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D., Speaker
Freeman	Mantz	Roebuck	
Gabig	Markosek	Rohrer	

NAYS—2

Cutler                      Everett

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. The House will be at ease.

The House will come to order.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be removed from the tabled bill calendar: HB 587 and SB 880.

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

**BILLS RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be recommitted to the Committee on Appropriations: HB 587 and SB 880.

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

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

**HB 2035, PN 3513 (Amended)**                      By Rep. TANGRETTI

An Act providing for a Heritage Area Program to identify, protect, enhance and promote the historic, recreational, cultural, natural and scenic resources of this Commonwealth and to stimulate community sustainability and economic development through heritage, outdoor recreation and ecotourism; and making an appropriation.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 2043, PN 2864

By Rep. TANGRETTI

An Act amending Titles 32 (Forests, Waters and State Parks), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, re consolidating provisions on snowmobiles and all-terrain vehicles; further providing for the definition of "all-terrain vehicle"; and making editorial changes.

## TOURISM AND RECREATIONAL DEVELOPMENT.

The SPEAKER. The House will be at ease.

The House will come to order.

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1845, PN 2516**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm with altered manufacturer's number and for altering or obliterating marks of identification.

On the question recurring,

Will the House agree to the bill on second consideration?

CONSIDERATION OF AMENDMENT A06178  
CONTINUED

The clerk read the following amendment No. **A06178**:

Amend Title, page 1, line 3, by striking out "and" and inserting  
, for additional duties for the Pennsylvania State  
Police,

Amend Title, page 1, line 4, by removing the period after  
"identification" and inserting  
, for failure to report a lost or stolen firearm and  
for penalties.

Amend Sec. 1, page 1, line 7, by striking out "6117" and  
inserting

6111.1(d)

Amend Sec. 1, page 2, by inserting between lines 4 and 5  
§ 6111.1. Pennsylvania State Police.

\* \* \*

(d) Distribution.—The Pennsylvania State Police shall provide,  
without charge[.];

(1) summaries of uniform firearm laws and firearm  
safety brochures pursuant to section 6125 (relating to distribution  
of uniform firearm laws and firearm safety brochures)[.]; and

(2) notices of limits pursuant to section 6111.6 (relating  
to notice of limits on lending or transferring a firearm).

\* \* \*

Section 2. Title 18 is amended by adding a section to read:

§ 6111.6. Notice of limits on lending or transferring a firearm.

(a) Duty of Pennsylvania State Police.—It shall be the duty of the  
Pennsylvania State Police to distribute a notice about lending or  
transferring a firearm to every licensed firearm dealer in this  
Commonwealth. The notice shall be written by the Pennsylvania State  
Police, shall be provided at no cost and shall contain the following:

NOTICE OF LIMITS ON LENDING  
OR TRANSFERRING A FIREARM

As the owner of a firearm, you are required to comply  
with the following legal obligations and restrictions:

(1) You may not lend or give a firearm to any person,  
except as provided in 18 Pa.C.S. § 6115(b).

(2) You may not sell or transfer a firearm to another  
person unless the sale or transfer occurs at a licensed dealer or  
the office of the county sheriff. Limited transfers between certain  
family members are permissible. See 18 Pa.C.S. § 6111(c).

(3) You must notify law enforcement within three days  
of discovering that your firearm is lost or stolen. See 18 Pa.C.S.  
§ 6128(a).

(4) You could be held criminally and civilly liable for  
any crime committed with a firearm you purchase. See  
18 Pa.C.S. § 6111(g).

(b) Distribution without charge.—The notice or a copy thereof  
shall be provided without charge to each purchaser of a firearm.

(c) Duty of firearms dealer.—It shall be the duty of the firearms  
dealer:

(1) to provide a copy of the notice and to review the text  
of the notice with the buyer of the firearm; and

(2) to prominently display a copy of the notice where the  
purchaser of a firearm can read it.

Section 3. Section 6117 of Title 18 is amended to read:

Amend Bill, page 2, by inserting between lines 23 and 24

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

§ 6128. Reporting lost or stolen firearms.

(a) Duty defined.—The owner of a firearm, upon discovering that  
the firearm is lost or stolen, shall report the loss or theft within  
three days to an appropriate law enforcement official of the  
municipality in which the loss or theft occurred, or if the municipality  
does not have a police force, to the Pennsylvania State Police. If the  
owner of the firearm does not know where the loss or theft occurred,  
the owner shall report the loss or theft within three days to the  
municipality where the owner resides or to the Pennsylvania State  
Police.

(b) Penalties.—If, after an investigation by law enforcement  
officials, it is determined that a firearm was recovered during a  
criminal investigation, that the owner of that firearm knew his firearm  
was lost or stolen and that the owner failed to report the loss or theft of  
the firearm, that person commits:

(1) A summary offense for a first violation of this  
section.

(2) A misdemeanor of the first degree for a second  
offense.

(3) A felony of the third degree for a third or subsequent  
offense.

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting

5

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Levdansky on the amendment. The Chair, again, reminds members to please take their seats. The Chair asks the members to please take their seats.

Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, a decade or so ago, this General Assembly created the Pennsylvania Instant Check System, whereby individuals that want to purchase guns – and this was a nationwide effort to create a nationwide database so that when individuals go to buy a gun, you go through an instant check. And the whole point of doing that was to try to keep guns out of the hands of criminals. And what we did was we did away with the waiting period in exchange for this comprehensive effort to try to keep guns out of the hands of criminals. Well, criminals have figured out a way to get around that instant check system, and what they have done, essentially, is this phenomenon called straw purchases, whereby an individual that has a criminal

record will go to another person who has a clean record and get them to purchase the handguns that they want and need.

And what happens is – all too many times – is these straw purchases result in handguns getting in the hands of criminals, and these guns end up being used in crime. And then what happens, far too often, is that police investigators then, in the course of the investigation, trace the gun back to the original purchaser. And the original purchaser, rather than identifying their friend that they gave or sold the gun to, instead claims that, they would say, well, you know, that handgun, I lost it or it was stolen. And that is their alibi; that is their alibi. And for law enforcement officials, it is very difficult to prove that a straw purchase happened. So under my amendment, under my amendment, it would require that the owners of handguns, owners of handguns only – not rifles and shotguns, handguns only – what it says is this, from the moment you discover that your handgun is either lost or stolen, you have 72 hours to report it to either the local police department or to the State Police.

This gun responsibility effort – and to be honest with you, that is the way I look at it. If someone broke in to my house and stole anything, including my handgun or my long guns, the first thing I would do would be to call the police, because I want them to know the gun is gone and I do not control what happens with it. And secondly, I would want the law enforcement to know because I want my gun back. And thirdly, under my homeowner's policy, I have to report a break-in anyhow. And the same thing if someone either stole my vehicle or broke in to it and took a handgun out of the glove compartment or the console. I have to report that to the insurance if I want to file an insurance claim. So it only makes sense, if you are a legitimate owner of handguns, you would do this anyhow. With rights come responsibilities.

All I am saying is that handgun owners be responsible and simply report that their handgun is either lost or stolen. It is a commonsense, simple approach that I think members ought to support. And there has been a lot of debate and discussion about this in the media over the last couple weeks, and there have been some editorials. I just want to read a couple sentences from an editorial, not from one of the major city newspapers, but from the Chambersburg Public Opinion. And just let me give you a couple quotes from them and then I will just end here. They say relative to this amendment, "...we think it's wrong to cast these particular issues as limits on gun ownership. They won't affect law-abiding gun owners in any way, and do not preclude gun purchases for anyone who would otherwise be able to do so. These are commonsense requirements to responsible gun ownership that squarely support law enforcement and help them do their jobs... The ability for law enforcement to quickly and accurately trace handguns to their owners does nothing to infringe upon citizens' right to bear arms. Law-abiding handgun owners should have absolutely no problem with either provision."

Now, that comes from the Chambersburg Public Opinion. It is a newspaper that represents communities in rural Pennsylvania. This amendment is a commonsense approach that promotes gun safety and individual responsibility in the ownership of guns. It is a tool that our law enforcement community, that our district attorneys and our prosecutors believe will help them crack down on the proliferation of handgun violence across the Commonwealth, across the Commonwealth – just not in our urban centers – but across the

Commonwealth, as well. So with that, I would urge your affirmative support for this amendment.

The SPEAKER. The Chair intends to revert back to the list when this amendment was previously before the House. If the members decline to speak, they can stand at the microphone and inform the Speaker.

Representative Godshall.

If members wish to waive off, they can inform the Speaker.

Mr. GODSHALL. Thank you, Mr. Speaker.

I do agree with the previous speaker pertaining to the straw buyers being difficult to arrest in some cases, but there is a problem out there, and it necessarily is not the fact that we do have strong straw buyer legislation that we put into Act 17. And before I get into that, from the Philadelphia Inquirer, April 10 of 2007, a brief description, it is a letter to the editor, written by the Chief of Detectives of the Philadelphia Police Department. "We have to stop pointing the finger everywhere but at the very people who prey on us each day. Over time we have allowed our value system to erode. We refuse to hold people accountable for their actions and constantly make excuses for their inexcusable behavior. The incessant cry for tougher gun laws is a good example. Until we're ready to strictly enforce the current laws there is no reason for tougher ones." That is a quote directly from one of the officers of the Philadelphia Police Department.

Going into the straw buyer issue, Philadelphia Assistant District Attorney said recently in the Philadelphia Inquirer article that his office rarely prosecuted straw buyers until recently, when the State set up a task force to focus on gun violence. The unit is making about 10 arrests a month, only a small fraction. Federal prosecutors in Philadelphia are doing a little bit better, but if we are not going to take the straw buyer legislation that we put into Act 17, where we said straw buyers can be held criminally and civilly liable for the same crime committed by the perpetrator, the same degree— I am not sure how many straw buyers we have had in Pennsylvania that have been convicted for attempted murder. I do not know how many have been charged with murder. I do not know how many have been charged with armed robbery, but we have legislation on the books which law enforcement, by their own admission, says we have not enforced.

And another point is that any time multiple guns are purchased, that information goes to the police departments now. What they do with it and what they have done with it is very questionable. They have done little or nothing, but at the same time, until the police departments and law enforcement make straw buyers a priority, this is going to exist no matter what we do up here. I ask for a "no" vote.

The SPEAKER. Representative James.

Mr. JAMES. Mr. Speaker, could you come back to me in about two more people, please? Thank you.

The SPEAKER. The Chair will return to the gentleman.

Mr. JAMES. Thank you.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Levdansky amendment. The Levdansky amendment is a step in the right direction. It is a step that will allow us to try and get a handle on the carnage which is hitting Pennsylvania from one end to the other.

Mr. Speaker, why not, why not have to report a lost or stolen gun? Mr. Speaker, we have laws on the books that require mandatory reporting in cases of domestic violence. We have

mandatory reporting in cases of child abuse, sexual assault. We have mandatory reporting in cases of lost or stolen cars, automobiles. We have mandatory reporting under the Pennsylvania abortion control law, there is mandatory reporting.

And, Mr. Speaker, the Levdansky amendment is not something that exposes gun owners to any unnecessary circumstances. Mr. Speaker, the first violation results in no more than a citation, a warning, a summary. There is no prosecution arising out of one's failure to report the first time that a gun – and I am caveat, handgun, not shotgun, not rifle, not AK-47, but handgun. The first offense is a citation. The second offense is a slap on the wrist.

Mr. Speaker, there is no real punishment that arises out of the Levdansky amendment until there is willful failure to report after the third offense. And, Mr. Speaker, we can only imagine, we can only imagine what could have happened for failure to report the first or second time. Mr. Speaker, it is a matter of fact, it is a matter of fact that lost and stolen guns have become the centerpiece of violence that is tearing our communities apart.

It is not just a Philadelphia problem; there is a problem in Pittsburgh, there is a problem in Chester, there is a problem in Erie, there is a problem in Northumberland, there is a problem in Wilkesburg. Mr. Speaker, this problem, the problem of gun violence arising out of lost and stolen guns, it is not geographically centered, it is not economically centered, it is not socially centered. Mr. Speaker, it is a problem that affects us from one end of Pennsylvania to the other.

And, yes, Mr. Speaker, we have been debating this. Yes, we have laws on the books. But, Mr. Speaker, it is clear, if you look at the Pennsylvania uniform firearms law that we adopted, and look at what has happened since the Pennsylvania uniform firearms law was signed into law, and I opposed it at the time because I believe that municipalities, municipalities should be able to do what is in the best interest of its residents, based under its basic zoning laws. But, Mr. Speaker, the uniform firearms law preempted several municipalities from doing what was in their best interest. We have a situation right now in one of our counties where the county has said that violence arising out of lost and stolen guns is so pervasive, is so pervasive, until the mayor has said that he is going to sign a law that attempts to get a handle on lost and stolen guns, regardless of whether or not it is violative of the law.

Mr. Speaker, the Levdansky amendment is our step from darkness into light. The Levdansky amendment is our step moving in the right direction. Is it going to solve this problem of ours? No, it is not going to solve, but the problem of violence is like an octopus; it has multiple tentacles. One of the tentacles involves the ability of people to sell and/or give guns that were legally purchased to folks on the street who we know are not intending to do anything but cause carnage in our communities. Mr. Speaker, I have several constituents whom I visit on a regular basis, who are paralyzed from their necks down, because someone had a gun illegally, that they acquired from someone who never reported it lost or stolen. Mr. Speaker, they are bound in wheelchairs. They are locked in nursing homes.

And, Mr. Speaker, one unfortunate situation was a young man who was on his way to his graduation, his graduation at St. Joe's Prep in Philadelphia County. He went to the store and was walking back to St. Joe's Prep for his graduation, was graduating at the top of his class. Mr. Speaker, he is now, his life is almost like that of a vegetable because some punks were

standing on the corner shooting at each other, who were able to acquire their guns from someone who said that they did not know that their guns were lost or stolen.

Mr. Speaker, no, this is not going to do it all, but, Mr. Speaker, this is going to move in the right direction. And so as I close, Mr. Speaker, this is one of those days and times where it is time for people to either stand up or get out of the way. Our babies, our communities, our families, our law enforcement people need us to stand up today, to stand up for that which is right, for that which is reasonable, for that which is going to move us in the right direction.

Mr. Speaker, I urge my colleagues, in fact, I urge everybody, even if you are a member of the NRA (National Rifle Association), you can hold on to your NRA card, but you can stand up for children, families, communities, law enforcement. You can stand up for them today by supporting the Levdansky amendment.

The SPEAKER. Representative Pyle.

Representative Waters.

Representatives James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, for the past 2 years alone, 140,000 citizens have been arrested in the city of Philadelphia, confiscating over \$3 million in drugs and over 10,000 weapons. It is a fact that in the city of Philadelphia, 85 percent of the homicides are committed by handguns. It is a fact that 85 percent of the victims killed by these handguns are either African-American or Latino. Most of these victims are young African-American men. Eighty-seven percent of both the offender and the victim have criminal records or have been involved in some prior criminal activity. Our current law prevents the sale of handguns to those holding a criminal record, but police records show that illegal guns are being laundered through a process called straw purchasing.

Qualified people are buying legal handguns and reselling them on the streets to individuals unable to legitimize their purchase of a gun. Our current law allows the average citizen to not only carry a gun, but to have as many as he or she wants, yet there is no responsibility required of the gun owner to report it lost or stolen. And that, Mr. Speaker, is a shame. In talking with people from the NRA that came here over periods of time, I asked them about, would they want to report a gun lost or stolen, and they indicated, yes, they would. They even indicated they thought it was already law. So easy access to guns across the city of Philadelphia, easy access costs us almost as many lives as the days of the year.

This prevalence infuses fear into our communities. Fear is a powerful motivator, and criminals are using it to stay on the streets and intimidate law-abiding citizens. It is time, Mr. Speaker, that we take back our streets of Philadelphia and replace fear with determination. As legislators, we need to collaborate with all of our colleagues to bring about tangible solutions, and this is what we hope we can do with the Representative Levdansky amendment. We need to end the gun violence terrorizing our neighborhoods and increase the accountability of the guns on our streets.

The residents of Philadelphia are asking for help. They came here in buses, I think on the 17th, again, asking for help, pleading with us to do something about it. Unfortunately, the State cannot legislate an end to violence, but we can certainly look at measures that will get criminals off the streets and make our neighborhoods safer.

HB 1845 makes strides in that direction by imposing stronger penalties for possession of a gun with an altered serial number. Currently the law grades the act of changing, altering, or removing a serial number from a firearm as a second-degree felony, but possession of a handgun or rifle in that condition only means that it is a first-degree misdemeanor. In this bill, the grading for possessing a firearm with an altered serial number would be changed to a felony of the second degree. A stricter punishment for those offenders is a step in the right direction to keep more of Philadelphia's violent offenders off the street.

Mr. Speaker, it does not take a rocket scientist to know that if a gun is lost or stolen, that a citizen, a good citizen, would want to report it lost or stolen. So what is wrong with us, as policymakers, trying to make that policy into something that we can have in our hands and go along with the fact that if you lose your car, you lose a registration, that you lose a gun? So as Representative Thomas said, stand up. As Representative Thomas said, not only did he say stand up, we need to get up. Get up and vote and push the right button and vote for this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Levdansky amendment, and I rise up with good cause. In my opinion, and I hope my colleagues share my opinion that we, as a legislative body, have done much over the years to fix problems that we find in either current legislation or amend a bill that is before us to consider to make it better and to strengthen the bill so that it will do even more good for the public as a whole. We, as members of the General Assembly over the years, have always revisited ideas and measures that we have voted on here to, in the case of driver's licenses, child support procedures, to make sure that parents get their just due. We have used technology to advance the cause and make sure that we close loopholes that have allowed people who possibly will get away with a crime, to make sure that they do not get away with a crime, and to make sure that we identify the true culprit, and make sure that they get what is due to them in the justice system. We have done more to, by way of background checks, make sure that we protect children in day-care centers and school settings and recreation centers. We have done a lot to revisit what was currently the law to make sure that we protect our children.

We have changed sentencing guidelines to make sure that we do a better job of using that, hopefully, as a deterrent to crime, to make sure that people understand that we are serious about what we do up here, in terms of the public interest. I believe that what we do up here in the General Assembly is – our intent here – is to make sure that we close loopholes that other people use to exploit, to get around what we do. The gun laws that we have, when we made – I was not here at the time – but when the gun laws were made so that it was a universal, not universal, but at least a gun law that would affect the Commonwealth as a whole, that was done because we wanted it to be a universal gun law so that the whole State would be affected equally. We want to make sure that what we are doing here is to make sure that the whole State is affected equally, in terms of public safety. Now, one of the things that I believe that is so good about Levdansky's bill is that it goes after the primary tool that criminals use to commit crimes from robbery to assaults and to murder. It goes after the handgun.

We are focusing on a handgun. And that is not the tool, that is not the weapon that people use when they go hunting deer or when they go hunting rabbit. It is basically the weapon that people use when they are going to hunt human beings. Now, the criminal-minded person has seen that this loophole does exist. And what this loophole does allow them to do is to walk away from any responsibility to purchasing guns. They saw what we had in place as a legislative body and have decided that they found a way to get around us. They have found a way to get around the laws that we have put in place to make sure that criminals and people who are too young to have guns, or people who are not mentally stable to have guns, do not have guns. So what they have found is that if they could just say that they do not know what happened to the gun after they got it, that is an easy way for them to be able to, through the way of straw purchasing, to get guns into the hands of people in the black market.

I say that we should close down the black market. We should put the black market out of business. And the one way that we could do that, as a General Assembly, is to make sure that we send out a strong message and strong legislation that will close down the loophole that people are exploiting to get around our process that we put in place – our process; the General Assembly, both Democrats and Republicans – have voted to establish gun regulations and laws that will prohibit people from getting guns who should not have guns. But people who have found a way to get around that are exploiting it, and they are exploiting it at our expense. They are exploiting it at the expense of our children, of our innocent people who live in our communities, who live in the 67 counties that make up this State. They have found a way to get around it, and I say we have to tell them we are going to close that loophole. That loophole will no longer exist that you are using to get around us.

It is not getting around any particular county, they are getting around our law. They are getting around our process. They are getting around our gun regulations. They are getting around the gun regulations that we are responsible for making sure exist to protect the good of the Commonwealth of Pennsylvania. And we can close that, without hurting anyone else. All we are asking here, with this amendment to HB 1845, amendment 6178, all we are asking this General Assembly to do, and all that the sponsor of this bill is doing, which I support, is saying, let us stop this exploitation of a loophole, and we could easily do it by making sure that people are going to be held responsible for reporting a lost or stolen handgun.

It is reasonable. Seven other States have already adopted this. I say Pennsylvania should be on board with this because it is probably going to be a growing trend once people see that it just makes good common sense. It is a good practice. Pennsylvania should not wait to be the 50th State to adopt this; Pennsylvania should be the 8th State to adopt this. I think that it is important that we adopt this, and we adopt it now. Let us send a strong message out that we are closing the loophole. You will no longer be allowed to have that as an exploitation tool to get around what we have done up here in the General Assembly.

I want to thank you, Mr. Speaker, for bringing this bill before us today and bringing this amendment before us today. And I am looking forward, anxiously, to seeing how we vote here in the General Assembly when it comes down to the public interest and what is good for all the citizens of the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. Representative Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I rise today in support of this amendment. And what I wanted to do is, just for the members' purposes and understanding, try to go back through the amendment for clarity purposes, to try to express why I think this is an important amendment and what this amendment clearly does. From the language that I have before me in this amendment, there is a section in this that talks about distribution and it says, "The Pennsylvania State Police shall provide, without charge, summaries of uniform firearm laws and firearm safety brochures pursuant to section 6125 (relating to distribution of uniform firearm laws and firearm safety brochures)."

That is pretty straightforward. I think, generally speaking, all of us can agree that that is something that is probably good. Then it says "and notices of limits pursuant to section 6111.6 (relating to notice of limits on lending or transferring a firearm)." Then it talks about section 2, Title 18, and amending that "...by adding a section to read: Notice of limits on lending or transferring a firearm."

The duty of Pennsylvania State Police, "It shall be the duty of the Pennsylvania State Police to distribute a notice about lending or transferring a firearm to every licensed firearm dealer in this Commonwealth. The notice shall be written by the Pennsylvania State Police, shall be provided at no cost and shall contain the following: A NOTICE OF LIMITS ON LENDING OR TRANSFERRING A FIREARM."

Again, one of those aspects of this amendment that I think we generally can all agree to, and we generally can accept as a worthwhile thing for us to do. It would also ask that the owners of firearms, that you are required to comply with the following legal obligations and restrictions. "You may not lend or give a firearm to any person, except as provided in 18 Pa.C.S. 6115(b). You may not sell or transfer a firearm to another person unless the sale or transfer occurs at a licensed dealer or the office of the county sheriff. Limited transfers between certain family members are permissible. See 18 Pa.C.S. 6111(c)."

Again, no controversy there, no problem there. I do not think there is any disagreement around that. "You must notify law enforcement within three days of discovering that your firearm is lost or stolen." You must notify law enforcement within three days of discovering, of discovering, that your firearm is lost or stolen." You could be held criminally and civilly liable for any crime committed with a firearm you purchase," you purchase. "Distribution without charge. The notice or a copy thereof shall be provided without charge to each purchaser of a firearm." The duty of a firearms dealer, it should be the duty of a firearms dealer, "...to provide a copy of the notice and to review the text of the notice with the buyer of the firearm." It should be prominently displayed, "...a copy of the notice where the purchaser of a firearm can read it."

Now we get to the meat of this amendment, the meat of this amendment, the reporting of lost or stolen firearms. All the controversy around if we are criminalizing law-abiding citizens, if we are actually doing anything to help reduce violent crimes that are committed with guns. Here is the meat of this amendment, reporting lost or stolen firearms. "The owner of a firearm, upon discovering that the firearm is lost or stolen, shall report the loss or theft within three days to an appropriate law enforcement official of the municipality in which the loss or theft occurred, or if the municipality does not have a police force, to the Pennsylvania State Police. If the owner of the

firearm does not know where the loss or theft occurred, the owner shall report the loss or theft within three days to the municipality where the owner resides or to the Pennsylvania State Police."

Penalties, uh-oh, we said something that hurts some of you. Penalties are associated with responsible gun ownership in Pennsylvania. We penalize people for not working. We penalize people for not responding to our speeding laws. We penalize people for all sorts of things in this Commonwealth, but if you own a gun and you take that responsibility, you go and purchase a gun, and you happen to lose that gun, you happen to lose that gun, or by some chance you are victimized by a theft of your gun, we do not believe, we do not believe, that you have any responsibilities to the society at large to report it, to report it at all.

So in this amendment, we are trying to encourage people to be responsible. Now, around here that may be some type of a foreign concept, but I have heard through many of my colleagues that responsibility and personal responsibility is what we should be advocating for on all levels. So the penalties, if after, "If, after an investigation by law enforcement officials, it is determined that a firearm was recovered during a criminal investigation, that the owner of that firearm knew...", the owner knew, "...his firearm was lost or stolen and that the owner failed to report..." upon discovering his weapon lost or stolen, that that person commits, in the first instance, in the first instance—

Now, probably unlike most of you, when I drive the turnpike, sometimes I happen to go faster than I need to. And the State Police, when they find me doing that in violation of our laws, they issue a ticket. And so the first offense for, after law enforcement has investigated and found that this weapon may have been involved in a criminal action and that you may not have, and that you may not have known that your weapon, your handgun, was not in your home, or that someone had broken into your home and had taken one of your handguns, and it was found after an investigation to have been used in a criminal case, then you are given a ticket, something that is the equivalent of a ticket, and warned again. Please be responsible. Please be a little more responsible with these items of destruction, because we do not know and you do not know who may end up with your items of destruction.

Although they are items that you use for lawful things, when you do not take care of your responsibilities and make sure you understand who is using and who has your items, then there is a public, there is a public cost to your lack, to your lack of responsibility. There is a public cost. And we bear that public cost in all aspects of these conversations we had up here. When we talk about the ever-increasing prison population, when we talk about the ever-increasing violence, when we talk about health costs and the ever-increasing number of uninsured and the cost to our system because of our sometime lack of responsibility and management of our handguns, there is a greater public cost.

So that brings me to the point that I am making in my statement. Sometimes we get lost up here, I think; we lose our way to just some regular things. This amendment is not an amendment that is taking gun owners, lawful citizens' ability to purchase handguns; this is not taking that away. This amendment is not trying to criminalize someone who, by no chance of their own, by no action of their own, did not willfully sell or buy a handgun to give to someone who could not buy a handgun for any action. This amendment is trying to move the

Commonwealth of Pennsylvania from being a State that not only allows for handguns to be so easily accessible to our citizens who should not have them, but to try to help keep them from going into other States and causing the same type of death and destruction.

It is a fact that Pennsylvania exports more handguns to the hands of individuals that should not have them, meaning they purchase them from someone who lawfully can purchase, then they are somehow found in the hands of those who cannot lawfully purchase them, more than most of our surrounding northeastern States. I am looking at a news article right now that says, "Crack Addicts Purchase Guns for New York Street Gangs." They come to Pennsylvania, in Lawrence and Mercer Counties, buy handgun after handgun after handgun, legally. Lawful citizens who before they do this action have no record, have no means around which we can reasonably think that they would do such an action, they do this illegal action, and they sell these handguns. These handguns then get in the hands of children, drug dealers, and people who are intent on causing death and destruction, not only in our neighborhoods, but throughout this country.

Now we come to you with this amendment. And I have heard the argument, this amendment will not do anything to stop the flow of illegal guns to those people. And I say in response to that, quite frankly, it does not matter if it does not stop it all by itself, because we have passed so many laws in this chamber that do not solve the problems of this Commonwealth. So appease citizens' perceptions, at least, that we are willing to at least entertain every and all mechanism to help fight the growing violence in our communities.

I have heard about the criminalization that we are doing for people who are law-abiding citizens. This amendment does not try to criminalize anyone. This amendment is a reasonable, tiny, first step to us recognizing that we have to do something as a Commonwealth, something as a Commonwealth, to help our citizens feel safe in their government, that we can provide them with a safe community to live in. Now I may not, I may not be reaching any of you, and I knew before I got to this floor, a lot of you had your minds made up. And that is fine, because that is your right to represent your citizens the way that you see fit.

I am just asking for you, I am just asking for you, in this moment, to take a step back from all of our interests, beliefs, and perspectives, and let us engage in a real dialogue around this issue. This amendment, what I read to you was what is written in this amendment. I will ask each and every one of you to help me understand, help me understand, what are the problem areas in this amendment that will not allow us to move this forward, to move this forward, like we have done with so many other complex issues?

What did you hear in this amendment? Was it that the penalties were too strong? Was it that our intent with this was off course? Is it that you do not believe the law enforcement community, the legal community, and many of these communities that are not just Pittsburgh and Philadelphia communities, but communities all throughout this Commonwealth that are struggling with this violence issue? And we can put more cops on the street. We can put more penalties in locking people up for longer periods of time. We have tried those things. Then why not throw another tool in the quiver for us to deal with this problem?

Why not have a sensible reporting mechanism where people have to report when they discover, when they discover, that they

have to report? And certainly we can agree that if a weapon is used in the commission of a crime, that is something that we should take and figure out how that gun – handgun – made it to the scene of a crime if the person who used it was not able to purchase it themselves. Now, I would just look forward to an engaged conversation, an engaged, enlightened conversation that is not full of all of our external things, but an open dialogue, an open dialogue around this issue.

Lost and stolen, we know this is an issue. How do we deal with this issue? I plead with you members, Democratic members, Republican members, give a fair and just hearing to this issue. We are here to debate complex issues. Stand up on the floor. Let us know your perspective. Let us engage in the conversation. Let us work through this process to figure out how we get to a commonsense piece of bill that helps us report and punish those that use this system illegally, or for illegal means.

So anyway, thank you for the time. I look forward to engaging in that conversation. I hope we do not simply let this time go by, defeat this bill, and think that this issue will go away. It will not. It will not because every day more and more of the citizens in this Commonwealth are coming under the pressures of this issue – in York County, in Lancaster County, in Monroe, in Mercer, in Elk. All of these things – in Elk – even in Elk; there is someone out there in Elk being affected by this. And we need to figure out how we provide some relief. So engage in this conversation, and I look forward to a positive vote on this amendment.

Thank you.

### **THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority leader, Mr. Smith.

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

Mr. Speaker, I just wanted to make a couple quick points on this legislation. One of the previous speakers from Philadelphia was just over here talking a little bit – he did not think I was listening to him – and he was talking about loopholes. Well, Mr. Speaker, I was jokingly referring to some loopholes with the gentleman, but on a serious note, I think there are a couple of loopholes that fit on the other side of this argument.

I want to make reference and read just a little bit out of two recent news articles. One is from March 25, 2008, Philadelphia Inquirer. The article is titled, "Charge briefly dropped for Phila. teen." "A Municipal Court judge dropped an attempted-murder charge yesterday against a 17-year-old defendant accused of wounding a Philadelphia Housing Authority police officer in a robbery attempt last month, but the charge was later reinstated."

The judge, Judge Deborah Griffin, actually said, quote, "He shot, but what makes it malicious instead of stupid or inexperienced?" "

Judge Griffin then dropped the bail from the requested \$5 million to \$75,000. "According to testimony from homicide Detective Patrick Mangold, Boddy-Johnson tried to hold up the Housing Authority officer on Feb. 17 to raise money to pay off restitution to the courts for a previous crime...."

"During the hearing, Boddy-Johnson's attorney, Michael Coard, said his client had not intended to kill Kelley, just to rob him of his laptop and gun to sell.

"Griffin agreed, saying the District Attorney's Office had not made an effective enough case for attempted murder and that Boddy-Johnson's actions were not deliberate but the actions of a reckless and unthinking youth."

Another article, Mr. Speaker, from Sunday, March 23, 2008, again from the Inquirer, titled, "Pa. a favored source for gun traffickers." The article talks about straw purchases. "In Pennsylvania and other states, police and prosecutors generally haven't made straw buyers a priority.

"In Philadelphia, the police unit responsible for tracking guns is only now digging out of a 6,000-case backlog caused by inadequate staffing. The delays got so bad that judges sometimes dismissed cases because necessary lab work wasn't finished in time.

"And most of the state's 67 county prosecutors didn't file any cases against alleged straw buyers in 2006 or 2007, court records show.

"In Philadelphia, Assistant District Attorney Albert Toczydlowski said his office rarely prosecuted straw buyers until recently, when the state set up a task force to focus on gun violence.

"The unit is making about 10 arrests a month, only a small fraction of offenders.

"Federal prosecutors in Philadelphia, who have the advantage of stronger criminal penalties, likewise file only about 20 to 30 cases a year. It's a matter of limited resources, a spokesman said."

Well, these articles go on a little further, but, Mr. Speaker, my point is that when we are talking about imposing a new requirement on law-abiding citizens, the problem many of us had is that the real problem is the loophole that we are not currently enforcing the laws we have. The problem is that judges are not taking the actions that they should be taking against people who use guns as they commit crimes.

Mr. Speaker, this issue goes back quite a ways. When the current Governor of this Commonwealth was district attorney, he launched a new ad campaign. They were privately funded TV ads that used Jack Palance, who was used in the ad saying, "Use a gun, go to jail – no ifs, ands, or buts," and the gist of this whole campaign came about because of the push for mandatory sentencing laws to increase the penalties for people using guns in crimes.

From a Philadelphia Daily News article back on March 10, 1999 – that is how far back some of this issue goes – "Good law, bad usage" was the title of it. It goes on to say, "That first year, the mayor remembers," quote, "'gunpoint robberies went down 18, 20 percent.'" That was following this ad campaign. Then he said, "Philadelphia judges who didn't like mandatory sentences started finding ways to pervert – and I don't mean subvert, I mean pervert – the law," end quote.

"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," quote, "'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.'"

Mr. Speaker, you can see this issue has been around for a long time, but when you look at the current events, two articles I just read to you within the last month that depict two separate events versus an article from 1999, you can see, Mr. Speaker, that the problem is the enforcement of the existing laws. That is the loophole that needs to be changed, not the enactment of new laws that only take away individual's personal rights relative to gun ownership.

I would urge the members to vote against the amendment.

Thank you, Mr. Speaker.

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

Mr. PAYTON. Thank you, Mr. Speaker.

I rise in support of this amendment for many reasons. First, I want to recount a conversation I had with a colleague a moment ago explaining that he is interested in reducing violence, and a lot of us here are interested in reducing violence, and there are many ways to do that. We all acknowledge that there is an access issue when we talk about handgun violence. We can do something about the access by passing this amendment. I know a lot of you have reservations about this amendment, but I urge you to work with us in this process and help us get the ball rolling, because we all have the same goal at the end of the day, which is reducing violence, and if we work together, we can do that.

So we are asking for you to vote in the positive on this amendment to help us do something about violence in our communities and throughout the State. There have been many points made here, so I will not stand here long and belabor those same points, but I think that we all have the same goal. Let us put aside whatever reservations we have and get the ball moving forward and vote in the positive on this amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady, Representative Bennington.

Ms. BENNINGTON. Thank you, Mr. Speaker.

As a legislator from Pittsburgh, I urge you to listen to the pleas of parents of murdered children, listen to the pleas of doctors who are treating children maimed by guns, listen to the pleas of our police who are trying desperately to control the flood of handguns, and listen to our constituents. Stand up for your constituents today and not black-market gun dealers.

The purpose of acquiring these reports is to solve crimes. Most people who use guns to commit crimes do not use legally obtained guns. The Levdansky amendment targets straw purchasers of handguns. Illegal handguns leave a trail of blood. Dying children are not identified as Democrat or Republican. They are not identified as urban or suburban dwellers. They are identified as missed by their family.

Please support the Levdansky amendment for commonsense gun control. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Levdansky amendment. Mr. Speaker, we have been doing a lot of talking, a lot of debating, and we have been going over this same conversation surrounding safety and guns for a long time, and a few things started coming to mind, Mr. Speaker. I began to think that if a person lost – or their car was lost or stolen, they simply report it because it just makes sense; it makes common sense. If a person

lost their wallet and their charge cards were in there and they just could not find them, if they were lost or stolen, common sense, Mr. Speaker, they simply report it; they report it. If a person loses their pet – a cat, a dog, a bird – common sense, they report the cat, dog, or bird lost or stolen so they can get it back. I mean, it is just common sense. If a gun is lost or stolen, it just makes sense, it just makes good common sense to simply report the fact that that gun is lost or stolen.

Mr. Speaker, we have gone over this issue over and over and over and over again. We have compromised. We have bent over backwards. We have talked with folks on both sides of the aisle. We have talked with leadership on both sides of the aisle. We have talked with the opposition of this legislation. We have talked about how we change it and how we shape it, how we work with them to make it better and better and better and better. As a matter of fact, we have watered it down; we have watered it down, Mr. Speaker.

Here in Pennsylvania, we talk about three strikes and you are in; three strikes, three felonies, and you can be locked up for the rest of your life. But here we say you can actually lose – this is how watered down this thing is and they still do not want it; there are some folks who still do not want to vote for it – you can actually have a gun lost or stolen three times and all you are charged with is being criminally irresponsible, and there are folks that do not even want that to happen. Three times, three times. I mean, how much more watered down can you make a bill? How much more compromising can you do to have folks understand how important this type of gun legislation is to save lives?

Mr. Speaker, the minority leader had made mention of the fact that this issue has been around for a long time, and quite frankly, he is right. It has been around for much too long, as a matter of fact, but we now have an opportunity, we finally have an opportunity to do something here in the House of Representatives, here in Pennsylvania, to save lives.

I want you to understand something, Mr. Speaker. The longer we take in passing the Levdansky amendment, this legislation, this amendment, as we debate and go over this issue over and over and over again, more and more young lives, old lives, people are losing their lives day in and day out because we keep debating, we keep watering down, we keep doing nothing. Today, today, Mr. Speaker, we can begin to save the lives of millions and millions of would-be teachers, preachers, educators, legislators, lawyers, and on and on and on and on by simply doing some commonsense legislation and doing the right thing.

This does not take rocket science; it does not take rocket science. We are simply trying to save lives. We are not trying to stop anybody from owning their gun. We are simply trying to save lives. We are not messing with law-abiding citizens. We are talking about responsible legislation. We are talking about, we teach our children how to be responsible. We tell them the importance of being responsible. If a person – let me say this one more time – if a person is that irresponsible to lose a gun three times or have a gun stolen three times, then there ought to be criminal penalties placed upon that person. We are not talking about responsible persons; we are talking about irresponsible persons. We are not talking about law-abiding citizens; we are talking about criminals, making sure that criminals do not have access to these weapons.

So, Mr. Speaker, it is commonsense legislation; it is lifesaving legislation, and we ask that members on both sides of

the aisle would be supportive of the Levdansky amendment so that we can start the process here in Pennsylvania of saving lives and not destroying them.

Thank you, Mr. Speaker.

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

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I stand to offer just a few comments about the amendment. We have heard – and I was trying to take some notes as I was hearing some of those who were supporting the amendment on the other side, starting with the statement that the amendment, if passed, would be effective, would be a great first step or second step for helping to control problems with firearms, particularly down in the southeast. Then secondly, Mr. Speaker, I heard an individual stand up and then make the comment that, really, do not get too excited because the penalties are not really that great. The first-time offense really does not do anything. The second one is just a slap on the wrist. And so then I look at that, Mr. Speaker, and I said, all right, what do we have? Do we have something that is effective, or do we have something that is noneffective?

If we have some action that is worthy of being called a criminal activity, which this is, but yet we do not do anything about it, a slap on the wrist or nothing more, then I would say, what kind of a policy is that? What kind of a law is that?

Mr. Speaker, I do not think it necessarily is the intent of the maker of the amendment, and I am not going to ask him to stand for interrogation, but there was a comment made as well that no one here or no one watching these proceedings should be at all fearful that this amendment would in any way limit a person's Second Amendment right to keep and bear arms and that this has nothing more to do than just reporting a lost or stolen firearm. Well, if that is all the more you read into it, I suppose that is the faulty conclusion that you could come to.

However, Mr. Speaker, the amendment clearly does state that if, in fact, one could be successfully prosecuted under this amendment, which I think is difficult, the fact of the matter would be, Mr. Speaker, that if that person was convicted of a misdemeanor of the first degree under section 6128(a), that individual, Mr. Speaker, under Federal firearm laws, would lose their right to keep and bear arms simply for failing to report a lost or stolen firearm. Mr. Speaker, that is, in fact, a limitation of one's Second Amendment right to keep and bear arms, and for what? The failure to report a lost or stolen firearm that one may not even know was lost or stolen?

Mr. Speaker, this amendment is a very bad amendment cobbled together to make it look like it is a serious effort to help with crime, but, Mr. Speaker, it does nothing of the sort. I have three reasons, which I will state, Mr. Speaker, why I believe this is very bad policy, why it will not accomplish what at all it set out to accomplish, and why I believe we ought to very clearly oppose it. Number one is this, Mr. Speaker: If I read this amendment carefully, I think it is very difficult that it actually can be enforced because it is predicated upon the ability or on the requirement by prosecution to prove that the owner of that firearm, quote, "knew his firearm was lost or stolen." Now, Mr. Speaker, I submit, what evidence would be necessary to prove that knowledge? Except in most unusual cases, how in the world can a prosecutor prove that a person absolutely knew that something was lost or stolen and did not report it? Mr. Speaker, I do not think it is enforceable under that provision. I do not know how it is done.

Secondly, if it would be possible, supposing now a person who has a gun stolen, he does not know it or he loses it, does not know it is lost, it is found and it is used in the commission of a crime and that is able to be tracked back to that owner, that person who lost it or had it stolen and did not know and that gun was used in the commission of a crime, this is set up in such a way that that person then could be found guilty of not reporting and therefore lose his right to keep and bear arms. That person, for no fault of his own, could, in fact, lose a constitutional right. Mr. Speaker, that is absolutely wrong; it is nonsense; it is unconstitutional to do something of that fashion, and why in the world would we be thinking, even for a moment, when we are trying to work on the issue of finding criminals, to take and make the innocent person the criminal?

Mr. Speaker, the third one is this, and it bears a little bit on that second point that I just made. Mr. Speaker, I spent some time reading through some of our earlier writings. You can go back to William Blackstone and writings of what constitutes good law and what constitutes bad law. It is basically what our law system is based upon, and I read there, Mr. Speaker, two terminologies, two terms that were used. We as a legislative, policymaking body have the responsibility of, yes, in fact, passing legislation and laws that reflect, reflect breaking of clear matters that are right on their face. There is a term that is used that is called *mala in se*. *Mala in se* is simply a term that is used to describe crimes that are, on their face, wrong. That is like theft or rape or murder or abuse; actions that are clearly wrong on their face, *mala in se*. That is the kind of thing that we should be dealing with, that we should be focusing our attention upon.

The criminal activity that we are talking about trying to fix by this law is people taking other people's lives or damaging people's property. That is the crime, that is where the focus of attention ought to be, on that criminal, on that person who is taking another's life or harming another person's property. That is the crime and that is the criminal, and that is where the justice system and the laws around here should be geared, to bring to justice that individual that breaks those laws. But, Mr. Speaker, this amendment here, if passed, does not focus on the person who commits the crime *mala in se*. This is what is termed a *mala prohibita* crime where we take an action that is not wrong on its face; meaning, is it wrong to lose something? Is it wrong to have something stolen? Am I guilty as a person if I have something stolen from me? Am I the criminal because I have lost it or I have been a victim of a crime? I do not think so.

Yet this amendment, in order to be effective, would make that person who lost or had something stolen from him, on no account of his own, guilty, and therefore the potential of having a criminal sentence levied against him. That is called a *mala prohibita* crime, and that is what those who understand law and our Founders who set up our basis of law said, do not move in that direction, do not get into that direction because you cannot enforce it and because the focus of attention is not on the crime, it is on something totally unrelated, and that is what this amendment would do.

So, Mr. Speaker, there are other reasons other than those, but from my policy perspective, which is why we are here, which is the duty that we are given as members of this House, to consider the policy implications of what we are passing, this one falls and fails on at least these three and are the reasons why I will not vote for this amendment and ask that it be opposed by all members of this House.

Mr. Speaker, thank you.

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

Mr. FRANKEL. Thank you.

I am not going to take a lot of time. I am sure most people can anticipate where I am coming from on this. But let me say, one of my colleagues showed me an e-mail that he recently got from the NRA, which said, help defeat this antigun amendment. Well, I have got to tell you something, what about passing something that is pro-law enforcement, pro-victims of violent crime, pro-prevention of violent crime in our streets? That is what this is about. This is not about an antigun amendment. This is about a very reasonable restriction. It is about protecting gun rights because it has nothing to do with taking guns away, the right of people to obtain and own guns. It is a reasonable restriction and responsibility, the same way we do this on other rights that we have. The right to free speech is not unfettered; we have responsibilities. We cannot use the right to free speech to libel people. We cannot use the right of free speech to incite a riot. We cannot use it to yell "fire" in a crowded theater. We have responsibilities along with our right to free speech, and we should have responsibilities with respect to the right to own and bear arms.

Now, when it comes to the NRA and they are talking about defeating this antigun amendment, I look at the other side of the equation. The other side of the equation is people in law enforcement – chiefs of police, district attorneys in Pennsylvania – who believe that this helps them do their job. Yes, do we need to be enforcing existing laws better? Sure. Is this the answer to violent crime in our streets? No, but is it a part of the fabric of laws that will help law enforcement protect Pennsylvania citizens? Yes. Nobody is up here saying that this is the answer to solving the problem of violence in our streets, but they do say – and law enforcement confirms it across the board – that this helps them do their job.

We had hearings across Pennsylvania with the Judiciary Committee, and in all those hearings, every law enforcement officer that came in front of us said, give us this additional tool. We need this to help do our job. We need this to help protect Pennsylvanians. We need this to help protect our law enforcement officers who are protecting Pennsylvanians on the street.

So, Mr. Speaker, let me just say that this is not about taking away gun owner rights. This is about a responsibility that goes along with the right to own arms. It is not unreasonable to say that you ought to be mandated to report a lost or stolen handgun. That is not an unreasonable responsibility to impose on Pennsylvanians.

And with respect to constitutionality, seven other States have this law, and as I have said before, not one other State Supreme Court has ruled that this is unconstitutional nor has the Federal Supreme Court.

So many of these arguments on the other side, I believe, are quite flawed. This is a reasonable movement forward to help protect Pennsylvanians and to help law enforcement do its job. Please support the Levdansky amendment.

Thank you.

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of misinformation through this debate. I think it is, for those who are watching it and for

those who are going to be casting the vote, hopefully in the near future, I think Gov. Arnold Schwarzenegger's comments back to the Senate in California regarding similar legislation there that dealt with lost or stolen weapons. I think it helps to really narrow the focus of how we should really view this legislation, and he wrote, according to the information I have been given, "...the ambiguous manner in which this bill was written would make compliance with the law confusing for legitimate gun-owners and could result in cases where law-abiding citizens face criminal penalties simply because they were the victim of a crime..." Mr. Speaker, I think this could very well happen with the way this legislation has been drafted, that the unintended consequences, that this could harm law-abiding citizens who own firearms.

Mr. Speaker, one of the former speakers, as I understood him to say, even went so far as to almost say that somebody that is irresponsible would be a criminal. I mean, there are a lot of folks out there that make mistakes, and I do not think we have intended in the past to make laws that actually took an individual who made a mistake or was irresponsible by someone else's definition and said that that actually should just be considered a criminal offense.

Mr. Speaker, there are a host of groups that many of us have worked with across the State of Pennsylvania that are opposing this amendment, and I rise tonight to ask for a "no" vote on this amendment.

I would like to read that list of groups into the record, who I have received a list of that they are opposing this; that is the Allegheny County Sportsmen's League, Pennsylvania Federation of Sportsmen's Clubs, the Pennsylvania Sportsmen's Association, the National Rifle Association, Gun Owners of America, Second Amendment Sisters, Pennsylvania Firearm Owners Association, Pennsylvania Rifle and Pistol Association, Pennsylvania Gun Collectors Association, Lehigh Valley Firearms Coalition, Philadelphia Federation of Sportsmen's Club, Pennsylvania Gun Owners Association, Unified Sportsmen of Pennsylvania, National Association of Firearms Retailers, Pennsylvania State Fish and Game Protective Association, The Pink Pistols, OpenCarry.org, National Shooting Sports Foundation, and The Firearms Coalition. And the FOAC, the Firearms Owners Against Crime, which is the largest, which is a very large group here in Pennsylvania, will record any support for this as an antigun vote, Mr. Speaker.

Mr. Speaker, I would ask that the members be very attentive to this vote. If they support the Second Amendment and support law-abiding citizens who own firearms, then I would ask them to cast a "no" vote, Mr. Speaker, and ignore a lot of the rhetoric that has been cast by the opposition or by the support of this who has the opposition to the Second Amendment.

Thank you, Mr. Speaker.

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

Mr. PALLONE. Thank you, Mr. Speaker.

I rise in opposition to amendment 6178 on a number of levels that we have not actually discussed yet today. We are in a situation right now in Westmoreland County where we have a very serious travesty. Families have been separated and devastated because of the loss of a life, and a colleague of ours from the other side of the chamber here, his family is being devastated because of it, and it is over the issue of gun ownership and gun control and whether it was properly secured or not. It is a serious issue, and we acknowledge that

and we recognize that, but this particular piece of legislation, and most specifically this amendment, does not solve the problem. All it does is criminalize the innocent man and/or the victim; the victim becomes the criminal in this case.

What we are trying to do by this amendment is legislate morality and values – that which has been instilled in each and every one of us throughout our lives. Our parents, our grandparents, our family and friends and neighbors have instilled to us a set of values, a set of morals that tells us when something happens in this society, we need to report it. If it is a crime, we report the crime. A lawful and legal gun owner, if any of their weapons or their guns or their long guns or their handguns or anything that anybody would own gets stolen, they would report it to the proper authorities. That is a value decision; that is a value choice; it is a moral choice. It is our self-values here.

This particular amendment is trying to legislate morality; it is trying to legislate value, and that is not what we are here for as a legislative body. We are here to talk about the law. We already have dozens and dozens and dozens of gun laws on the books today. Enforce the laws that we have. We do not need an additional law to instill values in those of us who already have the moral fortitude to report illegal activity. We do not need an additional piece of legislation in an attempt to try to legislate morality and values and good judgment – that which we should have anyway because of our rearing, our upbringing, the influences of society around us.

I strongly, strongly support the law enforcement community throughout Pennsylvania. I have family members that are law enforcement officers. My baby brother is a sergeant with the Pennsylvania State Police. My brother-in-law is a corporal with the Pennsylvania State Police. I have cousins and other family members that belong to local police departments, and I know that they put their lives in jeopardy each and every day for my safety, for your safety, and for the safety of everybody else in Pennsylvania, and we admire them for the job that they do, but this particular amendment does not solve the problem of crime. It comes back to what I said before: It is good judgment, it is values, and it is morality. We cannot legislate that from Harrisburg or anywhere else. We need people to enable themselves to make good judgment decisions, good value decisions, and good moral decisions.

We have a number of laws on the books today; let us enforce them. Let us go forward with enforcing the law that exists and not put another level of law in place that turns a victim into the actual criminal. It is not necessary in our society today.

Again, I implore you to vote "no" on the Levdansky amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I agree with all of the people who spoke before in support of this amendment, from the commonsense point of view, from the law enforcement point of view, and everybody – and I say this with having given it some thought – basically everybody in the State agrees. We know that from all of the polling that has been done by our chair of the Appropriations Committee, we know that it does not matter how old or young you are, where you live in the State, whether you are urban, whether you are rural or suburban; we know it does not matter whether you are a male or female or what your race is; we know it does not even matter if

you are a member of one of these sports or gun clubs; we know it does not matter even if you are a gun owner; you want, we want, Pennsylvanians want sensible gun control every place you look. You do not have to drop in to a gun lobby convention of Pennsylvanians to find a majority of people who do not want commonsense, good law enforcement gun control. And now you are going to say to me, well, there is only one poll that really counts. These polls that you are talking about, they are just opinions; there is just nothing that counts except the poll that is taken on election day.

Well, let me remind the ladies and gentlemen of the General Assembly and of this State that our junior and new U.S. Senator was not supported by the gun lobby; his opponent was. He won by almost 60 percent of the vote – almost 60 percent of the vote. And let me remind you, Mr. Speaker, as well, that the Governor of this State led his opponent, who was supported by the gun lobby, by 22 percentage points. He was not supported by the gun lobby.

People in this State are catching on. The ground is shifting. This is still a democracy, I hope. The overwhelming number of people in this State want responsible gun control, and if they do not get it now with these faces and these minds, they will change these faces and they will change these minds.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentlelady, Ms. Youngblood.

Ms. YOUNGBLOOD. Thank you, Mr. Speaker.

Three weeks ago in my legislative district and in my ward a 6-year-old little boy saw his father gunned down at 3 in the morning. His father worked two jobs and was a track star and athlete with football at Roman Catholic High School and went on to college. Two years before, the same little boy's mother died of cancer, when he was 4 years old. His father worked two jobs to provide for himself and his son and his home. At 3 o'clock in the morning, the doorbell rang. The father went downstairs to answer the door and was met with an immediate gun blast to his face and through his body. The little boy was on the steps and saw the killer that gunned his father down. Now this child is without a mother or a father. His paternal grandmother and his maternal grandmother are both senior citizens and are not capable of taking care of this child. If we had the Levdansky amendment in place, maybe, just maybe this little boy would still have a loving, committed father today.

We need to ask ourselves what will happen to this little boy now that he has lost both of his parents.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I do not often agree with my colleague here, and I very seldom agree with my colleague from Williamsport, Representative Cappelli, but we had an interesting conversation some time ago, and, Mr. Speaker, this is a process that I love.

Mr. Speaker, the beauty of what is going on this afternoon, this is, yes, a defining moment; this is a defining moment. To the thousands of people in this great State that are watching and paying attention to this debate, yes, this is a defining moment. To the families, to the families of the 400-and-some good people of Philadelphia that were gunned down last year, yes, this is a defining moment.

Dr. King, Dr. King would characterize this moment as the urgency of now, the urgency of now, the urgency of now, and we really have a choice. The beauty of this is, we have a choice.

And at the end of the day, Ms. Johnson, Mr. Jones, Ms. Bainbridge, to the people in Erie, to the people in York, to the people all across Pennsylvania that are fortunate enough to witness this defining moment, when all is said and done, my colleague has said that this is really a question of the Second Amendment and that the Levdansky amendment threatens the Second Amendment. So to the 84 percent of the people in Philadelphia County who have said, we need some reasonable restrictions on the availability of guns in the hands of my good people, but criminals, because criminals cannot go and buy a gun. They have to get it from you, Mr. Speaker, who can innocently buy the guns.

The people in Williamsport, who my colleague says come into his great district and use guns to commit crimes, those people cannot buy guns legally. They have to get it from you and me who fail to report our gun as lost or stolen or who go purchase the guns and sell it to the criminal, knowing that the criminal is going to use the gun to take a life or destroy a family's dreams.

Yes, this is a defining moment. If you support the Levdansky amendment, then what you are saying is that this is not a Second Amendment problem. You are saying that the urgency of now requires that we respond to the people across Pennsylvania who have said that we need to do something now. If you support the Levdansky amendment, you are rejecting my colleague's analysis, my colleague who said that this is just a Philadelphia problem, so that the people in York, Pennsylvania, or the people in our great city of Chester down in Delaware County – four people murdered the other night, murdered the other night, and we do not know who the perpetrators are, but we know that a gun was used.

To those people down there in Chester, if you support the Levdansky amendment, you are saying to the great people of Delaware County that we hear you, that we are not disconnected from where you are. To the people of Erie, Pennsylvania, if you support the Levdansky amendment, you are saying to the people of Erie, yes, something needs to be done, and to the good people of Philadelphia County, you are saying to them, yes, something needs to be done.

But if you reject the Levdansky amendment, what you will be saying is that the National Rifle Association has won again. You will be saying that the National Rifle Association has reached a point where it can determine life or death in this great State. You are saying that the National Rifle Association will decide when we respond to a carnage that is destroying our State from one end to the other. If you reject the Levdansky amendment, what you will be saying is that even though law enforcement – and I like my friend from Allegheny County, who stood up and said about all of his family members who are in law enforcement. I applaud my colleague, but then I have to ask you, what about the district attorneys, what about the State Police, what about the local police who have said that this amendment is not unreasonable, that this amendment is necessary? What about them? Do we say, the heck with them because they are not your brothers and sisters, because they do not speak the same thing that you speak?

If you reject the Levdansky amendment, you are saying to Pennsylvania law enforcement that we do not care anything about what you are talking about. We know that your life is at risk and that we will do nothing to try to minimize, if not eliminate, that risk. If you reject the Levdansky amendment, what you are saying to the babies that have been gunned down

with guns in the hands of people who could not have purchased that gun legally, they acquired the gun because someone failed to report it lost or stolen; they acquired the gun.

I just saw in the Daily News today that Philadelphia, Philadelphia has more people in Philadelphia jails than anywhere else in the United States. The other day I read that the United States is second only to Russia and China in its prison population. Many of those people are in prison because they were able to get their hands on lost or stolen guns, they were able to get their hands on a country where you can get a license, drive up in my block, open your trunk up, and sell guns to folk who you know are going to do nothing but kill somebody or maim somebody.

Mr. Speaker, sisters and brothers, friends and foe, this is a defining moment. The urgency of now requires that you either stand with Levdansky and all the good things this amendment represents or that you stand on the other side and say that I stand with the NRA, I support the NRA, and I ask you that when you vote, do not vote; just put up your NRA cards, just put up your NRA cards so that Pennsylvanians, once and for all, will know who you are, where you are, and where you stand.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Bishop.

Ms. BISHOP. Thank you very much, Mr. Speaker.

I rise to support the Levdansky amendment, and I would just like to take a moment to share with you why.

As a minister, I spend a lot of time, a lot of time in the evenings and during the days and on weekends consoling families who have lost loved ones through gun violence. I spend a lot of time doing prayer vigils from one corner to the next corner where someone has been shot down through gun violence, and it is oftentimes that we find that it is not only kids, it is adults as well. Sometimes, believe it or not, police officers, fine police officers with a brilliant future, have been shot down because of violent crime. In many cases, those guns have been traced back to a source where they were illegal guns. Owners have somehow lost them. They never seem, according to police, to know where they were.

I feel this amendment will give us the responsibility, those who own guns, of knowing where their guns are at all times, and if they are lost, they will be able to report them. They should be responsible enough to know that they have lost a gun and be able to report it stolen.

Finally, I want to say this, it is time now for us as a legislative body to respond to the demands in our districts, where they are asking that we do something about gun violence and illegal guns that are taking over. We get the opportunity this afternoon or this evening to vote for amendment No. 1845, which will bring an end to some. Is it the end of all violence? No, it is not, but certainly, it is comforting to the hundreds of people who have already lost loved ones through gun violence. And gun violence is like an infectious disease. It will not be contained in Philadelphia County; it will become infectious and spread across the entire State of Pennsylvania unless we move to stop it now, and you can do that by voting for the Levdansky amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Williams, for the second time.

Mr. WILLIAMS. Mr. Speaker, I think the issue here is responsibility. I think this amendment means people should be

responsible if you own a gun, and particularly a handgun. We tell our children to cross the street— Mr. Speaker, may I get some attention, please?

The SPEAKER pro tempore. The gentleman is correct. It is a bit noisy on the floor of the House. Members, please take your seats. Members, we only have a few more members seeking recognition. Kindly take your seats.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I think we tell our children to cross at the corner because there is a street light. Mr. Speaker, I think we tell our children to come home at a decent time because there are curfews in some of our counties. Mr. Speaker, I think we tell our children to get a driver's license if you want to drive. Mr. Speaker, this Levdansky amendment is about being responsible. It is about responsible gun owners checking where their guns are. It is about being responsible.

The local police agencies in just about every county are supporting this amendment. Do you, Mr. Speaker, want to be against your police officers? Do you want to help the police officers in your county, in your community? This is a tool to assist the police officers in counties all across this Commonwealth. It is just being a responsible gun owner.

Once you discover that you lost your gun or if your gun has been stolen, just report it. That is the real issue here. And people are saying it is criminalizing a good gun owner. All this legislation does is say, be responsible. You who are gun owners across Pennsylvania, you who are gun owners right inside this House, you know that that gun has to have a bullet in it. You know that gun has to be discharged by a person. All we are saying is, be responsible and report lost or stolen guns. It is about responsibility; it is about responsibility.

When you are talking to your teenagers about making choices about sex, if you are talking to children or are trying to give some information about abortion, it is about responsibility. It is telling you, you should be responsible. That is all this is all about.

So join us in being responsible. Join us in being responsible, and that is reporting your lost or stolen gun once you discover that it is lost or stolen. There are people who have guns in their houses, and they say, well, I have got 40 guns; I do not know if they are lost or stolen. Well, what kind of gun owner are you if you do not check your guns? Particularly if you have children, grandchildren, or you live in a neighborhood where people steal or burglarize your house or homes in your community. Be responsible; that is what this is all about.

And if you are saying that it is okay not to be responsible and you are a gun owner, then vote that way; put the vote up. If you believe that you do not have to be responsible for owning a handgun, if you believe that you do not have to be responsible for reporting a lost or stolen gun, then vote the other way, but the people of the Commonwealth have spoken. All the surveys are saying that the very least you could do is report a lost or stolen gun when it is discovered that you lost it – common sense.

Mr. Speaker, I urge every member, both sides of the aisle, wake up; wake up and be responsible. Tell your colleagues to be responsible. Tell those gun owners, those shooters' clubs, those NRA organizations all around the country, be responsible. If you discover that your gun is lost or stolen, just report it. If you report it, you will save law enforcement hundreds and hundreds of hours of investigations, hundreds and hundreds of dollars in investigations. Report your lost or stolen guns.

So I ask everyone to support the Levdansky amendment. Thank you, Mr. Speaker.

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

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I take grave offense to the villainization of members of the largest voluntary group in the United States, the National Rifle Association. I was a member of the National Rifle Association for years before I was ever elected to this, as was my father and my grandfather – all responsible sportsmen and gun owners. That said, Mr. Speaker, I have never taken a cent nor do I know anyone who has.

I vehemently oppose this demonization of people who join a voluntary organization of their own free will because it is a value they believe in – the Second Amendment – just as important in the Bill of Rights as any of the others. If I am not mistaken, Mr. Speaker, on day 1, when I swore to uphold the Constitution of this Commonwealth, I swore to uphold Article I, section 21, that says the rights of the people to keep and bear arms shall not be questioned.

I stand upon that rock, Mr. Speaker, and urge a "no" vote to the Levdansky amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair at this time recognizes the gentlelady, Miss Parker, for the second time, and she is seeking our attention. Members, please give Miss Parker your attention. Thank you.

Miss PARKER. Thank you, Mr. Speaker.

You know, this is my second time rising to support the Levdansky amendment, and I know that there should be no members of this distinguished body from either side of the aisle who can say that Cherelle Parker has not been passionate enough in expressing how she feels about this issue – not true.

But, Mr. Speaker, today I do stand before you to say thank you. I stand before you, Mr. Speaker, and to you, my colleagues, to say thank you to those of you on both sides of the aisle who, during our asides – because you philosophically believe something different as it relates to this amendment, but I thank you for saying that members who have an interest in seeing the Levdansky amendment passed have been very, very patient for a very long time.

I want to note for the record, Mr. Speaker, and you have heard it a few times today, but I am not sure whether or not we put into context exactly what has happened. This is a truly, truly historic moment for the Pennsylvania House of Representatives, because, Mr. Speaker, I consider myself what I call a newbie to this body, and when I talk to members who have been here for 10, 15, 20 years, what they have said to me is that, Cherelle, this is not a new issue. We have introduced some form of the contents of the Levdansky amendment or other commonsense approaches in dealing with the control of the flow of illegal handguns on several occasions. The reason why this is so historic, Mr. Speaker, is because this is the first time that an amendment of this nature actually made it to the floor for a vote. It actually made it through the grueling legislative process, did not get tied up in committee, and today, Mr. Speaker, the citizens of the Commonwealth of Pennsylvania, they get to see where we stand.

Today's vote will not be like the vote that we took when we had a special session, when we could vote our conscience, but

when we voted our conscience, Mr. Speaker, no one knew where we stood on the issue.

Now, you know that D-day is coming up, and everyone has been excited about the H or the O, and D-day for them is coming and April 22 is fast approaching. But, Mr. Speaker, I started thinking about Tip O'Neill, Mr. Speaker: All politics are local, Mr. Speaker. So D-day on April 22 is not only D-day for the big H and the big O, but it is D-day for those of us who are members of this body, because when we cast our votes on the Levdansky amendment today, people will know whether or not we support law enforcement. This is a pro-police amendment.

I heard it mentioned, Mr. Speaker, by an opponent of the Levdansky amendment earlier that this amendment is unenforceable. The reason why I bring that up, Mr. Speaker, is because if this amendment is unenforceable, I wonder why it is wholeheartedly endorsed by the Pennsylvania Chiefs of Police? Let us just set the record straight: the Pennsylvania Chiefs of Police; the State Fraternal Order of Police; the Pittsburgh City Chief of Police, Nathan Harper; the Philadelphia Police Department; the Pennsylvania Chiefs of Police; the International Association of Chiefs of Police; and the local F.O.P. (Fraternal Order of Police) chapters. And the reason why I bring that up is because when I think about arguments that I have heard against the Levdansky amendment – and it has been mentioned that this amendment is actually unenforceable – I started to think about whether or not I know more about what kind of law is enforceable than the individuals who place their lives on the line on a daily basis to keep us safe. Why, if I am a police officer, Mr. Speaker— Mr. Speaker, may I have some order, please?

The SPEAKER pro tempore. Members, kindly afford the lady your respect. She is a fellow colleague and deserves the honor and respect of her position.

Miss PARKER. Thank you, Mr. Speaker.

I began to question myself about whether or not, if I was a member of the law enforcement community in the Commonwealth of Pennsylvania and I put my life on the line to protect and serve the residents of this great Commonwealth, why would I wholeheartedly engage and/or support, Mr. Speaker, a law that is unenforceable? So when I think about the argument, Mr. Speaker, that members of this body make about this amendment being unenforceable, Mr. Speaker, I take the advice of law enforcement in Pennsylvania. This is a pro-police bill.

In addition to that, Mr. Speaker, I want to note that Pennsylvania district attorneys, Mr. Speaker, have agreed that we should have a mandatory reporting requirement for lost and stolen guns in the Commonwealth of Pennsylvania.

In addition to that, Mr. Speaker, the reason why I thanked members on both sides of the aisle is because this amendment and/or language of its nature had been rejected on a number of occasions by members on both sides of the aisle, because I am really clear when I talk to people about this issue, when I tell them you cannot separate who is for or against this kind of issue based on whether they are Democrat or Republican, because it is not a Democratic or Republican issue, it comes down to philosophical beliefs, but when the Levdansky amendment was drafted, it was drafted with all sides in mind. Every objection that was made when this language was in the Judiciary Committee and Republicans and Democrats and members of the NRA and the District Attorneys Association and the

law enforcement organizations in the Commonwealth, when they said that they could be for this issue but they needed certain changes to be made, we took all, Mr. Speaker, all of those recommendations into consideration. We did that when the language for this amendment was drafted.

A vote today, Mr. Speaker, is historic because the residents of the Commonwealth of Pennsylvania have a victory today. I declare a victory today, Mr. Speaker. Even if the Levdansky amendment fails, even if it fails, Mr. Speaker, it is a victory because we will get what the citizens of the Commonwealth of Pennsylvania, along with what law enforcement has been begging us for, and that is a tool to curb straw purchasing in the Commonwealth of Pennsylvania. They now get a record.

And, you know, we are in government; we are in politics. We know there is nothing more powerful than a record. So now Pennsylvanians will decide and they will choose from this day, when they look at that recorded vote, that my Representative – thinking about Tip O'Neill; everything being local – did my Representative take into consideration the recommendations of law enforcement throughout Pennsylvania? Did my legislator take into consideration the recommendations of prosecutors throughout the Commonwealth of Pennsylvania? Did my legislator take into consideration the polls? And I know we have mentioned the polls, and I am really not a big fan of polls. I always think that you are going to go out and do the work. But in this case, Mr. Speaker, the polling firm that actually conducted the statewide poll to find out where Pennsylvanians stood on this issue, it is a firm that no one can say is a Democratic firm or a Republican firm, Mr. Speaker. It is a firm that is just known to be great at doing its job in reporting objective results. If we vote against the Levdansky amendment, we vote against the police.

It is clear, Mr. Speaker, we now have a record, we now have a record that in many of our districts some of us have opposition, some of us do not. But, Mr. Speaker, I see our opponents – and I am always thinking realistically; I am a realist – if I have opposition, I am thinking about every single vote that I cast in this body and thinking about what my opponent is going to be able to use in trying to mount a campaign against me.

I daresay to you today, Mr. Speaker, whether we are on either side of the aisle, if we vote against this commonsense amendment, the Levdansky amendment, our opponents will cast us as being against commonsense handgun laws. They are going to say we are not for the police and we are not for children, we are not for advocates who want to find a way to curb straw purchasing, that we are for special interest groups, that when someone is trying to build a campaign against us – I am being a realist, Mr. Speaker – that is what they are going to say.

In addition to that, Mr. Speaker, and I found this to be very notable when a friend of mine mentioned this to me earlier, the friend said, Cherelle, finally in January it was noted in our country that we were facing, America was facing a very mild recession – America, that we were facing a very mild recession across several industries, especially in homeownership and mortgages, and we know about that. But, Mr. Speaker, the person said to me, do you know what industry has not died or has not seen a recess? The black-market industry for the purchase of illegal handguns. That market, they said, while the country, we may be in a mild recess, but if Cherelle Parker decides, as a law-abiding citizen of Pennsylvania, that I am cash-strapped and I want to go and buy some guns and I want to

sell them for triple or quadruple the price, I can make some big money today, Mr. Speaker.

The Levdansky amendment will not do everything that we need to do to help curb violence in the Commonwealth of Pennsylvania. I am very clear: It by itself, if passed alone, will not do everything that we need to help to curb the tide of violence plaguing our communities, but what it is, Mr. Speaker, it is a first step in the right direction in giving our law enforcement officials the tools that they need to protect children and to protect our communities, and it is finally what they have asked for.

Mr. Speaker, I implore you, my colleagues on both sides of the aisle, to join me in being a realist, to not think about April 22 as being D-day for big H or big O, but let us think about D-day on April 22 being D-day for us as legislators. Let us keep in mind, politically and realistically, when we pass this amendment, whether we are for or against it, let us think about the campaigns that our opponents will mount against us if we vote "no" on this amendment.

Again, I thank the sponsor because he is a hunter and a sportsman, and what he has done, Mr. Speaker, in sponsoring this amendment is he has put it on the line, and I thank the gentleman from Allegheny County for doing what I do not know how many other people would have had the heart and the courage to do.

I ask you to join me in supporting this amendment. It is a commonsense approach. This is historic. This is the first time the people will have a victory. Every time you introduce legislation, you want to win. I have never introduced anything that I really did not want to win. But even if I lose today with the Levdansky amendment, it is a victory, Mr. Speaker, because I have given the people a record, that they can know that their legislators made a choice; we choose police and children, or special interests.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. PERRY. I am just wondering, if I have got a gun that is stolen and I do not report it and it is used in a crime, how does my failure to report it diminish the possibility of that crime occurring?

Mr. LEVDANSKY. Mr. Speaker, under this amendment, if you own a handgun, if you own a handgun and you either lose it or it is stolen, you have 72 hours from the point that you discover it lost or stolen to report it, and if you do not, if you fail to report it and the gun shows up as part of a criminal investigation, they trace it back to you and you have failed to report it as lost or stolen, then you can be charged with a summary.

Summaries are discretionarily issued by law enforcement, okay? If you have a good reason as to why you did not report it, the police officer, under a summary offense, could either give you a citation as a summary or he could give you a warning. On the second offense, it is a misdemeanor. On the third offense, it is a felony.

Again, what this amendment is designed to do, what it does, it does not take away your right to own a handgun; what it does

is takes away your alibi. The alibi of the gunrunners and the straw purchasers, it takes the alibi away from them.

Mr. PERRY. So again, I have heard from numerous Representatives in the room that have witnessed or there are people in their districts that they represent that have been victims of gun crimes or family, individually, et cetera. How, again, would this amendment stop that crime from happening?

Mr. LEVDANSKY. Mr. Speaker, what it does is it enables law enforcement to identify weapons that are lost and stolen, and basically what it does, it says you cannot any longer have an alibi and say, well, you know, rather than ratting out and identifying who you gave or sold the handgun to, it makes you report it. And because now firearms dealers are going to provide notification to those who purchased handguns, of all the existing laws, including this new requirement to report, it will have a chilling effect. Straw purchasers will no longer have an alibi and come up with an excuse as to why they did not report the handgun as lost and stolen.

Mr. PERRY. All right. So at this point, I am just going to assume you are not really going to answer the question about how it is going to help people from getting shot, and so I am just going to move on.

If we assume that law-abiding citizens are going to report their guns stolen, and I assume that if your car is stolen or any other object in your home is stolen, that if you are a law-abiding citizen, you are also going to report your weapon being stolen, I think it is safe to assume that we are trying to get to the criminal who has probably got a gun that is stolen and is going to be used for nefarious purposes. But if they are already a criminal and they already have the gun on some criminal pretense, how is this— They are not going to report it anyhow. They are criminals by nature. That is what they do. So how will this ensure that they report?

Mr. LEVDANSKY. If the individual, if the straw purchaser, if the straw purchaser does not report the gun as lost and stolen, then if that occurs three times, the third time it is a felony and now the straw purchaser has a felony conviction on their record. And now when they go in the fourth time to buy those handguns, now they are precluded from buying the handgun because they have a felony on their record.

Mr. PERRY. Well, since straw purchasing and selling is already a felony, I am not sure what we are trying to do.

Mr. Speaker, on the bill.

Mr. LEVDANSKY. We are taking away the alibi, the excuse, that the gunrunners use to justify their trade in handguns. It takes that away. It requires them to report. To be honest with you, I do not know why we spend so much time focused on criminals when the reality is that any honest citizen, any responsible gun owner, would already report a handgun that they own as lost or stolen.

The SPEAKER pro tempore. Mr. Perry, have you concluded your interrogation?

Mr. PERRY. I have; thank you, Mr. Speaker. On the bill.

The SPEAKER pro tempore. Thank you. On the bill – or on the amendment.

Mr. PERRY. Thank you, Mr. Speaker.

It is fairly apparent that this has nothing to do with crime control, nothing to do with saving lives, and everything to do with continued assaults on guns and gun owners and law-abiding citizens.

Mr. Speaker, if the gun is stolen and I report it, if I am a law-abiding citizen and I report my weapon stolen, the police do

not know anything more than they knew before, except the gun is stolen. We are not all going to be asked to stay in our homes and put all our worldly belongings out on the driveway to be searched through. All we know is the gun is stolen. We do not know where it went. We will probably find out when somebody uses it, and that is the point.

The point is that we need crime control, not gun control. We have laws on the books, and unfortunately, some of these folks are loath to accept that and loath to accept the fact that liberal judges keep allowing people who commit crimes, violent crimes with guns, they keep letting them out of jail.

Mr. Speaker, I rise in opposition and urge my colleagues to oppose this amendment. Thank you.

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

Mr. CUTLER. Thank you, Mr. Speaker.

First, I would like to thank the Speaker for working with me in regards to the motion regarding unconstitutionality, and I was certainly willing to withdraw that at that time to facilitate scheduling and debate. However, at this time I will now rise in opposition to this amendment for that very same reason.

This amendment, as drafted, is unconstitutional. The reason that I want to share this with everybody is as follows: This amendment, as drafted, has a huge loophole in it that will allow criminals to escape the reporting requirement. The reason is, bad guys will go free on this and have been also challenging this on the Federal level for years. There is substantial case law on this very topic already at the Federal level, which I will briefly summarize and point out why we, as a State, need to worry about it at this level. This amendment, as written, says that all owners must report firearms as lost and stolen. During my initial interrogation prior to the closure of the other evening, it was pointed out that criminals will have to abide by this very same thing.

Now, my motion was mischaracterized as protecting the rights of criminals. Mr. Speaker, let me be clear: There could be nothing further from the truth. I believe criminals should be prosecuted, and I believe they should be prosecuted to the fullest extent of the law. Mr. Speaker, the problem is the Supreme Court, in the *Haynes* case, recognized a Fifth Amendment defense, a Fifth Amendment defense, to the requirement to report.

In fact, Mr. Speaker, not only was this recognized in that case, that law has been consistently upheld as it has progressed in the last 30-plus years. Mr. Speaker, as recently as 2006, in our own Third Circuit here, in the *Sivik* case, it was upheld that criminals have a constitutional privilege to not self-incriminate.

Mr. Speaker, in fact, the Federal government, in responding to the *Haynes* case, modified their Federal reporting requirements as follows. It says that no information or evidence obtained from an application, registration, and it goes on to describe a variety of other things, shall be used as evidence against that person in a criminal proceeding. You see, Mr. Speaker, the Supreme Court has laid out the groundwork by which we must operate. This is not me as a Representative speaking; this is not me as an NRA member speaking; this is not me as a gun owner speaking. This is what the Supreme Court has clearly said and has been affirmed locally in the Third Circuit.

Mr. Speaker, there are a multitude of cases that outline this, and while other portions of the case have been questioned, and you may hear a variety of other case names that bring up some

other points in the case that were questioned, the criminal's right to self-protection against self-incrimination has never been overturned, Mr. Speaker. And that is still good law. It is very important that we recognize that. So what we are left with is as follows: We can either pass a law as it is currently drafted, which will fail miserably because it will fail the first time that it is challenged because it does not have the exception, or you can fix the law and put the exception in that would exempt criminals from reporting, which is the very purpose for the law to begin with.

Mr. Speaker, believe me, I think that criminals should be prosecuted to the fullest extent of the law, as I said before. I believe that. And I believe that it is our job to make laws stronger so that we can do just that, that we can give the tools to law enforcement to do their job. That is the argument we have heard from across the aisle all afternoon, Mr. Speaker. And the reality is this, if we are going to do the job, let us do it right.

You know, Mr. Speaker, I believe that criminals should have the book thrown at them. I believe they should have the book, the kitchen sink, and anything else we can get our hands on thrown at them to make sure that they do time for the crimes that they perpetrate. The reason for that, Mr. Speaker, is why I am so angry. I am angry that, Mr. Speaker, of the last 3 years that we have data, there have been less than 100 cases of prosecutions regarding straw purchases. And of those, 50 percent have gotten probation, Mr. Speaker. If this is a serious crime, why are they getting probation?

Mr. Speaker, it is time that we start enforcing the laws we have, not writing new ones that are going to be broken by criminals, as my colleague from York County pointed out. That is what criminals do, Mr. Speaker; they break laws. They will keep breaking laws. At best, Mr. Speaker, this law, as drafted, will be ineffective. At worst, I believe that it is unconstitutional, and I believe that the case law and the facts support it. Mr. Speaker, any time you argue, you should always argue from three points, is what I have been taught.

You argue from the law; you argue from the facts; and if you have nothing else, you argue persuasively. Mr. Speaker, this position, unfortunately, has the law and the facts behind it. We do not have to like it, and we do not have to agree with it, but we do have to abide by it. For that reason, I am asking for a "no" vote on this amendment because it is unconstitutional as drafted. I believe that we should prosecute criminals. I believe that we should do it effectively, and I think we should do a much better job at it, but we have got to abide by the Constitution, those are the parameters by which we all swore an oath to uphold and to do our jobs. Mr. Speaker, if the problem is worth fixing, and I think we all would agree that it is, let us do it right so that it is not challenged the first time that we try to enforce it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the maker of the amendment for the second time, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, there is an old saying, there is no view but from a viewpoint. My final remarks, I want you to understand, are from the viewpoint of a gun owner, as a shooting enthusiast, as a hunter, as a sportsman, as a father. And I can tell you as a politician, I wish there was a simple, easy, effective way to address the human carnage that is occurring across the Commonwealth – not just in our cities, but in our smaller communities and townships and third-class cities and boroughs, as well. I wish there was a simple way for this

problem to be resolved without having to address it with any legislation that can be argued as controversial.

I will also – I need you to understand this, too – I have an unbelievably large number of gun advocates in my district. I come from an area of the Mon Valley and Allegheny and Washington Counties where, years ago, the movie "The Deer Hunter" was filmed. That is my district. I have a lot of hunters. I have a lot of gun owners. I have a lot of NRA members. I have a lot of gun and sportsmen's clubs. I want you to understand that I am doing this for two reasons: One is, I believe that this is an effective tool that law enforcement, cops and prosecutors, need to get at the gunrunners and get at the straw purchasers.

Secondly, Mr. Speaker, I am not about to commit political suicide. I have spent 23 years in the legislature. I can tell you, in my judgment, an overwhelming majority of gun owners, an overwhelming majority of hunters and sportsmen are not opposed to this legislation, to this amendment, notwithstanding what some people quote as lists of organizations that are opposed to this. No more so than the fact that you can find a prosecutor or a cop that does not support the amendment, but the reality is that their organizations are somewhere else. I believe that an overwhelming silent majority of gun owners and sportsmen and hunters support this commonsense solution to the human carnage that is going on.

This is not just a Philadelphia issue. I have heard so much of that today and in the debates in past. You know, in Pittsburgh, in Pittsburgh in 2007, 818 handguns were confiscated from criminals or found in alleys, garbage cans, and back streets, and their original owners never reported them as lost or stolen – 818 in Pittsburgh alone, handguns discovered that were never declared lost and stolen. More than 165,000 handguns sold in Pennsylvania last year, and how many of those guns, how many of those guns, through gunrunners and straw purchasers, end up on our streets and killing innocent human beings?

It is time to do something. And I want you to know, too, I have heard the old saw; just enforce the existing laws that are on the books. Do not ask me to make a difficult vote that someone is going to be upset with. Just enforce the laws that are on the book. Well, you know what? I am thinking about two other major problems in this country that we deal with, illegal immigration, illegal immigration. Well, why do we not just say, well, we already have anti-immigration laws on the books. Why do you not just enforce them? No, because immigration becomes a more complicated problem. Same thing with terrorism. Why do we have to pass the Patriot Act and take away my civil liberties and have the telecoms snoop on my personal telephone records in the interest of promoting national security? One could argue you should just enforce the existing laws on the books. No; the reality is terrorists, as well as gunrunners and straw purchasers, change their tactics. And we need to change our law enforcement communities' ability to deal with these enormous challenges.

Mr. Speaker, just two final points. I respect, I respect, the organizations that represent gun rights advocates in the Commonwealth. I grew up learning gun safety from an NRA-certified hunter safety instructor. Mr. Bill Enos, when I was 13, taught me some basic rules of gun safety, and he was certified by the NRA. The NRA has a lot of good programs to promote safe, responsible handling of firearms, be they long guns or handguns. The Eddie Eagle Program is a tremendous program, effective in educating our kids about the dangers of firearms.

The NRA raises and spends money every year to promote gun safety programs and to build shooting ranges throughout the Commonwealth. They do a lot of good. But there are some basic, essential, responsible gun safety lessons that we all learn through the NRA. Do not point, do not ever point a gun, loaded or unloaded, in the direction of a human being. Do not put your finger on the trigger until you are ready to shoot. Keep your gun, keep your gun safety on at all times, except when you are ready to shoot. When you do decide to shoot, beware of your target and what lies beyond. Number five, clean your firearm regularly. And number six, this amendment, report your handgun if it is lost or stolen. It is a simple, commonsense solution to a very vexing problem that we are working on across the Commonwealth. Mr. Speaker, all we are asking for, all the law enforcement community unanimously is asking for, are the tools to address this problem, and implicit in the argument that we ought to just enforce what is on the books, implicit in that argument is an accusation, implicitly, that the law enforcement community is not doing their job. Is that not what we are really saying when we say, just enforce the laws that are on the books? Cops, you are not doing your job well enough; prosecutors, neither are you. I think that is the wrong message to be sending our law enforcement and prosecutors across the Commonwealth.

Why would any law-abiding gun owner not report their handgun as lost or stolen? There is no good reason not to report a handgun that is lost or stolen. Mr. Speaker, in short, what this amendment does is it takes away the alibis of the straw purchaser. It closes the loophole that condones illegal gunrunning. This is the most effective way that the prosecutors and the law enforcement community believe, it is a tool that they need to get after the straw purchasing and the gunrunning that goes on.

Mr. Speaker, this is an effort, if you value human life, if you want to promote responsible gun safety and promote individual responsibility, vote for this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-75

Adolph	Harper	Mundy	Santoni
Bennington	Hennessey	Murt	Schroder
Bishop	James	Myers	Shapiro
Blackwell	Josephs	O'Brien, M.	Shimkus
Brennan	Keller, W.	O'Neill	Smith, K.
Buxton	Kenney	Oliver	Steil
Caltagirone	Killion	Parker	Sturla
Civera	King	Pashinski	Taylor, J.
Cohen	Kirkland	Payton	Taylor, R.
Costa	Leach	Perzel	Thomas
Cruz	Lentz	Petrone	Vereb
Curry	Levdansky	Preston	Vitali
DePasquale	Manderino	Quinn	Wagner
Donatucci	Mann	Raymond	Waters
Evans, D.	McGeehan	Roebuck	Watson
Frankel	McI. Smith	Ross	Wheatley
Freeman	Melio	Rubley	Williams
Galloway	Milne	Sabatina	Youngblood
Gerber	Moyer	Samuelson	

NAYS-128

Argall	Fairchild	Maher	Reichley
Baker	Fleck	Mahoney	Roae
Barrar	Gabig	Major	Rock
Bastian	Geist	Mantz	Rohrer
Bear	George	Markosek	Sainato
Belfanti	Gergely	Marshall	Saylor
Benninghoff	Gibbons	Marsico	Scavello
Beyer	Gillespie	McCall	Seip
Bianucci	Gingrich	McIlhattan	Siproth
Boback	Godshall	Mensch	Smith, M.
Boyd	Goodman	Metcalfe	Smith, S.
Brooks	Grell	Micozzie	Solobay
Cappelli	Grucela	Millard	Sonney
Carroll	Haluska	Miller	Staback
Casorio	Hanna	Moul	Stairs
Causer	Harhai	Mustio	Stern
Clymer	Harhart	Nailor	Stevenson
Conklin	Harkins	Nickol	Surra
Cox	Harris	Pallone	Swanger
Creighton	Helm	Payne	Tangretti
Cutler	Hershey	Peifer	True
Daley	Hess	Perry	Turzai
Dally	Hickernell	Petrarca	Vulakovich
DeLuca	Hornaman	Petri	Walko
Denlinger	Hutchinson	Phillips	Wansacz
Dermody	Kauffman	Pickett	White
DeWeese	Keller, M.	Pyle	Wojnaroski
DiGirolamo	Kessler	Quigley	Yewcic
Eachus	Kortz	Ramaley	Yudichak
Ellis	Kotik	Rapp	
Evans, J.	Kula	Readshaw	O'Brien, D., Speaker
Everett	Longietti	Reed	
Fabrizio	Mackereth		

NOT VOTING-0

EXCUSED-0

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

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

Ms. HARPER offered the following amendment No. **A06170**:

- Amend Title, page 1, line 2, by inserting after "for" the offenses of false reports to law enforcement authorities, for persons not to possess, use, manufacture, control, sell or transfer firearms, for
- Amend Title, page 1, line 3, by striking out "and" and inserting a comma
- Amend Title, page 1, line 4, by removing the period after "identification" and inserting and for the sale or transfer of firearms.
- Amend Sec. 1, page 1, line 7, by striking out "6110.2" and inserting 4906(c), 6105(b), 6110.2, 6111(b)(1)
- Amend Sec. 1, page 1, by inserting between lines 8 and 9 § 4906. False reports to law enforcement authorities.  
\* \* \*
- (c) Grading.—  
(1) If the violation of subsection (a) or (b) occurs during a declared state of emergency and the false report causes the resources of the law enforcement authority to be diverted from dealing with the declared state of emergency, the offense shall be

graded one step greater than that set forth in the applicable subsection.

(2) If the violation of subsection (a) or (b) relates to a false report of the theft or loss of a firearm, as defined in section 5515 (relating to prohibiting of paramilitary training), the offense shall be graded one step greater than that set forth in the applicable subsection.

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

\* \* \*

(b) Enumerated offenses.—The following offenses shall apply to subsection (a):

- Section 908 (relating to prohibited offensive weapons).
- Section 911 (relating to corrupt organizations).
- Section 912 (relating to possession of weapon on school property).
- Section 2502 (relating to murder).
- Section 2503 (relating to voluntary manslaughter).
- Section 2504 (relating to involuntary manslaughter) if the offense is based on the reckless use of a firearm.
- Section 2702 (relating to aggravated assault).
- Section 2703 (relating to assault by prisoner).
- Section 2704 (relating to assault by life prisoner).
- Section 2709.1 (relating to stalking).
- Section 2716 (relating to weapons of mass destruction).
- Section 2901 (relating to kidnapping).
- Section 2902 (relating to unlawful restraint).
- Section 2910 (relating to luring a child into a motor vehicle or structure).
- Section 3121 (relating to rape).
- Section 3123 (relating to involuntary deviate sexual intercourse).
- Section 3125 (relating to aggravated indecent assault).
- Section 3301 (relating to arson and related offenses).
- Section 3302 (relating to causing or risking catastrophe).
- Section 3502 (relating to burglary).
- Section 3503 (relating to criminal trespass) if the offense is graded a felony of the second degree or higher.
- Section 3701 (relating to robbery).
- Section 3702 (relating to robbery of motor vehicle).
- Section 3921 (relating to theft by unlawful taking or disposition) upon conviction of the second felony offense.
- Section 3923 (relating to theft by extortion) when the offense is accompanied by threats of violence.
- Section 3925 (relating to receiving stolen property) upon conviction of the second felony offense.
- Section 4906 (relating to false reports to law enforcement authorities) if the fictitious report involved the theft of a firearm as provided in section 4906(c)(2).
- Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.
- Section 4952 (relating to intimidation of witnesses or victims).
- Section 4953 (relating to retaliation against witness [or] victim or party).
- Section 5121 (relating to escape).
- Section 5122 (relating to weapons or implements for escape).
- Section 5501(3) (relating to riot).
- Section 5515 (relating to prohibiting of paramilitary training).
- Section 5516 (relating to facsimile weapons of mass destruction).
- Section 6110.1 (relating to possession of firearm by minor).
- Section 6301 (relating to corruption of minors).
- Section 6302 (relating to sale or lease of weapons and explosives).

Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.

\* \* \*

Amend Sec. 1, page 2, by inserting between lines 4 and 5 § 6111. Sale or transfer of firearms.

\* \* \*

(b) Duty of seller.—No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

(1) For purposes of a firearm as defined in section 6102 (relating to definitions), obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be provided to the purchaser or transferee. The form of this application/record of sale shall be no more than one page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer. The application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee, the date of the application and the caliber, length of barrel, make, model and manufacturer's number of the firearm to be purchased or transferred. The application/record of sale shall also contain the following question:

Are you the actual buyer of the firearm(s) listed on this application/record of sale? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person, unless you are legitimately acquiring the firearm as a gift for any of the following individuals who are legally eligible to own a firearm:

- (1) spouse;
- (2) parent;
- (3) child;
- (4) grandparent; or
- (5) grandchild.

\* \* \*

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I hope fatigue has not set in. My amendment is a simple amendment aimed at those who falsely report their guns stolen, and also at girlfriends and others who mistakenly buy guns for felons who are not allowed to have them.

This morning, in a bipartisan effort in the Judiciary Committee, this very amendment was placed into a bill sponsored by Representative Williams. It gets at the other end of the problem, which are those people who, when confronted by a law enforcement officer who says, your gun was used in a crime last night, say, oh that, it was lost, or somebody stole it. My bill would make that a crime with heightened penalties and also would require that when a person purchases a gun, they are informed that if they are purchasing that gun for someone who cannot own it, that that is a crime which can subject them to penalties.

It is a very simple and direct solution, and this morning in Judiciary, both parties saw the wisdom of the bill. Thank you for your consideration.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

## YEAS—159

Adolph	Galloway	Markosek	Samuelson
Argall	George	Marsico	Santoni
Barrar	Gerber	McCall	Saylor
Bastian	Gibbons	McGeehan	Scavello
Bear	Gillespie	McI. Smith	Schroder
Belfanti	Gingrich	Melio	Seip
Benninghoff	Godshall	Mensch	Shapiro
Bennington	Goodman	Micozzie	Shimkus
Beyer	Grell	Miller	Siptroth
Biancucci	Grucela	Milne	Smith, K.
Bishop	Haluska	Moul	Smith, M.
Blackwell	Hanna	Moyer	Smith, S.
Boback	Harhai	Mundy	Sonney
Boyd	Harhart	Murt	Staback
Brennan	Harkins	Myers	Stairs
Buxton	Harper	Nailor	Steil
Caltagirone	Helm	Nickol	Sturla
Carroll	Hennessey	O'Brien, M.	Surra
Civera	Hershey	O'Neill	Swanger
Clymer	Hickernell	Oliver	Tangretti
Cohen	James	Parker	Taylor, J.
Conklin	Josephs	Pashinski	Taylor, R.
Costa	Kauffman	Payne	Thomas
Cruz	Keller, M.	Payton	True
Curry	Keller, W.	Perzel	Turzai
Cutler	Kenney	Petri	Vereb
Daley	Kessler	Petrone	Vitali
Dally	Killion	Preston	Vulakovich
DeLuca	King	Pyle	Wagner
Denlinger	Kirkland	Quigley	Walko
DePasquale	Leach	Quinn	Wansacz
Dermody	Lentz	Raymond	Waters
DeWeese	Levdansky	Reed	Watson
DiGirolamo	Longietti	Reichley	Wheatley
Donatucci	Mackereth	Rock	Williams
Eachus	Maher	Roebuck	Youngblood
Evans, D.	Mahoney	Ross	Yudichak
Fabrizio	Manderino	Rubley	
Frankel	Mann	Sabatina	O'Brien, D., Speaker
Freeman	Mantz	Sainato	
Gabig			

## NAYS—44

Baker	Fleck	Marshall	Ramaley
Brooks	Geist	McIlhattan	Rapp
Cappelli	Gergely	Metcalfe	Readshaw
Casorio	Harris	Millard	Roe
Causar	Hess	Mustio	Rohrer
Cox	Hornaman	Pallone	Solobay
Creighton	Hutchinson	Peifer	Stern
Ellis	Kortz	Perry	Stevenson
Evans, J.	Kotik	Petrarca	White
Everett	Kula	Phillips	Wojnaroski
Fairchild	Major	Pickett	Yewic

NOT VOTING—0

EXCUSED—0

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 second consideration as amended?

Mr. FAIRCHILD offered the following amendment No. **A06346**:

Amend Title, page 1, line 2, by striking out "further providing" and inserting

in firearms and other dangerous articles, further providing for the offense of firearms not to be carried without a license, for license to carry firearm.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 6106(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 6106. Firearms not to be carried without a license.

\*\*\*

(b) Exceptions.—The provisions of subsection (a) shall not apply to:

\*\*\*

(16) Any person holding a license in accordance with section 6109(f)(3).

\*\*\*

Section 2. Section 6109(f)(1) of Title 18 is amended and the subsection is amended by adding paragraphs to read:

§ 6109. Licenses.

\*\*\*

(f) Term of license.—

(1) A license to carry a firearm issued under subsection (e) shall be valid throughout this Commonwealth for a period of five years unless extended under paragraph (3) or sooner revoked.

\*\*\*

(3) Notwithstanding paragraph (1) or any other provision of law to the contrary, a license to carry a firearm that is held by a member of the United States Armed Forces or the Pennsylvania National Guard on Federal active duty and deployed overseas that is scheduled to expire during the period of deployment shall be extended until 90 days after the end of the deployment.

(4) Possession of a license, together with a copy of the person's military orders showing the dates of overseas deployment, including the date that the overseas deployment ends, shall constitute, during the extension period specified in paragraph (3), a defense to any charge filed pursuant to section 6106 (relating to firearms not to be carried without a license) or 6108 (relating to carrying firearms on public streets or public property in Philadelphia).

\*\*\*

Section 3. Sections 6110.2 and 6117 of Title 18 are amended to read:

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This amendment provides for licensees to carry concealed firearms, for our men and women of the armed services who are deployed overseas. Under this amendment, if the license expires during the person's deployment overseas, the license would be extended for 90 days from the date that they return from that deployment. This amendment also provides for an affirmative defense from prosecution if the member of the armed services possesses a license to carry and a copy of their military order showing the dates of their overseas deployment, including the date that such deployment ended. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	

Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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 second consideration as amended?

Mr. GODSHALL offered the following amendment No. A06414:

Amend Title, page 1, line 2, by inserting after "Statutes," in firearms and other dangerous articles,

Amend Title, page 1, line 3, by inserting after "number" , for sale or transfer of firearms

Amend Sec. 1, page 1, line 7, by inserting after "6110.2" , 6111(j)

Amend Sec. 1, page 2, by inserting between lines 4 and 5 § 6111. Sale or transfer of firearms.

\* \* \*

(j) Exemption.—

(1) The provisions of subsections (a) and (b) shall not apply to:

(i) sales between Federal firearms licensees[.];

or

(ii) the purchase of firearms by a chief law enforcement officer, or his designee, for the official use of law enforcement officers.

(2) For the purposes of this subsection, the term "chief law enforcement officer" shall include the Commissioner of the Pennsylvania State Police, the chief or head of a police department, a county sheriff or any equivalent law enforcement official.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Godshall. Will the gentleman please suspend for a moment.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for a leave of absence from the minority leader, who requests the gentledady, Ms. HELM, be placed on leave for the evening. Without objection, the leave will be so granted.

CONSIDERATION OF HB 1845 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Godshall. Thank you.

Mr. GODSHALL. Thank you, Mr. Speaker.

This, I believe, is an agreed-to amendment with no known opposition. Current Federal law provides firearms transferred to a law enforcement agency from a dealer are exempt from the requirement of instant background check. Presently under Pennsylvania law, the law enforcement agency goes in and buys 25 or 30 guns, they are going to have to fill out 25 or 30 record-of-sale forms. This would make Pennsylvania law conform to Federal law and eliminate that requirement. There is no known opposition.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Thomas, are you seeking recognition?

Mr. THOMAS. Yes, sir.

The SPEAKER pro tempore. The gentleman is so recognized.

Mr. THOMAS. May I interrogate the maker of the amendment?

The SPEAKER pro tempore. Will the gentleman, Mr. Godshall, agree to a brief period of interrogation? The gentleman has agreed. You may proceed.

Mr. THOMAS. Thank you.

Mr. Speaker, would you please explain to me what you just said?

Mr. GODSHALL. Presently, if the Philadelphia Police Department or the Montgomery County Police Department or any wants to buy, say, handguns for their officers, they would have to go to, if they get them from a manufacturer like Colt or Smith & Wesson, they can get them shipped in; there is no background check required as per Federal law. In Pennsylvania, under the Federal law, if they go to a Pennsylvania dealer, they must fill out, say Philadelphia is buying 50 handguns for their officers, they have to fill out 50 record-of-sale forms, one for each gun. This just makes Pennsylvania law conform to Federal law.

Mr. THOMAS. Mr. Speaker, have you talked to the police commissioner in Philadelphia or Montgomery County or Bucks County?

Mr. GODSHALL. Montgomery County.

Mr. THOMAS. But you mentioned Philadelphia. Have you talked to the police commissioner in Philadelphia?

Mr. GODSHALL. This would adhere to, it would make Pennsylvania law conform to Federal law for every police department in the State of Pennsylvania.

Mr. THOMAS. But, Mr. Speaker, my question is, we keep dictating to local municipalities without ever giving them the respect of finding out where they are. These counties that you mentioned might not have a problem with the current requirements. And so what my question is, is have you talked to these people?

Mr. GODSHALL. This gives the option of going to the dealer or to the manufacturer. And they have a right, if they want to go and fill out record-of-sale forms for every gun they purchase for their department, they can still do it. However, this says you do not have to do it.

Mr. THOMAS. What was your last comment, Mr. Speaker?

Mr. GODSHALL. I said, if they wish, they can still go to that dealer and fill out a form for every gun that they purchase for their department. They have that option, if they would like to do it.

Mr. THOMAS. So this just provides for the option.

Mr. GODSHALL. This does not make it mandatory; it just conforms our law to Federal law.

Mr. THOMAS. Thank you, Mr. Speaker. And, Mr. Speaker, I understand that this is an agreed-to amendment, but I also would just like to ask, with all of this other stuff that we do, at some point, let us talk to these counties and find out where they are. Thank you.

### THE SPEAKER PRO TEMPORE (JOSEPH A. PETRARCA) PRESIDING

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—202

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING-0

EXCUSED-1

Helm

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 second consideration as amended?

Mr. O'NEILL offered the following amendment No. A06415:

Amend Title, page 1, line 2, by inserting after "Statutes," in firearms and other dangerous articles,

Amend Title, page 1, line 3, by inserting after "number" , for the offenses of sale or transfer of firearms

Amend Sec. 1, page 1, line 7, by inserting after "6110.2" , 6111(g)(4)

Amend Sec. 1, page 2, by inserting between lines 4 and 5 § 6111. Sale or transfer of firearms.

\* \* \*

(g) Penalties.—

\* \* \*

(4) Any person, purchaser or transferee [who] commits a felony of the third degree if, in connection with the purchase, delivery or transfer of a firearm under this chapter, he knowingly and intentionally:

(i) makes any materially false oral [or written statement or] statement;

(ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or

(iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer [commits a felony of the third degree].

\* \* \*

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to clarify a court case from 2007, the Commonwealth v. Baxter. Currently any individual who purchases a gun from a licensed dealer in Pennsylvania is required to fill out a Federal form known as 4473. This form asks questions whether you have been convicted of any certain offenses or if you have been involuntarily committed to mental institutions, et cetera. The form is used as part of the background check process, which is conducted as part of the firearm purchase. Commonwealth law prohibits any individual from lying on any of these written materials in connection with the purchase of firearms. Due to this case, the court upheld that our gun laws do not apply to false statements on the Federal form.

This amendment will clarify that, that any individual who knowingly and intentionally makes a false statement on a Federal form or a State form which already exists with a firearm purchase can be punished under the Uniform Firearms Act, and I ask for an affirmative vote on this amendment. Also, Mr. Speaker, I would like to point out that this is an agreed-to amendment, and there is no known opposition.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-202

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siproth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Helm

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 second consideration as amended?

Mr. D. O'BRIEN offered the following amendment No. A06465:

Amend Title, page 1, line 1, by striking out "Title" and inserting Titles

Amend Title, page 1, line 1, by inserting after "Offenses)" and 42 (Judiciary and Judicial Procedure)

Amend Title, page 1, line 4, by removing the period after "identification" and inserting ; and further providing for limitation of actions.

Amend Bill, page 2, by inserting between lines 23 and 24

Section 2. Section 5552(c) of Title 42 is amended by adding a paragraph to read: § 5552. Other offenses.

\*\*\*

(c) Exceptions.—If the period prescribed in subsection (a), (b) or (b.1) has expired, a prosecution may nevertheless be commenced for:

\*\*\*

(4) An offense in violation of 18 Pa.C.S. § 6111(c) or (g) (relating to sale or transfer of firearms), within one year of its discovery by State or local law enforcement, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than eight years.

\*\*\*

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Speaker O'Brien.

Mr. D. O'BRIEN. Thank you, Mr. Speaker.

This amendment will extend the time for commencing a prosecution relating to the illegal sale, purchase, delivery, or transfer of a firearm. As applied to the crimes relating to the straw purchases and illegal transfer of firearms, these time limits are unfair and unworkable. According to the most recent available statistics gathered and published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the average time-to-crime of a crime gun — that is, the time between the date the gun is sold in a gun shop and the date it is recovered in a criminal investigation — was 6.1 years nationwide. In my county, Philadelphia, 66 percent of the recovered firearms had a time-to-crime of over 3 years, and just 22 percent of the recovered firearms had a time-to-crime of 1 year or less.

Pennsylvania's multijurisdictional Gun Violence Task Force has encountered a number of cases where our current laws have acted to prevent law enforcement from holding straw purchasers accountable for their illegal acts. In one case, for instance, the investigation that led to a straw purchaser's arrest began when a

gun was recovered in an unrelated criminal investigation on April 6, 2007. Special agents determined that it had been purchased by the suspected straw purchaser from a Philadelphia gun shop September 7, 2000, and that he had made six other purchases of handguns in transactions occurring between July 2000 and November 2001. The agents also determined that the straw had not lawfully transferred ownership of any of the seven guns and that three of them had been recovered by the police during criminal investigations. When the agents confronted the defendant, he confessed that he had unlawfully purchased all seven guns for a man known only as Todd. The accused straw purchaser has challenged the prosecution under the statute of limitations. This amendment is proposed to avoid that problem in future cases.

This legislation, as a general rule, will provide the statute of limitations, as a general rule, as 2 years. This will provide for an exception of 1 year from the point of discovery, but it will have an 8-year maximum, regardless of when it is discovered. I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-202

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White

Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Helm

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 second consideration as amended?

Mr. **FAIRCHILD** offered the following amendment No. **A06467**:

Amend Title, page 1, line 2, by inserting after "Statutes," in firearms and other dangerous articles,

Amend Title, page 1, line 2, by inserting after "for" prohibited conduct during emergency, for  
Amend Sec. 1, page 1, line 7, by inserting after "Sections" 6107,

Amend Sec. 1, page 1, by inserting between lines 8 and 9 § 6107. Prohibited conduct during emergency.

(a) General rule.—No person shall carry a firearm[, rifle or shotgun] upon the public streets or upon any public property during an emergency proclaimed by a State or municipal governmental executive unless that person is:

(1) Actively engaged in a defense of that person's life or property from peril or threat.

(2) Licensed to carry firearms under section 6109 (relating to licenses) or is exempt from licensing under section 6106(b) (relating to firearms not to be carried without a license).

(b) Seizure, taking and confiscation.—Except as otherwise provided under subsection (a) and notwithstanding the provisions of 35 Pa.C.S. Ch. 73 (relating to Commonwealth services) or any other provision of law to the contrary, no firearm, accessory or ammunition may be seized, taken or confiscated during an emergency unless the seizure, taking or confiscation would be authorized absent the emergency.

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

"Accessory." Any scope, sight, bipod, sling, light, magazine, clip or other related item that is attached to or necessary for the operation of a firearm.

"Firearm." The term includes any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any weapon.

On the question,

Will the House agree to the amendment?

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

This amendment was drafted in response to misuse of government authority in the wake of Hurricane Katrina. The provisions of this amendment are similar to two bills – SB 1172, which passed the Senate 50 to 0, and HB 1145, being considered by the House Veterans Affairs and Emergency Preparedness Committee. You probably know the back-story of these bills. At the direction of the New Orleans mayor, local law enforcement and certain members of the National Guard entered the homes and automobiles of law-abiding citizens and confiscated their firearms and ammunition, leaving them without any real means to protect their homes or loved ones. If ever there was an occasion to exercise one's right to keep and bear arms to defend life, liberty, and property, it was during those tragic weeks in New Orleans following Katrina.

Two months after Katrina, the Louisiana Legislature passed a measure to condemn the gun confiscations and began the process of amending their laws to prevent it from ever happening again. Since then, the President signed a Federal law which prohibits Federal officers from confiscating firearms from law-abiding citizens and two dozen other States have amended their laws to enact similar protections. Legislation has been introduced in nearly every State and territory in the Union, including Pennsylvania.

Article I, section 21, of the Pennsylvania Constitution provides that, quote, "the right of the citizens to bear arms in defense of themselves and the State shall not be questioned." In order for these words to mean anything, we must ensure that the government cannot set these rights aside for expediency's sake. For that reason I ask for an affirmative vote on amendment A6467 and to confirm the Senate's vote of 50 to 0.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Representative Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I would just like to stand and rise in support of this amendment. The bill that the gentleman referenced is a bill that I have the prime sponsorship on, and I give this amendment hearty support and would ask that everyone else would do the same.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman consents to interrogation. You may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, maybe my comprehension is off today, but am I to understand this amendment as providing that there should be no confiscation of guns during an emergency? Is that what this means?

Mr. FAIRCHILD. Beyond existing law, yes, that is correct. In other words, this is to prohibit what happened in New Orleans after Katrina, where an order was given by the mayor to confiscate people's guns and ammunition without any reason whatsoever. If there is a legally binding reason – in other words, if there is a crime being committed, et cetera – then this does not affect that at all.

Mr. THOMAS. Mr. Speaker, have we had something go on in Pennsylvania that would require us to learn from Katrina?

Mr. FAIRCHILD. Not yet, Mr. Speaker.

Mr. THOMAS. So this is really a—

Mr. FAIRCHILD. But the problem is—

Mr. THOMAS. This is a preemptive strike.

Mr. FAIRCHILD. That is correct.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—180

Adolph	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Boback	Goodman	Millard	Shapiro
Boyd	Grell	Miller	Shimkus
Brennan	Grucela	Milne	Siproth
Brooks	Haluska	Moul	Smith, K.
Buxton	Hanna	Moyer	Smith, M.
Caltagirone	Harhai	Mundy	Smith, S.
Cappelli	Harhart	Murt	Solobay
Carroll	Harkins	Mustio	Sonney
Casorio	Harper	Nailor	Staback
Causar	Harris	Nickol	Stairs
Civera	Hennessey	O'Neill	Steil
Clymer	Hershey	Pallone	Stern
Conklin	Hess	Pashinski	Stevenson
Costa	Hickernell	Payne	Sturla
Cox	Hornaman	Peifer	Surra
Creighton	Hutchinson	Perry	Swanger
Curry	Kauffman	Perzel	Tangretti
Cutler	Keller, M.	Petrarca	Taylor, J.
Daley	Kenney	Petri	Taylor, R.
Dally	Kessler	Petrone	True
DeLuca	Killion	Phillips	Turzai
Denlinger	King	Pickett	Vereb
DePasquale	Kortz	Preston	Vulakovich
Dermody	Kotik	Pyle	Wagner
DeWeese	Kula	Quigley	Walko
DiGirolamo	Leach	Quinn	Wansacz
Eachus	Lentz	Ramaley	Watson
Ellis	Levdansky	Rapp	Wheatley
Evans, D.	Longietti	Raymond	White
Evans, J.	Mackereth	Readshaw	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Rohrer	Speaker
Freeman	Markosek		

NAYS—22

Bennington	James	O'Brien, M.	Thomas
Bishop	Josephs	Oliver	Vitali
Blackwell	Keller, W.	Parker	Waters
Cohen	Kirkland	Payton	Williams

Cruz Manderino Roebuck Youngblood  
Donatucci Myers

NOT VOTING—0

EXCUSED—1

Helm

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 second consideration as amended?

Mr. CAPPELLI offered the following amendment No. **A05131:**

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting  
Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing, in general principles of justification, for definitions, for use of force in self-protection, for use of force for the protection of other persons and for licenses to carry firearms; further providing for the offense of possession of  
Amend Title, page 1, line 3, by inserting after "for"  
the offense of

Amend Bill, page 1, line 4, by removing the period after "identification" and inserting  
; providing for civil immunity for use of force; and further providing for sentences for offenses committed with firearms.

The General Assembly finds that:

(1) It is proper for law-abiding people to protect themselves, their families and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.

(2) The Castle Doctrine is a common law doctrine of ancient origins which declares that a home is a person's castle.

(3) Section 21 of Article I of the Constitution of Pennsylvania guarantees that the "right of the citizens to bear arms in defense of themselves and the State shall not be questioned."

(4) Persons residing in or visiting this Commonwealth have a right to expect to remain unmolested within their homes or vehicles.

(5) No person should be required to surrender his or her personal safety to a criminal, nor should a person be required to needlessly retreat in the face of intrusion or attack outside the person's home or vehicle.

(6) Despite the clear language of 18 Pa.C.S. §§ 6106 and 6109, inconsistent statutory and regulatory language appears to limit the ability of law enforcement officers and properly licensed individuals to carry a firearm throughout this Commonwealth.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 501 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:  
§ 501. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases, when used in this

chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Believes" or "belief." Means "reasonably believes" or "reasonable belief."

"Correctional institution." Any penal institution, penitentiary, State farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

"Deadly force." Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

" Dwelling." Any building or structure, including any attached porch, deck or patio, though movable or temporary, or a portion thereof, which is for the time being the home or place of lodging of the actor.

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to [section 311 of the act of May 27, 1949 (P.L.1903, No.568), known as "The Military Code of 1949."] 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

"Residence." A dwelling in which a person resides, either temporarily or permanently, or visits as an invited guest.

"Unlawful force." Force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily injury.

"Vehicle." A conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Section 2. Section 505(b) of Title 18 is amended and the section is amended by adding a subsection to read:

§ 505. Use of force in self-protection.

\* \* \*

(b) Limitations on justifying necessity for use of force.—

(1) The use of force is not justifiable under this section:

(i) to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or

(ii) to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(A) the actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(B) the actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 507 of this title (relating to use of force for the protection of property); or

(C) the actor believes that such force is necessary to protect himself against death or serious bodily injury.

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

(i) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(ii) the actor knows that he can avoid the necessity of using such force with complete safety by retreating [or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take], except [that:

(A)] the actor is not obliged to retreat from his dwelling [or place of work,] unless he was the initial aggressor [or is assailed in his place of work by another person whose place of work the actor knows it to be; and

(B) a public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed].

(2.1) Except as otherwise provided in paragraph (2.2), an actor is presumed to have a reasonable belief that deadly force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat if both of the following exist:

(i) The person against whom the protective force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcefully entered, a dwelling, residence or occupied vehicle; or the person against whom the protective force was used had unlawfully and forcefully removed or was attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle.

(ii) The actor knew or had reason to believe that an unlawful and forceful entry or act was occurring or had occurred.

(2.2) The presumption set forth in paragraph (2.1) does not apply if:

(i) the person against whom the protective force is used has the right to be in or is a lawful resident of the dwelling, residence or vehicle, such as an owner or lessee;

(ii) the person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the protective force is used;

(iii) the actor is engaged in a criminal activity or is using the dwelling, residence or occupied vehicle to further a criminal activity; or

(iv) the person against whom the protective force is used is a peace officer acting in the performance of his official duties and the peace officer identified himself or the person using force knew or reasonably should have known that the person was a peace officer.

(2.3) An actor who is not engaged in a criminal activity and who is attacked in any place where the actor has a right to be has no duty to retreat and has the right to stand his ground and use protective force, including deadly force, if the actor believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping or sexual intercourse by force or threat.

(2.4) Unless one of the exceptions under paragraph (2.2) applies, a person who unlawfully and by force enters or attempts

to enter an actor's dwelling, residence or occupied vehicle or removes or attempts to remove another against that other's will from the actor's dwelling, residence or occupied vehicle is presumed to be doing so with the intent to commit:

(i) an act resulting in death or serious bodily injury; or

(ii) kidnapping or sexual intercourse by force or threat.

(2.5) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as [required by paragraphs (1) and (2) of this subsection,] otherwise required by this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

\*\*\*

(d) Definition.—As used in this section, the term "criminal activity" means conduct which is a misdemeanor or felony, is not justifiable under this chapter and is the proximate cause of the confrontation between an actor and the person against whom protective force is used.

Section 3. Section 506 of Title 18 is amended to read:

§ 506. Use of force for the protection of other persons.

(a) General rule.—The use of force upon or toward the person of another is justifiable to protect a third person when:

(1) the actor would be justified under section 505 [of this title] (relating to use of force in self-protection) in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;

(2) under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and

(3) the actor believes that his intervention is necessary for the protection of such other person.

(b) [Exceptions] Exception.—Notwithstanding subsection (a) [of this section]:

(1) When the actor would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-protection, he is not obliged to do so before using force for the protection of another person, unless he knows that he can thereby secure the complete safety of such other person.

(2) When the person whom the actor seeks to protect would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the actor is obliged to try to cause him to do so before using force in his protection if the actor knows that he can obtain complete safety in that way.

(3) Neither the actor nor the person whom he seeks to protect is obliged to retreat when in the dwelling or place of work of the other to any greater extent than in his own.] , the actor is not obliged to retreat to any greater extent than the person whom he seeks to protect.

Section 4. The definition of "loaded" in section 6102 of Title 18 is amended to read:

§ 6102. Definitions.

Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when

used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\*\*\*

"Loaded." A firearm is loaded if the firing chamber, the nondetachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. In the case of a firearm which utilizes a detachable magazine, the term shall mean a magazine suitable for use in said firearm which magazine contains such ammunition and has been inserted in the firearm or is in the same container or, where the container has multiple compartments, the same compartment thereof as the firearm. If the magazine is inserted into a pouch, holder, holster or other protective device that provides for a complete and secure enclosure of the ammunition, then the pouch, holder, holster or other protective device shall be deemed to be a separate compartment.

\*\*\*

Section 5. Section 6109 of Title 18 is amended by adding subsections to read:

§ 6109. Licenses.

\*\*\*

(m.1) Inconsistent provisions.—Notwithstanding the provisions of section 7506 (relating to violation of rules regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727 (relating to additional limitations on operation), or the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, and regulations promulgated under that act, a firearm may be carried as provided in subsection (a) by:

(1) a law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm; or

(2) any licensee.

(m.2) Construction.—Nothing in this section shall be construed to:

(1) Permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by 34 Pa.C.S. (relating to game).

(2) Authorize any Commonwealth agency to regulate the possession of firearms in any manner inconsistent with the provisions of this title.

\*\*\*

Section 6. Sections 6110.2 and 6117 of Title 18 are amended to read:

Amend Bill, page 2, by inserting between lines 23 and 24

Section 7. Title 42 is amended by adding a section to read:

§ 8340.2. Civil immunity for use of force.

(a) General rule.—An actor who uses force:

(1) in self-protection as provided in 18 Pa.C.S. § 505 (relating to use of force in self-protection);

(2) in the protection of other persons as provided in 18 Pa.C.S. § 506 (relating to use of force for the protection of other persons);

(3) for the protection of property as provided in 18 Pa.C.S. § 507 (relating to use of force for the protection of property);

(4) in law enforcement as provided in 18 Pa.C.S. § 508 (relating to use of force in law enforcement); or

(5) consistent with the actor's special responsibility for care, discipline or safety of others as provided in 18 Pa.C.S. § 509 (relating to use of force by persons with special responsibility for care, discipline or safety of others);

is justified in using such force and shall be immune from civil liability for personal injuries sustained by a perpetrator which were caused by the acts or omissions of the actor as a result of the use of force.

(b) Attorney fees and costs.—If the actor who satisfies the requirements of subsection (a) prevails in a civil action initiated by or on behalf of a perpetrator against the actor, the court shall award reasonable expenses to the actor. Reasonable expenses shall include,

but not be limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

(c) Definition.—As used in this section, the term "perpetrator" shall mean a person against whom an actor is justified in using force as provided by 18 Pa.C.S. § 505, 506, 507, 508 or 509.

Section 8. The provisions of 17 Pa. Code § 11.215 are abrogated to the extent they apply to any person identified under 18 Pa.C.S. § 6109(m.1) (relating to licenses).

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting  
9

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, at this time I will momentarily defer to the majority leader.

The SPEAKER pro tempore. The Chair recognizes the majority leader, Representative DeWeese.

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

We had a chat earlier in the day with the gentleman from Williamsport, Mr. Cappelli. His amendment will be incorporated into a subsequent effort. A bill will run later in the session, and this agreement was confirmed with a handshake by all parties involved. I appreciate the fact that today he is withdrawing, to the best of my knowledge, his amendment, and we will work together on other issues as the session rolls forward.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

#### AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Representative Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, in the interest of moving this legislation forward and with the majority leader's commitment to move my HB 641, hopefully in a timely fashion, I will be withdrawing amendment 05131.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. ADOLPH offered the following amendment No. **A06378:**

Amend Title, page 1, line 1, by striking out "Title 18 (Crimes and Offenses)" and inserting

Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure)

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

; and, in limitation of time, making an editorial change.

Amend Bill, page 2, by inserting between lines 23 and 24

Section 2. Section 5552(b)(1) of Title 42 is amended to read:  
§ 5552. Other offenses.

\* \* \*

(b) Major offenses.—A prosecution for any of the following offenses must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 901 (relating to criminal attempt) involving attempt to commit murder where no murder occurs.

Section 902 (relating to criminal solicitation) involving solicitation to commit murder where no murder occurs.

Section 903 (relating to criminal conspiracy) involving conspiracy to commit murder where no murder occurs.

Section 911 (relating to corrupt organizations).

Section 2702 (relating to aggravated assault).

Section 2706 (relating to terroristic threats).

Section 2713 (relating to neglect of care-dependent person).

Section 2901 (relating to kidnapping).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 3921 (relating to theft by unlawful taking or disposition) through section 3933 (relating to unlawful use of computer).

Section 4101 (relating to forgery).

Section 4107 (relating to deceptive or fraudulent business practices).

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4117 (relating to insurance fraud).

Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).

Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness [or victim], victim or party).

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5111 (relating to dealing in proceeds of unlawful activities).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

Section 6111(g)(2) and (4) (relating to sale or transfer of firearms).

\* \* \*

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting  
3

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, law enforcement and others have expressed serious concerns about the phenomenon of straw purchasers who legally purchase guns from firearms dealers and turn around to provide those same guns to criminals. Section 6111 of

our Crimes Code contains, among other things, language which criminalizes the conduct of these straw purchasers.

Recent information from the Pennsylvania Sentencing Commission indicates that from 2004 to 2006, there were less than 100 convictions on the 6111 offenses each year. While I am encouraged by recent reports of significant arrests and illegal-gun seizures by the Attorney General's task force in Philadelphia, I have concerns that it may take much more time to put together cases for these over 6,000 straw purchase prosecutions.

This amendment would increase the statute of limitations for offenses involving straw purchases of firearms as well as knowingly making false statements on the forms associated with the firearm purchases. The statute of limitations for the offenses will be increased from 2 years to 5 years. I hope my colleagues on both sides of the aisle will support this amendment. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

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

Mr. THOMAS. I would like to interrogate.

The SPEAKER pro tempore. Nothing is in order but the taking of the roll at this time, Mr. Thomas.

Mr. THOMAS. I understand that nothing is in order, but I sat here for 4 hours while you beat me up about what is crime-related and what is not crime-related. I should have a right to at least raise a question about an amendment that I am not familiar with. That is just basic fairness, Mr. Speaker. Now, you do what you want.

#### VOTE STRICKEN

The SPEAKER pro tempore. The Chair will strike the vote.

Mr. Thomas, do you wish to interrogate the maker of the amendment?

Mr. THOMAS. Thank you, Mr. Speaker.

I would just like to say to my colleagues, I sit here very patiently and listen and respect each and every one of you. I do not appreciate facing disrespect when I get ready to ask a question.

Now, Mr. Speaker, in reference to your amendment, would you please explain your amendment? I am asking the speaker to please explain his amendment.

The SPEAKER pro tempore. Will the gentleman stand for interrogation?

Mr. ADOLPH. Yes.

The SPEAKER pro tempore. He indicates that he will. You may proceed, Mr. Thomas.

Mr. ADOLPH. Currently under our Crimes Code, the statute of limitations for those that are being prosecuted for straw purchases is 2 years. This increases the statute of limitations from 2 years to 5 years.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, earlier I heard from several of your colleagues that as a general rule we do not prosecute straw purchases, that, for some reason or another, if we prosecuted straw purchases, then we would be able to impact this problem of violence. So my next question is, do you think by increasing the statute that that might encourage greater prosecution of straw purchases?

Mr. ADOLPH. We heard from the Philadelphia District Attorney's Office that this amendment would help that situation.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Anyone else seeking recognition on the amendment?

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

The following roll call was recorded:

#### YEAS—202

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, M.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harhart	Murt	Solobay
Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Helm

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 second consideration as amended?

Mr. **METCALFE** offered the following amendment No. **A06348**:

Amend Title, page 1, line 2, by striking out "further providing" and inserting

in firearms and other dangerous articles, further providing for licenses for carrying a firearm,

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 6109 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:  
§ 6109. Licenses.

\* \* \*

(m.1) Temporary emergency licenses.—

(1) A person seeking a temporary emergency license to carry a concealed firearm shall submit to the sheriff of the county in which the person resides all of the following:

(i) Evidence of imminent danger to the person or member of the person's family.

(ii) A sworn affidavit that contains the information required on an application for a license to carry a firearm and attesting that the person is 21 years of age or older, is not prohibited from owning firearms under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or any other Federal or State law and is not currently subject to a protection from abuse order or a protection order issued by a court of another state.

(iii) A temporary emergency license fee established by the Commissioner of the Pennsylvania State Police for an amount that does not exceed the actual cost of conducting the criminal background check or \$10, whichever is less.

(2) Upon receipt of the items required under paragraph (1), the sheriff immediately shall conduct a criminal history, juvenile delinquency and mental health record check of the applicant. Immediately upon receipt of the results of the records check, the sheriff shall review the information and shall determine whether the applicant meets the criteria set forth in this section. If the sheriff determines, to the best of the sheriff's ability, that the applicant has met all of the criteria, the sheriff shall immediately issue the applicant a temporary emergency license to carry a concealed firearm.

(3) If the sheriff refuses to issue a temporary emergency license, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial or challenge criminal records check results that were the basis of the denial, if applicable, in the same manner as a denial of a license to carry a firearm under this section.

(4) A temporary emergency license issued under this subsection shall be valid for 90 days and may not be renewed. A person who has been issued a temporary emergency license under this subsection shall not be issued another temporary emergency license unless at least four years have expired since the issuance of the prior temporary emergency license.

(5) A person who holds a temporary emergency license to carry a firearm shall have the same rights to carry a firearm as a person issued a license to carry a firearm under this section. A licensee under this subsection shall be subject to all other duties, restrictions and penalties under this section.

(6) A sheriff who issues a temporary emergency license to carry a firearm shall retain, for the entire period during which the temporary emergency license is in effect, the evidence of imminent danger that the applicant submitted to the sheriff that was the basis for the license, or a copy of the evidence, as appropriate.

(7) The application for a temporary emergency license to carry a firearm shall be uniform throughout this Commonwealth and shall be on a form prescribed by the Pennsylvania State Police.

(8) As used in this subsection, the term "evidence of imminent danger" means a written document prepared by a governmental entity or public official describing the facts that give a person reasonable cause to fear a criminal attack upon the person or a member of the person's family that would justify a prudent person to carry a firearm. Written documents of this nature include, but are not limited to, any temporary or final protection from abuse order or protection order issued by another state.

\* \* \*

Section 2. Sections 6110.2 and 6117 of Title 18 are amended to read:

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting  
3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, my amendment gives additional options for protection to individuals who can demonstrate evidence of imminent danger to themselves or a member of their family. I would appreciate an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Representative Thomas.

Mr. THOMAS. Now this one I really have to interrogate.

Thank you, Mr. Speaker.

May I interrogate the maker of this amendment?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, your explanation led me to believe that this is some expansion of existing law?

Mr. METCALFE. Yes.

Mr. THOMAS. Okay. What law are we expanding and why? Other than the Metcalfe doctrine.

Mr. METCALFE. We are expanding the current law to provide for an individual who feels that their life is in danger to apply for an expedited carry/conceal permit so that they can protect themselves.

Mr. THOMAS. Wait a minute. What does existing law provide?

Mr. METCALFE. Existing laws would provide for the carry permit, but it may take up to 45 days to get a permit. So for somebody who may feel that their life is in danger, to go apply for a permit it could take, depending on which county you may be in, it could take up to 45 days for the process and everything to take place.

Mr. THOMAS. Well, Mr. Speaker, how would this impact the current circumstances in Philadelphia County? And here is what I mean: The current police commissioner, in conjunction with the mayor, has decided that we have to slow up this process, that since the Pennsylvania uniform firearms law preempted Philadelphia from doing what was in its best interest, Philadelphia, there have been over 3500 additional permits. Permits have been going out like water. So the new mayor, new police commissioner, and I believe, the district attorney is in support of this, have decided that they need to step back and take a more direct look at some of these applications for licenses. How would this impact that?

Mr. METCALFE. Mr. Speaker, this would be a provision that would occur in very limited circumstances, where normally an individual, say, a woman who is in fear for her life, who has been threatened, that would like to have the ability to carry a firearm to protect herself, rather than having to wait those 45 days, she would be able to apply for this, go through the instant background checks, be issued an emergency carry/conceal permit for a period of up to 90 days that would then allow for the current law enforcement to deal with the situation as they normally would.

Mr. THOMAS. So you are reducing the 45 days to what?

Mr. METCALFE. It would be as soon as they could run the instant background check and verify that this person would be qualified to have a carry/conceal, then it could be issued.

Mr. THOMAS. So now, how do we satisfy this standard of life being threatened? I mean, do you need a protection-from-abuse order, or how do we satisfy that standard, this new standard?

Mr. METCALFE. If you just give me about 15 to 20 seconds, I will give you an answer.

Mr. Speaker, just let me read from the amendment. "As used in this subsection, the term 'evidence of imminent danger' means a written document prepared by a governmental entity or public official describing the facts that give a person reasonable cause to fear a criminal attack upon the person or a member of the person's family that would justify a prudent person to carry a firearm. Written documents of this nature include, but are not limited to, any temporary or final protection from abuse order or protection order issued by another state."

Mr. THOMAS. Okay. And that is the scary part. It does not have to include a protection-from-abuse order, that it can be with or without such a protection. And so to that end, I raise the question, in a domestic violence situation where one partner believes that his or her life is in danger and went and filed a criminal complaint, but there has been no action on that criminal complaint, it is arguable to conclude, and you can validate this, that I can go run to a gun shop and get a gun within 24 hours, as long as I have some basis upon which I believe my life is in danger. Is that correct, Mr. Speaker?

Mr. METCALFE. Mr. Speaker, this does not have anything to do with the purchasing of the weapon. You can go purchase the gun if you qualify and you pass the instant background check right now. All this allows for is to ensure that that individual would have their right, which the majority of us

believe they should have the right anyhow as long as they are a law-abiding citizen, to carry that firearm on their person to defend their own life that is possibly in jeopardy.

Mr. Speaker, I know you have probably had similar situations that I have had in my own county where individuals have lost their lives to a violent stalker, a violent person who has come after them, women who have been stalked and then a crime perpetrated against them to the point of a murder. And this legislation would ensure that we have another option for law-abiding citizens who feel that their lives are threatened, to ensure that the red tape bureaucracy, that in some areas of this State may inhibit them from protecting themselves for up to 45 days, that it would qualify them to be able to pass the instant background check and receive that instant, that expedited carry/conceal permit so that they can defend their life.

Mr. THOMAS. Thank you, Mr. Speaker. Mr. Speaker, I have concluded my interrogation.

Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. THOMAS. This is scary at best. And I think about situations where, I think about domestic situations, and I have had a couple of situations in my district – I know of one in particular – where the wife was a law enforcement officer and her husband went around and convinced some folks that his life was in danger because his wife carried a gun, and the fool was able to go out there and get a gun legally and murder his wife.

Mr. Speaker, I think that we need to be looking at legislative prescriptions that encourage greater responsibility and some level of accountability. I think that it is scary when we can take a 45-day waiting period and reduce it to 24 hours on subjective allegations, not objective allegations. I could see if you were required to bring an order from abuse, or you were required to bring a court's decision in response to the filing of a criminal complaint, but none of those standards can be gleaned from this amendment. This amendment is just open, and all I have to do is just say that Representative Evans is getting ready to hurt me and bypass this waiting period.

And last but not least, Mr. Speaker, the new mayor of Philadelphia, the new police commissioner of Philadelphia, have said that they need time to slow this process down, that the uniform firearms law has caused a proliferation of applications for permits, and that, on the other hand, they have this serious problem of violence throughout Philadelphia. So they have asked, they have taken a position to slow this whole thing down. And I think by voting for the Metcalfe amendment, we in effect say to the mayor – the new mayor and the new police commissioner – that whatever you are doing, the heck with it; we are going to speed this process up. I do not think that that is right. Vote "no" on the Metcalfe amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

May I interrogate the maker of this bill?

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

Mr. WILLIAMS. Mr. Speaker, I am just concerned, and I want to ask this question: Do you know how many days it takes for a person to get a protection-from-abuse order if they are threatened?

Mr. METCALFE. Thank you, Mr. Speaker. I was looking for the mike.

Thank you, Mr. Speaker. As I understand it, a protection-from-abuse order, that there is a form that can be issued within a matter of hours if needed – matter of hours.

Mr. THOMAS. Mr. Speaker, this immediate firearms permit or certification that you are requesting, is there a period, if a person has a mental problem or a mental issue, is there a grace period in this legislation?

Mr. METCALFE. Mr. Speaker, as I understand it, they would not pass the instant background check so they would not be eligible for this expedited emergency-carry permit.

Mr. WILLIAMS. Okay. So, Mr. Speaker, does the background check for getting a gun permit, is it the same as getting a background check on a person who has a mental issue? Is it the same time period, rather?

Mr. METCALFE. Mr. Speaker, the knowledge that I have and that has been shared with me is that it is all computerized so it is all included in that computerized system that checks multiple systems for the background check.

Mr. WILLIAMS. Okay. So, Mr. Speaker, if on Friday a person gets into an altercation with another family member and that person is 302'd to a mental facility for evaluation, does that show up on the instant check in 48 hours, that that person was 302'd or court ordered to a mental program for an evaluation?

Mr. METCALFE. Mr. Speaker, that would depend on whether notice had been provided to the State Police or not.

Mr. WILLIAMS. Okay. So is there a possibility that the mental facility did not communicate with the State Police or the law enforcement agency within a 24-hour or 48-hour period?

Mr. METCALFE. Well, Mr. Speaker, with trying to figure out what would be possible or not, I think the possibilities are a lot greater across this Commonwealth with the number of violent acts that occur and are perpetrated by stalkers and criminals against individuals. The possibility is much greater that by not having this ability to protect oneself that you would have people losing their lives than it would be under your scenario of this extreme example that you are trying to create.

Mr. WILLIAMS. Well, Mr. Speaker, I am asking the questions; if you can read my mind you should probably tell me what the Pennsylvania Lottery is going to be next so I can play it.

Mr. METCALFE. Give me a couple of minutes; I need a couple minutes for that, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, in this amendment, does it speak to a person having the opportunity to go to a safe house or a place where they can get shelter before they go and get a gun or permit to get a gun with no training or anything like that and would put not only themselves in danger, but other family members? Is there anything in this legislation that speaks to training, emergency training in 24 hours?

Mr. METCALFE. Mr. Speaker, this does not take away any of the options that are currently available for, say, a young mother who is in fear for her life, but it does provide an additional option for the many women that exist across the State, for the many individuals across the State that are law-abiding citizens, who would not have had any reason to pursue actually securing a carry/conceal permit until they have a reason to fear for their life. And at that time, rather than having to wait the 45 days, they would be in line, if they are a law-abiding citizen, to be issued an emergency, expedited carry/conceal permit so that they can protect themselves.

Mr. WILLIAMS. Thank you, Mr. Speaker. I am finished with my interrogation. May I speak on the amendment?

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

Mr. WILLIAMS. Although I understand that people are victims of crime, and I understand that people need to have the right protection under the law, I understand that people have, or should have, the right to protect themselves at all times, but I think that we need to be a little careful when we do not do proper training, when we do not use every means necessary to keep a person from just getting a gun in an emergency situation, knowing that it could have been a domestic dispute – either the male or the female, female or female, or male or male – that we take our time and use a little more of the opportunity of doing more of a background on this situation. Just to give a person a gun because they say they have been threatened or there is an emergency situation, we already have safeguard mechanisms in place. We have protection-from-abuse orders. We have restraining orders. I think, in my opinion, this reminds me of the Castle Doctrine, you know, just shoot first and talk later.

I am opposed to this amendment. My good friend and colleague from the other side of the aisle, I think his intent is good, but I think this is a bad amendment. I think this is a real bad amendment, and I urge everyone not to support this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand, I believe, the intent of what your amendment is trying to do here, that if someone feels that they are in imminent danger and they need quick protection, that this would afford them that protection. Is that correct?

Mr. METCALFE. Yes, Mr. Speaker; I believe I heard your question, a little bit noisy in here.

Mr. STURLA. Okay. And I understand the rationale behind that. I guess what I am concerned about is the way the language is written, what it would also allow. And you talked about the young mother, but there is a requirement that the person be 21 years of age. So the young mother that is 20 years old, 11 months, and 28 days does not qualify. Is that correct?

Mr. METCALFE. The current law only allows individuals who are 21 years of age or older to be eligible for a carry permit, so, no, that would not apply to anyone under 21 years of age.

Mr. STURLA. Okay. Right, and then the other concern I have is that you must show evidence of imminent danger to the person or member of the person's family. Now, tragedy has struck around this nation on college campuses, and I would assume that anybody could contend that if their child was attending one of those college campuses that that member of their family was in imminent danger, but if my child is going to school in Illinois or Virginia, I can show that they are in imminent danger on one of those college campuses. Does that qualify me for a temporary emergency permit?

Mr. METCALFE. It would have to be, as we have written the legislation, a governmental entity or a public official who would make the determination.

Mr. STURLA. But if a member of that college campus said, I think all of our kids are in imminent danger, or the Governor of that State said, all those kids are in imminent danger,

required a lockdown, as we just had at Millersville University here in Pennsylvania today.

Mr. METCALFE. Mr. Speaker, they would not qualify, that individual would not qualify. An individual such as a district justice, police chief, district attorney, judge – they would be the individuals that this would point to to make that determination, not a college campus administrator.

Mr. STURLA. Okay. So you are saying I have to have a district justice or a sheriff say that that is okay?

Mr. METCALFE. Mr. Speaker, the section of law that would govern who would actually be determining who the governmental entities or officials would be, would be in section 6111.5, "Rules and Regulations," where just briefly, to read to you, "The Pennsylvania State Police shall in the manner provided by law promulgate the rules and regulations necessary to carry out this chapter...." This would be inserted in this chapter, and I would trust that the State Police would be able to make a proper designation. They would designate individuals such as a district justice, a police chief, district attorney, judge, as I mentioned before, and that you would not have just this broad designation that would include any of the individuals that you were alluding to in your comments.

Mr. STURLA. Okay. So what will those government officials base their rationale on? If my kid goes to college two miles away from me, would that count as an imminent danger for them as a member of my family? They do not live in my house, they live on campus.

Mr. METCALFE. Mr. Speaker, what I had read earlier from one of the earlier questions would probably speak to what you are asking, and that is that "the term 'evidence of imminent danger' means a written document prepared by a governmental entity or public official describing the facts that give a person reasonable cause to fear a criminal attack upon a person or a member of the person's family that would justify a prudent person to carry a firearm...."

So I think, as you know, we have to leave some of these decisions to be made when you are considering the evidence, and for us to try and define each and every detail of what evidence would be needed, I do not think that would be good policy on our part.

Mr. STURLA. So if a father who is outraged by something on a college campus walks into his district justice friend who is his neighbor and says, I am concerned about my child down at college. I am going to go down there for the next couple of weeks, go to class with him. I need a carry permit. I need it now. Is that reasonable?

Mr. METCALFE. Mr. Speaker, the example you give of somebody that is a neighbor of a district justice, I think we trust our district justices with making life and death decisions sometimes daily and in other levels of our courts. As I have answered earlier, I think, ultimately, your example is not near as likely to occur, and should not occur if the law is actually abided by, as much as the example that I have set earlier and that is for individuals, young women possibly, who might be being stalked and have the need to protect themselves, but unable to wait the 45 days and may lose their lives in the meantime, to be able to ask for an expedited carry permit and be allowed to carry a firearm and exercise their right to bear arms and defend themselves against a potentially violent person that may try and take their life.

Mr. STURLA. Thank you, Mr. Speaker.

If I could just make a comment. Mr. Speaker—

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

Mr. STURLA. While I understand the intent here, I think that the language is so broadly written and so loose as to allow for all sorts of mischief, if you will, in the terms of issuing emergency temporary permits. I think if this language were tighter in terms of what it was trying to accomplish and how it accomplished it, there might be more ability to support something like this. But at this time, I do not think I am going to be able to lend my support to this piece of legislation because of what I see as the broad powers that it gives to people to issue permits on sort of a whim as opposed to the rational, reasoned perspective that we have had in terms of issuing carry permits in the past. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—147

Adolph	Fairchild	Mackereth	Raymond
Argall	Fleck	Maher	Readshaw
Baker	Freeman	Major	Reed
Barrar	Gabig	Mann	Reichley
Bastian	Geist	Mantz	Roae
Bear	George	Markosek	Rock
Belfanti	Gerber	Marshall	Rohrer
Benninghoff	Gergely	Marsico	Sainato
Beyer	Gibbons	McCall	Saylor
Bianucci	Gillespie	McIlhattan	Scavello
Boback	Gingrich	Mensch	Schroder
Boyd	Godshall	Metcalfe	Seip
Brennan	Goodman	Micozzie	Siproth
Brooks	Grell	Millard	Smith, M.
Caltagirone	Grucela	Miller	Smith, S.
Cappelli	Haluska	Moul	Sonney
Carroll	Hanna	Moyer	Staback
Casorio	Harhai	Murt	Stairs
Causer	Harhart	Mustio	Steil
Civera	Harkins	Nailor	Stern
Clymer	Harper	Nickol	Stevenson
Conklin	Harris	O'Neill	Surra
Cox	Hennessey	Pallone	Swanger
Creighton	Hershey	Payne	Tangretti
Cutler	Hess	Peifer	Taylor, J.
Daley	Hickernell	Perry	True
Dally	Hornaman	Perzel	Turzai
DeLuca	Hutchinson	Petrarca	Vereb
Denlinger	Kauffman	Petri	Vulakovich
DePasquale	Keller, M.	Petrone	Walko
Dermody	Kenney	Phillips	Wansacz
DeWeese	Kessler	Pickett	Watson
DiGirolamo	Killion	Pyle	White
Ellis	Kortz	Quigley	Wojnaroski
Evans, J.	Kotik	Quinn	Yewcic
Everett	Lentz	Ramaley	Yudichak
Fabrizio	Longietti	Rapp	

#### NAYS—55

Bennington	Keller, W.	O'Brien, M.	Smith, K.
Bishop	King	Oliver	Solobay
Blackwell	Kirkland	Parker	Sturla
Buxton	Kula	Pashinski	Taylor, R.
Cohen	Leach	Payton	Thomas
Costa	Levdansky	Preston	Vitali
Cruz	Mahoney	Roebuck	Wagner

Curry	Manderino	Ross	Waters
Donatucci	McGeehan	Rubley	Wheatley
Eachus	McI. Smith	Sabatina	Williams
Evans, D.	Melio	Samuelson	Youngblood
Frankel	Milne	Santoni	
Galloway	Mundy	Shapiro	O'Brien, D.,
James	Myers	Shimkus	Speaker
Josephs			

NOT VOTING—0

EXCUSED—1

Helm

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 second consideration as amended?

**RULES SUSPENDED**

The SPEAKER pro tempore. The Chair recognizes the minority leader, who moves to suspend the rules, without objection, to offer two amendments, amendment 06547 and amendment 06542.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the motion, the minority leader, Representative Smith.

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

I was rising to ask the members to suspend the rules for two amendments, 6542 and 6547. One of these amendments had been previously filed and withdrawn and then refiled, and the other amendment was part of an overall discussion relative to a potential omnibus amendment. One deals with a voluntary database of lost and stolen guns, and one deals with where you can carry a gun when you have a permit to carry gun, a concealed weapon, relative to State parks, and I would ask the members to support the motion to suspend the rules. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the motion, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, we support the motion to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Freeman	Marshall	Ross
Argall	Gabig	Marsico	Rubley
Baker	Galloway	McCall	Sabatina
Barrar	Geist	McGeehan	Sainato
Bastian	George	McI. Smith	Samuelson

Bear	Gerber	McIlhattan	Santoni
Belfanti	Gergely	Melio	Saylor
Benninghoff	Gibbons	Mensch	Scavello
Bennington	Gillespie	Metcalfe	Schroder
Beyer	Gingrich	Micozzie	Seip
Biancucci	Godshall	Millard	Shimkus
Blackwell	Goodman	Miller	Siptroth
Boback	Grell	Milne	Smith, K.
Boyd	Grucela	Moul	Smith, M.
Brennan	Haluska	Moyer	Smith, S.
Brooks	Hanna	Mundy	Solobay
Buxton	Harhai	Murt	Sonney
Caltagirone	Harhart	Mustio	Staback
Cappelli	Harkins	Myers	Stairs
Carroll	Harper	Nailor	Steil
Casorio	Harris	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Kauffman	Peifer	True
Cruz	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	Kirkland	Phillips	Walko
DePasquale	Kortz	Pickett	Wansacz
Dermody	Kotik	Preston	Waters
DeWeese	Kula	Pyle	Watson
DiGirolamo	Leach	Quigley	Wheatley
Donatucci	Lentz	Quinn	White
Eachus	Levdansky	Ramaley	Williams
Ellis	Longietti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Major	Reed	Yudichak
Fabrizio	Manderino	Reichley	
Fairchild	Mann	Roae	O'Brien, D.,
Fleck	Mantz	Rock	Speaker
Frankel	Markosek	Rohrer	

NAYS—9

Bishop	King	Payton	Shapiro
Curry	Mahoney	Roebuck	Thomas
Josephs			

NOT VOTING—0

EXCUSED—1

Helm

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

On the question recurring,

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

Mr. GODSHALL offered the following amendment No. **A06542:**

Amend Title, page 1, line 2, by inserting after "Statutes," in firearms and other dangerous articles,

Amend Title, page 1, line 3, by inserting after "number" , for duties of Pennsylvania State Police, for registration of firearms

Amend Sec. 1, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 6110.2 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Bill, page 2, by inserting between lines 4 and 5

Section 2. Section 6111.1(b) of Title 18 is amended by adding a paragraph to read:

§ 6111.1. Pennsylvania State Police.

\*\*\* (b) Duty of Pennsylvania State Police.— \*\*\*

(5) The Pennsylvania State Police shall maintain a registry of all firearms reported lost or stolen in this Commonwealth. The registry shall contain, if available, the manufacturer, model, caliber, serial number and any other identifying information concerning any firearm reported lost or stolen, as well as the name of the lawful owner of the firearm. If a firearm is reported stolen to a local law enforcement agency, that agency shall collect the required information and shall submit it to the Pennsylvania State Police within 24 hours. Information concerning a firearm reported lost or stolen:

(i) may be deleted from the registry after 20 years; and

(ii) shall be deleted from the registry after the firearm is returned to the lawful owner.

\*\*\*

Section 3. Sections 6111.4 and 6711 of Title 18 are amended to read:

§ 6111.4. Registration of firearms.

Notwithstanding any section of this chapter to the contrary, nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership within this Commonwealth[,], other than a registry of firearms reported lost or stolen under section 6111.1(b)(5) (relating to Pennsylvania State Police). For the purposes of this section only, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting 4

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

The SPEAKER pro tempore. The Chair recognizes Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This is a law enforcement tool. It has been agreed to; I do not know of any opposition at this point. The Pennsylvania State Police shall maintain a registry of all firearms reported lost or stolen in the Commonwealth for a period of 20 years. If a firearm is reported stolen to a local law enforcement agency, that agency shall collect the required information and shall submit it to the Pennsylvania State Police within 24 hours. Information concerning a firearm reported lost or stolen – what this is a law enforcement tool. If somebody is out there and he reports 10 or 15 different guns lost or stolen, and we have a registry, we can sure find the straw buyers real quickly. I ask for a positive vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—202

Table listing names of members who voted 'YEAS' (202 total). Includes names like Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzi, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Sipthroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Helm

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 second consideration as amended?

Mr. STABACK offered the following amendment No. **A06547**:

Amend Title, page 1, line 3, by inserting after "number" for firearm licenses

Amend Title, page 1, line 4, by removing the period after "identification" and inserting ; and abrogating a regulation.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 6109 of Title 18 is amended by adding subsections to read:

§ 6109. Licenses.

\* \* \*

(m.1) Inconsistent provisions.—Notwithstanding the provisions of section 7506 (relating to violation of rules regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727 (relating to additional limitations on operation), or the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, and regulations promulgated under that act, a firearm may be carried as provided in subsection (a) by:

(1) a law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm; or

(2) any licensee.

(m.2) Construction.—Nothing in this section shall be construed to:

(1) Permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by 34 Pa.C.S. (relating to game).

(2) Authorize any Commonwealth agency to regulate the possession of firearms in any manner inconsistent with the provisions of this title.

Section 1.1. Section 6110.2 and 6117 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Bill, page 2, by inserting between lines 23 and 24

Section 1.2. The provisions of 17 Pa. Code § 11.215 (relating to weapons and hunting) are abrogated to the extent they apply to any person identified under 18 Pa.C.S. § 6109(m.1) (relating to licenses).

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, my amendment, 06547, only affects those individuals who currently have a concealed weapons permit, a permit to allow them to carry a weapon on their body at all times. The amendment would clarify that a properly licensed individual with a conceal/carry permit can carry that weapon while in a State park, just like they can anywhere else.

To me, the amendment makes sense and would be consistent with the idea of carrying a concealed weapon, which indeed is for personal protection. My understanding is the amendment is agreed to, and I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. 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	Gabig	Marshall	Ross
Argall	Galloway	Marsico	Rubley
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Shimkus
Boyd	Grucela	Milne	Siproth
Brennan	Haluska	Moul	Smith, K.
Brooks	Hanna	Moyer	Smith, M.
Buxton	Harhai	Mundy	Smith, S.
Caltagirone	Harhart	Murt	Solobay
Cappelli	Harkins	Mustio	Sonney
Carroll	Harper	Myers	Staback
Casorio	Harris	Nailor	Stairs
Causer	Hennessey	Nickol	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Pallone	Surra
Costa	Hutchinson	Parker	Swanger
Cox	James	Pashinski	Tangretti
Creighton	Kauffman	Payne	Taylor, J.
Cruz	Keller, M.	Peifer	Taylor, R.
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D., Speaker
Frankel	Mantz	Roebuck	
Freeman	Markosek	Rohrer	

NAYS—5

Bennington	Josephs	Payton	Thomas
Bishop			

NOT VOTING—0

EXCUSED—1

Helm

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 second consideration as amended?

The SPEAKER pro tempore. Are there any further amendments?

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2252, PN 3499**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child medical support, for annual fees, for review of orders of support, for effect of incarceration, for pass-through of support and for assignment of support.

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Chair recognizes the presence of Representative Helm on the floor. Her name will be added once again to the master roll.

**CONSIDERATION OF HB 2252 CONTINUED**

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

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

(Bill analysis was read.)

The SPEAKER pro tempore. 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—203**

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor

Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Bianucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiatti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

**VOTE CORRECTION**

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

Mr. EACHUS. Mr. Speaker, I would just like to correct the record on amendment A06348.

The SPEAKER pro tempore. The gentleman is in order.

Mr. EACHUS. I inadvertently voted negative. I meant to vote in the positive. Thank you.

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

Are there any announcements, committee meetings or any other announcements?

#### **VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING**

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

Mr. MELIO. Thank you, Mr. Speaker.

There will be a committee meeting for the Veterans Affairs and Emergency Preparedness Committee tomorrow at 9 a.m., 60 East Wing; 9 a.m. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Veterans Affairs and Emergency Preparedness Committee will meet in 60 East Wing at 9 a.m.

#### **BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

#### **ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Shimkus of Lackawanna County, who moves that this House now adjourn until Wednesday, April 2, 2008, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:39 p.m., e.d.t., the House adjourned.