

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, SEPTEMBER 23, 2014

SESSION OF 2014

198TH OF THE GENERAL ASSEMBLY

No. 59

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (SAMUEL H. SMITH) PRESIDING

#### PRAYER

The SPEAKER. Today the prayer will be offered by Pastor Britt Strohecker, New Beginnings Church, Middletown, Pennsylvania.

REV. BRITT STROHECKER, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Gracious and Almighty One, we are thankful for this beautiful day, a day of new opportunity for the members of this House to serve the people of our Commonwealth. We look forward to the challenges the day will bring, and we meet them without fear. We also go with determination to take advantage of opportunity.

Guide and direct through wisdom and discernment as the matters of the day are discussed. Help us to uphold virtue, liberty, and independence that found our Commonwealth.

We pray all these things. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, September 22, 2014, will be postponed until printed.

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

**HB 1946, PN 4168** (Amended) By Rep. GODSHALL

An Act amending the act of February 24, 1984 (P.L.92, No.17), referred to as the Precious Metal Sale Regulation Law, further providing for definitions, for records of transactions, for dealer's retention of precious metal and availability for inspection and for penalties.

#### CONSUMER AFFAIRS.

**HB 1982, PN 2922**

By Rep. GODSHALL

An Act amending the act of November 29, 2006 (P.L.1463, No.163), known as the Credit Reporting Agency Act, further providing for security freeze.

#### CONSUMER AFFAIRS.

**HB 2393, PN 4169** (Amended)

By Rep. GODSHALL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for a program to extend natural gas delivery to unserved or underserved areas.

#### CONSUMER AFFAIRS.

**SB 428, PN 2321** (Amended)

By Rep. MARSICO

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for pooled trusts for persons with disabilities.

#### JUDICIARY.

**SB 621, PN 2322** (Amended)

By Rep. MARSICO

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in orphans' court divisions, further providing for nonmandatory exercise of jurisdiction through orphans' court division; in wills, further providing for rules of interpretation; in dispositions independent of letters, family exemption, probate of wills and grant of letters, providing for submission to jurisdiction; in administration and personal representatives, further providing for continuation of business and for incorporation of estate's business; in accounts and distribution, further providing for determination of title to decedent's interest in real estate; in health care, further providing for authority of health care agent and for relation of health care agent to court-appointed guardian and other agents; in powers of attorney, further providing for general provisions, for form of power of attorney, for implementation of power of attorney, for durable powers of attorney and for account; providing for jurisdiction and venue; in estates, further providing for release or disclaimer of powers or interests; in estates, providing for release of powers and interests and disclaimer of powers; providing for powers of appointment; in trusts, further providing for nonjudicial settlement agreements - UTC 111, for representation of parties in interest in general, for division of trusts, for resignation of trustee and filing resignation, for duty to inform and report, for limitation of action against trustee and for powers, duties and liabilities identical with personal representatives; codifying provisions of the Charitable Instruments Act of 1971; in principal and income, further providing for charitable trusts; and making a related repeal.

#### JUDICIARY.

**SB 1290, PN 2320** (Amended) By Rep. GODSHALL

An Act requiring the disclosure of mobile communications tracking information; and providing for immunity.

CONSUMER AFFAIRS.

**SB 1355, PN 2319** (Amended) By Rep. R. MILLER

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, in fees, further providing for nuclear facility and transport fees.

ENVIRONMENTAL RESOURCES AND ENERGY.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 913, PN 3782** By Rep. R. MILLER

A Resolution declaring it to be in the interest of the citizens of this Commonwealth for the Department of Environmental Protection to make full use of available technology to preserve clean drinking water, guarantee public safety and minimize environmental impacts associated with Pennsylvania's production of oil and natural gas.

ENVIRONMENTAL RESOURCES AND ENERGY.

### BILL REPORTED AND REREFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES

**HB 2443, PN 3989** By Rep. GODSHALL

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unwanted telephone solicitation calls prohibited.

Reported from Committee on CONSUMER AFFAIRS with request that it be rereferred to Committee on AGING AND OLDER ADULT SERVICES.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2515** By Representative STERN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, repealing provisions relating to authorization of excise tax and authorization of hotel tax; and providing for hotel room rental tax in third through eighth class counties and for certification of recognized tourist promotion agencies.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, September 23, 2014.

**No. 2516** By Representatives WHITE, McGEEHAN, COHEN, CALTAGIRONE, McCARTER, MAHONEY, CLAY, D. COSTA and McNEILL

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for definitions and for statement of financial interests.

Referred to Committee on STATE GOVERNMENT, September 23, 2014.

**No. 2517** By Representatives TOOHL, LUCAS, SCHLOSSBERG, McGEEHAN, REGAN, WATSON, CUTLER, DAVIS, MILLARD, MARSHALL, THOMAS, COHEN, C. HARRIS, M. DALEY, CALTAGIRONE, McCARTER, D. COSTA, STEPHENS, DEAN, PETRI, GINGRICH, DELOZIER, SWANGER, MULLERY and BRIGGS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in dissolution of marital status, further providing for grounds for divorce.

Referred to Committee on JUDICIARY, September 23, 2014.

**No. 2518** By Representatives BLOOM, ROCK, F. KELLER, HELM, SWANGER, MURT and SANKEY

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in preliminary provisions relating to retirement for State employees and officers, further providing for definitions; in membership, credited service, classes of service and eligibility for benefits, further providing for mandatory and optional membership and for eligibility for vesting; and providing for election to discontinue active membership by optional members.

Referred to Committee on STATE GOVERNMENT, September 23, 2014.

### SENATE MESSAGE

#### RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,  
September 22, 2014

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, October 6, 2014, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 6, 2014, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. MUSTIO, from Allegheny County for the remainder of the week. Without objection, the leave will be granted.

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

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—199**

Adolph	Emrick	Kinsey	Pickett
Aument	English	Kirkland	Pyle
Baker	Evankovich	Knowles	Quinn
Barbin	Evans	Kortz	Rapp
Barrar	Everett	Krieger	Readshaw
Benninghoff	Fabrizio	Kula	Reed
Bishop	Farina	Lawrence	Reese
Bizzarro	Farry	Longietti	Regan
Bloom	Fee	Lucas	Roae
Boback	Fleck	Mackenzie	Rock
Boyle, B.	Flynn	Maher	Roebuck
Boyle, K.	Frankel	Mahoney	Ross
Bradford	Freeman	Major	Rozzi
Briggs	Gabler	Maloney	Sabatina
Brooks	Gainey	Markosek	Saccone
Brown, R.	Galloway	Marshall	Sainato
Brown, V.	Gergely	Marsico	Samuelson
Brownlee	Gibbons	Masser	Sankey
Burns	Gillen	Matzie	Santarsiero
Caltagirone	Gillespie	McCarter	Saylor
Carroll	Gingrich	McGeehan	Scavello
Causar	Godshall	McGinnis	Schlossberg
Christiana	Goodman	McNeill	Schreiber
Clay	Greiner	Mentzer	Simmons
Clymer	Grell	Metcalfe	Sims
Cohen	Grove	Metzgar	Smith
Conklin	Hackett	Miccarelli	Snyder
Corbin	Haggerty	Micozzie	Sonney
Costa, D.	Hahn	Millard	Stephens
Costa, P.	Haluska	Miller, D.	Stern
Cox	Hanna	Miller, R.	Stevenson
Cruz	Harhai	Milne	Sturla
Culver	Harhart	Mirabito	Swanger
Cutler	Harkins	Miranda	Tallman
Daley, M.	Harper	Molchany	Taylor
Daley, P.	Harris, A.	Moul	Thomas
Davidson	Harris, J.	Mullery	Tobash
Davis	Heffley	Mundy	Toepel
Day	Helm	Murt	Toohil
Dean	Hennessey	Neuman	Topper
Deasy	Hickernell	O'Brien	Truitt
DeLissio	James	O'Neill	Turzai
Delozier	Kampf	Oberlander	Vereb
DeLuca	Kauffman	Painter	Vitali
Denlinger	Kavulich	Parker	Waters
Dermody	Keller, F.	Pashinski	Watson
DiGirolamo	Keller, M.K.	Payne	Wheatley
Donatucci	Keller, W.	Peifer	White

Dunbar	Killion	Petrarca	Youngblood
Ellis	Kim	Petri	

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Kotik	Mustio	Ravenstahl
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LEAVES ADDED—3

B. Boyle	Evans	Micozzie
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The SPEAKER. One hundred and ninety-nine members having voted on the master roll call, a quorum is present.

If I could have the members' attention. I would appreciate if you hold the conversations down. I would appreciate your courtesy as I introduce some of the guests that are with us today.

Thank you.

**GUESTS INTRODUCED**

The SPEAKER. Located in the gallery, we would like to welcome guests from the Western Pennsylvania School for the Deaf. They are here today as guests of Representative Paul Costa. Will our guests give us a wave. Welcome to the hall of the House.

Located to the left of the rostrum, we would like to welcome Carol and Bob Grazier from Elizabeth Township, Allegheny County, and they are here today as guests of Representative Saccone. Will our guests please rise. Welcome to the hall of the House.

As guests of Representative Gillen, we would like to welcome Boyd Kahler and Mike Maurer, Keystone Wounded Warriors board members; Jarrod Kahler, a wounded warrior; and Nancy Smith, a Gold Star Mother. They are located to the left of the rostrum. Welcome to the hall of the House.

Also to the left of the rostrum, we would like to welcome Marie Thibault and Mike Amato from the Paoli Business Association, and they are here today as guests of Representative Milne. Will our guests please rise. Welcome to the hall of the House.

And as a guest of Representative Kavulich, we would like to welcome Attorney Lauri Kavulich, who is Representative Kavulich's cousin. Please rise. Welcome to the hall of the House.

Located in the well of the House, we would like to welcome guest page Mark Liddick, and he is a guest of Representative Payne. Welcome to the hall of the House.

Additionally in the well of the House, we would like to welcome guest pages Caroline Hoovler and Owen Cianci, and they are eighth grade students at the St. Michael School, and they are accompanied by Dan Hogan, who is seated up in the gallery. They are guests of Representative Brooks.

In the well of the House, we also have guest pages Samantha and Jessica Catterson. They are Representative Watson's "grand" godchildren, and they are here with their mother, Gretchen, who is seated to the left of the rostrum. Will our guests please rise. Welcome to the hall of the House.

And we also have Frankie Kula serving as a guest page, and he is the grandson of Representative Deb Kula. Welcome to the hall of the House.

**SPRING CITY JUNIOR AMERICAN LEGION STATE CHAMPIONSHIP BASEBALL TEAM PRESENTED**

The SPEAKER. Representatives Vereb, Hennessey, and Painter are invited to the rostrum for the purpose of presenting a citation to Spring City Junior American Legion State Championship Baseball Team.

Mr. VEREB. Thank you, Mr. Speaker.

We have also asked Representative Becky Corbin to join us, as she represents part of this area as well.

Mr. Speaker, we are here again to celebrate athletic success. We are proud today to present to you the Spring City American Junior League Baseball Team, who won the 2014 Pennsylvania State Championship, hosted by the Freemansburg Legion Baseball in August in Freemansburg, Pennsylvania.

This league covers several legislative districts and certainly makes us all proud. With me today on the rostrum are players Samuel Barletta, Jacob Mathew, Riley Monahan, Cole Webb, and Jake Zoller.

Mr. Speaker, we are joined by the remainder of the team and their coaches, Todd Lachenmayer, Rich Michaud, and Anthony Barletta. We would ask that the team in the back and the coaches, if you could please stand to be recognized, and congratulations.

The SPEAKER. The gentleman, Mr. Painter, is seeking recognition on the resolution.

Mr. PAINTER. Thank you, Mr. Speaker.

I just wanted to add my congratulations and Representative Corbin's as well to the team. We are very proud of you back home in our community. Great accomplishment. Congratulations to your parents and your coaches. The season is over now, but your lives are just beginning. Take the lessons of teamwork and discipline that you have learned this season and carry them forward as you go through life.

Congratulations.

The SPEAKER. The House will be at ease for a moment.

The House will come to order.

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

**HB 1671, PN 4172** (Amended) By Rep. METCALFE

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for definitions, for executive sessions and for penalties.

STATE GOVERNMENT.

**HB 1827, PN 2634** By Rep. METCALFE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in district election officers, further providing for appointment of watchers.

STATE GOVERNMENT.

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. FARRY called up **HR 902, PN 3737**, entitled:

A Resolution recognizing October 2014 as "Employee Ownership Month" in Pennsylvania.

\* \* \*

Mr. GILLEN called up **HR 974, PN 4018**, entitled:

A Resolution designating September 11, 2014, as "Keystone Wounded Warrior Day" in Pennsylvania.

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Mr. CALTAGIRONE called up **HR 975, PN 4019**, entitled:

A Resolution recognizing the Pennsylvania Commission on Sentencing on its 35th anniversary.

\* \* \*

Mr. PAINTER called up **HR 1028, PN 4107**, entitled:

A Resolution honoring the 50th anniversary of the St. James Lutheran Church building in Limerick Township, Montgomery County.

\* \* \*

Mr. MIRABITO called up **HR 1029, PN 4117**, entitled:

A Resolution designating the month of September 2014 as "College Savings Month" in Pennsylvania.

\* \* \*

Mr. SAYLOR called up **HR 1031, PN 4125**, entitled:

A Resolution designating October 10, 2014, as "Put the Brakes on Fatalities Day" in Pennsylvania.

\* \* \*

Ms. V. BROWN called up **HR 1033, PN 4127**, entitled:

A Resolution designating September 2014 as "Fetal Alcohol Spectrum Disorders Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Kinsey	Pickett
Aument	English	Kirkland	Pyle
Baker	Evankovich	Knowles	Quinn
Barbin	Evans	Kortz	Rapp
Barrar	Everett	Krieger	Readshaw
Benninghoff	Fabrizio	Kula	Reed
Bishop	Farina	Lawrence	Reese
Bizzarro	Farry	Longietti	Regan
Bloom	Fee	Lucas	Road

Boback	Fleck	Mackenzie	Rock
Boyle, B.	Flynn	Maher	Roebuck
Boyle, K.	Frankel	Mahoney	Ross
Bradford	Freeman	Major	Rozzi
Briggs	Gabler	Maloney	Sabatina
Brooks	Gainey	Markosek	Saccone
Brown, R.	Galloway	Marshall	Sainato
Brown, V.	Gergely	Marsico	Samuelson
Brownlee	Gibbons	Masser	Sankey
Burns	Gillen	Matzie	Santarsiero
Caltagirone	Gillespie	McCarter	Saylor
Carroll	Gingrich	McGeehan	Scavello
Causar	Godshall	McGinnis	Schlossberg
Christiana	Goodman	McNeill	Schreiber
Clay	Greiner	Mentzer	Simmons
Clymer	Grell	Metcalfe	Sims
Cohen	Grove	Metzgar	Smith
Conklin	Hackett	Miccarelli	Snyder
Corbin	Haggerty	Micozzie	Sonney
Costa, D.	Hahn	Millard	Stephens
Costa, P.	Haluska	Miller, D.	Stern
Cox	Hanna	Miller, R.	Stevenson
Cruz	Harhai	Milne	Sturla
Culver	Harhart	Mirabito	Swanger
Cutler	Harkins	Miranda	Tallman
Daley, M.	Harper	Molchany	Taylor
Daley, P.	Harris, A.	Moul	Thomas
Davidson	Harris, J.	Mullery	Tobash
Davis	Heffley	Mundy	Toepel
Day	Helm	Murt	Toohil
Dean	Hennessey	Neuman	Topper
Deasy	Hickernell	O'Brien	Truitt
DeLissio	James	O'Neill	Turzai
Delozier	Kampf	Oberlander	Vereb
DeLuca	Kauffman	Painter	Vitali
Denlinger	Kavulich	Parker	Waters
Dermody	Keller, F.	Pashinski	Watson
DiGirolamo	Keller, M.K.	Payne	Wheatley
Donatucci	Keller, W.	Peifer	White
Dunbar	Killion	Petrarca	Youngblood
Ellis	Kim	Petri	

NAYS—0

NOT VOTING—0

EXCUSED—3

Kotik                      Mustio                      Ravenstahl

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

### STATEMENT BY MR. GILLEN

The SPEAKER. The Speaker recognizes the gentleman from Berks County, Mr. Gillen, under unanimous consent relative to one of the resolutions just adopted.

Mr. GILLEN. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend one minute. I would appreciate if the members would hold the conversations down, please.

Mr. GILLEN. One of the mottos of our Keystone Wounded Warriors is that we do not forget, that we do remember.

I was over walking in the Soldiers' and Sailors' Grove yesterday afternoon, very large stone monuments at the far side, and on each of those monuments, there is just a single word written in two places, and it says, "remember."

Our responsibility today is to not forget, to remember, but to put our energy and our resources and our time into not forgetting, not forgetting those that are wounded warriors who lost a hand, an arm, so that you and I sitting here today could cradle and rock and hold our children and grandchildren. There are wounded warriors that left a battlefield without a leg so that we could walk with our family, like I did when I went home yesterday afternoon and took a very brief walk. There are those that gave up a sound mind and a clear voice so that you and I could speak today and utilize our intellectual abilities to advance the work of the Commonwealth.

I have guests here today that are assisting in that transition from the modern battlefield and 21st-century medicine, which ironically is able to preserve many that are wounded and bring them back home. Yes, they have been recovered from the battlefield, and yes, they are recovering from wounds, but they need help. They need the transitional assistance of organizations like our own Keystone Wounded Warriors.

In a moment I would like our guests to stand up, but I would like to say a few words about each of them.

I met Nancy Smith just a few minutes ago, and an article of jewelry around her neck immediately caught my attention because it is a military dog tag. It is a United States Marine Corps dog tag. It was the dog tag that was worn around the neck of her son, Joshua, for 8 years, and now it is hers because Joshua is gone, and this American Gold Star Mother is carrying that mantle forward.

In a rather unique introduction, Mike Maurer, who is a neighbor of mine, is on the board of Keystone Wounded Warriors. I have been here 3 1/2, almost 4 years, and I do not remember introducing a dog before, but he has got a little assistance, and he has his dog, Shepley, with him today.

Boyd Kahler is the director of Keystone Wounded Warriors in Pennsylvania, and he has with him his son, Jarrod. I would like to close with just a few seconds of comment about Jarrod, who served in Afghanistan. He was blown out of his armored vehicle. With a broken and bleeding body, he crawled back in to rescue three comrades that were inside that armored vehicle, as he returned fire until he eventually collapsed through a loss of blood.

Ladies and gentlemen, we are deeply indebted to you for your service. I will ask you to stand now. God bless you, as you are recognized by the House of Representatives.

### FAREWELL ADDRESS BY MRS. KULA

The SPEAKER. I would like to invite Representative Kula to the rostrum. She has served the 52d Legislative District of Fayette and Westmoreland Counties for 8 years. She was elected in 2006 and is currently serving on the House Appropriations, Rules, Game and Fisheries, Agriculture and Rural Affairs, and Judiciary Committees.

Before her election to the House, Deb worked in the judicial system for 31 years and served for 14 years as a North Union magisterial district judge. She resides in North Union Township with her husband, Frank. They have 3 children and 10 grandchildren, and 1 of them is here today. You were beaming – the little one down here on the floor – I saw you beaming over him.

Welcome to the hall or to the rostrum.

Mrs. KULA. Thank you, Mr. Speaker.

It is my great honor to address you, the members of the House of Representatives, for the last time.

When I was first elected to the House in 2006, I had one goal in mind, to represent the constituents of the 52d Legislative District with honesty and integrity. I was determined to vote with my heart, vote with my conscience, and most importantly, vote for my district. Little did I know that this job would be so challenging and yet so exhilarating. Eight wonderful years later, I can honestly say that I tried to fulfill that goal and all of my duties to the best of my ability.

I can tell you, though, my first day here, I think all of you that were here on swearing-in day in January of 2007, we all remember what that day was like. I can remember as a freshman getting here and being in total awe when I sat down in my seat and looked around the room, and I am thinking, I cannot believe I am here. And then I have everyone saying to me, you need to vote for Denny O'Brien. And I am like, who is Denny O'Brien? I do not even know who Denny O'Brien is. It was a very long day. I think we were here till almost 6 o'clock. I had two busloads of people here and saw them for about 15 minutes as the day started.

But that was the beginning, and it only got better after that. Each and every time that I walk in here, I am still in awe. And to tell you the truth, everyone talks about the furnishings and the beauty of this room, which is tremendous, but to me, most times I am in awe because of the people in this room, the people that I have learned are truly here because they care. Whether you are on this side of the aisle or this side of the aisle, you all care. You care about this Commonwealth, you care about your districts, and you care about your constituents, and that is what sets us all to be the same. Even though we may differ in a lot of respects and maybe a lot of philosophy and a lot of legislation, we all agree on one thing: We want what is best for this Commonwealth, this great Commonwealth.

Of course it helped along the way that I had the love and support of my family, and I am grateful that so many of them could be here today. We all know that we could not do this without our family. I can tell you I had many of my grandchildren saying to me, "I have a baseball game coming up this weekend, Grammy. You going to be home?" No. I have to be somewhere to present a citation or give a speech or whatever. So our families sacrifice each and every day that we are here.

#### GUESTS INTRODUCED

Mrs. KULA. But with me here today is a family that I am truly proud of and I truly love very much: our oldest son, Frank, and his wife, Jill, and my granddaughter, Olivia, and you already met my grandson, Frankie. If you could stand. I will introduce them all. And my daughter, Amy, her husband and children: Our oldest grandson is a senior at Pitt; her daughter, Karina, is a freshman at Robert Morris in nursing; and Jeffrey is a sophomore at Muncy High School and plays football and could not miss practice today or he would not be able to play Friday, so that is where we stand. But Amy is here. Thank you, Amy. Our youngest son could not be here. He is a deputy sheriff in Lycoming County, in Williamsport, and is on call this week so needed to be there.

And most importantly, my husband, Frank, who has put up with me for the past 46 years, believe it or not. He has not killed me. I think he has thought about it a few times, but it has probably been a very difficult time for him. He has been very supportive, and he goes to what I say, this is something you need to be there with me for, so it works out just fine, but my husband, Frank.

And also I have to recognize the tireless efforts of my staff in the district office and the Harrisburg office. They are my right arm, my left arm, and sometimes my heart and mind. So if they could please stand: Joe Beal, my legislative outreach person; Lori Lambie; Mary Jane Orazi; and Marie Albertini-Dawson could not be here today. And then my Harrisburg staff, Julie Foley, and my executive director since I have had the privilege of being the chairwoman of the southwest delegation, Rich Pronesti.

I can tell you it has been an absolute privilege and pleasure to have served with you, and I thank you for your friendship and camaraderie. And I hope to join you all once again in January, except this time as a colleague from the chamber on the other side of the building.

Thank you very much, Mr. Speaker.

#### REMARKS BY SPEAKER

The SPEAKER. Well, at least if you go to the Senate, it will be an improvement.

Mrs. KULA. An improvement here or the Senate?

The SPEAKER. It works both ways.

What is the old joke? The IQ of both bodies goes up? Is that how it goes?

Seriously, Representative, you have been a gentledady in this hall, and standing up here as Speaker, you see things going on, and I have always appreciated your demeanor. You are a good Representative of the people, and I think your comments about all of us being different but having the same intentions and goals is very well-stated, and I congratulate you on that. And to anything you do in the future, best of luck.

#### COMMEMMORATIVE GAVEL PRESENTED

The SPEAKER. And here is a little gavel to mark your time in the House.

Mrs. KULA. Thank you.

#### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Delaware County, Mr. Adolph, for a committee announcement.

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

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the majority caucus room. Thank you.

The SPEAKER. There will be an immediate meeting of the House Appropriations Committee in the majority caucus room.

**REPUBLICAN CAUCUS**

The SPEAKER. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would be prepared to come back on the floor at 1:30, Mr. Speaker.

Thank you.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:30. Democrats will caucus at 12:30.

Thank you.

**RECESS**

The SPEAKER. The House stands in recess 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.

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

**HB 2375, PN 3808**

By Rep. MICOZZIE

An Act designating a portion of Pennsylvania Route 611 between Maple Avenue and Meetinghouse Road, in Montgomery County, as the Lieutenant Joseph C. Park II Memorial Highway.

TRANSPORTATION.

**HB 2492, PN 4173 (Amended)**

By Rep. MICOZZIE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for occupational limited license; and, in enforcement, further providing for reports by courts and for failure to comply with provisions of subchapter.

TRANSPORTATION.

**SB 83, PN 2323 (Amended)**

By Rep. MICOZZIE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in special vehicles and pedestrians, providing for regulation and operation of neighborhood electric vehicles.

TRANSPORTATION.

**BILLS REREPORTED FROM COMMITTEE**

**HB 1207, PN 4154**

By Rep. ADOLPH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for educational improvement tax credit; and repealing provisions relating to educational opportunity scholarship tax credit.

APPROPRIATIONS.

**HB 2383, PN 3825**

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for personal earnings exempt from process; and, in sentencing, further providing for payment of court costs, restitution and fines.

APPROPRIATIONS.

**HB 2478, PN 4177 (Amended)**

By Rep. ADOLPH

An Act providing for the capital budget for fiscal year 2014-2015; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, State forestry bridge projects, Motor License Fund projects and Pennsylvania Fish and Boat Commission projects, to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Environmental Protection, the Department of Transportation or the Pennsylvania Fish and Boat Commission; authorizing the use of current revenue for the purpose of financing the projects to be constructed, acquired or assisted by the Department of Conservation and Natural Resources or the Department of Transportation stating the estimated useful life of the projects; and providing for an exemption and for limitation on certain capital projects.

APPROPRIATIONS.

**SB 1224, PN 1950**

By Rep. ADOLPH

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in long-term care patient access to pharmaceuticals, further providing for assisted living residence and personal care home.

APPROPRIATIONS.

**STATEMENT BY MR. FARRY**

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. Farry, under unanimous consent relative to one of the resolutions passed earlier today.

Mr. FARRY. Thank you, Mr. Speaker.

I rise today to recognize an important business model that benefits our businesses, employees, and communities and is one of the most cost-effective economic development tools available. An employee-owned business is a commercial enterprise owned by people who work for it. Today there are

10,000 employee-owned businesses in the United States, covering 10.3 million employees, which accounts for approximately 10 percent of the private-sector workforce. The most common form of employee ownership today in the U.S. is an employee stock ownership plan, ESOP, which allows employees to gain an ownership interest in the companies where they work without contributing their own money. Studies show over a 10-year period, ESOPs have a 25-percent higher job growth than comparable companies without an ESOP.

These businesses are reported to perform stronger during periods of economic stagnation, which results in greater job security. Overall, ESOP companies are one-quarter more likely to stay in business. In Pennsylvania there are 285 employee-owned companies, employing over 306,000 people. Employee ownership keeps businesses and jobs within our borders and helps build community wealth. Some of the most well-known companies in Pennsylvania are employee-owned, including Wawa, Crown Cork and Seal, and Sheetz.

As employee-owned businesses continue to strengthen and grow our economy here in the Commonwealth and make Pennsylvania more competitive in the marketplace, I think it is important that we recognize these companies and their employees for participating in a system that produces great results for thousands of our citizens.

Mr. Speaker, I thank my colleagues for joining me in passing HR 902, recognizing October 2014 as "Employee Ownership Month" in Pennsylvania.

Thank you, Mr. Speaker.

### LEAVE OF ABSENCE

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

### CALENDAR

#### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2411, PN 3939**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of endangering welfare of children.

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 2464, PN 4076**, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for victims' rights.

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 2465, PN 4037**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for a mandatory period of probation for certain sexual offenders.

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 2272, PN 3585**, entitled:

An Act designating a portion of State Route 309 North in Lynn Township, Lehigh County, between the intersections of Northwest Road and Long Court and Mosserville Road and Mountain Road, as the Lance Corporal Brandon J. Van Parys Memorial Road.

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 2409, PN 3937**, entitled:

An Act designating a portion of Pennsylvania Route 144 in Centre County as the PFC Donald Ray Lucas Memorial Highway.

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 2428, PN 3966**, entitled:

An Act designating a portion of Pennsylvania Route 1001 between Rhawn Street, 0100/0000 and Kendrick Street, 0100/2784 in the City of Philadelphia, Philadelphia County, as the Firefighter Daniel Sweeney Memorial Highway.

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 2349, PN 3740**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for soliciting by first responder organizations.

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 2102, PN 3171**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juries and jurors, further providing for exemptions from jury duty and for list of disqualified jurors.

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

Mrs. **DAVIS** offered the following amendment No. **A07395**:

Amend Bill, page 1, line 8, by striking out "a paragraph" and inserting paragraphs  
Amend Bill, page 1, by inserting between lines 14 and 15  
(7) Breastfeeding women providing the court with a certified letter from their physician which states that the woman is breastfeeding. An excuse under this paragraph shall be valid for one year and may be renewed for one additional year provided that the woman is able to provide the court with a certified letter from the woman's physician which states that the woman is breastfeeding.

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

The **SPEAKER**. On that question, the Speaker recognizes the lady from Bucks County, Mrs. Davis.

Mrs. **DAVIS**. Thank you, Mr. Speaker.

This amendment just adds for nursing mothers a 1-year exclusion from jury duty if they opt for that, with a letter from the doctor.

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

The following roll call was recorded:

YEAS—198

Adolph	Emrick	Kirkland	Pickett
Aument	English	Knowles	Pyle
Baker	Evankovich	Kortz	Quinn
Barbin	Everett	Krieger	Rapp
Barrar	Fabrizio	Kula	Readshaw
Benninghoff	Farina	Lawrence	Reed
Bishop	Farry	Longietti	Reese
Bizzarro	Fee	Lucas	Regan
Bloom	Fleck	Mackenzie	Roae
Boback	Flynn	Maher	Rock
Boyle, B.	Frankel	Mahoney	Roebuck
Boyle, K.	Freeman	Major	Ross
Bradford	Gabler	Maloney	Rozzi
Briggs	Gainey	Markosek	Sabatina
Brooks	Galloway	Marshall	Saccone
Brown, R.	Gergely	Marsico	Sainato
Brown, V.	Gibbons	Masser	Samuelson
Brownlee	Gillen	Matzie	Sankey
Burns	Gillespie	McCarter	Santarsiero
Caltagirone	Gingrich	McGeehan	Saylor

Carroll	Godshall	McGinnis	Scavello
Causer	Goodman	McNeill	Schlossberg
Christiana	Greiner	Metzner	Schreiber
Clay	Grell	Metcalfe	Simmons
Clymer	Grove	Metzgar	Sims
Cohen	Hackett	Miccarelli	Smith
Conklin	Haggerty	Micozzie	Snyder
Corbin	Hahn	Millard	Sonney
Costa, D.	Haluska	Miller, D.	Stephens
Costa, P.	Hanna	Miller, R.	Stern
Cox	Harhai	Milne	Stevenson
Cruz	Harhart	Mirabito	Sturla
Culver	Harkins	Miranda	Swanger
Cutler	Harper	Molchany	Tallman
Daley, M.	Harris, A.	Moul	Taylor
Daley, P.	Harris, J.	Mullery	Thomas
Davidson	Heffley	Mundy	Tobash
Davis	Helm	Murt	Toepel
Day	Hennessey	Neuman	Toohil
Dean	Hickernell	O'Brien	Topper
Deasy	James	O'Neill	Truitt
DeLissio	Kampf	Oberlander	Turzai
Delozier	Kauffman	Painter	Vereb
DeLuca	Kavulich	Parker	Vitali
Denlinger	Keller, F.	Pashinski	Waters
Dermody	Keller, M.K.	Payne	Watson
DiGirolamo	Keller, W.	Peifer	Wheatley
Donatucci	Killion	Petrarca	White
Dunbar	Kim	Petri	Youngblood
Ellis	Kinsey		

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 1243, PN 3194**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms and for Pennsylvania State Police.

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

Mr. **M. KELLER** offered the following amendment No. **A07845**:

Amend Bill, page 1, line 4, by striking out "and" and inserting a comma  
Amend Bill, page 1, line 5, by inserting after "Police"

and for limitation on the regulation of firearms and ammunition

Amend Bill, page 5, by inserting between lines 6 and 7

Section 2. Section 6120(b) of Title 18 is amended and the section is amended by adding subsections to read:

§ 6120. Limitation on the regulation of firearms and ammunition.

\* \* \*

(a.2) Relief.—A person adversely affected by an ordinance, a resolution, regulation, rule, practice or any other action promulgated or enforced by a county, municipality or township prohibited under subsection (a) or 53 Pa.C.S. § 2962(g) (relating to limitation on municipal powers) may seek declaratory or injunctive relief and actual damages in an appropriate court.

(a.3) Reasonable expenses.—A court shall award reasonable expenses to a person adversely affected in an action under subsection (a.2) for any of the following:

(1) A final determination by the court is granted in favor of the person adversely affected.

(2) The regulation in question is rescinded, repealed or otherwise abrogated after suit has been filed under subsection (a.2) but before the final determination by the court.

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

"Dealer." The term shall include any person engaged in the business of selling at wholesale or retail a firearm or ammunition.

"Firearms." This term shall have the meaning given to it in section 5515 (relating to prohibiting of paramilitary training) but shall not include air rifles as that term is defined in section 6304 (relating to sale and use of air rifles).

"Person adversely affected." Any of the following:

(1) A resident of this Commonwealth who may legally possess a firearm under Federal and State law.

(2) A person who otherwise has standing under the laws of this Commonwealth to bring an action under subsection (a.2).

(3) A membership organization, in which a member is a person described under paragraphs (1) or (2).

"Political subdivision." The term shall include any home rule charter municipality, county, city, borough, incorporated town, township or school district.

"Reasonable expenses." The term includes, but is not limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

Amend Bill, page 5, line 7, 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 from Perry County, Mr. Mark Keller.

Mr. M. KELLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment establishes that a person adversely affected by any regulation promulgated or enforced in violation of Title 18, section 6120, related to limitations on the regulations of firearms and ammunition, or Title 53, which is 2962, related to limitations on municipal powers, may seek injunctive and declarative relief as well as damages. In other words, the amendment establishes that a person adversely affected who brings or maintains a civil action against a county, municipality, or township that is regulated, the lawful ownership, possession, and transfer or transportation of firearms, ammunition, or ammunition components shall be entitled to reasonable expenses, defined as attorney fees, expert witness fees, court costs, and compensation for loss of income.

Furthermore, the bill clarifies and defines who has lawful standing to file suit claiming that an ordinance, resolution, rule, or practice violates the State preemption status by defining the

term "person adversely affected." The term is defined to include any resident of the Commonwealth who may legally possess a firearm under Federal and State law, in addition to any person who otherwise has standing pursuant to the laws of the Commonwealth to bring any action. The term also includes any membership organization in which such a person is a member.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to the Keller amendment. As you just heard my colleague describe in detail his amendment, quite simply, what this amendment does, it preempts our local governments from taking care of their citizens by providing public safety where the General Assembly has failed over many years to take action to make our streets safe in our communities. Many municipalities, including mine in the city of Pittsburgh, and others in this State, have taken it upon themselves to provide the protections for citizens who have been victims of gun violence, who might be victims of gun violence, then to give tools to our law enforcement agencies, which they have asked for, to protect our citizens.

So while the General Assembly has had ample opportunity to act to keep illegal guns off of our streets with commonsense laws, such as mandatory reporting of lost and stolen weapons, something our law enforcement agencies and our cities have asked for, while we have failed to give them those tools, our local governments have acted in the interest of their citizens when we have failed to act. This bill would preempt our local governments, our local elected officials, who have been entrusted by their constituents to provide a safe environment for their citizens and the children in their schools.

This is a very cynical attempt to take those tools away from those communities who have begged us. And I have been doing this for 10 years. I think the first lost and stolen amendment or bill was introduced 15 years ago. So if we are afraid to act here to make the commonsense laws that would provide the protection our citizens and our communities asked for and what law enforcement has asked for, let us not take away the ability of the local governments to act in the best interest.

So I rise in opposition to this amendment, and I would hope that my colleagues would see fit that if we are not prepared to take action here to protect our communities, let our local elected officials do that.

Thank you.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. McCarter.

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

I rise before you today to implore my colleagues to stand up for public safety instead of bowing down to the special interest groups who are only concerned about pushing their agenda.

The Keller amendment, which is essentially the language included in HB 2011, is simply dangerous legislation. This bill would not only take the decisionmaking process away from our local communities, but frankly dissuade them from even considering putting forth gun safety legislation. Let us not be confused about the origin of this legislation. The legislation stems from the fact that the General Assembly has bowed down

to special interests before by refusing to pass legislation that would make it required to report a lost or stolen firearm.

Think about it, Mr. Speaker. That bill by itself would help lead to a safer Pennsylvania, but the National Rifle Association did not like it so the law was not passed. This put the ball in the court of local municipalities, and many of them acted, several in my district. They did what they thought was best to protect citizens after the State failed to do the same. Because of this, over 30 municipalities statewide now have laws requiring lost and stolen guns to be reported to the police.

This is not a violation of the Second Amendment, Mr. Speaker. It is commonsense legislation. Any gun owner who legally purchases a firearm should want it recovered and returned in the event it is lost or stolen.

This amendment aims to strip away the rights of Pennsylvania's municipalities to protect themselves, and even worse, aims to bankrupt them if they try. Not only does this bill allow suits against municipal governments that try and protect their citizens with reporting laws, it assigns the costs of the suits to the local governments. This is clearly an attempt to stop the passage of local reporting laws before they have even been allowed to start. Many municipalities simply do not have the money to cover the court costs of defending legislation they feel is needed to protect their citizens.

Mr. Speaker, it is obvious what the influence here from the NRA can have on some of us in this chamber. And maybe others truly believe that somehow reporting laws are in violation of the Second Amendment, though I wholeheartedly disagree with that, but preempting local governments from doing what they think is best for their citizens is not good governing. Pennsylvania has a long history of supporting local governments and allowing them to legislate as they see fit. This is not the time, nor the issue, to decide to go against that history. This is simply a power grab by special interest groups that are working to empower the gun lobby in Pennsylvania, and I urge my fellow legislators to see it for what it is and vote "no." Our local governments deserve the right to pass legislation to protect their citizens without interference from this chamber.

Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. O'Brien.

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

This afternoon, as we go through this questioning, we are going to hear a lot of elegant words, a lot of well-thought-out and logical questions and answers to them.

But let me take a moment if I can and tell a simple story. When I first came to Harrisburg – a poor boy from Philadelphia – I did not understand this stuff about guns, because where I come from, bad people have guns. People who have guns hurt you. And quite honestly, I did not understand. So I went to a friend of mine from Elk County, a big gun advocate, and I said to him, "Explain this to me; help me get my head around this." He said, "Michael, I want you to think of waking up in the morning and going outside and having a bear asleep on your porch, or, Michael, I want you to think about watching TV and hearing a racket outside and going outside and having an elk rutting on your vinyl siding." I could understand that. I could very much understand that. And I would ask that he ask the same of the experience of an urban dweller.

Mr. Speaker, one size does not fit all. Sixty-seven counties, thousands of municipalities; a very, very large State with very, very different needs. In the midst of the flowery rhetoric this afternoon, of the passionate and well-thought-out arguments, I would ask you to think of that very simple story.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Adams County, Mr. Tallman.

Is the gentleman, Mr. Tallman, seeking recognition on the amendment?

The gentleman may proceed.

Mr. TALLMAN. Thank you, Mr. Speaker.

I guess if we follow the logic of those opposed to this amendment, we would allow all of our municipalities to operate independently across the Commonwealth, and we might as well disband as a constitutionally appointed body here because our municipalities will all enact legislation to suit their own particular needs. But that is why we are here. We are to address issues on a statewide basis, not allow local municipalities to institute rules contrary to our own particular needs as a State.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

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

Mr. Speaker, my good friend from Philadelphia just highlighted something that does need to enter this discussion. One size does not fit all. And he is correct. And I have been to his neighborhood, right there by City Hall in Philly, all the history surrounding me. And I remember thinking to myself, I probably could not get any further from home than where I currently stand. And for all its grandeur and majesty and its unique needs and ways that they deal with it, it is still the cradle of liberty. It is still the place where the founders got together and said, this is how we are going to run it for a couple hundred years or more.

And the gentleman is right. One size does not fit all. But in the case of something as important as private ownership of firearms, we cannot have a crazy quilt of any of the 1500 municipalities in Pennsylvania just doing whatever they want. I have never been convicted of a misdemeanor or felony, yet if I drove to my friend's house right now, I would be. Now, I know that going in, because Philly's antigun laws are well-known, but what about those ones you do not know?

Mr. Speaker, I support the Keller amendment, and I would ask all the other members of this body to do the same to avoid turning law-abiding citizens unknowingly into criminals. Please vote for the Keller amendment, 7845.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Gainey.

Mr. GAINNEY. Thank you, Mr. Speaker.

Good afternoon, Mr. Speaker.

I rise to oppose HB 1243 and here is why. If there is one thing I think the Governor got right, it is that the number one issue in the Commonwealth of Pennsylvania is public safety. See, I believe that, and I believe that if you have a State law

override local authorities, then we are not doing justice to public safety. You see, we cannot tell the local authorities how they should govern their own municipalities as if we know the violence that is in that community or we know the violence that is in that school. We have an obligation to make sure that public safety is given to every person in the Commonwealth of Pennsylvania. And in some of our cities, in some of our school districts, we have seen mass killings and mass shootings like we have never seen before, and the problem is, we continue to be stubborn and not pay attention to what is happening and not listening to what is happening and creating laws that allow us to do what we want instead of doing what is in the best interest of the people of Pennsylvania.

Nobody is saying that we should not have guns. No one is saying that we should eliminate the Second Amendment, but what we are saying is that if you want our cities to be safe, if public safety is an issue to you that you have been talking about since I have been in this chamber, then we have to oppose HB 1243, because no one can tell Allegheny, no one can tell Pittsburgh, no one can tell Scranton, no one can tell Philly how to do their municipality like the people that live there. We have an obligation to make sure, as the Governor would say, that public safety is number one, and if you believe that public safety is number one, then allow us to be able to govern our own municipality. Mr. Speaker, thank you.

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. Strike the vote.

It is incumbent upon the members to stand up to be recognized.

Is the gentleman seeking recognition?

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

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Keller amendment and for what some may find to be rather odd reasons, because as someone who grew up in a house that probably had 50 guns, had 2 brothers and myself and my dad that all went hunting, we all owned 10 guns. You know, I am not a fan of lost-and-stolen laws, because if somebody had walked into our house at any given point in time and said, is there a gun missing, we would have had to do a whole house search. It should have been under every bed in the house, in every closet, you know, under floorboards, in the basement, in the attic. You know, we would have had to clean the house out to figure out whether all the guns that we owned were there. That is not in my house in the city. They are not the rules and regulations that the people in my city want. The people in my city say, we would appreciate it if you do not bring your gun into city council chambers. We would appreciate it if you do not bring your gun into my schools.

We have some rules and regulations in our city that, if we clearly post them, we think are reasonable and rational. We do not say you cannot own a gun. We just say you have to treat it

in certain ways in our city. We do not say you cannot transport a gun through our city, because we understand that the free movement of people with guns is constitutionally protected. Well, we may want to pass some other ordinances as to how we govern guns within our municipality.

And what I find amazing is that for all the rhetoric that I have heard year after year after year after year after year about how we are for local control in the legislature, we want locals to be able to be self-determining, we are for municipalities and school districts to have local control, we want local control, now I see this amendment that says, whoa, whoa, whoa, not that kind of local control. We do not really want municipalities to be able to pass laws. We do not really want school districts to be able to pass laws. We do not really want anybody other than 203 of us to be able to tell us how to do things. We do not really care if local taxpayers have to pay the bill for trying to protect themselves. We do not really think that that is the way things should be done around here. We have got a better idea. How about if we do it our way, and not all of us, just some of us?

You know, there is a line at which you say what is reasonable and what is not. And I have often said I support the Second Amendment, and when people have said, well, then how could you possibly be for any restrictions, my argument has always been, well, you know, to me the Second Amendment, which is what we are talking about here, are you are allowed to do something that what some people believe abridges the Second Amendment? The Second Amendment, in my interpretation, means that I should be able to protect myself against a tyrannous government, because that is really what it was there for. I could form a well-formed militia so that the king did not take over, but for me to protect myself against a tyrannous government today, I need to own nuclear weapons. So how about if we say, I get to own nuclear weapons? Would you all be for that? I do not think so. Maybe there might be some of you that would be for everybody owning their own personal nuclear weapon, a dirty bomb in every, you know, closet, but I think we can all agree that that is not reasonable. So how about a B-1 bomber or a Bradley tank or a bazooka? Those things are not legal. We do not let people transport them between municipalities because we have said that is not a reasonable thing.

And so the question is, where do you draw the line? And that is all we are talking about here today, where do you draw the line and do self-governing people in municipalities get to help draw that line? If in my municipality or the municipality you live in the elected officials, the duly elected, democratically elected officials in those municipalities determine that there are certain things within constitutional guidelines that they can do to help protect their citizens, what you have said is, no, not going to let them do that, because you drew the line somewhere else than democratically elected officials in your local municipality, and if the elected officials in your municipality agree with you and say, we are not passing any of those in our municipality, well, that is okay too. No one says you have to pass those laws, but what you are trying to do here is to prohibit, prohibit fellow citizens in Pennsylvania from self-government.

This amendment basically says we will prohibit you from self-government, and if you try it, we are going to sue you and you are going to have to pay the price. That is what you are telling the citizens in those municipalities, because it will be their tax dollars that will be used to defend these court cases.

What you are saying to them is, too bad; I am not letting you self-govern. That is the crux of this amendment.

I urge a "no" vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dom Costa.

Mr. D. COSTA. I thank you, Mr. Speaker.

I stand in support of the amendment, the Keller amendment. I worked public safety most of my adult life, and if I thought for a minute that this bill, any gun reporting bill would change public safety and increase public safety, I would be the first one standing up for it. My problem is the preemption. These local municipalities know they are enacting laws – cell phone laws, gun laws, minor marijuana violations – against State statute. We cannot do that. This is a motoring public. Yes, I stand for special interest. It is the people that do not know about these laws and walk into an area and they are trapped. These bills that these municipalities continue to come out with are counterproductive; they are against State law. They know it. They know how to go about lobbying and they know how to get it up here and tell us. Okay?

I understand that there are many people that want these types of laws. I have no problem with lost and stolen statewide, I have no problem with cell phone bills statewide, but I do have a problem with municipalities standing on a soapbox beating their chests and letting people think that they are being protected by a law that does nothing.

So I urge a "yes" vote on this amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, my good friend from Allegheny County who just spoke is right that municipalities across Pennsylvania are passing a variety of laws, laws designed, among other things, to protect some of the more vulnerable people in our society and, indeed, laws that are designed to protect citizens from crime and violence. The question, Mr. Speaker, is not why they are doing that. The question is why we are not doing it. They are doing it because there is no leadership here in Harrisburg. They are doing it because Harrisburg continues to ignore the well-being of the people of Pennsylvania, whether it is on gun safety, whether it is on LGBT (lesbian, gay, bisexual, and transgender) rights, whether it is on a host of other issues that we have failed to act. Recently Pennsylvania courts acknowledged that leadership when they overturned that part of Act 13 that sought to preempt local ordinance that would protect residents from the deleterious effects of fracking.

So here we are again, yet another issue, only now we are faced with a brazen attempt to shut down local governments from having the authority to protect their citizens. And make no mistake, Mr. Speaker, it is not just giving individuals the right to overcome sovereign immunity and sue local governments. No, that is not enough. Now we have to let well-funded lobbying organizations that have tremendous power here in the halls of Harrisburg as well as Washington to get up and use that strength, use those resources to bully our local elected officials, whether they are in townships, boroughs, or our major cities.

Mr. Speaker, we need to stand up for our citizens and we need to stand up for those local officials who are working every day to stand up for the people they represent – to make their communities safer, to spread civil rights across the land. Mr. Speaker, this amendment would undo that. This amendment would tie their hands. It would subject taxpayers to tremendous damages and extra costs, and it would be yet another example of how Harrisburg is failing to lead.

Mr. Speaker, I respectfully request a "no" vote on this amendment. Thank you.

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

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of the amendment.

The Constitution says, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned." So it is a State constitutional provision.

We are here at the end of the session. We have got a decision to make, and the only question is, who is supposed to make the decision? The people that are opposing the amendment would say that the locals are trying very hard to make their communities safer and somehow this amendment will keep them from being safe, and they have the right to say that, just like I have the right to say there is no such thing as an illegal gun and that the guns in the hands of people in their homes or even traveling in their cars should not be abridged without a good reason. I have that right. All my colleagues have the right to say the opposite.

What we have to decide is, who has the right to determine the will of the people? This is the State legislature. We pass laws. We should pass them at the beginning of the session when we have time to debate them, but now we are at the end. And the only question is, should local municipalities have a right, have a say into a State-protected constitutional right because they would like to? And the answer is, up to now we have never let them do that.

At the moment that my— You know, the people on the other side of this question have a majority of this House that says lost and stolen guns will somehow magically get rid of the criminal problem that we have in the State or it will get rid of the drug and violence problem we have in the State. That is fine, but right now they do not have those votes. So instead of letting the majority rule, what they say is, let us let the majorities in any and every municipality have that right. Now, if we do that, we are going to have all sorts of people trapped. We are supposed to be here to avoid that.

I am voting "yes" in support of this amendment. We have got to have one rule or as close as we can to one rule. We are the people that are supposed to decide. Put up your vote.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Bradford.

Mr. BRADFORD. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for interrogation?

The SPEAKER. The gentleman, Mr. Keller, indicates he will stand for interrogation. You may proceed.

Mr. BRADFORD. Respectfully, can you explain to me, I am looking at the underlying bill and I am trying to figure out how

this amendment interplays with that. Can you give me an idea of what the correlation between the two is?

Mr. M. KELLER. Mr. Speaker, it deals with the regulations of firearms.

Mr. BRADFORD. And specifically, the underlying bill, as I understand, would provide a process for those who have been adjudicated to not be able to possess firearms to allow them to possess firearms. It really sets up a process for that to take place. Tell me how this amendment affects the rights of the mentally ill or those who have been adjudicated not to possess firearms.

Mr. M. KELLER. Mr. Speaker, the underlying bill deals with statewide firearms, and that is exactly what the amendment does.

Mr. BRADFORD. I could be wrong, but the amendment, as I see it – and I guess this is the question – would seem to be providing a special grant of standing for those challenging statewide firearm laws. It does not seem to do anything with those who have been adjudicated mentally ill.

Mr. M. KELLER. Mr. Speaker, both the bill and the amendment improve the uniformity of firearm laws in Pennsylvania.

Mr. BRADFORD. Could you elaborate a little further. I guess I am not understanding how providing special standing in a court of law to challenge a local ordinance has anything at all to do with the mentally ill's ability to recover their – or the formerly mentally ill's ability to recover their rights to possess a firearm.

Mr. M. KELLER. Mr. Speaker, it is the statewide regulation of firearms.

Mr. BRADFORD. Well, I understand stressing the nature of your opinion. I am just looking for you to elaborate so that those of us who can understand why we would want to provide a special grant of standing to an organization to challenge it. I mean, I do not think we are— I could be wrong, but in the case of those who have been adjudicated to not possess firearms, we are not providing special standing so that a membership organization, on behalf of the mentally ill, can then provide – can make a petition so that you can regain your gun rights. So why in the case of the lost and stolen, or in the amendment's case, why are we providing a special grant of standing?

Mr. M. KELLER. Mr. Speaker, it enhances the regulations of statewide firearms.

Mr. BRADFORD. And I appreciate the sincerity and earnestness of which you hold that view, but again, the underlying bill does not provide a special grant of standing. What I do not understand is, why are we providing special standing in this amendment? What is the basis for providing a membership organization special standing? I do not understand.

Mr. M. KELLER. Mr. Speaker, what it does is enforces the State law of the uniform firearm regulation.

Mr. BRADFORD. Thank you again, Mr. Speaker.

And again, respectfully though, why is there need for a special—

The SPEAKER. Will the gentleman suspend.

Mr. BRADFORD. —grant of standing?

The SPEAKER. With all due respect, I think you have asked the same question several times now and you have gotten pretty much the same answer. I just think you are being a little bit redundant, and I would encourage you to move on.

Mr. BRADFORD. Respectfully, Mr. Speaker, and I understand you are frustrated and I am a little frustrated with the answer, not with the Speaker, obviously, or with the maker of the amendment, but what I do not understand is why we would want to provide a special grant of judicial standing, which has a legal significance that would allow a membership organization, as this is written, to come into court and sue our municipalities. I understand the underlying—

The SPEAKER. Will the gentleman suspend for a minute.

Again, you are not supposed to interrogate the Speaker.

Mr. BRADFORD. I would never.

The SPEAKER. Are you still seeking interrogation of, other than a parliamentary inquiry, are you still seeking to interrogate the maker of the amendment or do you want to speak on the amendment?

Mr. BRADFORD. No. I am actually still trying to figure out what is the basis, why do we need to—

By point of reference to the maker of the amendment, two of my municipalities have taken upon themselves to have such a lost-and-stolen ordinance. They believe strongly that this body has not acted and they want, they want Harrisburg to act. They are prodding us along. They are saying act. Do something about these straw purchases. Do something about these guns. I understand why a resident of those municipalities may want to challenge that ordinance. I understand why they, as a resident of East Norriton Township, may want to stand forward and say, I disagree with what my township is doing. I am going to take action.

What I do not understand, what I need to get an answer for, what I think we need to get an answer for because if we are going to allow these membership organizations to file suit is, why is it necessary to allow a membership organization to sue East Norriton Township or the municipality of Norristown or one of the countless municipalities in Montgomery County that are attempting to protect its citizens? Tell me why it is not enough for individual standing. Why must we extend collective standing to a membership organization? That is my specific question. I do not mean to belabor the point. I just want to understand why we are expanding standing so broadly.

Mr. M. KELLER. Mr. Speaker, this enhances the statewide regulations of firearms. In essence, the change is no different than when a wage payment and collection law, which allows civil action, is to be commenced by labor organizations. Same thing.

Mr. BRADFORD. Okay. There was an analogy about a labor organization. I assume you mean a labor union. Are you saying collective representation? Is that the principle?

Mr. M. KELLER. Mr. Speaker, it is commencement of civil action by their members.

Mr. BRADFORD. Okay. To be specific again, East Norriton Township, a municipality in Montgomery County, about 14,000 people, they have one of these ordinances. You propose to allow any resident of East Norriton Township to institute a civil action. I understand that. I understand you feel as though a right has been violated and they want to vindicate that right. I can respect that.

What I am trying to get at is, what is the need for the membership organization to bring that? Why do we have to extend standing to the membership organization? Is there something insignificant about the standing that currently exists among the 14,000-some Pennsylvanians who happen to be

residents of East Norriton Township that is insufficient? What is it about current State law or a current standing that we would apply in any—

The SPEAKER. Will the gentleman suspend.

You have asked that same question now five or six times. The gentleman has given you the answer that he wants to give you. You do not like his answer. I must encourage you to go on to another question or move to speaking on the amendment itself.

Mr. BRADFORD. Okay. Thank you, Mr. Speaker.

I am going to continue my interrogation, if I could, and maybe just move on to a different point, because I do not think the speaker is providing the answer that I am looking for in any meaningful way.

I guess my issue would be then, we are going to allow how many municipalities who currently have lost-and-stolen ordinances, to the best of your knowledge, or other ordinances that currently would be affected by this additional standing you propose to provide? How many municipalities will potentially find themselves under the threat of litigation from either those who currently have standing or those you propose to add standing to?

Mr. M. KELLER. Mr. Speaker, first of all, I can only say those that are already violating the law. I do not know exactly what the number is. I have been told it is a handful.

Mr. BRADFORD. When you say they are currently violating the law, is that just the lost-and-stolen ordinances? Are there other ordinances that you believe are currently being violated of the law? And you say are currently in violation of the law. Can you give me specific municipalities and specific laws that are being violated that have been adjudicated by the courts of Pennsylvania?

Mr. M. KELLER. Mr. Speaker, this does not change the law that is already on the books of the Commonwealth of Pennsylvania.

Mr. BRADFORD. I believe, actually, a statute of this legislature does change the laws on the books of Pennsylvania, and I believe you are providing additional standing. Specifically, you propose to change the law. Why else are we here but to make laws?

So specifically, how many municipalities do you believe have ordinances that are currently in violation of what you believe to be the law and have any of them been adjudicated?

Mr. M. KELLER. Mr. Speaker, that could amount to any municipality that is in violation of the preemption bill; excuse me, preemption law.

Mr. BRADFORD. And how many municipalities are currently in violation of the preemption law, in your opinion? Can you name one? Can you name 10? This is a problem that requires us to allow membership organizations to sue our municipality. I think we should know how many municipalities we propose to extend legal jeopardy to.

Mr. M. KELLER. Mr. Speaker, you just told me two in yours.

Mr. BRADFORD. Again, to the maker of the amendment, respectfully, I mean, some of the organizations I realize have a much larger reach in this. They name communities from Charleroi to Cheltenham to Chester to Clairton to Conshohocken to Duquesne to Easton to Erie to Glassport. I do not pretend to know if these are accurate or not. What I am asking you is, someone who believes that this is legislation that needs to be taken up by the legislature, are there handfuls?

I mean, do you have any idea of how many municipalities will potentially find themselves facing civil action this time next year because of this law?

Mr. M. KELLER. Mr. Speaker, that is exactly to the point of the purpose of the amendment. Individuals, law-abiding citizens in this Commonwealth, can drive through a municipality and not know and become a felon without any recourse.

Mr. BRADFORD. Okay. So why do we propose to allow membership organizations to vindicate that right instead of the individual?

Mr. M. KELLER. Mr. Speaker, I think that it is a redundant question. I have answered that question. Thank you.

Mr. BRADFORD. Mr. Speaker, I will end the interrogation, but I would note that nothing, nothing even remotely like an answer has been forthcoming to the question—

The SPEAKER. Is the gentleman seeking recognition on the amendment then?

Mr. BRADFORD. On the amendment, Mr. Speaker.

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

Mr. BRADFORD. Nothing even remotely addressing the question of why are we providing extra judicial or super standing for membership organizations? If there is a right, an individual right, that is being in any way broached, then that individual under current law, has the right to go to court, but this does not do that. This goes much further than this, and you know, it is important sometimes to understand why. And I would never say the motive, but I would say why and what the impact of this type of statute would have. It says, "Relief.—A person adversely affected by an ordinance, a resolution, regulation, rule, practice or any other action promulgated or enforced by a county, municipality or township prohibited...(relating to limitation on municipal powers) may seek declaratory or injunctive relief and actual damages" — actual damages, so these are civil monetary damages — "in an appropriate court."

It then describes what reasonable expenses are, but it also goes on to define "Person adversely affected." And you might say, well, what is a person adversely affected? In the case of East Norriton Township, which I raised, that is 14,000 residents, but it defines a person adversely affected in three ways: one, to be a resident, makes sense; two, "A person who otherwise has standing..."; but point three, and I think this is the one that needs to be noted, "(3) A membership organization, in which a member is a person described under paragraphs (1) or (2)."

So see, this is not about providing the right of an individual to challenge these statutes. This is something far more cynical. This is about allowing big special interests and a pro-gun lobby to come into municipalities like East Norriton or any of that list that we could provide and allow big gun advocate groups to say that your ordinances are unacceptable and we are going to sue you, not because the residents of that municipality feel that way, but because the big gun lobby feels that way. That does not seem right. In fact, it seems horribly cynical.

And while the maker of the amendment may not want to answer what a membership organization is, let us be clear, that is the NRA, in most cases. That means the NRA could come down the Main Line up into Montgomery County and start suing our municipalities, our municipalities that have said time and time again that Harrisburg needs to act, that Harrisburg needs to act on lost and stolen, that Harrisburg needs to act on the universal background checks, but instead of doing that, this

body is going to allow the NRA and similar-minded pro-gun groups to come sue so many of our municipalities. Now, I do not know about you, but my municipalities are struggling, and the idea of spending their money on defending the NRA's lawsuit that the residents of that community have not otherwise brought on their own strikes me as horribly cynical.

And again, I would never question anyone's motivation, but let us ask, why is that membership organization being provided this special standing? There is no way to defend it. Every Pennsylvanian, a resident of Montgomery County or Delaware County, a resident of East Norriton or any other municipality should be faced with the threat of litigation because this body provides special standing, it is wrong.

I am opposed to this amendment, Mr. Speaker, and I thank you for your time and indulgence.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have been battling this bad cold, and I was on my way to Philadelphia and I turned around and came back when I heard the conversation. And, Mr. Speaker, what moved me to turn around and come back is because we are at a crossroads in the Commonwealth of Pennsylvania, a crossroads because there are a number of us who live in different parts of the State that are having different experiences. A 3-year-old is dead because she was sitting on the steps getting her hair plaited; a pregnant woman dead, baby, unborn baby dead while she was sitting on the steps talking to some neighbors; and then even in Pike County we have a State trooper who gave his life to protect us is now dead. And I am just curious as to whether or not the people of Pike County are prepared to buy in to the debate that is currently going on. If the local officials of Pike County decide that this survivalist group should not have easy access to weapons that can be used to kill additional State troopers or law enforcement, would they vote for the Keller amendment?

Mr. Speaker, our local officials, whether we like them or do not like them, they have a constitutional responsibility to do what is in the best interest of the health, safety, and welfare of the people that they represent. That is fundamental, Mr. Speaker. We do not have— If you look at the municipalities or places where counties are looking at ways to protect the health, safety, and welfare of their residents, it is not all over the place, Mr. Speaker. It is in municipalities and communities where people are faced with some serious challenges. As one pastor said last week, it is that we have always had to deal with this issue of crime. From the beginning of this great country, violence, crime has been present, but, Mr. Speaker, with these guns there is a level of callousness and lawlessness which we have not faced any time before.

In the years of my life, I have never faced a situation where a State trooper has been ambushed, where a 17-year-old can run down the street and shoot at random, giving no consideration to who is sitting on the steps or walking up and down the street. That is the kind of callousness which we have not faced at any time before.

I have young people in my district. I look at these little pages sitting up front. In many communities throughout Pennsylvania, they can get a gun before they can get a book. They will get a gun before they get a book.

Mr. Speaker, so to devote our time towards debating on whether or not the National Rifle Association or, as I commonly refer to it, the national ruthless association, not the National Rifle Association, to provide them with independent standing, legal standing, so that they can challenge the righteousness of local officials, and not only that, this amendment not only says that I am going to create a right that allows you to challenge the actions of local officials, but I want to collect damages. I want to collect fees. I want to punish local municipalities or local officials who have decided to do what they think is in the best interest of the health, wealth, and safety of the people that they represent. Now, just imagine that; imagine that.

And to all the people out there that have the luxury of witnessing the conversation that we are having on Tuesday, September 23, 2014, take a minute and give some attention to the conversation that you are sitting home listening to. We have got people who have been locked out of employment for the last decade and we are not having a conversation about that. We have schools that have been closed, but we are having a conversation about whether or not my mayor, my police commissioner, my council president, whether or not the national ruthless association should have a right to sue them when they make decisions in the best interest of the people that they represent. Where is the righteousness in that kind of conversation?

And so to the people at home, you get your pens and you get your pads and you take some notes today, take some notes today. Do you want to know when government changes its behavior? When you change its mindset, change its mindset. With all the challenges that we have in Pennsylvania, we are having a conversation about whether or not you should have a right to sue, to sue your municipalities because they are trying to eliminate the carnage.

Last night I get home and I put on the television. The first thing, first thing on the television in my friend, Representative Kinsey's district, hardworking people start standing at the corner of Broad and Olney in front of a hospital trying to get home and some punks decide that I am going to take out a gun and shoot. And half of these punks do not even know how to point a gun, but because it is so easy for them to get a gun, they do not have to care about whether they can use a gun or not. So we have got a 17-year-old dead now right in front of a hospital, and that 17-year-old could have multiplied if somebody did not stop the punks.

Mr. Speaker, this is not the right conversation we need to be having today. There is no meaningful outcome that we can glean from this conversation. And, Mr. Speaker, I want to be here, and I ask the people of Pennsylvania to stay tuned, because at some point you are going to find out where we are and who we are and why we are where we are. This is not the right conversation.

Mr. Speaker, I ask the maker of the amendment to withdraw the amendment, and if he is not willing to withdraw it, then we have to vote against it and move on to the right conversation. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia County, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment. My thoughts are this, Mr. Speaker: We are looking – and I have seen this happen a

couple of times in my short 4 years here in the body – we are looking again for the State or for this General Assembly, in particular, to abdicate its responsibility to govern. And I understand this is the law and if we pass the law, we are, quote, unquote, "governing," but not in my opinion and certainly not in the opinion of the majority of the constituents who live in the 194th.

When we are deferring to a private-sector, private organization to stand in the role that the State should reserve solely for itself, we are indeed abdicating our responsibilities, and that alone, Mr. Speaker, I think sets a terrible precedent for moving forward. There are any number of private-sector organizations out there that I feel certain would love to be able to involve themselves in that manner in the legislative process.

So for that reason alone, Mr. Speaker, I will be a "no" vote and urge my colleagues to think very carefully about what we are about to do today and that we are about to abdicate the State's responsibility to govern. Thank you.

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

On that question, the Speaker recognizes the lady from Montgomery County, Mrs. Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Keller, indicates he will stand for interrogation. You may proceed.

Mrs. DEAN. Thank you, Mr. Speaker.

I am trying to get clarity under this proposed amendment as to a person adversely affected on page 2 of the amendment. Would you please tell me what is meant by a membership organization.

Mr. M. KELLER. Mr. Speaker, it could be any organization who has members of standing, and for example, it could be the ACLU (American Civil Liberties Union) or any of the other ones, Sierra Club, any organization.

Mrs. DEAN. So any organization. Would the Ku Klux Klan be a membership organization with standing under this legislation?

Mr. M. KELLER. Any organization who has members of standing.

Mrs. DEAN. Would the Aryan Nation be a membership organization that would have standing under this legislation? I am just trying to understand membership organization and who would be able to sue our municipalities.

Mr. M. KELLER. I am not aware of their member's organization. Thank you.

Mrs. DEAN. Recently in the news we are worried about ISIL (Islamic State of Iraq and the Levant). Would ISIL be a membership organization with standing? They may well be a resident of the Commonwealth who may legally possess a firearm.

Mr. M. KELLER. Mr. Speaker, no.

Mrs. DEAN. So this would limit ISIL at least. Is that correct?

Mr. M. KELLER. Mr. Speaker, would you ask the question again, please.

Mrs. DEAN. I guess my question is, where in this legislation is ISIL prohibited or disqualified as a membership organization with standing to bring suit against our local municipalities?

Mr. M. KELLER. To my knowledge, the members of ISIL would be prohibited from owning firearms, so the answer is no.

Mrs. DEAN. Mr. Speaker, I do not know how we know that they would be prohibited. We are not sure if they would even be subject to a background check, but that is another matter. But they may be a person adversely affected because they would be a resident, potentially a resident of the Commonwealth who may legally possess a firearm, but let me go on from there. So it appears that "membership organization" is quite broad and not restricted under this amendment.

My second curiosity is, how would this work if the Ku Klux Klan brings suit first against my municipality, Abington Township, because we have a local ordinance regarding lost-and-stolen legislation? If the KKK brings suit first, are other people allowed to bring suit also? Can the NRA? Can individuals? Or is it now just KKK's lawsuit?

The SPEAKER. Is the gentleman, Mr. Keller, still standing for interrogation?

Mr. M. KELLER. Mr. Speaker, if a member organization has a member with standing, they can bring a lawsuit.

Mrs. DEAN. Well, I was actually seeking something else, the next step. So does everybody have to join the one lawsuit that has been started by KKK? Is the municipality subject to multiple lawsuits on the same ordinance – a gun club, an NRA organization, ISIL, KKK?

Mr. M. KELLER. Mr. Speaker, it is the courts that decide whether or not that happens.

Mrs. DEAN. I am sorry, Mr. Speaker. I did not hear the answer.

The SPEAKER. Is the gentleman, Mr. Keller, still standing for interrogation?

Mr. M. KELLER. Mr. Speaker, that decision is made by the courts.

Mrs. DEAN. May I speak on the amendment?

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

Mrs. DEAN. Mr. Speaker, as you can see from what we are learning about this amendment, it is very problematic.

I rise in opposition to this amendment. It would create a special class of citizens and a broad range of special class of citizens, qualified among them could be the NRA, it could be ISIL, it could be KKK, it could be Planned Parenthood, it could be NOW (National Organization for Women), it could be all kinds of folks suing local municipalities simply because they are a membership organization, a person adversely affected under the drafting of this amendment. I think it is poorly drafted, and I think it will do great harm.

It is strange to me that it seeks to take away local control. Local control and the loss of local control is an anathema to many members in this chamber.

On just the issue of lost and stolen, nearly 50 municipalities across this great Commonwealth have stood up and either passed resolutions or ordinances trying to deal with lost and stolen illegal firearms on their streets that are killing their citizens. Just yesterday, just two blocks from the university where I taught for 11 years, in front of Einstein Hospital at 4 o'clock in the broad daylight a 15-year-old girl, coming home from school, was shot and killed because some kid, as my colleague from Philadelphia narrated very sadly for us, took a gun out of a backpack and was having a fight and shot the gun. She is dead. A 19-year-old has two bullets in him. He is critically injured. Let us hope he survives.

Why would we want to let member organizations or individuals defeat what Philadelphia has tried to do with lost-and-stolen legislation? They have done it in the light of us

failing to do it. We have a responsibility to make our streets safer. We have abdicated that responsibility I guess because we are afraid of something. I am not sure what we are afraid of. I am not afraid of making our streets safer.

This amendment is a mistake. We can see the flaw in its own drafting. We can see the havoc it will wreak for the 48, 49 districts, including my own, Abington Township. Everywhere from Abington to York, local municipalities have stood up to the challenge to try to make their communities safer.

I ask and I urge a "no" vote on this amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Kortz.

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

Mr. Speaker, on day one of this session, each and every member of this chamber elevated their right hand and swore an oath to support, obey, and defend the Constitution of the United States and the Constitution of this great State. In that Constitution, Mr. Speaker, the State is granted the right to make laws regulating firearms, not local municipalities. If my friends on the other side want to change that, then I would suggest change the Constitution, because right now they are making illegal laws out there that cannot stand. We need to change that, Mr. Speaker. Mr. Speaker, I would ask all my friends again to adhere to the oath they took on day one, and in that oath is the Constitution.

So, Mr. Speaker, I would urge a "yes" vote for amendment A7845, and I thank the gentleman, Mr. Keller.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

I certainly can appreciate the passion and the enthusiasm from many of the members who spoke today to address gun violence across the Commonwealth. The underlying bill that is my bill, frankly, was offered in an effort to help reduce gun violence across the Commonwealth, and I think we all genuinely share that interest.

I think it is important to note, as the previous speaker mentioned, that, you know, we need to understand why we are here. We keep hearing about these 50 municipalities with resolutions and ordinances. What I think is important to note is that they have never once been enforced. As a matter of fact, the former district attorney and former judge in Philadelphia actually is quoted as saying they cannot be enforced. Well, why is that? Why is it that these ordinances cannot be enforced? Well, it is because they violate State law. Now, if your opinion is that they do not violate State law, you should support this amendment. All this amendment would do is allow them to come before a judge so that the determination can be made, can these ordinances be enforced or not?

I hear all the impassioned pleas and I support all of you in your efforts to reduce gun violence. If you sincerely believe that these local ordinances will reduce gun violence, you need to support this amendment so that the courts can find that those ordinances can be enforced. Right now they are not being enforced because the municipalities do not want to end up in court and have to defend them. Adopting this amendment will

allow those municipalities' ordinances to be raised before the court and the court to make a determination about whether or not they could be enforced.

I would just note the *Ortiz* case, decided by the Pennsylvania Supreme Court, does say that the "...regulation of firearms is a matter of concern in all of Pennsylvania, not merely in Philadelphia and Pittsburgh, and the General Assembly, not city councils, is the proper forum for the imposition of such regulation."

So, Mr. Speaker, this bill is simply about determining whether or not these local ordinances are valid and can be enforced. I would urge a "yes" vote on this amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Jordan Harris.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, today I rise not to talk about the 15-year-old girl, high school student, who was shot in Philadelphia and killed yesterday; nor will I talk about the mother last week who was shot and killed in Philadelphia County, 8 months pregnant; nor will I talk about the 16-year-old in my district this summer that was shot twice in the chest and killed; nor will I talk about the 3-year-old in my district this summer who was sitting on the steps of a neighbor's home getting her hair braided as she was shot and killed by a stray bullet. I will not focus my comments on those young people in our Commonwealth who have lost their lives to senseless gun violence.

What I will talk about, Mr. Speaker, is that in my district right now there are stores that sell air rifles, BB (ball bearing) guns, which are illegal to sell to those under the age of 18, according to Title 18, section 6304. But I have retailers in my district selling these types of air rifles, BB guns, to young people, so much so that last week a United States postal worker was shot with a BB gun.

Why is this important, Mr. Speaker? Because this amendment would prohibit my city from trying to do something to tackle that issue.

Mr. Speaker, not only would this amendment hinder the city of Philadelphia from addressing that issue, not only would it hinder the city of Philadelphia from addressing the issue of gun violence in general, but, Mr. Speaker, this amendment looks to bankrupt municipalities throughout this Commonwealth. We look to bankrupt our municipalities in favor of special interest groups.

Mr. Speaker, this amendment is morally bankrupt and we should not even be having a conversation over something so heinous in this chamber. How can we? Even if you support the Second Amendment, which I do.

Mr. Speaker, I actually own a gun. Mr. Speaker, several times a month I enjoy going to the gun range, but what I do not enjoy, Mr. Speaker, is an amendment that would allow standing to a membership organization to sue municipalities.

If that is the case, let the State government do that. Let the State government decide if a municipality has gone afoul of State law. Let us not bankrupt municipalities in favor of membership organizations.

So regardless if you support the Second Amendment or not, we cannot stand here and be supportive of bankrupting our municipalities in favor of special interest groups and membership organizations.

Again, Mr. Speaker, this amendment is morally bankrupt, and therefore, we should vote "no." Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise with some concerns regarding the wording of this amendment.

If we look closely at the amendment, it stipulates that "A person adversely affected by an ordinance, a resolution, regulation, rule, practice or any other action promulgated or enforced by a county, municipality or township" are "prohibited under..." the various section and of course can lead to the possibility of those various ordinances being challenged.

One of the ordinances that is most critically used in the municipalities of Pennsylvania deals with zoning, our zoning ordinance, and within a zoning ordinance, it stipulates where certain activities or uses can occur. Typically something like a gun shop would be zoned in a commercial district. That makes sense. It would not be zoned in a residential district, where you would not want any kind of commercial activity regardless of the content. The way this amendment is worded, you could conceivably set the stage for a challenge as to the legitimacy of a zoning ordinance within a municipality if a gun shop owner wishes to open up a shop in a zone that is not zoned for that activity, because they are adversely affected by that zoning ordinance.

Now from a planning standpoint and a community regulation standpoint, we should be standing by our municipalities' ability to enact zoning. That protects the health, safety, and welfare of a community. No one is denying the ability of a gun shop to operate within a community. If you zone, you have to zone for every conceivable use.

However, the way this language is drafted, that zoning ordinance could be busted by the gun shop owner who wishes to open up a shop in a noncommercially zoned area. They might not be able to find a property within the commercial zone within that community where it is for sale. So they decide to then use this technique, this ordinance, or this language in the amendment, to bust open the zoning ordinance to allow them to open up a gun shop within a residential neighborhood.

That flies in the face of good, sound planning practices and it flies in the face of good, local control when it comes to zoning, but because this language is overly broad in its application of a zoning ordinance and those parties that would be adversely affected, we are really setting the stage here with this language for the busting of our local zoning ordinances.

In many respects, what is contained in here can have the same effect that the abuse of the curative amendment process in Pennsylvania has occurred, particularly in southeastern Pennsylvania. The curative amendment process allows the challenging of an ordinance if they do not zone for every conceivable use and insufficient numbers. That has been abused time and again in the southeastern part of Pennsylvania to destroy a whole zoning ordinance, even though the other provisions of the ordinance are sound, but because we are granting such a broad-reaching ability as to who is an adversely affected party, we are putting in jeopardy the zoning ordinances of all of our communities in regard to the proper allocation of development and how items are zoned for their appropriate use. That is a concern that we should all be worried about.

Another aspect to this amendment, as it reads, is that it not only includes ordinances but it includes resolutions. Resolutions at the municipal level have two forms. One actually does have some sort of weight of law behind it. It usually pertains to fiscal matters. In most cases, the proper way to enact a local law is through the ordinance process, but occasionally that will also pertain to resolutions. But there is another type of resolution at the local level that is utilized that has nothing to do with promulgating a law, and that is a resolution which is simply an expression of opinion by the governing body. We vote on those resolutions in this chamber on a regular basis, almost every legislative day.

The way this amendment is worded, it is overly broad in how it covers resolutions. You could conceivably have a governing body which wishes to weigh in on a debate that is occurring here in Harrisburg on various gun measures, simply expressing their opinion to their elected Representatives and Senators about how they would prefer they vote on that issue, and yet, if they were to pass that resolution under the language contained in this amendment, someone could conceivably step forward and sue that municipality as being adversely affected.

Now, in our zeal to safeguard the Second Amendment, I do not think we should be stepping on the First Amendment, particularly when it comes to the ability of local officials to express their opinion on public policy. They should have that right and not have to be gagged in any way through some sort of chilling effect through this kind of measure.

In many respects this amendment is overreaching in its draft and is overly broad, and for those reasons I think this deserves more careful drafting and I would urge a "no" vote on this amendment because of the potential implications it has, the unforeseen consequences it has on local zoning, and particularly on the ability of a local governing body to freely express their opinion on gun-related issues that might not have the force of law on the local level but would be covered because this amendment covers resolutions as well as it does ordinances.

Let us be careful about how we proceed in this matter. Let us vote "no" on this amendment today.

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

On that question, the Speaker recognizes the gentleman from York County, Mr. Schreiber.

Mr. SCHREIBER. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment please rise for brief interrogation?

The SPEAKER. The gentleman, Mr. Keller, indicates he will stand for interrogation. You may proceed.

Mr. SCHREIBER. Thank you, Mr. Speaker.

Mr. Speaker, I have a very brief question.

Your amendment would allow for standing for any person or membership organization to file suit against a municipality, and further, it would provide the ability for the court to award any reasonable expenses as a result of that suit. So this could potentially put municipalities on the hook to pay legal costs. Is that correct?

Mr. M. KELLER. Mr. Speaker, if they are currently in violation of State law, yes.

Mr. SCHREIBER. And, Mr. Speaker, under the Pennsylvania Municipalities Financial Recovery Act, otherwise known as Act 47, Act 47 provides for any municipality that is currently in financial distress status, under Act 47, to be eligible for and shall receive economic assistance or emergency

financial aid in the event that unforeseen expenses are incurred.

So my question, Mr. Speaker, is, for the communities that are currently in Act 47 – of which there are, I believe, over 20, if not close to 30 – for those municipalities, if they are subject to suit and then subject to legal recourse and therefore incurring legal expenses, under the Pennsylvania Municipalities Financial Recovery Act, would that then obligate the Commonwealth to come to the financial aid of our local municipalities?

Mr. M. KELLER. Mr. Speaker, that really would fall into the court's jurisdiction as to each and every municipality.

Mr. SCHREIBER. Mr. Speaker, if the court awards expenses and a municipality is then obligated to pay those expenses and the municipality is currently in the financial recovery act as recognized and designated by the Commonwealth, the municipality can petition the State government, and specifically the Department of Community and Economic Development, to come to and provide financial assistance to cover those legal expenses.

So would this then require the Commonwealth government to have standing to help support the legal expenses for local governments?

Mr. M. KELLER. Mr. Speaker, that would be in the realm of the court as to decide which way that would go.

Mr. SCHREIBER. And final question, Mr. Speaker.

So this could potentially obligate the Commonwealth to pay local legal costs?

Mr. M. KELLER. Again, Mr. Speaker, it is going to be the decision of the courts as to whether or not that is in the scope of the law.

Mr. SCHREIBER. Thank you, Mr. Speaker.

I conclude my interrogation. On the amendment, please?

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

Mr. SCHREIBER. Thank you, Mr. Speaker.

I think as has been concluded and has been talked about at length, this not only puts our local municipalities in potentially financially precarious positions, but it now has the potential to put our Commonwealth government in a financially precarious position to provide further financial assistance to our municipalities that are already cash-strapped, many of which are in Act 47, many of which are trying to get out of Act 47. This would be one more unforeseen expense that not only the local government would be provided to incur as a result of local tax dollars being paid out, but now also the Commonwealth of Pennsylvania would then be forced to come to their aid and pay additional Commonwealth State tax dollars to support the local legal costs as a result of this amendment and the underlying bill.

For that reason I encourage a "no" vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Will the gentleman, Mr. Keller, consent to interrogation, please?

The SPEAKER. The gentleman, Mr. Keller, indicates he will stand for interrogation. You may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill contains some definitions, but there is no definition of "adversely affected" in this legislation. What does "adversely affected" mean?

Mr. M. KELLER. Mr. Speaker, the definition of "persons adversely affected" is on page 2, line 3 through line 10.

Mr. COHEN. I gather the definition of "persons," Mr. Speaker. Persons are defined. The question is, what does adversely affected mean?

Mr. M. KELLER. Mr. Speaker, it is very clear. It says, "persons adversely affected." That is the definition right there – line 3 through line 10, page 2.

Mr. COHEN. Okay. Thank you, Mr. Speaker.

The definition of "adversely affected" is adversely affected, the answer is. That is not the most compelling answer.

Any law in a sense adversely affects someone.

The SPEAKER. Is the gentleman done interrogation?

Mr. COHEN. Yes, Mr. Speaker.

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

Mr. COHEN. Thank you.

Any law in a sense adversely affects someone.

We pass the speed limit legislation, and whatever the speed limit is, there is somebody who leaves late, and therefore is going to arrive late if he obeys the speed limit. When we put up a red light, in a sense somebody will be adversely affected because it will take longer to get to wherever you want to go because there is a red light there. You pass any kind of tax, somebody is going to have less disposable income because of the tax than they would without the tax.

But I really doubt anybody could go to court and sue the Commonwealth of Pennsylvania for passing a tax or passing a red light or passing a speed limit, and then try to demonstrate that he or she was harmed in some way by these general laws which are well within the police and revenue-raising powers of Pennsylvania.

Similarly, I think that the power to regulate the use of guns is within the police power of local governments, and I think this is going to create a whole lot of litigation, which is going to be expensive for local municipalities, even if they win, which I think they will win at least the vast majority of this litigation, and it really will not do very much.

One of our prior speakers noted that these local laws have not been enforced. They have not been enforced because of uncertainty as to what powers they actually have. It is hard to see how somebody could reasonably say they are adversely affected by a law if nobody is enforcing the law.

I think this legislation will create massive amounts of confusion, create expense. It will waste a lot of people's time, including the time of whoever brings this legislation – whoever brings this litigation, rather, and it is not really going to solve any problem.

I would urge that we cast a "no" vote on this amendment being offered today.

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

On that question, the Speaker recognizes the lady from Philadelphia County, Ms. Donatucci.

Ms. DONATUCCI. Thank you, Mr. Speaker.

I am a little confused today. Yesterday afternoon this chamber voted to give a cigarette tax to the city of the first class, but today it is an issue to preempt that same city from having its own gun law. I am just confused. Thank you.

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero, for the second time.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

First, I would like to help clarify the legislative record in the event that this bill passes with this amendment and in the event, Mr. Speaker, that ultimately litigation ensues and the statute is brought before a court.

Mr. Speaker, I am having a hard time hearing. Can we get some order in the House?

The SPEAKER. The members will hold the conversations down, please.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

As the gentleman from Philadelphia just very eloquently made clear, if a statute on the books, if an ordinance on the books in a municipality is not currently being enforced, it is in fact hard to understand how a party bringing suit could argue that they have been adversely affected. And since, Mr. Speaker, as we are here on the floor debating this bill, and this amendment in particular, the maker of the amendment cannot further explain to us what the phrase "adversely affected" means beyond what it seems to mean on its face, we must therefore assume, and hopefully any judge or law clerk will review the legislative record to conclude that someone challenging an ordinance that is not being enforced cannot, by definition, be adversely affected, and therefore, there should be no cause of action under this statute the way it is written. That is point number one.

Point number two, Mr. Speaker, is a much more troubling point, and it was raised by the gentleman, the minority chair, of the Local Government Committee. Mr. Speaker, this bill cannot be read in a vacuum, and I am sure the maker of the amendment did not intend for it to be read in a vacuum, for indeed it purports to modify section 6120 of Title 18. Now, that section, Mr. Speaker, imposes limitations on local government with respect to firearms, and in particular, the general rule reads as follows: "No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth."

So to follow on the point that the gentleman, the chairman, made, let us just take one of those components of what I just read. Transfer – transfer, Mr. Speaker, I think can fairly be read to include sale, and I would assume that the authors of that statute intended it so. So to take his example – and all of you who are thinking about voting for this amendment, whether you see yourself as a gun rights person or a gun safety person – and frankly, I do not think those two are mutually exclusive – this breadth of this amendment, the way it has been written, can cause the municipalities you represent some serious problems and open them up to some liability, and not merely liability, but a vast change in the way that they have chosen to plan their towns.

So for example, if a big-box retailer decided that he wanted to build a 100,000 square foot retail store in the middle of a residential district because that store was going to sell firearms, he could not only plausibly but I think successfully argue that this bill with this amendment, if passed, will allow him to do exactly that and overturn local zoning.

Now, think about that for a minute. There are a lot of bright people in this chamber and a lot of people who care deeply about local zoning and the ability of our municipalities to

protect their residents, so as not to have that kind of development right near homes.

So for example, if Upper Gwynedd – just to take a municipality – Upper Gwynedd, Mr. Speaker, decided that it had one area of town that it wanted for residential zoning – and I am sure it does – and a retailer came in and said, no, I want to put that big-box store there, right in the middle of that neighborhood, take that open space and build a big-box store because that big-box store is going to sell guns, under this amendment as drafted, if it is passed into law, they would have that right. Same thing if that developer came into Hatboro, Pennsylvania, Mr. Speaker. If that developer came into Hatboro, Pennsylvania, and decided that it wanted to put a big-box store that sells guns right into the middle of a residential area, under this amendment as written, Mr. Speaker, it would have that authority.

And, Mr. Speaker, it is not just limited to the sale. This language is so broad that if someone decided they wanted to set up a shooting range in the middle of a residential area in Tredyffrin, they would be able to do exactly that and the local municipality, the local board of supervisors, on which some of us have served, would not be able to stop it. In fact, if they tried, Mr. Speaker, they would be opening themselves up to damages.

Now, Mr. Speaker, I am quite certain that it was not the intent of the maker of the amendment to open our local governments up to that type of liability. I am sure it was not his intention, Mr. Speaker, to overturn local zoning. But, Mr. Speaker, if this amendment passes, if this amendment is put into HB 1243, and the bill becomes law, that is exactly what is going to happen. In town after town across the Commonwealth of Pennsylvania, our local elected officials are going to lose the ability to determine something as fundamental as where a store goes, as fundamental as determining that in this area only we are going to allow for residential development.

Mr. Speaker, this bill specifically has the potential to completely destroy the ability to enforce local zoning. And even more concerning, Mr. Speaker, is it sets the precedent to do this on a wide range of other issues.

So, Mr. Speaker, at the end of the day wherever you come down on gun safety legislation, whether you are for universal background checks or against them, whether you are for the lost and stolen bill or you are against it, whether you own firearms or you do not, you should not support this amendment the way it has been drafted. If the maker of the amendment is concerned about particular gun safety legislation that has been passed in municipalities across this State, we can debate whether that is an appropriate thing, but he should have drafted an amendment that deals specifically with that, not one that is so overly broad that it puts our municipalities, the ones that each and every one of us in this chamber represent, at risk and their fundamental ability to govern in jeopardy.

Mr. Speaker, once again I urge a "no" vote. Thank you.

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

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for brief interrogation?

The SPEAKER. The gentleman indicates he is not standing for interrogation.

Mr. STURLA. If I could then on the amendment.

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

Mr. STURLA. Mr. Speaker, I had hoped to clarify some issues, but I am going to have to assume that they must be as onerous an answer as I thought they might be with the gentleman declining.

As I understand this amendment – and, you know, I stated earlier that I actually do not have a problem with the State having preemption on some issues. I do think, as was stated by the previous speaker though, that the way this amendment is worded is quite troublesome.

The way I look at this amendment, it says that a person that is adversely affected is any of the following: (1) is "a resident of this Commonwealth who may legally possess a firearm under Federal and State law." That means it does not even have to be a person who does possess a firearm. It means that they simply have to have the ability to possess a firearm. And with the exception of, I believe, the people that we are trying to limit for mental health reasons or felons, that basically means anybody that is 16 years or older. I think at 16 years I can buy a firearm; maybe it is 18. I do not even know what the exact number is these days.

But the reality is that it also says that I am then, as one of those persons who would file a suit, eligible for reasonable expenses, and that that term "reasonable expenses" means that it could be attorney's fees, expert witness fees, court costs, compensation for loss of income, and so on and so on.

Now, my concern here is that if I am just somebody who is perhaps unemployed right now, perhaps receiving welfare benefits, perhaps just decided to walk into the State and become a resident of the State, if I am a smart young attorney that wants to make lots of money, I am going to put an ad in the newspaper that says, "Wanted: All residents of the State of Pennsylvania who can legally possess a firearm." And I am going to offer them each \$100 for being willing to allow me to file a suit on their behalf, and I will charge them a reasonable fee. I will only charge them \$250 per hour to file that for them, and so I will send them a bill for \$500 after I file that suit for them. I will then, once I get paid by the municipality, give them \$100 of that \$500. That is a reasonable fee, the person was able and eligible to file a lawsuit against that municipality, and it is not just that one person, but I am going to round up 20,000 of those people and I am going to get them all to individually file a lawsuit against that municipality. I think you can catch the drift of where I am going here.

The way this bill is worded sets people up, sets municipalities up for all sorts of high jinks. It has nothing to do with whether or not we should be preempting local municipalities or not. It has to do with a moneymaking scheme.

This also says, as I see in the definition of this bill, that it is not just an individual of this Commonwealth but any organization that one of those eligible individuals belongs to.

Now, I believe I would be an eligible individual and I belong to organizations, many of which are not even located in the State of Pennsylvania, but those organizations would now have standing against the municipality in Pennsylvania because I happen to belong to them. My alumni association in another State would have standing in the State of Pennsylvania. A fishing club that I belong to in another State would have standing in the State of Pennsylvania against the municipality because of an ordinance that they passed.

This amendment, as it is drafted, is so poorly worded, so poorly drafted, so full of loopholes, so bad that to pass this makes no sense.

Now, if the maker of the amendment says, you know what, let us put the brakes on, let us go back and draft it properly, let us withdraw this amendment, we can come back tomorrow or the next day or the day after with something that is reasonably worded, that at least looks out for some of the people in Pennsylvania. But as this stands, this amendment harms the people of Pennsylvania. For all its well-intentioned, this amendment does more harm than good.

Mr. Speaker, I urge a "no" vote.

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

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

I had not intended to speak, but frankly, my patience ran out with some of the arguments I have been hearing.

Perhaps it is time to go back to constitutional law 101. The sovereign power of the people of Pennsylvania rests in this body. That is beyond dispute. We have the right to make any law that is otherwise constitutional to pass. We have done so.

We have preempted local firearm legislation. You may disagree with that, which is your right. You may think that is a bad idea, which is your right. Your remedy is to come to this body and get 102 votes for that law, to get 26 votes in the Senate, and have a Governor sign that into law. Those are the rules we all play by.

The problem with these local ordinances is they have decided that they do not want to play by those rules. They have essentially decided they are going to be lawless. They are going to stand for anarchy. They do not care if what they are doing violates the law. They know they can get away with it because their people have a law on the books that may not be enforced, but the threat is always there. That is the issue with standing.

This law is on the books in, say, Philadelphia or some other place. Everyone is in jeopardy that it will be enforced, whether it is enforced or not, so most people are going to modify their behavior accordingly.

And the most sinister thing about all this is, if it is enforced, Philadelphia can drop the lawsuit; therefore, they have standing no longer. That case is moot. That is why the provisions with regard to standing are vital.

There has been some discussion about threats of litigation in these poor municipalities who have to bear this cost. I have a suggestion for them: Obey the law. If you obey the law, you will not be subject to litigation costs, and I think that is pretty straightforward.

So again, this is constitutional law 101. Either we believe in the rule of law or we do not, and I do and I hope you do too. Please vote for this amendment.

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

On that question, the Speaker recognizes the gentleman from Perry County, Mr. Keller, for the second time.

First time? Well, you are not going to speak twice then, are you? Okay.

Mr. M. KELLER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to point out a couple points, and that is this: The Commonwealth has preempted the municipal firearm regulation since the early 1970s, but many

municipalities have ignored this preemption. As a result, gun owners have had to shoulder the burden of costs associated with bringing a civil action to enforce their constitutional and statutory rights.

This amendment provides a remedy for the high cost involved in pursuing litigation against municipalities which knowingly and purposefully violate the current statute preemption.

This is an important point and it bears repeating. This amendment does not expand preemption of municipal firearm regulation. Again, this amendment does not expand preemption of municipal firearm regulation. It merely provides for an award of attorney fees and damages for a party who successfully challenges an ordinance that is already illegal under current law.

This amendment provides measured, but necessary, remedies for law-abiding gun owners when municipalities ignore State law. I urge a "yes" vote. Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. MICOZZIE, from Delaware County for the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1243 CONTINUED

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

The following roll call was recorded:

YEAS-143

Table listing names of members who voted 'YEAS' (143 total). Includes names like Aument, Baker, Barbin, Barrar, Benninghoff, Bizzarro, Bloom, Boback, Brooks, Brown, R., Burns, Carroll, Causer, Christiana, Clymer, Conklin, Corbin, Costa, D., Costa, P., Cox, Culver, Cutler, Daley, P., Day, Deasy, Delozier, DeLuca, Denlinger, Dermody, DiGirolamo, Dunbar, Ellis, Emrick, English, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Gabler, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harris, A., Heffley, Helm, Hennessey, Hickernell, James, Kauffman, Kavulich, Keller, F., Kortz, Krieger, Kula, Lawrence, Longietti, Lucas, Mackenzie, Maher, Mahoney, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McGinnis, Mentzer, Metcalfe, Metzgar, Miccarelli, Millard, Miller, R., Milne, Mirabito, Moul, Mullery, Murt, Neuman, O'Neill, Oberlander, Pashinski, Payne, Peifer, Pickett, Pyle, Quinn, Rapp, Readshaw, Reed, Reese, Regan, Roae, Rock, Rozzi, Saccone, Sainato, Sankey, Saylor, Scavello, Simmons, Smith, Snyder, Sonney, Stephens, Stern, Stevenson, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Topper, Truitt, Turzai, Vereb, Watson.

Table listing names of members who voted 'NAYS' (54 total). Includes names like Evankovich, Everett, Keller, M.K., Knowles, Petrarca, Petri, White.

NAYS-54

Table listing names of members who voted 'NAYS' (54 total). Includes names like Adolph, Bishop, Boyle, B., Boyle, K., Bradford, Briggs, Brown, V., Brownlee, Caltagirone, Clay, Cohen, Cruz, Daley, M., Davidson, Davis, Dean, DeLissio, Donatucci, Frankel, Freeman, Gainey, Galloway, Harper, Harris, J., Kampf, Keller, W., Killion, Kim, Kinsey, Kirkland, McCarter, McGeehan, McNeill, Miller, D., Miranda, Molchany, Mundy, O'Brien, Painter, Parker, Roebuck, Ross, Sabatina, Samuelson, Santarsiero, Schlossberg, Schreiber, Sims, Sturla, Thomas, Vitali, Waters, Wheatley, Youngblood.

NOT VOTING-0

EXCUSED-5

Table listing names of members who were 'EXCUSED' (5 total). Includes names like Evans, Kotik, Micozzie, Mustio, Ravenstahl.

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. STEPHENS offered the following amendment No. A07556:

Amend Bill, page 1, lines 3 and 4, by striking out "for persons not to possess, use, manufacture, control, sell or transfer firearms and " Amend Bill, page 1, line 8, by striking out "Sections 6105(f)(1) and (j) and 6111.1(f)(3)" and inserting Section 6111.1(f)(3) and (g)(1) and (3) Amend Bill, page 1, lines 11 through 17; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 23, by striking out all of said lines on said pages Amend Bill, page 4, line 30, by striking out "48" and inserting 72 Amend Bill, page 5, line 5, by inserting a bracket before the period after "statute" Amend Bill, page 5, line 5, by inserting after "statute." ], and any record relevant to a determination of whether a person is not disqualified or is no longer disqualified from possessing or receiving a firearm under 18 U.S.C. § 922(g)(3) or (4) or an applicable state statute. (g) Review by court.— (1) Upon receipt of a copy of the order of a court of competent jurisdiction which vacates a final order or an involuntary certification issued by a mental health review officer, the Pennsylvania State Police shall, after disclosing relevant records under subsection (f)(3), expunge all records of the involuntary treatment received under subsection (f). \* \* \* (3) The Pennsylvania State Police, after disclosing relevant records under subsection (f)(3), shall expunge all records of an involuntary commitment of an individual who is discharged from a mental health facility based upon the initial review by the physician occurring within two hours of arrival

under section 302(b) of the Mental Health Procedures Act and the physician's determination that no severe mental disability existed pursuant to section 302(b) of the Mental Health Procedures Act. The physician shall provide signed confirmation of the determination of the lack of severe mental disability following the initial examination under section 302(b) of the Mental Health Procedures Act to the Pennsylvania State Police.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

This amendment just simply strips out the provisions regarding the restoration of firearms rights, leaving just the provisions relative to the transfer of mental health data to the national database, and I would urge the members to support the amendment, please. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—186

Table listing names of members who voted 'YEAS' (186 total). Includes names like Adolph, Aument, Baker, Barbin, Barrar, Benninghoff, Bizzarro, Bloom, Boback, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Caltagirone, Carroll, Causer, Christiana, Clay, Clymer, Conklin, Corbin, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, M., Daley, P., Davis, Day, Dean, Deasy, DeLissio, Delozier, DeLuca, Denlinger, Dermody, DiGirolamo, Emrick, English, Evankovich, Everett, Fabrizio, Farina, Farry, Fee, Fleck, Flynn, Frankel, Freeman, Gabler, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Grell, Grove, Hackett, Haggerty, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, James, Kampf, Kauffman, Kavulich, Killion, Kim, Knowles, Kortz, Krieger, Kula, Lawrence, Longietti, Lucas, Mackenzie, Maher, Mahoney, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, McGinnis, McNeill, Mentzer, Metcalfe, Metzgar, Miccarelli, Millard, Miller, R., Milne, Mirabito, Molchany, Moul, Mullery, Murt, Neuman, O'Brien, O'Neill, Oberlander, Painter, Parker, Pashinski, Payne, Peifer, Petrarca, Pyle, Quinn, Rapp, Readshaw, Reed, Reese, Regan, Roae, Rock, Roebuck, Ross, Rozzi, Sabatina, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Saylor, Scavello, Schlossberg, Schreiber, Simmons, Sims, Smith, Snyder, Sonney, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Topper, Truitt, Turzai, Vereb, Vitali, Watson, Wheatley.

Table listing names of members who voted 'NAYS' (11 total). Includes names like Donatucci, Dunbar, Ellis, Keller, F., Keller, M.K., Keller, W., Petri, Pickett, White, Youngblood.

NAYS—11

Table listing names of members who were 'NOT VOTING' (0 total). Includes names like Bishop, Cohen, Davidson, Kinsey, Kirkland, McCarter, Miller, D., Miranda, Mundy, Thomas, Waters.

NOT VOTING—0

EXCUSED—5

Table listing names of members who were 'EXCUSED' (5 total). Includes names like Evans, Kotik, Micozzie, Mustio, Ravenstahl.

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

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

The SPEAKER. The House will be at ease for a moment or two.

The House will come to order.

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

Mr. SANTARSIERO offered the following amendment No. A06142:

Amend Bill, page 1, line 4, by inserting after "firearms" , for sale or transfer of firearms

Amend Bill, page 1, line 8, by inserting after "(j)" , 6111(f)(2)

Amend Bill, page 4, by inserting between lines 23 and 24 § 6111. Sale or transfer of firearms.

\*\*\*  
(f) Application of section.—  
\*\*\*

[(2) The provisions contained in subsections (a) and (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.]

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, this is a very simple amendment. It mirrors exactly my bill, HB 1010, and all that it does is it strikes out the last significant exception to our background check requirement in Pennsylvania for the sale or transfer of firearms. That last specific exception deals with a very narrow category of transfer and sale. It deals with the transfer and sale of so-called long

guns privately. Long guns are those defined by a certain barrel length. Generally speaking, they include shotguns and rifles, automatic rifles as well.

Importantly, Mr. Speaker, this amendment would do nothing to the familial exception, which does not require background checks in the case of a transfer among close family members.

Now, Mr. Speaker, it is important to remember what the purpose of background checks is. The purpose, Mr. Speaker, is merely to enforce the existing law, which as we discussed earlier this afternoon, is intended to prevent certain people who have been convicted of crimes or those who, because of their mental illness history, have been deemed ineligible to possess a firearm, from obtaining those firearms through sale or transfer. The background check system, since it has been imposed, has been very successful in stopping these people from obtaining firearms.

Now, Mr. Speaker, there is broad support across this Commonwealth, and I would imagine in this chamber, for our background check system. And I know that there is broad support throughout the Commonwealth for this particular measure that would create what we have generally referred to as a "system of universal background checks." If the polls are to be believed – and usually when they are this one-sided it is hard not to believe them – fully 90 percent of the people of Pennsylvania, including a vast majority – 88 percent – of gun owners, support universal background checks.

Now, opponents of this measure often argue that most crimes are not committed with so-called long guns; they are committed with handguns, and that may be true. But it is also true, Mr. Speaker, that the number of crimes committed on an annual basis here in Pennsylvania with a long gun, that number has been steadily increasing over the last decade. In fact, over the last 6 years alone, long guns have been used in nearly half, in nearly half of the incidents against law enforcement officers, including tragically, most recently in northeastern Pennsylvania.

Mr. Speaker, we may not be able to stop every criminal from obtaining a long gun if we pass this. We may not be able to stop every act of illegal violence with a firearm if we pass this. But, Mr. Speaker, there is no other area of policy or the law that comes before this chamber, no other, to which we hold the standard of perfection.

We recognize that in all those other areas the laws that we adopt in this chamber may be good policy but not perfect, may have an impact but not touch every potential circumstance. That is just the nature of lawmaking. It is the nature of life. So that standard should not be applied to this issue either.

Mr. Speaker, this is a completely reasonable step for us to take. I would much prefer for this to be done on a national basis. It would be in fact better to be done on a national basis because it would obviously impact every State in the Union, but it is clear that Washington is unable or unwilling to act on the issue. And in the absence of Washington acting on this issue, I believe it is incumbent upon the States to act. It is incumbent upon us here in Pennsylvania to act.

And if you are a law-abiding firearm owner, it should be in your interest to make sure that those individuals who, under existing Pennsylvania law, are not entitled to buy or receive a firearm should be prevented from having that happen. We need to give our State Police every possible tool that they can have that does not trample on anyone's constitutional rights.

And since we have already agreed as a legislature that background checks are appropriate in the case of handguns and since the record already establishes that those background checks in the case of handguns have prevented criminals from obtaining those weapons, then we should be in agreement that we should expand it to the private sale of long guns as well.

Mr. Speaker, there is no good policy reason against this amendment. There are plenty of good policy reasons in favor of it, and I urge the members to vote "yes." Thank you.

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

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I think anytime we enter a debate that is this important, that it is important that we get the terms and the facts straight.

Mr. Speaker, the gentleman previously referenced automatic weapons. Automatic weapons are already regulated by the Federal government. They have been so for decades. What the gentleman is proposing is background checks for private transactions for citizens, many of which we call friends and neighbors.

I think the one thing that we do agree on is that there are essentially three types of gun owners. There are those individuals who legally are allowed to possess firearms and there are two groups, which we legislate quite routinely – those who are criminals, who it is illegal to possess firearms, and the mentally ill, who should not possess firearms as outlined in our current law. So on that point, we would agree.

The problem, Mr. Speaker, is anytime that we attempt to regulate an item so sensitive as this, the question is, how do we impact each of those three groups and what will the outcome likely be? Of those three groups, I would offer that the law-abiding citizen is the one who will bear the burden of this additional regulation.

Mr. Speaker, it is important to note that currently, under State law, firearm purchases made from retailers are already subject to background checks. So if I buy myself or my wife a hunting rifle, I have to go through a background check. Only six States currently provide for universal background checks. They are in alphabetical order: California, Colorado, Connecticut, Delaware, New York, Rhode Island – that includes all private transactions. Only two States provide for the private transfer of handguns – Pennsylvania and Maryland. The remaining 42 States do not require background checks for the private sale of firearms.

Unfortunately, Mr. Speaker, if you look at the crime data from all of these States, there is not a direct correlation between increased safety and universal background checks, and I would offer that some of the States that are on the list that already have universal background checks have significantly higher crime rates than we do.

Mr. Speaker, what we fundamentally disagree on is how we are going to get where we want to go, and that is making sure that the mentally ill and the criminals do not have firearms.

We should also enforce the existing laws. Going back to 2004, on average in 2004, 1.25 straw purchasers – that is the illegal purchase of a firearm; for example, you may have someone buy it on your behalf because they can pass a background check, but as a felon, the criminal could not – 1.25 per county. In 2011 we are only up to 2.

The truth is, Mr. Speaker, in 2013 the Justice Department did a review and found, quoting from their report, "...a 'perfect universal background check system' would not address the largest sources of crime guns." That is because the majority of guns used in crimes are stolen or purchased illegally through straw purchases, which is already illegal.

The Journal of American Medicine from 2000 said, again quoting from their report, there is "...no evidence that implementation of the Brady Act was associated with a reduction in homicide rates." This is not a political position; it is a medical journal that looked at violent crime rates, specifically homicides, and determined that there was not a direct correlation. In fact, I would offer that the opposite has actually happened.

From 2006 to 2012 firearm sales in the Commonwealth of Pennsylvania have more than doubled. Violent crime, meanwhile, has decreased by 15 percent. I would offer that more guns in the hands of law-abiding citizens leads to decreased violent crime.

Mr. Speaker, our role as policymakers, we oftentimes struggle with limited resources. To me, it makes sense to focus on those areas where we will have the largest possibility of a successful outcome. Reviewing FBI crime statistics shows that handguns are used in 60 percent of the homicides. Long guns, as defined by the gentleman, are 1.3 percent, and shotguns, 3. We are well below the national average of 5.4 percent.

Mr. Speaker, I would offer that our current laws are working and this gentleman's proposal only would impact those individuals who probably already subject themselves to a background check because I would like to give a very real-world example.

Mr. Speaker, it is already illegal to knowingly sell a firearm to somebody who is not allowed to possess it, as outlined in Title 18, 6111, subsection (c), (f)(2), and (g)(2). That is already existing law, and we, as private citizens, have a duty to do that.

Additionally, I would offer for liability reasons, if for no other, you would also subject yourself to this for a transaction. The only individuals who will not put themselves forth for a background check are those individuals that will not pass anyway. They will obtain their guns illegally, as they do currently.

Mr. Speaker, furthermore, if you look at the number of denials and our arrest rate, in terms of an enforcement record, in terms of accuracy or success, we arrest only 2 to 3 percent of those individuals who have been denied a firearms license or purchase for the last 4 years, 2 to 3 percent. I would offer that thousands of more individuals are unknowingly denied for wrongful reasons, rather than the 2 to 3 percent that are arrested.

While I understand the gentleman's argument that every life is sacred – and I agree with that – the reality is, we have to make choices based on fact, not emotion, and we have to base our decisions on good terms and make sure that we are arguing over the proper things, or debating, I guess, would be the more civil term.

Mr. Speaker, unfortunately, the data is at best inconclusive that a universal background check such as this would have a meaningful impact on crime, and for that reason I would recommend that my colleagues join me in voting against this amendment and the current proposal. Thank you.

## LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. Brendan BOYLE, from Philadelphia County for the day. Without objection, the leave will be granted.

## CONSIDERATION OF HB 1243 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Santarsiero, for the second time.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, once again, perfection is not the standard by which we charge any other law that we pass, and there is no question that requiring the transfer, the private transfer of long guns to undergo background checks would have a positive impact that would save lives here in Pennsylvania, and we have to balance that with what the burden would be, and the burden, Mr. Speaker, hardly exists, because when I asked in our Appropriations hearings back in February how much time on average it took to run a background check, the State Police said it was a matter of minutes. The cost, especially if you go to the local sheriff, which you can under the law, is modest, particularly in comparison to the cost of most firearms.

Mr. Speaker, this is commonsense legislation. There is no valid argument not to do it. And I urge for the citizens of Pennsylvania, the victims of violence throughout the State, that you vote "yes" on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

### YEAS—64

Adolph	Dean	Kirkland	Ross
Bishop	DeLissio	McCarter	Sabatina
Boyle, K.	Donatucci	McGeehan	Samuelson
Bradford	Frankel	Miccarelli	Santarsiero
Briggs	Freeman	Miller, D.	Schlossberg
Brown, V.	Gainey	Milne	Schreiber
Brownlee	Galloway	Miranda	Sims
Caltagirone	Hackett	Molchany	Stephens
Carroll	Harper	Mundy	Sturla
Clay	Harris, J.	Murt	Taylor
Cohen	Hennessey	O'Brien	Thomas
Costa, P.	Kampf	Painter	Truitt
Cruz	Keller, W.	Parker	Vitali
Daley, M.	Killion	Pashinski	Waters
Davidson	Kim	Quinn	Wheatley
Davis	Kinsey	Roebuck	Youngblood

### NAYS—132

Aument	Everett	Keller, M.K.	Petrarca
Baker	Fabrizio	Knowles	Petri
Barbin	Farina	Kortz	Pickett
Barrar	Farry	Krieger	Pyle
Benninghoff	Fee	Kula	Rapp
Bizzarro	Fleck	Lawrence	Readshaw
Bloom	Flynn	Longietti	Reed
Boback	Gabler	Lucas	Reese
Brooks	Gergely	Mackenzie	Regan

Brown, R.	Gibbons	Maher	Roae
Burns	Gillen	Mahoney	Rock
Causer	Gillespie	Major	Rozzi
Christiana	Gingrich	Maloney	Saccone
Clymer	Godshall	Markosek	Sainato
Conklin	Goodman	Marshall	Sankey
Corbin	Greiner	Marsico	Saylor
Costa, D.	Grell	Masser	Scavello
Cox	Grove	Matzie	Simmons
Culver	Haggerty	McGinnis	Smith
Cutler	Hahn	McNeill	Snyder
Daley, P.	Haluska	Mentzer	Sonney
Day	Hanna	Metcalfe	Stern
Deasy	Harhai	Metzgar	Stevenson
Delozier	Harhart	Millard	Swanger
DeLuca	Harkins	Miller, R.	Tallman
Denlinger	Harris, A.	Mirabito	Tobash
Dermody	Heffley	Moul	Toepel
DiGirolamo	Helm	Mullery	Toohil
Dunbar	Hickernell	Neuman	Topper
Ellis	James	O'Neill	Turzai
Emrick	Kauffman	Oberlander	Vereb
English	Kavulich	Payne	Watson
Evankovich	Keller, F.	Peifer	White

NOT VOTING—0

EXCUSED—6

Boyle, B.	Kotik	Mustio	Ravenstahl
Evans	Micozzie		

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, just because when we do come to adjourn here this afternoon, I wanted to make everybody aware that we are planning to come in at 10 o'clock tomorrow. So we will be coming in an hour earlier, starting session at 10. Just when we get to that, but I did not want you to miss it while I have you all here.

### CONSIDERATION OF HB 1243 CONTINUED

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

### LABOR AND INDUSTRY COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Monroe County, Mr. Scavello, for the purpose of an announcement.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I would like to announce a Labor and Industry Committee meeting at the break tomorrow; at the break.

The SPEAKER. At the break tomorrow, there will be a Labor and Industry Committee meeting.

### COMMITTEE MEETING CANCELED

The SPEAKER. The Speaker recognizes the gentleman from York County, Mr. Gillespie, for an announcement.

Mr. GILLESPIE. Thank you, Mr. Speaker.

The House Urban Affairs Committee meeting scheduled for tomorrow morning at 0930 has been canceled.

Thank you, Mr. Speaker.

### GAME AND FISHERIES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from McKean County, Mr. Causer, for a committee announcement.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, the House Game and Fisheries Committee had planned a voting meeting tomorrow at 10 a.m. If we are coming into session, we will make that meeting at the call of the Chair tomorrow; voting meeting of the House Game and Fisheries Committee, call of the Chair in room G-50 Irvis to consider HB 575 and HB 1136.

Thank you, Mr. Speaker.

The SPEAKER. There will be a Game and Fisheries Committee meeting in room G-50 Irvis at the call of the Chair tomorrow.

### CHILDREN AND YOUTH COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the lady from Bucks County, Mrs. Watson, for an announcement.

Mrs. WATSON. Thank you, Mr. Speaker.

The House Children and Youth Committee had a voting meeting scheduled for tomorrow morning at 10 also. So we will be at the call of the Chair, and location will be announced at that time.

Thank you, Mr. Speaker.

The SPEAKER. There will be a Children and Youth Committee meeting tomorrow at the call of the Chair.

### HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. DiGirolamo, for an announcement.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

The House Human Services Committee meeting scheduled tomorrow at 10 a.m. will be canceled and rescheduled at the call of the Chair. And again, the room will be announced. I will let the members know what room. Thank you.

The SPEAKER. There will be a Human Services Committee meeting tomorrow at the call of the Chair.

### ANNOUNCEMENT BY MR. METCALFE

The SPEAKER. The Speaker recognizes the gentleman from Butler County, Mr. Metcalfe, for an announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the House State Government Committee members were going to join together tomorrow morning at

9:30 to tour the House Archives, and due to session starting at 10, I do not think that is going to leave us much time. So we are going to cancel that tour that we were going to do with the House Archives tomorrow, and we will reschedule that at a later time, Mr. Speaker.

So just for the House State Government Committee members and staff, there will be no tour of the Archives, House Archives, tomorrow for the State Government Committee members.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

### VOTE CORRECTION

The SPEAKER. For what purpose does the lady from Bucks County, Ms. Quinn, rise?

Ms. QUINN. To correct the record, Mr. Speaker.

The SPEAKER. The lady may state her correction.

Ms. QUINN. I was voted in the affirmative on HB 1243, amendment No. A06142, and I should be recorded in the negative. Thank you.

The SPEAKER. The lady's remarks will be noted for the record.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman from Lycoming County, Mr. Mirabito, rise?

Mr. MIRABITO. To submit floor remarks on HR 1029, Mr. Speaker.

The SPEAKER. The gentleman will deliver them to the clerk and they will be noted in the record.

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

Thank you, Mr. Speaker.

HR 1029 is about College Savings Month, but it is also about the American dream, and this resolution is about achieving that dream.

We know that statistics show that obtaining a college education generally leads to greater success in one's career. Studies in recent years have estimated the average lifetime earnings gap between those with a high school diploma versus a college degree to be \$1 million.

Beyond material success, a college education enhances one's life experience and helps each of us to understand the world better. However, the cost of higher education is continuing to rise at unprecedented levels, making it difficult for students and families to reasonably finance a higher education.

Many Pennsylvania families struggle with the increasing cost of college. In fact, 70 percent of all Pennsylvania students who earn a degree from a 4-year college graduate with loan debt, and many students continue to pay off large amounts of debt long after they complete their education.

It is truly in the best interests of families to plan ahead and begin to save for the costs associated with a college education while children are young. We, as public officials, should encourage families to save for higher education expenses so that access to educational opportunities is enhanced for our children, grandchildren, and others without burdening students with educational loan debt.

One of the best ways we can do that is by promoting Pennsylvania's 529 College Savings Program, which has been helping families save for college for more than two decades. This program offers both Federal and State tax advantages to encourage saving for the expenses

of higher education and to promote educational opportunity for all Pennsylvanians. With a recordbreaking 188,039 open accounts and nearly \$3.4 billion in assets, an increasing number of Pennsylvania families are using the 529 college savings program to save more than ever before for higher education.

Please join me in encouraging Pennsylvania families to save for college and in recognizing the Commonwealth's role in this important endeavor. Thank you for your affirmative vote on HR 1029, which recognizes September 2014 as "College Savings Month" in Pennsylvania.

### BILLS RECOMMITTED

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

HB 1243;  
HB 2102;  
HB 2272;  
HB 2349;  
HB 2409;  
HB 2411;  
HB 2428;  
HB 2464; and  
HB 2465.

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 500;  
HB 2363;  
HB 2481;  
HB 2507;  
SB 491; and  
SB 814.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 665, PN 1495**, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions; further providing for specifications; and providing for protection of workmen.

On the question,

Will the House agree to the bill on second consideration?

**BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 665 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 665 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 796, PN 1496**, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, raising the threshold for applicability; further providing for specifications; and providing for protection of workmen.

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

**BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 796 be removed from the active calendar and placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 796 be removed from the tabled calendar and placed on the active calendar.

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

**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 before the House, the Speaker recognizes the gentleman, Mr. Greiner, from Lancaster County, who moves that this House do adjourn until Wednesday, September 24, 2014, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:44 p.m., e.d.t., the House adjourned.