

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 9, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 20

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Bishop Joseph McFadden of the Harrisburg Diocese.

BISHOP JOSEPH P. McFADDEN, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us bow our heads and pray for God's blessing on our Assembly this day:

O powerful Father, we turn to You on this day that You have given us, asking Your grace and blessing on the men and women of this noble body. As they convene to fashion legislation that will promote the common good of this Commonwealth and provide leadership in securing the necessary resources to effectively care for its citizens, we commend them to Your merciful care. Help them to be truly wise in all their deliberations. Make them effective in their collaboration for creating a State in which every citizen is valued, every work is aimed at securing a prosperous and protective life for all its people, and every worthwhile initiative is brought to a successful conclusion.

As we gather in this Assembly today, Lord, we take time to celebrate the contribution of all the citizens in this Commonwealth who trace their lineage to the country of Ireland. In a State that is a mosaic of ethnic and cultural diversity, we take this moment during the month of March to honor those of Celtic origin. The Irish immigrants who came to Pennsylvania in the 18th, 19th, and 20th centuries brought with them a pioneering spirit and a willingness to share their gifts, talents, labor, and sweat in building a country founded on the principles of truth, justice, love, and peace.

We ask You to bless those who have reclaimed their Irish heritage in our Commonwealth and those who support the work of maintaining the cultural roots of the Irish descendants who live here. We know, Lord, that in recognizing our cultural diversity and celebrating it, that we are exposed to the uniqueness of the many nations and peoples You have created and meshed into the one human family of man. You call us to work together with dignity and respect and to realize that our diversity in this country of the United States is really one of our most important strengths.

In the spirit of St. Patrick, the great patron saint of Ireland who gave his life to help its people grow in the knowledge and love of You, their creator, I ask You now to send down Your blessing upon this Assembly. Help our legislators to know You are with them in their work and that You will protect them from all that is evil as they discern clearly the best interests of all the people of this Commonwealth and work to forge a society that is more compassionate, more just, more caring, and most especially aware of the most vulnerable among us.

We pray may God give you for every storm a rainbow; for every tear a smile; for every care a promise and a blessing in each trial; for every problem life sends, a faithful friend to share; for every sigh a sweet song and an answer for each prayer.

May the blessing of God be on you this day, and may the work you accomplish give you great rest at the end of this day. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, March 8, 2011, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 553, PN 520

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "fire department vehicle."

TRANSPORTATION.

HB 575, PN 1058 (Amended)

By Rep. J. EVANS

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the right to hunt, fish and harvest game.

GAME AND FISHERIES.

HB 584, PN 561

By Rep. GEIST

An Act designating the Claysville Interchange of Exit 6 on Interstate 70 in Washington County as the Sergeant Nathan P. Kennedy Memorial Interchange.

TRANSPORTATION.

HB 585, PN 562

By Rep. GEIST

An Act designating a bridge in Carroll Township, Washington County, as the Stanley Jurgaitis Memorial Bridge.

TRANSPORTATION.

HB 586, PN 563

By Rep. GEIST

An Act designating the Donora-Monessen Bridge in Washington and Westmoreland Counties as the Stan Musial Bridge.

TRANSPORTATION.

HB 608, PN 592

By Rep. HUTCHINSON

An Act amending the act of May 31, 1945 (P.L.1198, No.418), known as the Surface Mining Conservation and Reclamation Act, further providing for mining permit; providing for bioenergy crop bonding; and making editorial changes.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 712, PN 726

By Rep. GEIST

An Act designating State Route 997 within the limits of the Borough of Mont Alto, Franklin County, as the Sgt. Edward W. Shaffer Memorial Highway.

TRANSPORTATION.

HB 735, PN 752

By Rep. J. EVANS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful acts concerning licenses.

GAME AND FISHERIES.

HB 864, PN 902

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Pedalcycle and Pedestrian Advisory Committee.

TRANSPORTATION.

SB 387, PN 373

By Rep. J. EVANS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

GAME AND FISHERIES.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 87, PN 780**

By Rep. HUTCHINSON

A Resolution urging the Environmental Protection Agency to stop its unlawful application of the Guidance Memo relating to the Federal Water Pollution Control Act, which is a substantive change to the permitting procedure conferred on the states, and restore the regulatory environment that existed prior to the release of the Guidance Memo.

ENVIRONMENTAL RESOURCES AND ENERGY.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON TOURISM AND
RECREATIONAL
DEVELOPMENT****HB 63, PN 829**

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for registration of snowmobile or ATV, for certificate of title for snowmobile or ATV, for fees and for records; and providing for vintage snowmobile permits.

Reported from Committee on TRANSPORTATION with request that it be rereferred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT.

The SPEAKER. Without objection, the bill will so be rereferred.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON STATE GOVERNMENT****HB 647, PN 648**

By Rep. GEIST

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, further providing for approval of registration applications, street lists, public information lists and applications.

Reported from Committee on TRANSPORTATION with request that it be rereferred to Committee on STATE GOVERNMENT.

The SPEAKER. Without objection, the bill will so be rereferred.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 121 By Representatives KAUFFMAN, ROCK, AUMENT, BAKER, BENNINGHOFF, BOYD, CUTLER, ELLIS, LONGIETTI, OBERLANDER, PYLE, QUINN, RAPP, REICHLEY, ROAE, SAINATO, SCAVELLO and GABLER

A Resolution recognizing April 2011 as "Abortion Recovery Awareness Month" in Pennsylvania.

Referred to Committee on RULES, March 9, 2011.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 971 By Representatives GEORGE, BARBIN, BRADFORD, BRIGGS, CALTAGIRONE, COHEN, DEASY, DeLUCA, GOODMAN, HALUSKA, HESS, HORNAMAN, JOSEPHS, MUNDY, MURPHY, MURT, M. O'BRIEN, SANTARSIERO, SCHRODER, K. SMITH, STURLA, VITALI, WAGNER and YOUNGBLOOD

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for definitions, for well permits, for well location restrictions, for protection of fresh groundwater and casing requirements and for protection of water supplies; providing for hydraulic fracturing chemicals and surface impoundments, for hydraulic fracture fluids monitoring and for use of surface impoundments for temporary flowback storage; and further providing for bonding, for enforcement orders, for penalties, for civil penalties, for well plugging funds and for local ordinances.

Referred to Committee on CONSUMER AFFAIRS, March 9, 2011.

No. 973 By Representatives KULA, READSHAW, MAHONEY, FABRIZIO, BRENNAN, CALTAGIRONE, COHEN, DeWEESE, HALUSKA, HARHAI, HARKINS, HORNAMAN, KORTZ, KOTIK, MICOZZIE, MURPHY, MURT, M. O'BRIEN, SAINATO, STABACK, MANN, JOSEPHS, VULAKOVICH, KAVULICH, REICHLEY and GINGRICH

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for definitions; and providing for disposition of cremated remains of veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 9, 2011.

No. 983 By Representatives HALUSKA, CALTAGIRONE, COHEN, CRUZ, DALEY, HORNAMAN, MAHONEY, QUINN, SCAVELLO, VULAKOVICH, GEIST, KOTIK, MURPHY, READSHAW, STURLA, MILLER and HESS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the sale of unused and unnecessary lands and buildings; providing for State reimbursement for mobile classroom facilities; and making editorial changes.

Referred to Committee on EDUCATION, March 9, 2011.

No. 984 By Representatives PERRY, AUMENT, BOYD, EVERETT, GEIST, GRELL, KAUFFMAN, KORTZ, ROCK, SCAVELLO, TRUITT and VULAKOVICH

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for commission on salaries and benefits for elected officials and duties of commission.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 985 By Representatives GILLEN, AUMENT, BOBACK, CALTAGIRONE, DENLINGER, DeWEESE, GOODMAN, GRELL, GROVE, HORNAMAN, HUTCHINSON, KULA, MASSER, METCALFE, MILLARD, MILLER, MURT, MYERS, PYLE, READSHAW, REICHLEY, ROAE, ROCK, SACCONI, SAYLOR, SWANGER and VULAKOVICH

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for administration.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 986 By Representatives BENNINGHOFF, BEAR, COX, EVANKOVICH, GABLER, GINGRICH, HARRIS, HUTCHINSON, METZGAR, MILLER, ROCK, SAYLOR and SCAVELLO

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for powers and duties of secretary; and providing for reports.

Referred to Committee on FINANCE, March 9, 2011.

No. 988 By Representatives GOODMAN, BOBACK, CALTAGIRONE, COHEN, CONKLIN, D. COSTA, DeLUCA, FABRIZIO, GEORGE, GIBBONS, HARHAI, HORNAMAN, JOHNSON, KORTZ, KULA, MILLARD, MIRABITO, MULLERY, MURT, M. O'BRIEN, PAYTON, SANTARSIERO, K. SMITH, SWANGER, WAGNER and YOUNGBLOOD

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for site limitation.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 9, 2011.

No. 989 By Representatives GOODMAN, BOYD, D. COSTA, DENLINGER, FABRIZIO, GEIST, GEORGE, GERGELY, GIBBONS, HARKINS, HESS, HORNAMAN, KORTZ, KULA, MILLARD, MOUL, MURPHY, MURT, READSHAW, REICHLEY, SABATINA, STABACK, WHEATLEY and WHITE

An Act amending the act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act, further providing for owner's payment obligations and for contractor's and subcontractor's payment obligations.

Referred to Committee on CONSUMER AFFAIRS, March 9, 2011.

No. 991 By Representatives ROAE, GODSHALL, BEAR, BENNINGHOFF, BOYD, BROOKS, CALTAGIRONE, CAUSER, CLYMER, CREIGHTON, CUTLER, DAY, DENLINGER, EVERETT, GABLER, GILLEN, GINGRICH, GROVE, HARRIS, HUTCHINSON, KAUFFMAN, KNOWLES, MOUL, OBERLANDER, PERRY, PYLE, QUIGLEY, RAPP, READSHAW, ROCK, SCAVELLO, SONNEY, SWANGER, TALLMAN, VULAKOVICH and HESS

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in food protection, further providing for definitions and for license required.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, March 9, 2011.

No. 992 By Representatives ROAE, D. COSTA, CREIGHTON, DALEY, DEASY, DeLUCA, DeWEESE, GIBBONS, GRELL, HARRIS, KAUFFMAN, METCALFE, MURT, MUSTIO, SCHRODER, K. SMITH, SWANGER, TRUITT and VULAKOVICH

An Act providing for banning bonuses provided to employees of Commonwealth agencies.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 993 By Representatives ROAE, AUMENT, CUTLER, DUNBAR, EVERETT, GRELL, HARRIS, HORNAMAN, MULLERY, SWANGER, TRUITT and VULAKOVICH

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for terms of members.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 995 By Representatives KORTZ, CALTAGIRONE, FABRIZIO, GERGELY, HALUSKA, HESS, HORNAMAN, KULA, LONGIETTI, MANN, MURPHY, M. O'BRIEN, RAVENSTAHL, SWANGER and YOUNGBLOOD

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for removals from the police or fire force; and providing for certain incompatible offices.

Referred to Committee on LOCAL GOVERNMENT, March 9, 2011.

No. 996 By Representatives KORTZ, CALTAGIRONE, FABRIZIO, GERGELY, HALUSKA, HESS, KULA, LONGIETTI, MANN, MURPHY, RAVENSTAHL and YOUNGBLOOD

An Act amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," further providing for removals, suspensions or reductions in rank of police officers; and providing for certain incompatible offices.

Referred to Committee on LOCAL GOVERNMENT, March 9, 2011.

No. 997 By Representatives KORTZ, CALTAGIRONE, FABRIZIO, GERGELY, HALUSKA, HESS, HORNAMAN, KULA, LONGIETTI, MANN, MURPHY and RAVENSTAHL

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for removals, suspensions or reductions in rank of persons employed in police or fire force; and providing for certain incompatible offices.

Referred to Committee on LOCAL GOVERNMENT, March 9, 2011.

No. 998 By Representatives KORTZ, BOYD, BRIGGS, CALTAGIRONE, CARROLL, D. COSTA, DENLINGER, FABRIZIO, HALUSKA, LONGIETTI, MULLERY, PASHINSKI, QUINN, SONNEY, VULAKOVICH and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for qualifications of judicial officers generally.

Referred to Committee on JUDICIARY, March 9, 2011.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 79, PN 64

Referred to Committee on JUDICIARY, March 9, 2011.

SB 273, PN 769

Referred to Committee on JUDICIARY, March 9, 2011.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence. Are there any requests for leaves of absence?

On that, the Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. MILNE, from Chester County for the day, and for the gentleman, Mr. MUSTIO, from Allegheny County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the lady, Ms. BISHOP, from Philadelphia County for the day; the gentleman, Mr. BRADFORD, from Montgomery County for the day; the lady, Mrs. DAVIDSON, from Delaware County for the day; the gentleman, Mr. GALLOWAY, from Bucks County for the day; the gentleman, Mr. READSHAW, from Allegheny County for the day; the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day; the gentleman, Mr. GERBER, from Montgomery County for the day; and the gentleman, Mr. DALEY, from Washington County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—190

Adolph	Emrick	Krieger	Reed
Aument	Evankovich	Kula	Reese
Baker	Evans, J.	Lawrence	Reichley
Barbin	Everett	Longiatti	Roae
Barrar	Fabrizio	Maher	Rock
Bear	Farry	Mahoney	Roebuck
Benninghoff	Fleck	Major	Ross
Bloom	Frankel	Maloney	Sabatina
Boback	Freeman	Mann	Saccone
Boyd	Gabler	Markosek	Sainato
Boyle, B.	Geist	Marshall	Samuelson
Boyle, K.	George	Marsico	Santarsiero
Brennan	Gergely	Masser	Santoni
Briggs	Gibbons	Matzie	Saylor
Brooks	Gillen	McGeehan	Scavello
Brown, R.	Gillespie	Metcalfe	Schroder
Brown, V.	Gingrich	Metzgar	Shapiro
Brownlee	Godshall	Miccarelli	Simmons
Burns	Goodman	Micozzie	Smith, K.
Buxton	Grell	Millard	Smith, M.
Caltagirone	Hackett	Miller	Sonney
Carroll	Hahn	Mirabito	Staback
Causar	Haluska	Moul	Stephens
Christiana	Hanna	Mullery	Stern
Clymer	Harhai	Mundy	Stevenson
Cohen	Harhart	Murphy	Sturla
Conklin	Harkins	Murt	Swanger
Costa, D.	Harper	Myers	Tallman
Costa, P.	Harris	Neuman	Taylor
Cox	Heffley	O'Brien, D.	Thomas
Creighton	Helm	O'Brien, M.	Tobash
Culver	Hennessey	O'Neill	Toepel
Curry	Hess	Oberlander	Toohil
Cutler	Hickernell	Parker	Truitt
Davis	Hornaman	Pashinski	Turzai
Day	Hutchinson	Payne	Vereb
Deasy	Johnson	Payton	Vitali
DeLissio	Josephs	Peifer	Vulakovich
Delozier	Kampf	Perry	Wagner
DeLuca	Kauffman	Petrarca	Waters
Denlinger	Kavulich	Petri	Watson
DePasquale	Keller, F.	Pickett	Wheatley
Dermody	Keller, M.K.	Preston	White
DeWeese	Keller, W.	Pyle	Williams
DiGirolamo	Kirkland	Quigley	Youngblood
Donatucci	Knowles	Quinn	
Dunbar	Kortz	Rapp	Smith, S.,
Ellis	Kotik	Ravenstahl	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—13

Bishop	Davidson	Gerber	Milne
Bradford	Evans, D.	Grove	Mustio
Cruz	Galloway	Killian	Readshaw
Daley			

LEAVES ADDED—3

Godshall	Waters	Wheatley
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LEAVES CANCELED—3

Bradford	Gerber	Godshall
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The SPEAKER. One hundred and ninety members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. The House will come to order. The Speaker would like to recognize some guests.

Located to the left of the Speaker, the Chair welcomes Evan Horgan. He is a sophomore at La Salle University and is majoring in political science. He is an intern in Representative Kate Harper's district office. Welcome, Evan, to the hall of the House.

Also located to the left of the Speaker, the Chair welcomes Joseph Hackett, Jr., and I guess he would be the son of Representative Joe Hackett. Welcome, Joe.

Also located in the well of the House, the Speaker welcomes Jonathan Cunningham, Alice Greider, and Nicole Trayer, all sophomores at Elizabethtown Area High School. They are job shadowing Representative Dave Hickernell and serving as guest pages for the day. Welcome to the hall of the House.

The House will come to order.

ST. PATRICK'S DAY PROGRAM

The SPEAKER. The Speaker recognizes Representative Tim Hennessey and invites him to the reader's desk, the chairman of the House Irish Caucus. Will the members please come to order. Tim.

The House will come to order. The members will please take their seats. I would certainly advise the members to stay out of the well of the House or you might be dancing. The House will come to order.

The member may proceed.

Mr. HENNESSEY. Thank you, Mr. Speaker, and top of the morning to you.

Each year as we approach St. Patrick's Day, the Pennsylvania House Irish Legislative Caucus offers a short program to remind our members and our wider audience watching on Pennsylvania Cable Network of the rich heritage of our Commonwealth and of the significant role the Irish immigrants played as part of our treasured history and the development of the diverse fabric of our society. We have such a program today. But before we start, on behalf of the Irish Caucus, let us congratulate the Most Reverend Joseph McFadden, who offered our invocation today, on his recent installation as bishop of the Catholic Diocese of Harrisburg. Thank you.

Ordinarily we celebrate a lot closer to March 17, but since the House will be involved in Appropriations and budget hearings for the next several weeks, we appreciated the opportunity to present this program today.

GALLAGHER SCHOOL IRISH DANCERS PRESENTED

Mr. HENNESSEY. Nowhere in the Irish experience, whether in Ireland or in America or here in Pennsylvania, is the hope, the sorrow, the triumph, the love of life, and the irrepressible spirit of being Irish manifested so artfully as in Irish dance.

Joining us today on the House floor, as guests of Representatives Rosemary Brown, Ken Smith, Mario Scavello, and Mike Carroll, are students from the Gallagher School of Irish Dance in East Stroudsburg, Pennsylvania, Monroe County, in the Pocono region of Pennsylvania. We also welcome the parents, brothers, sisters, and friends who have come to see them perform in this grand chamber.

Our dancers range in age from 10 to 17 years of age, and they are directed by Fedelmia Gallagher, who operates the school in East Stroudsburg and also teaches Irish dance at the Irish cultural center in Scranton, Pennsylvania, the East Mountain section of Scranton.

Girls, if you will come forward, please. Would you please give them a hand.

Once again, please welcome the dancers from the Gallagher School of Irish Dance.

To start us off, we are going to have a four-hand reel danced by Kendall Lewczak, Shannon DeAcetis, Hunter Benkoski, and Morgan Frazier. Girls.

(A four-hand reel was performed.)

Mr. HENNESSEY. Thank you, girls.

Next we are going to have a slip jig performed by Sarah Brown and Allyson McMaster.

(A slip jig was performed.)

Mr. HENNESSEY. Thank you, Sarah, and thank you, Allyson.

Next we have a reel being performed by Jane Cramer and Emily Botke. Girls.

(A reel was performed.)

Mr. HENNESSEY. Thank you, Jane, and thank you, Emily.

Next we have a treble jig to be performed by Delaney Robbins, Kimberly Stossel, and Carmela Simineri.

(A treble jig was performed.)

Mr. HENNESSEY. Once again, that was the treble jig by Delaney Robbins, Kimberly Stossel, and Carmela Simineri.

Next we have a hornpipe, and that is going to be danced by Shannon Serafin, Rowan Lewczak, and Gwendolen Anderson.

(A hornpipe was performed.)

Mr. HENNESSEY. Thank you, Shannon, Rowan, and Gwendolen.

Next we have a reel that is going to be performed by Jessica Tighe and Alexis Merhige.

(A reel was performed.)

Mr. HENNESSEY. Thank you, Jessica and Alexis.

And now for our finale, the final number, get ready for the thunder. All of the girls from the Gallagher School of Irish Dance are going to do a treble reel.

(A treble reel was performed.)

Mr. HENNESSEY. Wow. Thank you, girls. The Gallagher School of Irish Dance in East Stroudsburg, Pennsylvania. Mr. Speaker, as you can see, traditional Irish dancing is exhilarating, it is colorful, and it is beautiful, but it is also hard work and exhausting.

Thank you for allowing us to showcase the Gallagher School of Irish Dance, and also thanks to Mario Scavello for making the arrangements to bring the Gallagher School here to the House floor today. Good kids doing good things. We do not get enough exposure of those kinds of stories, so the Irish Caucus is very happy to bring that to you today.

We thank our dancers. We thank all of the people who have been watching on television, on PCN (Pennsylvania Cable Network). And I do have a quick housekeeping note. At lunch, at the call of the recess, the lunch recess by the Speaker, the Irish Caucus will be hosting a lunch down in room 60, East Wing. All our dancers will be there, again to perform for us. Everyone is welcome to join us; all are welcome to join the Irish Caucus. Everyone can be Irish when they want to be, and especially there is no better time to do that than as we approach March 17.

Happy St. Patrick's Day, everyone. Thank you. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman and thanks the girls for their wonderful performance today.

GUEST INTRODUCED

The SPEAKER. The Speaker would also like to recognize another guest that is with us today, located to the left of the Speaker. Welcome Benjamin Penn Battersby, an 11th grade student at the Fairfield Area High School, and he is shadowing Representative Dan Moul for the day. Welcome our guest.

ROBERT HARRIS PRESENTED

The SPEAKER. Representative Goodman.

The House will come to order. The Speaker would invite Representative Goodman to the rostrum, along with Representatives Tobash and Knowles, for the purpose of presenting a retirement citation.

The gentleman is in order.

Mr. GOODMAN. Thank you, Mr. Speaker.

It is with great pleasure that I rise today, along with my colleagues in the Schuylkill County legislative delegation, to present a House citation to a longtime State employee, Bobby Harris.

As most of you know, for many years Bobby has been the amendment clerk, along with his many other duties. He started off as a page here many years ago and rose through the ranks. I do not know if many of the people in the House realize that with the exception of maybe Dauphin County, most of the people that work on staff both here in the House and throughout

the building are from my home county of Schuylkill County, and today we honor the dean after 30 years of loyal service to the House.

Earlier this morning Bob and I were talking about many of the different things that have happened over the 30 years. As many of you know, I was a staff member myself for 10 years before I was elected, so we kind of know the ins and outs of this building. And we were talking over many of the lighthearted things that have happened, and one of the things that came to mind was the adoption of the 11 o'clock rule. Prior to the 11 o'clock rule, many times we would find ourselves on the floor for 12, 14, 16 hours at a time. And when the Speaker bangs the gavel and says "There will be no further votes," all the members get to leave, but many of the hardworking staff people are here a lot longer, and there is no such thing as overtime when you work in the House of Representatives.

So today we pay our respects to the dean and we wish him well. He took a lot of pleasure over the last couple of weeks, every time he would walk by me giving me the number of days until his retirement. But I think that Bob will miss this place, and I know that we will miss him.

Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. Are there any announcements?

The Speaker recognizes the lady, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess. I would ask our Republican members to please report to our caucus room immediately. We will come back to the floor about 1:30, I understand? Thank you.

The SPEAKER. The Speaker thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County for the purpose of a Democratic caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Likewise, Democrats will caucus immediately. Democrats will caucus immediately in our caucus room. Thank you.

RECESS

The SPEAKER. Seeing no further business at this moment, this House stands recessed until 1:30, unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 1:45 p.m.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests leave for the gentleman, Mr. GODSHALL, from Montgomery County. Without objection, the leave will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. WATERS, from Philadelphia County, and for the gentleman, Mr. WHEATLEY, from Allegheny County for the remainder of the day. Without objection, the leaves will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Additionally, the Speaker recognizes the presence of Mr. Bradford from Montgomery County, and he will be added to the master roll call.

HOUSE BILLS INTRODUCED AND REFERRED

No. 150 By Representatives VITALI, GEORGE, B. BOYLE, BRADFORD, BRENNAN, BRIGGS, CARROLL, D. COSTA, CREIGHTON, DALEY, DePASQUALE, EVERETT, FABRIZIO, FARRY, SCHRODER, FRANKEL, FREEMAN, GIBBONS, GOODMAN, HARPER, HORNAMAN, JOSEPHS, KIRKLAND, KULA, MANN, MULLERY, MUNDY, MURPHY, MURT, M. O'BRIEN, PASHINSKI, READSHAW, SANTARSIERO, K. SMITH, STABACK, WAGNER, YOUNGBLOOD, COHEN, BISHOP, K. BOYLE, V. BROWN, BROWNLEE, BURNS, P. COSTA, CURRY, DeLUCA, DERMODY, DeWEESE, DONATUCCI, GERBER, GERGELY, HALUSKA, HANNA, KAVULICH, W. KELLER, KORTZ, KOTIK, LONGIETTI, MAHONEY, MATZIE, McGEEHAN, MIRABITO, PAYTON, ROEBUCK, SABATINA, SAINATO, SAMUELSON, SHAPIRO, STURLA, THOMAS, WATERS, WILLIAMS, BUXTON, JOHNSON, MYERS and PRESTON

An Act providing for a moratorium on leasing State forest lands for the purposes of natural gas exploration, drilling or production; imposing duties on the Department of Conservation and Natural Resources; and providing for report contents and for Legislative Budget and Finance Committee study.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 9, 2011.

No. 982 By Representatives HALUSKA, D. COSTA, DALEY, DeWEESE, GEORGE, HARHAI, HARKINS, HORNAMAN, KOTIK, MAHONEY, PETRARCA, STABACK, YOUNGBLOOD, GOODMAN, HARHART, HESS, KIRKLAND, KULA, M. O'BRIEN, PYLE and WHITE

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service and for contributions for the purchase of credit.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 987 By Representatives BENNINGHOFF, CALTAGIRONE, CHRISTIANA, D. COSTA, ELLIS, GRELL, JOHNSON, KORTZ, MILLARD, PYLE, QUINN, ROAE, SACCONI, SONNEY and STEVENSON

An Act amending the act of July 8, 1986 (P.L.437, No.92), known as the Pennsylvania Agricultural Fair Act, providing for smoking at certain agricultural fairs.

Referred to Committee on HUMAN SERVICES, March 9, 2011.

No. 994 By Representatives DePASQUALE, CALTAGIRONE, CARROLL, GIBBONS, KAVULICH, REED, REICHLEY, SANTARSIERO and CONKLIN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for qualifications of electors at primaries, for primary voting and party officers and for voting procedure.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 1001 By Representatives DePASQUALE, CALTAGIRONE, COHEN, GERBER, GIBBONS, JOSEPHS, KAVULICH, MANN, SANTARSIERO and CONKLIN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for early voting in primaries and elections.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 1002 By Representatives DePASQUALE, CALTAGIRONE, CARROLL, COHEN, GERBER, HORNAMAN, JOSEPHS, KAUFFMAN, MUNDY, SANTARSIERO and CONKLIN

An Act providing for shareholder vote on corporate political activities, for notification and disclosure of corporate political activities, for certain approvals of corporate political expenditures and for duties of the Department of State and the Department of the Auditor General.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

No. 1003 By Representatives DePASQUALE, CALTAGIRONE, GERBER, KAVULICH, SANTARSIERO and CONKLIN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in party organization, further providing for definition of political parties and political bodies; and, in nomination of candidates, further providing for nominations by minor political parties and for nominations by political bodies.

Referred to Committee on STATE GOVERNMENT, March 9, 2011.

The SPEAKER. The members will please report to the floor. We are about to take up today's calendar.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of Mr. Gerber on the floor. He will be added to the master roll call, without objection.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MURPHY called up **HR 119, PN 1042**, entitled:

A Resolution designating the month of March 2011 as "Hibernian Heritage Month" in Pennsylvania.

* * *

Mr. MATZIE called up **HR 120, PN 1043**, entitled:

A Resolution recognizing the week of March 13 through 19, 2011, as "Pennsylvania History Days" and observing March 14, 2011, as "Charter Day" in Pennsylvania.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Montgomery County, Mr. Godshall. Without objection, he will be added to the master roll.

**RESOLUTIONS PURSUANT TO RULE 35
CONTINUED**

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—190

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grell	Millard	Smith, M.
Carroll	Hackett	Miller	Sonney
Causer	Hahn	Mirabito	Staback
Christiana	Haluska	Moul	Stephens

Clymer	Hanna	Mullery	Stern
Cohen	Harhai	Mundy	Stevenson
Conklin	Harhart	Murphy	Sturla
Costa, D.	Harkins	Murt	Swanger
Costa, P.	Harper	Myers	Tallman
Cox	Harris	Neuman	Taylor
Creighton	Heffley	O'Brien, D.	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Truitt
Day	Hornaman	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
DeLissio	Johnson	Payton	Vitali
Delozier	Josephs	Peifer	Vulakovich
DeLuca	Kampf	Perry	Wagner
Denlinger	Kauffman	Petrarca	Watson
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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

CALENDAR

RESOLUTION

Mr. SCHRODER called up **HR 90, PN 848**, entitled:

A Resolution designating the month of March 2011 as "Problem Gambling Awareness Month" in Pennsylvania and observing the week of March 6 through 12, 2011, as "National Problem Gambling Awareness Week."

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Speaker recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker. Just very briefly.

I want to congratulate the sponsor of this House resolution. So often when we have such an important issue, we hear a lot of fluff; there is no substance to the issue. But the prime sponsor put in this particular resolution, the Problem Gambling Awareness Week resolution, the fact that it does have a financial cost to our society. It does impact on families. It does hurt the business community when people are involved in such things as check forgery, embezzlement, stealing credit cards, tax evasion, insurance fraud. All these things have been put into this resolution, and I appreciate that and of course would ask the members for support of this resolution.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS-190

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grell	Millard	Smith, M.
Carroll	Hackett	Miller	Sonney
Causar	Hahn	Mirabito	Staback
Christiana	Haluska	Moul	Stephens
Clymer	Hanna	Mullery	Stern
Cohen	Harhai	Mundy	Stevenson
Conklin	Harhart	Murphy	Sturla
Costa, D.	Harkins	Murt	Swanger
Costa, P.	Harper	Myers	Tallman
Cox	Harris	Neuman	Taylor
Creighton	Heffley	O'Brien, D.	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Truitt
Day	Hornaman	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
DeLissio	Johnson	Payton	Vitali
Delozier	Josephs	Peifer	Vulakovich
DeLuca	Kampf	Perry	Wagner
Denlinger	Kauffman	Petrarca	Watson
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 156, PN 1041**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registered gross weight limit of certain registration plates.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grell	Millard	Smith, M.
Carroll	Hackett	Miller	Sonney
Causar	Hahn	Mirabito	Staback
Christiana	Haluska	Moul	Stephens
Clymer	Hanna	Mullery	Stern
Cohen	Harhai	Mundy	Stevenson
Conklin	Harhart	Murphy	Sturla
Costa, D.	Harkins	Murt	Swanger
Costa, P.	Harper	Myers	Tallman
Cox	Harris	Neuman	Taylor
Creighton	Heffley	O'Brien, D.	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Truitt
Day	Hornaman	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
DeLissio	Johnson	Payton	Vitali
Delozier	Josephs	Peifer	Vulakovich
DeLuca	Kampf	Perry	Wagner
Denlinger	Kauffman	Petrarca	Watson
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams

DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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 442, PN 1040**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, prohibiting private transfer fee obligations; and providing for notice and disclosure of existing private transfer fee obligations.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello

Brown, V.	Gillespie	Metcalf	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grell	Millard	Smith, M.
Carroll	Hackett	Miller	Sonney
Causer	Hahn	Mirabito	Staback
Christiana	Haluska	Moul	Stephens
Clymer	Hanna	Mullery	Stern
Cohen	Harhai	Mundy	Stevenson
Conklin	Harhart	Murphy	Sturla
Costa, D.	Harkins	Murt	Swanger
Costa, P.	Harper	Myers	Tallman
Cox	Harris	Neuman	Taylor
Creighton	Heffley	O'Brien, D.	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Turzai
Day	Hornaman	Pashinski	Vereb
Deasy	Hutchinson	Payne	Vitali
DeLissio	Johnson	Payton	Vulakovich
Delozier	Josephs	Peifer	Wagner
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	White
DePasquale	Kavulich	Petri	Williams
Dermody	Keller, F.	Pickett	Youngblood
DeWeese	Keller, M.K.	Preston	
DiGirolo	Keller, W.	Pyle	Smith, S.,
Donatucci	Kirkland	Quigley	Speaker
Dunbar	Knowles	Quinn	

NAYS-1

Truitt

NOT VOTING-0

EXCUSED-13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 344, PN 919**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; providing for regulation of certain operators of pipelines; and, in violations and penalties, further providing for civil penalties for gas pipeline safety violations.

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

* * *

The House proceeded to second consideration of **HB 317, PN 918**, entitled:

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

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

Mr. **CONKLIN** offered the following amendment
No. **A00931**:

Amend Bill, page 1, line 2, by inserting after "Statutes,"
in sentencing,
Amend Bill, page 1, line 3, by inserting after "degree"
and providing for conditions of parole of offenders and
sexually violent predators

Amend Bill, page 2, by inserting between lines 8 and 9

Section 2. Title 42 is amended by adding a section to read:

§ 9799.10. Conditions of parole of offenders and sexually violent predators.

(a) General rule.—No offender or sexually violent predator shall be paroled from a State or county correctional institution until the offender has secured a residence and can provide its address to the Pennsylvania State Police.

(b) Assistance to be provided.—If an offender or sexually violent predator is unable to secure a residence prior to being paroled, the Department of Corrections and the Pennsylvania Board of Probation and Parole shall provide reasonable assistance in securing a residence.

Amend Bill, page 2, line 9, by striking out "2" and inserting
3

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman, Mr. Conklin.

Mr. **CONKLIN**. Thank you, Mr. Speaker.

Mr. Speaker, as a former county commissioner, this is basically a problem that we ran into as county commissioners, that what happens is, many times when a sex offender has to leave the State penitentiary, they are left go without an address to go to, which puts them in an automatic Megan's Law violation. All this does is instruct the State prison to help in finding an address for these folks, because at the end of the day, they end up violating— They are actually arrested when they leave the door of the facility. They are taken to the county jail for a Megan's Law violation.

So all we are asking for is to try to find an address for these individuals before they leave the front door.

The **SPEAKER**. On the question, the Speaker recognizes the gentleman, Mr. Benninghoff.

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

As a former county coroner and someone who has worked very closely with law enforcement, this bill is very important to our area and our Commonwealth, and I would respectfully ask our colleagues to oppose this amendment for two reasons. Number one, it is already within our code, it is unnecessary, and it is redundant. Under current practices, all individuals – all individuals – who are being paroled must have an approved home plan before they can be released.

This is unnecessary, our Commonwealth is already doing this, and I would ask the members to please vote "no" on this amendment, respectfully.

The SPEAKER. Does the gentleman, Mr. Conklin, seek recognition for the second time?

Mr. CONKLIN. Yes. Thank you, Mr. Speaker.

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

Mr. CONKLIN. I would like to thank our former coroner from Centre County. He was well respected and did a good job. And I also thank him for his dealings on this piece of legislation, which is a vital, vital piece of legislation. But in all due respect, this has been a problem that has been ongoing by the County Commissioners Association. But if the gentleman would help me work this out, I have tried to get a bill through for a couple of years. If the gentleman would be so kind to help me work this situation out with not only the County Commissioners Association but the county jails, I would be more than happy to pull this amendment and move forward.

The SPEAKER. The Speaker recognizes the gentleman, Mr. Benninghoff, for the second time.

Mr. BENNINGHOFF. Just for a point of clarification, in case the county code or any of the other manuals are not the same for coroners as they are for commissioners, section 63.4 of Title 37 of the Pennsylvania Code establishes the general conditions of parole. Specifically, subsection (2) states that the parolee must live at a residence approved by the board at release and is not allowed to change residence without written approval or permission by the parole supervision staff.

I again am asking our members of this General Assembly not to be redundant, not to be voting things that are unnecessary. Our parole system is doing a good job with this now, and they know when to release these people and do not need an additional law to do that. Thank you.

Mr. CONKLIN. Thank you, Mr. Speaker.

With that, I guess I am going to let—

The SPEAKER. The gentleman will suspend.

The gentleman has been recognized two times on the amendment. I would recognize you if you were withdrawing the amendment. Otherwise, you would not be in order to debate the amendment again. Does the gentleman seek recognition for the purposes of withdrawing the amendment?

Mr. CONKLIN. Since I cannot speak a third time, no. Just let the amendment run, but I would like to get with the gentleman to explain where he is misguided in his approach. Thank you.

The SPEAKER. The Speaker recognizes the gentleman, Mr. Marsico, on the amendment.

Mr. MARSICO. Thank you, Mr. Speaker.

I ask the members to oppose this amendment. Once again, these provisions are already in existence. Thank you.

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

The following roll call was recorded:

YEAS—80

Boyle, B.	Dermody	Kirkland	Petrarca
Boyle, K.	DeWeese	Kortz	Preston
Bradford	Donatucci	Kotik	Ravenstahl
Brennan	Fabrizio	Kula	Roebuck

Briggs	Frankel	Longiatti	Sabatina
Brown, V.	Freeman	Mahoney	Sainato
Brownlee	George	Mann	Samuelson
Burns	Gerber	Markosek	Santarsiero
Buxton	Gergely	Matzie	Santoni
Caltagirone	Gibbons	McGeehan	Shapiro
Carroll	Goodman	Mirabito	Smith, K.
Cohen	Haluska	Mullery	Smith, M.
Conklin	Hanna	Mundy	Staback
Costa, P.	Harhai	Murphy	Sturla
Curry	Harkins	Myers	Thomas
Davis	Hornaman	Neuman	Vitali
Deasy	Johnson	O'Brien, M.	Wagner
DeLissio	Josephs	Parker	White
DeLuca	Kavulich	Pashinski	Williams
DePasquale	Keller, W.	Payton	Youngblood

NAYS—110

Adolph	Evans, J.	Lawrence	Reese
Aument	Everett	Maher	Reichley
Baker	Farry	Major	Roae
Barbin	Fleck	Maloney	Rock
Barrar	Gabler	Marshall	Ross
Bear	Geist	Marsico	Saccone
Benninghoff	Gillen	Masser	Saylor
Bloom	Gillespie	Metcalfe	Scavello
Boback	Gingrich	Metzgar	Schroder
Boyd	Godshall	Miccarelli	Simmons
Brooks	Grell	Micozzie	Sonney
Brown, R.	Hackett	Millard	Stephens
Causer	Hahn	Miller	Stern
Christiana	Harhart	Moul	Stevenson
Clymer	Harper	Murt	Swanger
Costa, D.	Harris	O'Brien, D.	Tallman
Cox	Heffley	O'Neill	Taylor
Creighton	Helm	Oberlander	Tobash
Culver	Hennessey	Payne	Toepel
Cutler	Hess	Peifer	Toohil
Day	Hickernell	Perry	Truitt
Delozier	Hutchinson	Petri	Turzai
Denlinger	Kampf	Pickett	Vereb
DiGirolamo	Kauffman	Pyle	Vulakovich
Dunbar	Keller, F.	Quigley	Watson
Ellis	Keller, M.K.	Quinn	
Emrick	Knowles	Rapp	Smith, S.,
Evankovich	Krieger	Reed	Speaker

NOT VOTING—0

EXCUSED—13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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?

The SPEAKER. Seeing no further amendments, will the House agree to the bill?

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

* * *

The House proceeded to second consideration of **HB 40, PN 1038**, entitled:

An Act 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, for grading of theft offenses and for licenses to carry firearms; and providing for civil immunity for use of force.

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

Mr. **BRIGGS** offered the following amendment
No. **A00916**:

Amend Bill, page 1, line 6, by inserting after "offenses"
, for firearms not to be carried without a license

Amend Bill, page 1, line 7, by striking out "and "

Amend Bill, page 1, line 8, by inserting after "force"

; and further providing for sentences for offenses committed
with firearms

Amend Bill, page 12, line 14, by striking out "Section" where it
occurs the second time and inserting

Sections 6106(b)(15) and

Amend Bill, page 12, line 14, by striking out "is" and inserting
are

Amend Bill, page 12, by inserting between lines 14 and 15
§ 6106. Firearms not to be carried without a license.

* * *

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

* * *

(15) Any person, except a resident of this Commonwealth who has been denied a Pennsylvania license to carry firearms or has had his Pennsylvania license to carry firearms revoked or is ineligible under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) to receive a Pennsylvania license to carry firearms, who possesses a valid and lawfully issued license or permit to carry a firearm which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under section 6109(k), provided:

(i) The state provides a reciprocal privilege for
individuals licensed to carry firearms under section 6109.

(ii) The Attorney General has determined that
the firearm laws of the state are similar to the firearm
laws of this Commonwealth.

* * *

Amend Bill, page 13, by inserting between lines 28 and 29
Section 7.1. Section 9712(a) of Title 42 is amended to read:

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence.—Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses), shall, if the person visibly possessed a firearm or a replica of a firearm, whether or not the firearm or replica was loaded or functional, that placed the victim in reasonable fear of death or serious bodily injury, during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary. Such persons shall not be eligible for parole, probation, work release [or], furlough or prerelease.

* * *

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

Much has been said over the past few years about the Florida loophole issue that my amendment addresses. Some of it is fact and some of it is fiction. Today I am just going to deal with the facts.

Fact: Last summer Marcus Hill shot and killed an 18-year-old in cold blood. Hill's permit to carry a concealed firearm had been revoked 4 years prior after his involvement in another shooting. When he appealed the revocation a year later, a judge upheld the decision. Hill got angry after the judge's decision and assaulted a police officer in the courtroom. It is a fact that after all of this, there is no way that under Pennsylvania law, Marcus Hill should have been allowed to carry a concealed firearm.

Unfortunately, it is also fact that a year after assaulting the police officer in court, Hill applied for and was granted a concealed carry permit from the Florida Department of Agriculture. As you know, Mr. Speaker, Pennsylvania has a reciprocity agreement with Florida so that residents of either State who have concealed carry permits can carry in the other State without having to get a new permit. I am perfectly fine with a reciprocity agreement for Florida residents, but the fact is, a loophole exists whereby Commonwealth residents are able to get a Florida concealed carry permit even if their Pennsylvania permit was denied or revoked or if they were ineligible for a Pennsylvania permit in the first place.

So, Mr. Speaker, knowing of this loophole, Marcus Hill got a concealed carry permit from the Florida Department of Agriculture, got what was unfortunately legal access to a firearm, and he proceeded to kill Irving Santana by shooting him 13 times. This is the sad fact of what the Florida loophole allows for.

The sad fact, Mr. Speaker, is that criminals know about the Florida loophole and are exploiting it. William Heim, the chief of police in the city of Reading, supports closing the Florida loophole. Chief Heim said, "The word is out that to get around Pennsylvania regulations on carrying a concealed firearm, a person only needs to go to another state with a reciprocity agreement, such as Florida."

Those sentiments of concern were echoed in a letter from 90 police chiefs of the Pennsylvania Law Enforcement Gun Violence Policy Group. They said, "Already, there are numerous instances of suspects, including some with prior arrests for drug offenses, assault, domestic abuse, and even homicide – who would not have been granted a permit under Pennsylvania law – apprehended while carrying a concealed firearm and a license to carry from Florida, Utah or New Hampshire."

Mr. Speaker, outgoing State Police Commissioner Frank Pawlowski estimated that as of June last year, as many as 3100 Pennsylvanians had exploited this loophole. He said that merchants at gun shows and online vendors are actively encouraging State residents to utilize this loophole. Who knows how many criminals like Marcus Hill now legally are carrying concealed weapons.

The fact is that my objection to this loophole and my amendment to close it, Mr. Speaker, has nothing to do with any concern about reciprocity for responsible gun owners. It has to do with Florida bureaucrats being able to undermine Pennsylvania law enforcement officers. Reciprocity agreements were created with good intentions, but they were not intended, as Sheriff McGinn of Delaware County put it, to "...act as an avenue to allow those rejected in Pennsylvania to get permits 'by the back door' from other states."

Mr. Speaker, Pennsylvania law regarding concealed carry permit is good law, because our law allows for local law enforcement officials who are most informed on local knowledge to make a determination if a permit applicant should be able to carry a concealed weapon. It is the sworn duty of Sheriff Gotwald and his fine law enforcement officials to protect and serve the residents of Jefferson County, Mr. Speaker, just as it is the duty of Sheriff Mullen to protect and serve the majority leader's constituents in Allegheny County. But it is fact that because of the loophole, the duties of these sheriffs and sheriffs across the great Commonwealth are being undermined by the Florida Department of Agriculture.

Mr. Speaker, closing the Florida loophole is a safeguard to make sure that criminals and other prohibited people who should not be carrying concealed weapons do not game the system and circumvent Pennsylvania law. For this reason and many others, law enforcement support for closing this loophole is unprecedented. Last fall every major law enforcement group in the State came out in favor of closing the Florida loophole, including the Pennsylvania State Police, the Pennsylvania Chiefs of Police Association, the Pennsylvania Sheriffs' Association, the Pennsylvania District Attorneys, and nearly 100 individual police chiefs, including those of every major city in the Commonwealth.

Press across the State has overwhelmingly called for the loophole to be closed, from the Philadelphia Inquirer to the Pottsville Republican.

Mr. Speaker, if HB 40 is going to be passed and signed into law, we first need to close this dangerous loophole. I do not want any more Marcus Hills circumventing Pennsylvania law so they can murder an 18-year-old in cold blood. If a Commonwealth resident is justifiably denied a permit to carry, if their permit to carry is justifiably revoked, or if they are justifiably ineligible to carry, they should not be able to carry, period. That is a fact, Mr. Speaker.

I ask you to join me in closing this glaring loophole by voting for amendment 916. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

If the maker of the amendment might stand for brief interrogation.

The SPEAKER. The gentleman indicates he will. The member is in order and may proceed.

Mr. CUTLER. Thank you, Mr. Speaker.

Just so I am clear in regards to the proposed amendment that the gentleman from Montgomery County is offering, which section of the code is he attempting to amend to address the perceived shortfall in the current statute?

Mr. BRIGGS. Amending section 6106.

Mr. CUTLER. Thank you, Mr. Speaker.

And 6106— Are there any other sections that you are attempting to amend regarding this provision, or is it solely 6106?

Mr. BRIGGS. Just 6106.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker—

The SPEAKER. On the amendment?

Mr. CUTLER. If I may speak on the amendment, please.

The SPEAKER. The gentleman is in order.

Mr. CUTLER. Thank you.

Mr. Speaker, I believe that we would all be in agreement that this is a very tragic fact pattern, one where unfortunately a criminal bent on breaking the laws actually carried it out. However, the misnomer of the Florida loophole, Mr. Speaker, actually does not apply. Earlier this morning I was reviewing the Attorney General's Web site, the agency in charge of the reciprocity agreements that we have here in this Commonwealth, and I think it is worth noting that in section 6106, and I would like to read and then ultimately enter into the record the following statements from the Web site. There are six categories of firearms reciprocity recognized in our Commonwealth. Category 2, which deals with "States that have statutory reciprocity under 6106(b)(15) of the Uniform Firearms Act." It reads as follows: "The following states have been granted statutory reciprocity without a formal written agreement under 6106(b)(15), based on the determination of the Attorney General that the other state has granted reciprocity to Pennsylvania...and that the other state's laws governing firearms are similar."

Mr. Speaker, there are seven States listed under this subsection in the reciprocity agreements. They are as follows: Colorado, Idaho, Indiana, Louisiana, Montana, North Dakota, and Utah. Florida, Mr. Speaker, is not on the list. In fact, Florida is recognized under an entirely different subsection of the code. It is recognized under what is categorized as "Category 1: States that have entered into written reciprocity agreements with Pennsylvania. (Title 18 Pa.C.S.A. § 6109(k))." Those States are as follows, Mr. Speaker: Alaska, Arizona, Arkansas, Florida, Georgia, Kentucky, Michigan, Missouri, New Hampshire, North Carolina, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wyoming. Seventeen States in all.

Additionally, Mr. Speaker, there are three other subsets that are recognized: Category 3, which are unilateral reciprocity agreements; Category 4, which is where Pennsylvanians may actually apply for a license or a permit from another State, those being Maine, Maryland, Massachusetts, and Washington. And finally, Category 5: those States which do not recognize or grant licenses/permits to individuals from another state, or currently do not extend reciprocal privileges to Pennsylvania license holders, or have not indicated their current status.

Mr. Speaker, the Attorney General is tasked with following up on all these reciprocity agreements under section 6109. Unfortunately, Mr. Speaker, this amendment is tragically flawed. It does not even include the State that has been used as an example. If a problem does exist, I think that it could be properly worked out in the committee process, Mr. Speaker, because 6106 as drafted will only affect seven States and it does not get to the root of the problem.

Mr. Speaker, we have a decision point here before us, and that is, are we going to fix the problem that we said we are going to fix, or are we merely going to put something up for political gain so that we can act like we fixed a problem that may have never existed?

Mr. Speaker, this is the fundamental question on this amendment. I would urge my colleagues to vote "no" because of the fundamental drafting flaw. The reality is, it does not affect what it alleges to undertake.

Additionally, I think it is worth noting that all of our neighboring States, those that are most likely to come into our Commonwealth, are all in Category 5. Maryland, where we may actually apply, or Category 5: Delaware, New Jersey, New York, or Ohio, where there is no updated status on the Attorney General's Web site.

Mr. Speaker, I believe this amendment is fundamentally flawed. It is based on suspect facts at best, and we must move forward and actually fix the problems in the current system. This amendment does not do that, and I would urge a "no" vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Briggs, for the second time.

Excuse me; would the gentleman suspend.

Does the gentleman, Mr. Perry, seek recognition? Only out of the courtesy of allowing the maker of the amendment a second chance.

The Speaker recognizes the gentleman, Mr. Perry, on the amendment.

Mr. PERRY. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. PERRY. Thank you, Mr. Speaker.

I am curious about the terminology about a person being ineligible to receive a permit and what the definition in this bill of "ineligible" is.

Mr. BRIGGS. Pursuant to 6105.

Mr. PERRY. Okay. So if that is the case, if I have never applied for a Pennsylvania conceal carry permit, maybe I find out or I think that the sheriff in my county does not want to provide one for me, so I just disregard that and go right to another State and get a permit, would I be in violation at that point, or could I be in violation at that point? Or am I ineligible at that point?

Mr. BRIGGS. Sheriff ineligibility revocation is also in 6105.

Mr. PERRY. So in that case, had I gotten it, the sheriff, the courts could find, with the sheriff's concurrence, that I was ineligible and in violation of law, having never applied for a Pennsylvania or a county permit to carry.

Mr. BRIGGS. So 6105 has a list of a variety of things that would exclude somebody from getting a license, and that is what this amendment would do. If you fall under that list, regardless of sheriff approval, you could still go to Florida and receive the permit.

Mr. PERRY. Okay. Thank you, Mr. Speaker.

On the amendment.

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

Mr. PERRY. Mr. Speaker, it seems to me that in this particular case regarding eligibility, one could be wholly within the law and be persecuted by the State or the county courts for being in violation of the law under the presumption of guilt as opposed to the presumption of innocence. That fact notwithstanding, because of the comments made earlier by the gentleman from Lancaster County, regardless of whether you agree with the merits of the accusation of Florida loophole or not, unfortunately, the amendment is incorrectly drafted to the wrong section, and if we are to uphold doing the correct thing and following the rules, certainly I think you would agree with me that it would be bad law to draft an amendment to the wrong section of the law.

Mr. Speaker, based on this, I would urge a "no" vote on the amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker now recognizes the gentleman, Mr. Briggs, for the second time.

Mr. BRIGGS. I would like to address both the gentlemen from Lancaster and York, counties of York and Lancaster, I believe that is where you guys are from, right? I believe this is correctly amending the right language. All it is saying is if you are not eligible to receive a license in Pennsylvania, this would block you from going to another State to get that license. The reciprocity that the Representative from Lancaster was talking about, he was looking at the wrong section. I am going to have my top-notch guy tell me what section to look at.

Under section 6106, subsection (15), "Any person who possesses a valid and lawfully issued license or permit to carry a firearm which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under section 6109..." – which the Representative from Lancaster County was referring to – "provided..." So even though there is not a reciprocity agreement between a number of States, Pennsylvania still recognizes it because reciprocity is both ways. Those States may not recognize our license, but we are going to recognize those licenses. I think that is a loophole that we need to close down.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—50

Boyle, B.	Deasy	Keller, W.	Ravenstahl
Boyle, K.	DeLissio	Kirkland	Roebuck
Bradford	DePasquale	Mann	Sabatina
Briggs	Donatucci	McGeehan	Samuelson
Brown, V.	Fabrizio	Mundy	Santarsiero
Brownlee	Frankel	Myers	Santoni
Buxton	Freeman	O'Brien, D.	Shapiro
Caltagirone	Gerber	O'Brien, M.	Sturla
Cohen	Haluska	Parker	Thomas
Costa, D.	Harkins	Pashinski	Vitali
Costa, P.	Johnson	Payton	Wagner
Curry	Josephs	Preston	Youngblood
Davis	Kavulich		

NAYS—140

Adolph	Farry	Lawrence	Reed
Aument	Fleck	Longietti	Reese
Baker	Gabler	Maher	Reichley
Barbin	Geist	Mahoney	Roae
Barrar	George	Major	Rock
Bear	Gergely	Maloney	Ross
Benninghoff	Gibbons	Markosek	Saccone
Bloom	Gillen	Marshall	Sainato
Boback	Gillespie	Marsico	Saylor
Boyd	Gingrich	Masser	Scavello
Brennan	Godshall	Matzie	Schroder
Brooks	Goodman	Metcalfe	Simmons
Brown, R.	Grell	Metzgar	Smith, K.
Burns	Hackett	Miccarelli	Smith, M.
Carroll	Hahn	Micozzie	Sonney
Causar	Hanna	Millard	Staback
Christiana	Harhai	Miller	Stephens
Clymer	Harhart	Mirabito	Stern
Conklin	Harper	Moul	Stevenson
Cox	Harris	Mullery	Swanger
Creighton	Heffley	Murphy	Tallman
Culver	Helm	Murt	Taylor
Cutler	Hennessey	Neuman	Tobash
Day	Hess	O'Neill	Toepel
Delozier	Hickernell	Oberlander	Toohil
DeLuca	Hornaman	Payne	Truitt
Denlinger	Hutchinson	Peifer	Turzai
Dermody	Kampf	Perry	Vereb
DeWeese	Kauffman	Petrarca	Vulakovich
DiGirolamo	Keller, F.	Petri	Watson
Dunbar	Keller, M.K.	Pickett	White
Ellis	Knowles	Pyle	Williams
Emrick	Kortz	Quigley	
Evankovich	Kotik	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett	Kula		

NOT VOTING—0

EXCUSED—13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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?

Mr. **B. BOYLE** offered the following amendment
No. **A00918**:

Amend Bill, page 1, line 5, by striking out the comma after "protection" and inserting
and

Amend Bill, page 1, line 6, by striking out the comma after "persons" and inserting

; in theft and related offenses, further providing

Amend Bill, page 1, line 6, by striking out "and" and inserting

; in firearms and other dangerous articles, further providing

Amend Bill, page 1, line 7, by inserting after "firearms"

and for sale or transfer of firearms

Amend Bill, page 1, line 7, by striking out "and"

Amend Bill, page 1, line 8, by inserting after "force"

; and further providing for sentences for offenses committed

with firearms

Amend Bill, page 12, line 14, by striking out "Section" where it occurs the second time and inserting

Sections

Amend Bill, page 12, line 14, by inserting after "6109(m.3)" and 6111(h)

Amend Bill, page 12, line 14, by striking out "is" and inserting are

Amend Bill, page 12, by inserting between lines 25 and 26

§ 6111. Sale or transfer of firearms.

* * *

(h) Subsequent violation penalty.—

(1) A second or subsequent violation of this section shall be a felony of the second degree [and shall be punishable by]. A person who at the time of sentencing has been convicted of another offense under this section shall be sentenced to a mandatory minimum sentence of imprisonment of five years. A second or subsequent offense shall also result in permanent revocation of any license to sell, import or manufacture a firearm.

(2) Notice of the applicability of this subsection to the defendant and reasonable notice of the Commonwealth's intention to proceed under this section shall be provided prior to trial. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.

(3) There shall be no authority for a court to impose on a defendant to which this subsection is applicable a lesser sentence than provided for in paragraph (1), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(4) If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this subsection.

(5) For the purposes of this subsection, a person shall be deemed to have been convicted of another offense under this section whether or not judgment of sentence has been imposed for that violation.

* * *

Amend Bill, page 13, by inserting between lines 28 and 29

Section 7.1. Section 9712(a) of Title 42 is amended to read:

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence.—Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses), shall, if the person visibly possessed a firearm or a replica of a firearm, whether or not the firearm or replica was loaded or functional, that placed the victim in reasonable fear of death or serious bodily injury, during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary. Such persons shall not be eligible for parole, probation, work release [or], furlough or prerelease.

* * *

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Brendan Boyle.

Apparently when they were moving, they did not reconnect that one. Perhaps you could use the minority leader's desk.

Yes, it was a clandestine move. We are going to shut off all the mikes on that side of the aisle.

On the amendment, the gentleman is in order.

Mr. B. BOYLE. Thank you, Mr. Speaker.

The view from here is a lot better anyway, so I appreciate it, Mr. Speaker.

Mr. Speaker, I offer this amendment, 918. It is actually an issue that I have worked on for several years. It is exactly the same as my bill, HB 2600, that I offered last term. What it simply does is clarify the legislative intent as a result of the *Commonwealth v. Jaroweki* decision, in which the court held that under current law, the current law is vague with respect to when a district attorney can invoke the second and subsequent clause.

This amendment, I think, is noncontroversial. It is supported entirely by law enforcement, by our police as well as our district attorneys. This amendment also appears to be bipartisan. As they say, imitation is the most sincere form of flattery. My bill from last session was reintroduced this session by a Republican member and was just recently, on Monday, passed out of the Judiciary Committee unanimously. So I am sure that all members who voted on that will want to remain consistent and vote for my amendment as this is really an opportunity to make clear the intent under current law and enable and empower our district attorneys to ensure that there is no volume discount for committing crime; that if someone does commit a second, a third, a fourth, a fifth offense, that the district attorney has the opportunity to invoke the second and subsequent clause.

So I thank you, Mr. Speaker, and would ask for an affirmative vote on this amendment. Thank you.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

Will the maker of this amendment rise for interrogation, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. VEREB. Thank you, Mr. Speaker.

In your opening dialogue regarding your amendment, you indicated that this was the same as your bill from last session.

Mr. B. BOYLE. Substantively, that is correct.

Mr. VEREB. Actually, Mr. Speaker, what did you say to the General Assembly, was my question. What was your statement?

Mr. B. BOYLE. Well, what I said is that it is the same as HB 2600.

Mr. VEREB. Thank you, Mr. Speaker.

Did HB 2600 go out of the House or just out of committee?

Mr. B. BOYLE. Mr. Speaker, is this on the amendment I am offering or on my bill from last session?

The SPEAKER. At this point, I think he is still just trying to figure out where the amendment came from. I do not think he is too far out of order here.

Mr. VEREB. And that is saying something, Mr. Speaker.

Mr. B. BOYLE. Well, since this is—

Mr. VEREB. Mr. Speaker, I will try to direct it, try to narrow it down. I am just looking at a document that suggests that it was referred to committee, but the gentleman from Philadelphia indicated that it might have gone to the floor. So I am looking at a document that says it was referred to committee; I think he said it had come out of committee. I just want to clarify because you did relate to that language in your explanation of your current amendment.

Mr. B. BOYLE. I am sorry. Could the gentleman repeat the question?

Mr. VEREB. Sure. What happened to HB 2600 from last session?

Mr. B. BOYLE. Sadly, HB 2600 from last session did not pass, but here is an opportunity to ensure the language—

Mr. VEREB. Thank you, Mr. Speaker.

Mr. B. BOYLE. does pass— Excuse me; if I could continue my answer.

The SPEAKER. I will give you a minute.

Mr. B. BOYLE. Thank you.

If the prosecutor would let me finish my response, what I would say is this is an opportunity to, hopefully on a bipartisan basis, give our law enforcement and our district attorneys the tool that they are asking for.

The SPEAKER. Are you still on interrogation?

Mr. VEREB. Yes. Are you referring to me as the prosecutor or is there another person here, Mr. Speaker?

The SPEAKER. I do not think that is in order.

Mr. VEREB. Okay. Thank you.

The SPEAKER. I knew you would figure a way to get out of order soon enough.

Mr. VEREB. Respectfully, I am done interrogating the maker. I would like to comment on the amendment, Mr. Speaker.

The SPEAKER. Would you like to be recognized on the amendment?

Mr. VEREB. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VEREB. I agree that this bill had bipartisan support, and there is no one in this chamber that could agree more than that our Judiciary Committee, regardless of what chairman has had the majority, has always worked together on a lot of tough bills. And the reference on this amendment that it is the same as last session is just not accurate, Mr. Speaker. In fact, the language that the gentleman from Philadelphia used is the exact language, changed language, altered language, language that makes it more defined and more clear in the intent that is in HB 898 of this session under a colleague from Montgomery County.

So I know there is a reference of whatever rambling went on there about bipartisan because the language is the same. I mean, obviously, Mr. Speaker, the language is not the same. The language is more specific. Regardless of whether this language is germane to HB 40, I will not make that argument, although I do not feel it is. What I will make, though, is that HB 898, which is this language in a full bill, deserves a full debate on the House floor. It received it, Mr. Speaker, in committee. And at this point, while I ask all the members to vote "no" on this amendment, Mr. Speaker, I would also like to report a lost or stolen bill, because it was either lost in last session or stolen off of this session's table.

So this bill deserves a full debate on the floor, Mr. Speaker, and I request everyone to vote "no" on the amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Mrs. Toepel.

Mrs. TOEPEL. Thank you, Mr. Speaker.

As the maker of HB 898, we did present it in Judiciary. It was read on the House floor this morning, so I hope that my colleagues will vote "no" on this amendment and 898 will be coming up shortly. It is going through the process correctly, and I would urge you to vote "no" on the amendment. Thank you.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

As was previously stated, 898 is out of committee. It will be coming to the House for full discussion and a vote. I would say that we should not becloud the issue of HB 40 with 898. Those who want to vote for HB 40 should be able to do that without their constituents wondering, well, were you really voting for this amendment or did you only vote for HB 40 because the amendment was in it and vice versa. The bill is out of committee, it will come here and receive full vetting, and we will all be able to vote so our constituents know we support 40 and 898, or one or the other.

I want to send this bill to the Senate clean so that all the citizens of Pennsylvania know where we stand. I would urge a "no" vote on the amendment.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Mr. Speaker, point of parliamentary inquiry.

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

Mr. STURLA. If this amendment were to pass today, would it prevent a bill with similar language from running in the House in the future?

The SPEAKER. No.

Mr. STURLA. Thank you, Mr. Speaker.

If I could, on the amendment?

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

Mr. STURLA. Mr. Speaker, I did not think it did. The notion that somehow if we pass this amendment today, we will not be able to debate another bill that has similar language tomorrow or the next day or the day after that is about the most specious argument I have ever heard on this floor. And this notion that we want to run this clean so we get a clean vote on just this, not anything else, I wish I had heard those arguments last session when this Castle Doctrine issue was mixed in with a Megan's Law issue. Then it was perfectly fine to do that kind of thing. It is still perfectly fine to do that now. I do not understand; the protestations here are so far afield of trying to make sure that you can vote for criminals today under the notion that you are being pure about the Castle Doctrine. That is just pure lunacy.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, I believe the gentleman— Mr. Perry, would you like to be recognized for a second time? I would prefer to let the maker of the amendment go last, if possible.

On the question, the Speaker recognizes the gentleman, Mr. Brendan Boyle.

Mr. B. BOYLE. Thank you, Mr. Speaker.

I would just be brief in summing up. This is a very important amendment, and the fact that it was passed, although under a different maker who had adopted this language from me from last session, passed on Monday, I hope that we would not allow a petty debate on who came up with this idea first to prevent us from doing the right thing. This amendment is absolutely needed. It is supported by our law enforcement community. It is supported by our district attorneys. Let us seize this moment and pass this good language and help make it law.

I ask for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—54

Barbin	Deasy	Mann	Sabatina
Boyle, B.	DeLissio	McGeehan	Samuelson
Boyle, K.	DeLuca	Mundy	Santarsiero
Bradford	Donatucci	Murt	Santoni
Briggs	Fabrizio	Myers	Shapiro
Brown, V.	Frankel	O'Brien, D.	Smith, M.
Brownlee	Freeman	O'Brien, M.	Sturla
Buxton	Gerber	Parker	Taylor
Caltagirone	Haluska	Pashinski	Thomas
Cohen	Johnson	Payton	Vitali
Costa, D.	Josephs	Preston	Wagner
Costa, P.	Keller, W.	Ravenstahl	Williams
Curry	Kirkland	Roebuck	Youngblood
Davis	Kortz		

NAYS—136

Adolph	Farry	Krieger	Quinn
Aument	Fleck	Kula	Rapp
Baker	Gabler	Lawrence	Reed
Barrar	Geist	Longietti	Reese
Bear	George	Maher	Reichley
Benninghoff	Gergely	Mahoney	Roae
Bloom	Gibbons	Major	Rock
Boback	Gillen	Maloney	Ross
Boyd	Gillespie	Markosek	Saccone
Brennan	Gingrich	Marshall	Sainato
Brooks	Godshall	Marsico	Saylor
Brown, R.	Goodman	Masser	Scavello
Burns	Grell	Matzie	Schroder
Carroll	Hackett	Metcalfe	Simmons
Causer	Hahn	Metzgar	Smith, K.
Christiana	Hanna	Miccarelli	Sonney
Clymer	Harhai	Micozzie	Staback
Conklin	Harhart	Millard	Stephens
Cox	Harkins	Miller	Stern
Creighton	Harper	Mirabito	Stevenson
Culver	Harris	Moul	Swanger
Cutler	Heffley	Mullery	Tallman
Day	Helm	Murphy	Tobash
Delozier	Hennessey	Neuman	Toepel
Denlinger	Hess	O'Neill	Toohil
DePasquale	Hickernell	Oberlander	Truitt

Dermody	Hornaman	Payne	Turzai
DeWeese	Hutchinson	Peifer	Vereb
DiGirolamo	Kampf	Perry	Vulakovich
Dunbar	Kauffman	Petrarca	Watson
Ellis	Kavulich	Petri	White
Emrick	Keller, F.	Pickett	
Evankovich	Keller, M.K.	Pyle	Smith, S.,
Evans, J.	Knowles	Quigley	Speaker
Everett	Kotik		

NOT VOTING—0

EXCUSED—13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Johnson, who initially called up amendment A921. However, he indicates he is willing to withdraw that amendment.

I would like to recognize the gentleman on the amendment for the purpose of making a statement. The gentleman is in order.

Mr. JOHNSON. I withdraw my amendment, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The Chair is under the understanding that the gentleman, Mr. Payton, has also withdrawn his amendments. The Speaker thanks the gentleman.

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

MOTION TO RECOMMIT

The SPEAKER. On that question, the gentleman, Mr. Briggs, seeks recognition and is in order.

Mr. BRIGGS. Thank you, Mr. Speaker.

Based on the discussion during amendment 910 and the gentleman from Lancaster County's addressing that it is an important issue for Pennsylvania and a conversation back and forth that we had, I would like to make a motion to rerefer the bill to the committee in order for the Representative from Lancaster County, myself, and anyone else who is willing to participate in addressing a technical change in my amendment to get to better language to be able to close this problem we have with a number of outside States.

Thank you, sir, and I ask you to support my motion.

The SPEAKER. Would the gentleman clarify? To the Judiciary Committee, is the motion to recommit to the Judiciary Committee?

Mr. BRIGGS. The motion would be to rerefer HB 40 to the Judiciary Committee in order to work on language during the break.

The SPEAKER. The gentleman, Mr. Briggs, moves that HB 40 be rereferred to the Judiciary Committee.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

It has been a long road to get here. The stakeholders involved have all vetted the process and the bill. We have got it just where we want it, and I would urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. On the question of recommitment, the Speaker recognizes the gentleman, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

We have spent a long time on HB 40 in both the prior session and this session. I rise to support the motion to oppose recommitment and ask that we vote up or down on HB 40.

The SPEAKER. On the question of recommitting HB 40, those in favor of recommitting will vote "aye"; those opposed will vote "nay."

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

The following roll call was recorded:

YEAS—39

Boyle, B.	Davis	Mann	Sabatina
Boyle, K.	DeLissio	McGeehan	Samuelson
Bradford	Donatucci	Mundy	Santarsiero
Briggs	Frankel	Myers	Shapiro
Brown, V.	Freeman	O'Brien, M.	Sturla
Brownlee	Gerber	Parker	Thomas
Buxton	Johnson	Pashinski	Vitali
Cohen	Josephs	Payton	Williams
Costa, P.	Keller, W.	Preston	Youngblood
Curry	Kirkland	Roebuck	

NAYS—151

Adolph	Everett	Kotik	Rapp
Aument	Fabrizio	Krieger	Ravenstahl
Baker	Farry	Kula	Reed
Barbin	Fleck	Lawrence	Reese
Barrar	Gabler	Longietti	Reichley
Bear	Geist	Maher	Roae
Benninghoff	George	Mahoney	Rock
Bloom	Gergely	Major	Ross
Boback	Gibbons	Maloney	Saccione
Boyd	Gillen	Markosek	Sainato
Brennan	Gillespie	Marshall	Santoni
Brooks	Gingrich	Marsico	Saylor
Brown, R.	Godshall	Masser	Scavello
Burns	Goodman	Matzie	Schroder
Caltagirone	Grell	Metcalfe	Simmons
Carroll	Hackett	Metzgar	Smith, K.
Causar	Hahn	Miccarelli	Smith, M.
Christiana	Haluska	Micozzie	Sonney
Clymer	Hanna	Millard	Staback
Conklin	Harhai	Miller	Stephens
Costa, D.	Harhart	Mirabito	Stern
Cox	Harkins	Moul	Stevenson
Creighton	Harper	Mullery	Swanger
Culver	Harris	Murphy	Tallman

Cutler	Heffley	Murt	Taylor
Day	Helm	Neuman	Tobash
Deasy	Hennessey	O'Brien, D.	Toepel
DeLozier	Hess	O'Neill	Toohil
DeLuca	Hickernell	Oberlander	Truitt
Denlinger	Hornaman	Payne	Turzai
DePasquale	Hutchinson	Peifer	Vereb
Dermody	Kampf	Perry	Vulakovich
DeWeese	Kauffman	Petrarca	Wagner
DiGirolamo	Kavulich	Petri	Watson
Dunbar	Keller, F.	Pickett	White
Ellis	Keller, M.K.	Pyle	
Emrick	Knowles	Quigley	Smith, S.,
Evankovich	Kortz	Quinn	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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

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

* * *

The House proceeded to second consideration of **HB 365, PN 710**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for Schedule I controlled substances.

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

Mrs. **SWANGER** offered the following amendment
No. **A00874**:

- Amend Bill, page 6, by inserting between lines 3 and 4
(vii) Synthetic cannabinoids as follows:
1. CP 47,497 and homologues, 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
 2. HU-210, [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol].
 3. HU-211, (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
 4. JWH-018, 1-Pentyl-3-(1-naphthoyl)indole.
 5. JWH-019, 1-Hexyl-3-(1-naphthoyl)indole.
 6. JWH-073, 1-Butyl-3-(1-naphthoyl)indole.
 7. JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone.
 8. JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.

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

The **SPEAKER**. On that question, the Speaker recognizes the lady, Mrs. Swanger.

Mrs. **SWANGER**. Mr. Speaker, this is obviously an agreed-upon amendment because it is mine. Thank you. Please, I ask my colleagues to support it. Thank you.

The **SPEAKER**. Will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Miss Mann.

Miss **MANN**. Thank you, Mr. Speaker.

I just wanted to briefly bring to the attention of the members that this amendment is language that is identical to my HB 176 that addresses the crisis and imminent problem of synthetic marijuana across the Commonwealth and our nation. I thank the gentlelady for including this language in her bill, and I ask for the members' support.

Thank you, Mr. Speaker.

The **SPEAKER**. Will the House agree to the amendment?

On the question, the Speaker recognizes the gentleman, Mr. Stern.

Mr. **STERN**. Thank you, Mr. Speaker.

I also would like to appreciate the work that Representative Mann put into working on her legislation involving synthetic marijuana and the work that she has put into HB 176 and ask for an affirmative vote for this amendment.

The **SPEAKER**. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—190

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grell	Millard	Smith, M.
Carroll	Hackett	Miller	Sonney
Causer	Hahn	Mirabito	Staback
Christiana	Haluska	Moul	Stephens
Clymer	Hanna	Mullery	Stern
Cohen	Harhai	Mundy	Stevenson
Conklin	Harhart	Murphy	Sturla

Costa, D.	Harkins	Murt	Swanger
Costa, P.	Harper	Myers	Tallman
Cox	Harris	Neuman	Taylor
Creighton	Heffley	O'Brien, D.	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Truitt
Day	Hornaman	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
DeLissio	Johnson	Payton	Vitali
Delozier	Josephs	Peifer	Vulakovich
DeLuca	Kampf	Perry	Wagner
Denlinger	Kauffman	Petrarca	Watson
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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. STERN offered the following amendment No. **A00875**:

- Amend Bill, page 5, by inserting between lines 14 and 15
- 20. 3,4-Methylenedioxymethcathinone (Methylone).
- 21. 3,4-Methylenedioxypyrovalerone (MDPV).
- 22. 4-Methylmethcathinone (Mephedrone).
- 23. 4-Methoxymethcathinone.
- 24. 4-Fluoromethcathinone.
- 25. 3-Fluoromethcathinone.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

This amendment is actually HB 567, which the Judiciary Committee considered the very same day that we considered HB 365. Amending Representative Mann's synthetic marijuana bill as well as this synthetic cocaine bill into one bill will hopefully ensure passage in the Senate and get this substance off our streets, take it out of the hands of our young people that are using it now. There have been many fatalities here already in Pennsylvania with the use of synthetic cocaine. So it is something we are hoping to remove from the streets.

I would ask for an affirmative vote.
Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.
On the question, will the House agree to the amendment, the Speaker recognizes the lady, Mrs. Swanger.
Mrs. SWANGER. This is also an agreed-upon amendment.
Thank you, Mr. Speaker.
The SPEAKER. The Speaker thanks the lady.

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

The following roll call was recorded:

YEAS-190

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Reed
Barbin	Evans, J.	Kula	Reese
Barrar	Everett	Lawrence	Reichley
Bear	Fabrizio	Longietti	Roae
Benninghoff	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brooks	Gibbons	Matzie	Saylor
Brown, R.	Gillen	McGeehan	Scavello
Brown, V.	Gillespie	Metcalfe	Schroder
Brownlee	Gingrich	Metzgar	Shapiro
Burns	Godshall	Miccarelli	Simmons
Buxton	Goodman	Micozzie	Smith, K.
Caltagirone	Grell	Millard	Smith, M.
Carroll	Hackett	Miller	Sonney
Causer	Hahn	Mirabito	Staback
Christiana	Haluska	Moul	Stephens
Clymer	Hanna	Mullery	Stern
Cohen	Harhai	Mundy	Stevenson
Conklin	Harhart	Murphy	Sturla
Costa, D.	Harkins	Murt	Swanger
Costa, P.	Harper	Myers	Tallman
Cox	Harris	Neuman	Taylor
Creighton	Heffley	O'Brien, D.	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Truitt
Day	Hornaman	Pashinski	Turzai
Deasy	Hutchinson	Payne	Vereb
DeLissio	Johnson	Payton	Vitali
Delozier	Josephs	Peifer	Vulakovich
DeLuca	Kampf	Perry	Wagner
Denlinger	Kauffman	Petrarca	Watson
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Grove	Mustio	Wheatley
Davidson			

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?

Bill as amended was agreed to.

The SPEAKER. The bill will be reprinted as amended.

* * *

The House proceeded to second consideration of **HB 208, PN 1039**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duties of drivers in accidents involving death or personal injury and for subsequent convictions of certain offenses.

On the question,

Will the House agree to the bill on second consideration?

Ms. **MUNDY** offered the following amendment No. **A00911**:

Amend Bill, page 1, lines 9 through 13; page 2, lines 1 through 8, by striking out all of said lines on said pages and inserting

Section 1. Section 3742 of Title 75 of the Pennsylvania Consolidated Statutes, amended October 19, 2010 (P.L.557, No.81), is amended to read:

§ 3742. Accidents involving death or personal injury.

(a) General rule.—The driver of any vehicle involved in an accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 3744 (relating to duty to give information and render aid). Every stop shall be made without obstructing traffic more than is necessary.

(b) Penalties.—

(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the first degree.

(2) If the victim suffers serious bodily injury, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law. An additional fine and term of imprisonment under this paragraph shall be imposed for each victim.

(3) If the victim dies, any person violating subsection (a) commits a felony of the [third] second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law. An additional fine and term of imprisonment under this paragraph shall be imposed for each victim.

(b.1) Enhanced penalties.—

(1) Except as otherwise provided in this subsection, any person violating this section concurrently with a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating section 3802 commits a felony of the third degree.

(2) If the victim suffers serious bodily injury, any person

violating subsection (a) concurrently with a violation of section 3802 and who is convicted of violating section 3802 commits a felony of the second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and to pay a mandatory fine of \$2,500, notwithstanding any other provision of law. An additional fine and term of imprisonment under this paragraph shall be imposed for each victim.

(3) If the victim dies, any person violating subsection (a) concurrently with a violation of section 3802 and who is convicted of violating section 3802 commits a felony of the second degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years and to pay a mandatory fine of \$5,000, notwithstanding any other provision of law. An additional fine and term of imprisonment under this paragraph shall be imposed for each victim.

(c) Authority of sentencing court.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (b)(2) or (3) or (b.1)(2) or (3) or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

Section 1.1. Section 6503(a) of Title 75 is amended to read:

On the question,

Will the House agree to the amendment?

Ms. **MUNDY**. Thank you, Mr. Speaker.

The SPEAKER. Excuse me; I did not see where you were standing. I was not prepared to recognize you yet.

The lady is in order on the amendment.

Ms. **MUNDY**. Thank you, Mr. Speaker.

This amendment is identical to a bill I introduced last session, which passed the House by a vote of 193 to 1 on June 10 of 2009. The gentleman from Indiana and I have the same goal, to eliminate the loophole in current law that literally gives drunk drivers an incentive to flee the scene of an accident, rather than stay and administer aid to victims. However, unlike HB 208 in its current form, my amendment seeks to remove the loophole without adding dozens of beds and millions of dollars to our prison budget each year.

According to the Pennsylvania Commission on Sentencing, HB 208, as currently drafted, would add an additional 3 State prison beds in the first year, 15 beds in the second year, and 39 beds the third year and beyond. Given the approximately \$35,000 a year to house each prison inmate, including health care, HB 208, in its current form, would cost the Commonwealth about \$1.4 million a year. In this current economic climate, when the Governor is proposing to slash funding for vital programs like education and nursing homes, now is certainly not the time to increase the cost of our prisons so dramatically.

My amendment reclassifies a hit-and-run accident resulting in fatality from a third- to a second-degree felony, bringing it in line with the penalty of a drunk driving accident resulting in fatality. My proposal does not increase the mandatory minimum sentence for this offense.

Mr. Speaker, could I have a little bit of order, please?

The SPEAKER. The House will come to order.

The members will please cease their conversations and clear the aisles. The House will please come to order. Thank you.

The lady may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

My proposal does not increase the mandatory minimum sentence for this offense unless it is proven that a hit and run resulting in death was committed while the offender was under the influence of alcohol or a controlled substance. In that instance, this amendment would then raise the mandatory minimum prison sentence and fine to 3 years and \$5,000. Considering the extraordinary burden our prisons face, mandatory minimums generally should not be increased, but as this amendment increases the level of offense from a third- to a second-degree felony, it allows the judge to use his or her discretion to issue a more severe sentence in circumstances where he or she feels one is warranted.

According to last year's budget request from the Department of Corrections, the agency was operating at 118 percent of its operational capacity. This means that 7700 more inmates were committed to the department at that time than operational capacity allowed. I know that the prison in my district, SCI-Dallas, is severely overcrowded.

In January 1980 the prison population in the Commonwealth was 7,865. As of January 2010, the inmate population is 51,391. Again, January of 1980, 7865 inmates. As of January, it is at 51,391. No wonder our budget is under such stress. Our prisons do not have the bed space to accommodate HB 208 in its current form. The Department of Corrections has been negotiating contracts with counties and other States to accommodate our extraordinary number of inmates, contracts that are costing the State millions of dollars. HB 208, in its current form, would only add to this burden.

Mr. Speaker, this amendment removes the loophole that allows drunk drivers to receive lesser sentences than they deserve, while limiting the strain it will place on our prisons. I strongly urge you to vote in favor of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Reed.

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

In all due respect to the gentlelady from Luzerne County, I am not quite certain where she comes across her numbers on the fiscal impact of her amendment, amendment 911, in comparison to HB 208, because although we may talk about numbers all we like, when you actually look at the fiscal note attached to amendment 911, and I will read from the fiscal note so that the members can be aware, "According to PennDOT, there is no such data that identifies the number of hit and run accidents while driving under the influence of alcohol or a controlled substance. Due to the unpredictability of such a violation as described in the amendment, it is unfeasible to quantify the cost of potential lengthened incarceration from a minimum of 1 year to 3 years."

So according to the actual fiscal note, it is unfeasible to identify the precise cost because of the unpredictability of when a homicide by DUI or a hit-and-run fatality might occur. The gentlelady is correct that she does look at enhancing the maximum penalty for someone convicted in a hit-and-run fatality, but she does not actually close the loophole which exists for the mandatory minimum. In short, what occurs today, if you are driving a vehicle, you are involved in a hit-and-run accident, leave the scene of the accident, you face a possible mandatory minimum of 1 year in prison. If you are driving the same vehicle, hit the same victim, you stay and you render aid,

you call 911, you attempt to save the life of the victim, but they still are deceased, then if you are determined to be under the influence of alcohol, even though you decided to stay and help the victim, you face a mandatory 3 years in prison. So in essence, the loophole in the law encourages a person to flee the scene of the accident, sober up, and then either get caught or turn themselves in, as opposed to attempting to save the life of the individual which they hit.

This particular incident occurred in Indiana County on July 15, 2005, when Sean Pearce was riding his bicycle home along Route 119. Mr. Pearce was not only hit by one vehicle who failed to stop and render aid, he was hit by, as determined by the Pennsylvania State Police, at least two vehicles before a third vehicle finally stopped, called 911, and attempted to save Mr. Pearce's life.

This loophole in the law was brought to my attention at that time by the lieutenant of the Pennsylvania State Police barracks in Indiana as well as the Indiana County district attorney, Tom Bianco. They believe, and it is my belief, that we should not have an incentive for someone who may be driving under the influence of alcohol to leave the scene of the accident, sober up, and then turn themselves in, as opposed to at least attempting to save the individual's life that they hit with their vehicle.

So with all due respect to the gentlelady, I would respectfully ask that the members support closing this loophole and vote down the Mundy amendment that would keep in place the loophole, the mandatory minimum being 1 year instead of 3.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

I disagree with the previous speaker. I think the lady's amendment does close the loophole. And you have to understand, I came here under Governor Ridge and we did the special session on crime. As I remember back then, our prison budget was around \$100 million a year. This is only 17 years ago. Today I look at that budget of \$1.7 billion. We have to get a lot smarter about the way we treat crime and how we do the sentencing.

I think this amendment goes a long way to starting that trend to let the courts decide case by case how we want to sentence these people. So I really feel that this is a good amendment, and I think it is the way we are going to start in the right direction to get some kind of a cap on our prison budget and to take the people that should not be there and not warehouse them like we have been doing. Fifty-some thousand people, \$1.7 billion, we have to get a lot smarter about how we handle crime.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Mundy amendment. And, Mr. Speaker, one of the things that I am happy about is Representative Mundy and Representative Reed are moving in the right direction. And if Representative Reed takes a look at Representative Mundy's amendment, as Representative Mundy has considered Representative Reed's bill, then we would know that they are moving in the same direction. Both are very much interested in closing the loophole. The only dichotomy between what you have laid out and what Representative Mundy is

proposing, and that is, rather than imposing— The dichotomy really comes down to the judge.

Under the Mundy amendment, there is some judicial discretion. Under the Reed prescription, there is no prescription. And if we take what our Governor had said to us yesterday, it is time to think smarter, rather than harder. We can do smarter, we can think smarter, and help with dealing with this problem in Pennsylvania by supporting Representative Mundy's amendment.

So let us be clear, the only dichotomy is judicial discretion that I am confident that, as I look at the breadth and wealth of judicial tolerance in Pennsylvania from one end of the State to the other, you have some good judges in your county and in your district. There are other good judges across Pennsylvania. So I am confident that your prescription would not be overlooked when you consider the breadth and wealth of judicial tolerance that exists in Pennsylvania. And I think that under Representative Mundy's amendment, the same thing is going to happen. So we should not fear that if we take Representative Mundy's path, that we are going to avoid closing this loophole. This loophole is going to be closed under both prescriptions. And so this represents a good time for us to start out early and take heed to the wise counsel of the Governor yesterday and govern ourselves accordingly. Support the Mundy amendment.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I do believe that the gentlelady's amendment does close the loophole. If that drunk driver who was the person, the defendant, in the case we heard from Indiana County, has indeed proved to be driving under the influence at the time of that accident and left the scene, if Representative Mundy's amendment would pass, that person would now be able to be prosecuted for a felony of the second degree, and if that person was convicted of that felony of the second degree, would now be eligible to spend 10 years in jail, not just 3. Under the facts of that case, I would suggest to you, a judge may well just give that person 10 years.

Both are doing the right thing here, trying to close this loophole. Nobody should leave the scene of an accident, and if you are drunk, it is even worse, as enhancing this penalty shows. Ten years means more than 3. Giving the judge the discretion to determine how that person should be sentenced based on the facts of the case makes sense. It makes sense from the sentencing standpoint. It makes sense from the corrections standpoint. If you cannot prove the person was drunk, the person left the scene, they should not be sentenced up to 10 years in jail, maybe not have the mandatory imposed or you should not even be eligible for a mandatory sentence.

What we are trying to do here is take the Governor's lead and be smart on crime. The gentlelady mentioned the Pennsylvania Commission on Sentencing. The Commission on Sentencing is required to establish guidelines to sentencing criminal defendants who have been convicted. Every sentence, every judge who sentences a defendant is required to send that sentence to the Sentencing Commission, where those records are compiled. And I am sure they had the information on what was contained in all the sentences that have been filed for leaving the scene of an accident.

Mr. Speaker, this amendment makes sense. I understand why the gentleman is upset, and he ought to be about what happened in Indiana County. We can do a better job sentencing this defendant to a more just sentence with the Mundy amendment. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes, for the second time, the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

As previously stated, my amendment does close the loophole. And the gentleman from Indiana will remember that last session Chairman Markosek held a public hearing on his bill, my bill, and Mr. Reed's bill. During that hearing we heard from the Pennsylvania Commission on Sentencing, as referenced by Leader Dermody, and at that time the Reed bill had a 5-year mandatory minimum in it. So when we saw that it was now a 3-year mandatory minimum, we went back to the Sentencing Commission and asked them to look at the new bill and give us an estimate of what they would believe the prison population would increase, and that is where we get our statistics citing 3 State prison beds in the first year, 15 in the second, and 39 in the third. And then we extrapolate using \$35,000 a year to \$1.4 million a year in the third year and beyond. That is the number, and that is from the Sentencing Commission.

Mr. Speaker, we should not be doing mandatory minimums when our prisons are so overcrowded and we are spending so much money to incarcerate people. We need to look at it on a case-by-case basis. I, too, have had instances in my district where people who have literally admitted to being drunk fled the scene and could not be prosecuted, and that was the impetus for my introducing my bill two sessions ago, and that is the impetus for my amendment today. Close the loophole, but do it in the right way.

So I would ask for your support for my amendment, and let us close the loophole. Let us remove the disincentive to flee the scene of an accident. The driver, drunk or not, should stay and render aid to the victim.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests leave for the gentleman, Mr. GODSHALL, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 208 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—82

Barbin	DePasquale	Kirkland	Petrarca
Boyle, B.	Dermody	Kortz	Preston
Boyle, K.	DeWeese	Kotik	Ravenstahl
Bradford	Donatucci	Kula	Roebuck
Brennan	Fabrizio	Longietti	Sabatina
Briggs	Frankel	Mahoney	Sainato
Brown, V.	Freeman	Mann	Samuelson

Brownlee	George	Markosek	Santarsiero
Burns	Gerber	Matzie	Santoni
Buxton	Gergely	McGeehan	Shapiro
Caltagirone	Gibbons	Mirabito	Smith, K.
Carroll	Goodman	Mullery	Smith, M.
Cohen	Haluska	Mundy	Staback
Conklin	Hanna	Murphy	Sturla
Costa, D.	Harhai	Myers	Thomas
Costa, P.	Harkins	Neuman	Vitali
Curry	Hornaman	O'Brien, M.	Wagner
Davis	Johnson	Parker	White
Deasy	Josephs	Pashinski	Williams
DeLissio	Kavulich	Payton	Youngblood
DeLuca	Keller, W.		

NAYS—107

Adolph	Farry	Major	Reichley
Aument	Fleck	Maloney	Roae
Baker	Gabler	Marshall	Rock
Barrar	Geist	Marsico	Ross
Bear	Gillen	Masser	Saccone
Benninghoff	Gillespie	Metcalfe	Saylor
Bloom	Gingrich	Metzgar	Scavello
Boback	Grell	Miccarelli	Schroder
Boyd	Hackett	Micozzie	Simmons
Brooks	Hahn	Millard	Sonney
Brown, R.	Harhart	Miller	Stephens
Causar	Harper	Moul	Stern
Christiana	Harris	Murt	Stevenson
Clymer	Heffley	O'Brien, D.	Swanger
Cox	Helm	O'Neill	Tallman
Creighton	Hennessey	Oberlander	Taylor
Culver	Payne	Peifer	Toepel
Cutler	Hickernell	Perry	Toohil
Day	Hutchinson	Petri	Truitt
Delozier	Kampf	Pickett	Turzai
Denlinger	Kauffman	Pyle	Vereb
DiGirolamo	Keller, F.	Quigley	Vulakovich
Dunbar	Keller, M.K.	Quinn	Watson
Ellis	Knowles	Rapp	
Emrick	Krieger	Reed	Smith, S.,
Evankovich	Lawrence	Reese	Speaker
Evans, J.	Maher		
Everett			

NOT VOTING—0

EXCUSED—14

Bishop	Evans, D.	Killion	Readshaw
Cruz	Galloway	Milne	Waters
Daley	Godshall	Mustio	Wheatley
Davidson	Grove		

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?

The SPEAKER. It is the Speaker's understanding that amendment 936, offered by the lady, Ms. Mundy, was being withdrawn. The Speaker thanks the lady.

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

Mr. SHAPIRO offered the following amendment
No. A00933:

Amend Bill, page 1, line 2, by inserting after "providing" for junior driver's license, for learners' permits and for suspension of operating privilege; prohibiting use of interactive wireless communication device; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas,

Amend Bill, page 1, line 3, by inserting after "injury" , for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment, for restraint systems, for applicability and uniformity of title

Amend Bill, page 1, by inserting between lines 4 and 5

The General Assembly of the Commonwealth of Pennsylvania declares that the part of this act that limits the number of passengers a junior driver may transport in a motor vehicle at one time may be referred to as Lacey's Law in honor of Lacey Gallagher.

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:
§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Interactive wireless communication device." A wireless telephone, personal digital assistant, smart phone, portable or mobile computer, or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include a device being used exclusively as a global positioning or navigation system or a system or device that is physically or electronically integrated into the vehicle.

* * *

Section 2. Sections 1503(c), 1505(e) and 1538(e) of Title 75 are amended to read:

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

* * *

(c) Junior driver's license.—The department may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 11 p.m. and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief, supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(2.1) Except as set forth in paragraph (2.2), a junior driver may not drive a vehicle with more than one passenger under 18 years of age.

(2.2) With parental or in loco parentis approval, a junior driver may drive a vehicle with passengers who are siblings or relatives who live in the same dwelling as the junior driver.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident reportable under section 3746(a) for which the junior driver is partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of the junior driver until the junior driver attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

§ 1505. Learners' permits.

* * *

(e) Authorization to test for driver's license and junior driver's license.—A person with a learner's permit is authorized to take the examination for a regular or junior driver's license for the class of vehicle for which a permit is held. Before a person under the age of 18 years may take the examination for a junior driver's license, the minor must:

(1) Have held a learner's permit for that class of vehicle for a period of six months.

(2) Present to the department a certification form signed by the father, mother, guardian, person in loco parentis or spouse of a married minor stating that the minor applicant has completed [50] 65 hours of practical driving experience, including no less than ten hours of nighttime driving and five hours of inclement weather driving, accompanied as required under subsection (b). Submission of a certification shall not subject the parent, guardian, person in loco parentis or spouse of a married minor to any liability based upon the certification.

(3) Have the certification form completed when the minor is ready for the licensing examination. The certification form shall be developed by the department and will be provided by the department when the original application for a learner's permit is processed. The department will make this form readily available through the mail or electronic means.

* * *

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

* * *

(e) Additional suspension of operating privilege.—

(1) In addition to any other provisions of law relating to the suspension or revocation of operating privileges, a person's operating privileges shall be suspended under any of the following circumstances:

(i) Prior to reaching age 18, the person violates section 3362 (relating to maximum speed limits) by traveling 26 miles per hour or more over the posted speed limit and the violation results in a conviction, guilty plea or plea of no contest before or after the person reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a subsequent suspension even if it is imposed

contemporaneously with a first suspension imposed under paragraph (1). A suspension under this paragraph shall be in lieu of a suspension under subsection (d)(1).

Section 3. Title 75 is amended by adding a section to read:

§ 3316. Prohibiting use of interactive wireless communication device.

(a) Driver restrictions.—

(1) No person shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communication device for a purpose other than:

(i) voice communication through the use of an interactive wireless communications device while in hands-free mode;

(ii) reading, selecting or entering a telephone number or name into an interactive wireless communication device for the purpose of voice communication; or

(iii) utilizing a global positioning or navigation system.

(2) No person with a learner's permit or junior driver's license shall drive a motor vehicle upon a roadway or trafficway in this Commonwealth while using an interactive wireless communication device.

(b) Exceptions.—This section shall not apply to:

(1) A driver using an interactive wireless communication device to contact a 911 system or wireless E-911 service, as defined in the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.

(2) A driver using an interactive wireless communication device when the vehicle is stopped due to a traffic obstruction and the motor vehicle transmission is in neutral or park.

(3) Operators of emergency vehicles who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

(4) Volunteer emergency responders who use an interactive wireless communications device for voice communication for the purpose of responding to an emergency while engaged in the performance of their official duties.

(c) Seizure.—The provisions of this section shall not be construed as authorizing the seizure or forfeiture of an interactive wireless communication device.

(d) Penalty.—

(1) A person who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

(2) A person who violates subsection (a) while passing through a school zone, as defined and provided under the regulations of the department, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

(e) Public education and awareness program.—The department shall develop and maintain Statewide public education and awareness programs to combat distracted driving and driving under the influence and promote awareness of the provisions of this section subject to available funding.

(f) Guidelines.—The department shall, in consultation with the Department of Education and the Pennsylvania State Police, promulgate guidelines for the implementation of subsection (e) within six months of the effective date of this section.

(g) Insurance.—An insurer may not charge an insured who has been convicted under this section a higher premium for a policy of insurance in whole or in part by reason of that conviction.

(h) Department to compile report.—The department shall annually compile and make available to the Transportation Committee

of the Senate and the Transportation Committee of the House of Representatives a report detailing the public education efforts to combat distracted driving and driving under the influence and promote awareness of the provisions of this section.

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

"Hands-free mode." The use of an interactive wireless communications device that allows the user to engage in communication without the use of either hand by means of an internal feature or function or an attachment or device.

"Volunteer emergency responder." Any of the following:

(1) A member of a volunteer ambulance service as defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(2) A member of a volunteer fire company as defined in section 102 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(3) A member of a volunteer rescue company as defined in section 102 of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

Section 4. Sections 3326(c), 3327(e), 3742(b)(3) and 3752(a) of Title 75 are amended to read:

§ 3326. Duty of driver in construction and maintenance areas or on highway safety corridors.

* * *

(c) Fines to be doubled.—For any of the following violations, when committed in an active work zone manned by workers acting in their official capacity or on a highway safety corridor designated under section 6105.1 (relating to designation of highway safety corridors), the fine shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3112 (relating to traffic-control signals).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3309 (relating to driving on roadways laned for traffic).

Section 3310 (relating to following too closely).

Section 3316(a) (relating to prohibiting use of interactive wireless communication device).

Section 3323 (relating to stop signs and yield signs).

Section 3326 (relating to duty of driver in construction and maintenance areas or on highway safety corridors).

Section 3361 (relating to driving vehicle at safe speed).

Section 3362 (relating to maximum speed limits).

Section 3702 (relating to limitations on backing).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

* * *

§ 3327. Duty of driver in emergency response areas.

* * *

(e) Fines to be doubled.—In addition to any penalty as provided in subsection (b), the fine for any of the following violations when committed in an emergency response area manned by emergency

service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).

Section 3111 (relating to obedience to traffic-control devices).

Section 3114 (relating to flashing signals).

Section 3302 (relating to meeting vehicle proceeding in opposite direction).

Section 3303 (relating to overtaking vehicle on the left).

Section 3304 (relating to overtaking vehicle on the right).

Section 3305 (relating to limitations on overtaking on the left).

Section 3306 (relating to limitations on driving on left side of roadway).

Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).

Section 3312 (relating to limited access highway entrances and exits).

Section 3316(a) (relating to prohibiting use of interactive wireless communication device).

Section 3323 (relating to stop signs and yield signs).

Section 3325 (relating to duty of driver on approach of emergency vehicle).

Section 3361 (relating to driving vehicle at safe speed).

Section 3707 (relating to driving or stopping close to fire apparatus).

Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).

Section 3714 (relating to careless driving).

Section 3736 (relating to reckless driving).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

* * *

Amend Bill, page 2, by inserting between lines 8 and 9

§ 3752. Accident report forms.

(a) Form and content.—The department shall prepare and upon request supply to all law enforcement agencies and other appropriate agencies or individuals, forms for written accident reports as required in this subchapter suitable with respect to the persons required to make the reports and the purposes to be served. The written report forms shall call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved, including whether the driver of the vehicle was using an interactive wireless communication device when the accident occurred, and such other information as the department may require. Reports for use by the drivers and owners shall also provide for information relating to financial responsibility.

* * *

Section 5. Section 3753 of Title 75 is amended by adding a subsection to read:

§ 3753. Department to compile, tabulate and analyze accident reports.

* * *

(b.1) Report on interactive wireless communications devices.—The department shall annually compile and make available to the public information submitted on an accident report concerning interactive wireless communications devices in motor vehicles involved in traffic accidents. The report shall note whether the driver of the motor vehicle was using an interactive wireless communications device when the accident occurred. The data shall be included in a report submitted to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

* * *

Section 6. Sections 4527, 4581(a) and (b), 6101 and 6503(a) of Title 75 are amended to read:

§ 4527. [Television] Video receiving equipment.

(a) General rule.—[No] Except as provided in subsection (c), no person shall drive a motor vehicle [operated on a highway shall be] equipped with [television-type] any image display device, video

receiving equipment, including a receiver, a video monitor or a television or video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications or similar equipment which is located in the motor vehicle at any point forward of the back of the driver's seat [or otherwise], or which is visible, directly or indirectly, to the driver while operating the motor vehicle.

(a.1) Except as provided in subsection (b), no person may install in a motor vehicle an image display device intended to be visible to a driver in the normal driving position when the vehicle is in motion and when restrained by the safety seat belt system adjusted in accordance with the manufacturer's recommendations.

(b) Exception.—This section shall not apply to the following:

(1) [Television-type receiving equipment] Image display devices in a vehicle used exclusively for safety or law enforcement purposes as approved by the Pennsylvania State Police.

(2) [Electronic displays] Image display devices used in conjunction with in-vehicle navigation systems, related traffic, road and weather information.

(3) Image display devices that provide vehicle information related to the driving task or to enhance or supplement the driver's view forward, behind or to the sides of the motor vehicle or permit the driver to monitor vehicle occupants behind the driver.

(4) Image display devices that do not display images to the driver while the vehicle is in motion.

(5) Image display devices which display an image while a vehicle is parked.

(c) Definitions.—As used in this section, the term "image display device" means equipment capable of displaying to the driver of the motor vehicle:

(1) a broadcast television image; or

(2) a visual image, other than text, from a digital video disc or other storage device.

§ 4581. Restraint systems.

(a) Occupant protection.—

(1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child under four years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a child passenger restraint system, as defined in subsection (d). This subsection shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts.

(1.1) Any person who is operating a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home and who transports a child four years of age or older but under eight years of age anywhere in the motor vehicle, including the cargo area, shall fasten such child securely in a fastened safety seat belt system and in an appropriately fitting child booster seat, as defined in subsection (d). This paragraph shall apply to all persons while they are operators of motor vehicles where a seating position is available which is equipped with a seat safety belt or other means to secure the systems or where the seating position was originally equipped with seat safety belts. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of violating any other provision of this title.]

(2) [Except for children under eight years of age and except as provided in paragraphs (1) and (1.1), each]

(i) The driver [and front seat occupant] of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall [wear] secure or cause to be secured in a properly adjusted and fastened

safety seat belt system the driver and every vehicle occupant between eight years of age and 18 years of age. [A conviction under this paragraph by State or local law enforcement agencies shall occur only as a secondary action when a driver of a motor vehicle has been convicted of any other provision of this title. The driver of a passenger automobile shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any occupant who is eight years of age or older and less than 18 years of age.]

(ii) Except for children under 18 years of age and except as provided in paragraphs (1) and (1.1) and subparagraph (i), each driver and front seat occupant of a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system.

(iii) This paragraph shall not apply to:

[(i)] (A) A driver or front seat occupant of any vehicle manufactured before July 1, 1966.

[(ii)] (B) A driver or front seat occupant who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons, or from a psychiatrist or other specialist qualified to make an informed judgment that he is unable to wear a safety seat belt system for psychological reasons.

[(iii)] (C) A rural letter carrier while operating any motor vehicle during the performance of his duties as a United States postal service rural letter carrier only between the first and last delivery points.

[(iv)] (D) A driver who makes frequent stops and is traveling less than 15 miles per hour for the purpose of delivering goods or services while in the performance of his duties and only between the first and last delivery points.

A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(3) A driver who is under 18 years of age may not operate a motor vehicle in which the number of passengers exceeds the number of available safety seat belts in the vehicle.

(b) Offense.—Anyone who fails to comply with the provisions of subsection (a)(1) or (1.1) shall be guilty of a summary offense with a maximum fine of \$100. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) or (3) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be convicted of a violation of subsection (a)(2) or (3) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2) or (3). Conviction under this subsection shall not constitute a moving violation.

§ 6101. Applicability and uniformity of title.

The provisions of this title shall be applicable and uniform throughout this Commonwealth and in all political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized. A person charged with violating an ordinance determined to be enacted or enforced in violation of this section shall be awarded court costs and attorney fees incurred as a result of defending against the charge.

Amend Bill, page 2, line 24, by striking out "2" and inserting
7

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, to paraphrase the gentlelady from Lebanon, obviously this is not an agreed-upon amendment because it is mine. But nevertheless, I would like to speak on it just for a moment. It is sort of like déjà vu all over again. We spoke just the other day about the need to end distracted driving on our roadways, and this comprehensive amendment that I am offering today, Mr. Speaker, would address not only the perils of teen driving but also of adult driving, and we have been through this. It would increase the amount of driver's education needed for teen drivers. It would stop teens from texting and talking on cell phones while driving. It would make it a primary offense. It would stop adults from texting and driving, and it would also ensure that we do not have adults using handheld cell phones while driving.

Now, Mr. Speaker, this was a subject of significant debate the other day. In just the last 48 hours, I would note to the membership of this chamber that our colleagues, our brothers and sisters in the Alaska State House, have actually adopted the same measure that I am putting forth today. So progress is being made in other States, but I am also a pragmatist and I recognize that trying to move this amendment at this time, given the germaneness discussion we had the other day, given the rule number one we have in the House here of 112 to 91, it would not be smart of me to try and offer that at this time.

So, Mr. Speaker, for three reasons, I am going to withdraw the amendment: Number one, out of respect to the gentleman from Indiana and the attempt he is making to try and address an important situation in his district and across the Commonwealth; number two, I am going to lose if I put it forward; and number three, and most importantly, Mr. Speaker, I have been assured by the Republican leadership that very soon we will have an opportunity to debate this issue and that I will be able to offer an amendment, offer my amendment at that time, unfettered by procedural maneuvers and we will have the chance to have a full and fair discussion at that time.

And so, Mr. Speaker, out of deference to the gentleman from Indiana, I will be withdrawing my amendment at this time. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

Do we have the same hope on amendment A935? The gentleman is withdrawing A935? The Speaker thanks the gentleman.

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

Mr. DePASQUALE offered the following amendment
No. A00934:

Amend Bill, page 1, line 2, by inserting after "for" schedule of convictions and points; prohibiting the operation of motor vehicles while using interactive wireless communication devices; and further providing for

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. Section 1535(a) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1535. Schedule of convictions and points.

(a) General rule.—A point system for driver education and control is hereby established which is related to other provisions for use, suspension and revocation of the operating privilege as specified under this title. Every driver licensed in this Commonwealth who is convicted of any of the following offenses shall be assessed points as of the date of violation in accordance with the following schedule:

Section Number	Offense	Points
1512	Violation of restriction on driver's license.	2
1571	Violation concerning license.	3
3102	Failure to obey policeman or authorized person.	2
3112(a)(3)(i) or (ii)	Failure to stop for a red light.	3
3114(a)(1)	Failure to stop for a flashing red light.	3
3302	Failure to yield half of roadway to oncoming vehicle.	3
3303	Improper passing.	3
3304	Other improper passing.	3
3305	Other improper passing.	3
3306(a)(1)	Other improper passing.	4
3306(a)(2)	Other improper passing.	3
3306(a)(3)	Other improper passing.	3
3307	Other improper passing.	3
3310	Following too closely.	3
<u>3316</u>	Use _____ of <u>interactive wireless communication device.</u>	1
3321	Failure to yield to driver on the right at intersection.	3
3322	Failure to yield to oncoming driver when making left turn.	3

3323(b)	Failure to stop for stop sign.	3	3542(a)	on downgrades. Failure to yield to pedestrian in crosswalk.	2
3323(c)	Failure to yield at yield sign.	3	3547	Failure to yield to pedestrian on sidewalk.	3
3324	Failure to yield when entering or crossing roadway between inter-sections.	3	3549(a)	Failure to yield to blind pedestrian.	3
3332	Improper turning around.	3	3702	Improper backing.	3
3341(a)	Failure to obey signal indicating approach of train.	2	3714(a)	Careless driving.	3
3341(b)	Failure to comply with crossing gate or barrier.	4	3745	Leaving scene of accident involving property damage only.	4
	(and 30 days' suspension)		***		
3342(b) or (e)	Failure to stop at railroad crossings.	4	Section 2. Title 75 is amended by adding a section to read: <u>§ 3316. Prohibiting use of interactive wireless communication devices.</u>		
3344	Failure to stop when entering from alley, driveway or building.	3	<u>(a) Prohibition.—Except as otherwise provided in this section, no person shall operate a motor vehicle on any public road or highway of this Commonwealth while using an interactive wireless communication device to write, send or read any text-based communication, including, but not limited to, a text message, instant message, electronic mail or Internet data. A person does not send, read or write a text message when the person reads, selects or enters a phone number or name in an interactive wireless communication device for the purpose of making a phone call.</u>		
3345(a)	Failure to stop for school bus with flashing red lights.	5	<u>(b) Applicability.—This section shall not apply to a person operating:</u>		
	(and 60 days' suspension)		<u>(1) an emergency vehicle; or</u>		
3361	Driving too fast for conditions.	2	<u>(2) while in the performance of their official duties: a police officer, peace officer or a member of a fire department, district or company.</u>		
3362	Exceeding maximum speed.—Over Limit:		<u>(c) Penalty.—Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$50 and not more than \$100.</u>		
	6-10	2	<u>(d) Local ordinances.—This section supersedes and preempts all ordinances of any municipality with regard to the use of an interactive wireless communication device by the driver of a motor vehicle.</u>		
	11-15	3	<u>(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:</u>		
	16-25	4	<u>"Interactive wireless communication device." A wireless telephone, personal digital assistant, smart phone, portable or mobile computer or similar device which can be used for voice communication, texting, e-mailing, browsing the Internet or instant messaging. The term does not include any of the following:</u>		
	26-30	5	<u>(1) a device being used exclusively as a global positioning or navigation system;</u>		
	31-over	5	<u>(2) a system or device that is physically or electronically integrated into the vehicle; or</u>		
	(and departmental hearing and sanctions provided under section 1538(d))		<u>(3) a communication device that is affixed to a mass transit vehicle, bus or school bus.</u>		
3365(b)	Exceeding special speed limit in school zone.	3	Section 3. Sections 3742(b)(3) and 6503(a) of Title 75 are amended to read: Amend Bill, page 2, line 24, by striking out "2" and inserting 4		
	(and 60 days' suspension for a second or subsequent offense)		On the question, Will the House agree to the amendment?		
3365(c)	Exceeding special speed limit for trucks	3			

AMENDMENT WITHDRAWN

The SPEAKER. The Speaker recognizes the gentleman, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I will be pulling all of my amendments. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. On that question, does the gentleman, Mr. Reed, seek recognition on second consideration of the bill?

Mr. REED. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. REED. I just want to thank the gentleman from Montgomery County and the gentleman from York County for their willingness to withdraw their amendments. I do look forward to considering their amendments at a hopefully soon to be determined date within the next couple of months here.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If the Speaker could have the members' attention, I would like to announce that on Tuesday, April 5, which is the first week we are back in session after the Appropriations hearings, the House photo is scheduled for that day, on Tuesday, April 5. So for those of you that pay attention to style, please plan your wardrobe accordingly. We will send a reminder notice out.

There will be no further votes today.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 40;
HB 208;
HB 317;
HB 344; and
HB 365.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 66;
HB 162;
HB 176;
HB 218;
HB 295;
HB 385; and
HB 488.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**REPORT OF
COMMITTEE ON COMMITTEES**

The SPEAKER. The clerk will read the following supplemental report from the Committee on Committees.

The following report was read:

Committee Changes

Local Government

*Rep. Mirabito replaces Rep. Briggs

State Government

*Rep. Briggs replaces Rep. Shapiro

On the question,

Will the House adopt the resolution?

Resolution was adopted.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business, the Speaker recognizes the gentleman, Mr. Kampf from Chester County, who moves that this House do adjourn until Monday, March 14, 2011, at 1 p.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 3:17 p.m., e.s.t., the House adjourned.