

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 15, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.s.t.

**THE SPEAKER (BRYAN CUTLER)
PRESIDING**

PRAYER

HON. SHERYL M. DELOZIER, member of the House of Representatives, offered the following prayer:

Dear God, we gather here on the House floor today under Your care and protection. You have seen us through a lot, and as we start another week, we stand together to do the work in the people's name. Open our eyes to see the opportunities around us to serve You and the residents of this great Commonwealth to grow in Your blessings and favor. Please place Your guiding hand on the recently elected officials as they embark on a new journey and focus on the well-being of their designated communities and our State.

Today and every day we honor our veterans, the brave patriots who were willingly called upon to serve and protect their country; the worthy men and women left the comfort of their homes so that we could be safe in ours. Under Your Word, we thank them. We pray that You will bless them for their service and sacrifice and keep them safe.

Give us courage, Lord, and give us the strength to be honest and speak for those whom we represent. We are grateful for another day, and for that, we are eternally blessed for You.

In Jesus' name we pray. 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 Wednesday, November 10, 2021, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following 2021 Journals are in print and, without objection, will be approved: Wednesday, September 15, and Monday, September 20, 2021.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1186, PN 2411 (Amended) By Rep. HICKERNELL

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Licensure Act, further providing for definitions, for regulation of the practice of acupuncture, for penalties and for approval of acupuncture educational programs.

PROFESSIONAL LICENSURE.

HB 1665, PN 2406 (Amended) By Rep. PICKETT

An Act amending the act of July 9, 1970 (P.L.484, No.164), entitled "An act relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, subcontractors or suppliers," further providing for title of act and providing for indemnification agreements relating to snow removal or ice control services.

INSURANCE.

HB 1679, PN 2407 (Amended) By Rep. PICKETT

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in automobile insurance issuance, renewal, cancellation and refusal, providing for policy changes.

INSURANCE.

HB 1680, PN 2408 (Amended) By Rep. PICKETT

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, providing for policy changes.

INSURANCE.

HB 1770, PN 2007 By Rep. HICKERNELL

An Act amending Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, in revised uniform law on notarial acts, further providing for appointment and commission as notary public, qualifications and no immunity or benefit.

PROFESSIONAL LICENSURE.

HB 2019, PN 2332 By Rep. METCALFE

An Act amending the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, further providing for definitions and for projects affecting submerged lands of the Commonwealth.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2045, PN 2410 (Amended) By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in certification of teachers, providing for teacher support in the Science of Reading Program.

EDUCATION.

HB 2072, PN 2409 (Amended) By Rep. PICKETT

An Act providing for payment of delinquent Children's Health Insurance Program premium balances.

INSURANCE.

HB 2075, PN 2398 By Rep. METCALFE

An Act providing for the abrogation of regulations relating to the Pennsylvania Heavy-Duty Diesel Emissions Control Program and for the applicability of Federal standards.

ENVIRONMENTAL RESOURCES AND ENERGY.

SB 247, PN 215 By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, repealing provisions relating to religious garb, insignia, etc., prohibited and penalty.

EDUCATION.

SB 324, PN 850 By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for assisting students experiencing education instability.

EDUCATION.

SB 786, PN 1230 (Amended) By Rep. SONNEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in open campus initiatives, further providing for legislative intent, for definitions, for open campus initiatives, for cooperative agreements, for reimbursements by the Commonwealth and for parental and public information.

EDUCATION.

SB 869, PN 1074 By Rep. HICKERNELL

An Act amending Title 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, in powers and duties, further providing for definitions and providing for virtual operation.

PROFESSIONAL LICENSURE.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 149, PN 2298 By Rep. METCALFE

A Resolution directing the Legislative Budget and Finance Committee to study the costs and methods for permit holders to comply with the proposed revisions to General Permit PAG-07, General Permit PAG-08 and General Permit PAG-09 called for under Pennsylvania's Phase 3 Chesapeake Bay Watershed Implementation Plan and to provide

for a moratorium on revisions to General Permit PAG-07, General Permit PAG-08 and General Permit PAG-09 until the Legislative Budget and Finance Committee reports its findings and conclusions to the House of Representatives.

ENVIRONMENTAL RESOURCES AND ENERGY.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2076 By Representatives R. MACKENZIE, BERNSTINE, DeLUCA, HAMM, JOZWIAK, KAUFFMAN, KEEFER, M. MACKENZIE, MENTZER, ROWE, RYAN, SAYLOR, SMITH and ZIMMERMAN

An Act amending the act of July 5, 2012 (P.L.1086, No.127), known as the Public Works Employment Verification Act, further providing for title of act, for short title, for definitions, for duty of public works contractors and subcontractors, for verification form, for violations, for enforcement and sanctions, for protection from retaliation, for good faith immunity and for public works contractor and subcontractor liability.

Referred to Committee on LABOR AND INDUSTRY, November 12, 2021.

No. 2077 By Representative SCHEMEL

An Act providing for exemption to COVID-19 vaccine requirement.

Referred to Committee on HEALTH, November 12, 2021.

No. 2078 By Representatives B. MILLER, HANBIDGE, BOROWICZ, STAMBAUGH, ZABEL, BERNSTINE, ZIMMERMAN, COOK, GILLEN, JONES, RYAN, MULLINS, SHUSTERMAN, GREINER, KAUFER, ROAE, SCHMITT, LAWRENCE, R. BROWN, GAYDOS and HERRIN

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for limitations on certain additional expenses of the General Assembly; and abrogating rules and regulations.

Referred to Committee on STATE GOVERNMENT, November 12, 2021.

No. 2079 By Representatives DELOZIER, JAMES and MILLARD

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in exemptions, applicability and penalties, further providing for exemptions.

Referred to Committee on LABOR AND INDUSTRY, November 12, 2021.

No. 2080 By Representatives GUZMAN, McNEILL, ZABEL, DELLOSO, KINSEY, KINKEAD, ROZZI, SANCHEZ, CEPHAS, SHUSTERMAN, CIRESI, MADDEN, HANBIDGE, HOHENSTEIN and PISCIOTTANO

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in turnpike, further providing for commission powers and duties.

Referred to Committee on TRANSPORTATION, November 12, 2021.

No. 2081 By Representatives SHUSTERMAN, GALLOWAY, SANCHEZ, A. DAVIS, WARNER, ISAACSON, SNYDER, STURLA, MADDEN, WEBSTER, CONKLIN, DALEY, KINSEY, McNEILL and N. NELSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions relating to operation of vehicles, further providing for the offense of depositing waste and other material on highway, property or waters.

Referred to Committee on TRANSPORTATION, November 12, 2021.

No. 2082 By Representatives SHUSTERMAN, HILL-EVANS, MADDEN, SANCHEZ, SCHLOSSBERG, SCHWEYER, FREEMAN, LEE, WEBSTER, KINSEY, CIRESI, N. NELSON, ROZZI, KENYATTA, D. WILLIAMS, T. DAVIS, McNEILL, KIM, SCHLEGEL CULVER, GUENST and WARREN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing a pilot program for homeless youth in higher education.

Referred to Committee on EDUCATION, November 12, 2021.

SENATE BILLS FOR CONCURRENCE

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

SB 140, PN 117

Referred to Committee on STATE GOVERNMENT, November 12, 2021.

SB 470, PN 1226

Referred to Committee on TRANSPORTATION, November 12, 2021.

SB 755, PN 943

Referred to Committee on LOCAL GOVERNMENT, November 12, 2021.

SB 830, PN 1221

Referred to Committee on COMMERCE, November 12, 2021.

SB 915, PN 1225

Referred to Committee on APPROPRIATIONS, November 12, 2021.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence.

The Chair recognizes the gentlewoman, the majority whip, who indicates that the gentleman, Representative Kurt MASSER,

from Northumberland has asked to be placed on leave for the day, and the gentleman, Representative Matt DOWLING, from Fayette for the week. Without objection, the leaves of absence are so granted. The Chair thanks the lady.

The Chair recognizes the gentleman, the Democratic whip, who indicates that there are no leaves. The Chair thanks the gentleman.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

Armanini	Fritz	Longietti	Roae
Benham	Gainey	Mackenzie, M.	Rossi
Benninghoff	Galloway	Mackenzie, R.	Rothman
Bernstine	Gaydos	Madden	Rowe
Bizzarro	Gillen	Major	Rozzi
Boback	Gillespie	Mako	Ryan
Bonner	Gleim	Malagari	Sainato
Borowicz	Gregory	Maloney	Samuelson
Boyle	Greiner	Markosek	Sanchez
Bradford	Grove	Marshall	Sankey
Briggs	Guenst	Matzie	Sappery
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causar	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Daley	Isaacson	Mullins	Stephens
Davanzo	James	Mustello	Struzzi
Davis, A.	Jones	Neilson	Sturla
Davis, T.	Jozwiak	Nelson, E.	Thomas
Dawkins	Kail	Nelson, N.	Tomlinson
Day	Kaufer	O'Mara	Toohil
Deasy	Kauffman	O'Neal	Topper
DeLissio	Keefer	Oberlander	Twardzik
Delloso	Kenyatta	Ortitay	Vitali
Delozier	Kerwin	Otten	Warner
DeRosso	Kim	Owlett	Warren
DeLuca	Kinkead	Parker	Webster
Diamond	Kinsey	Pashinski	Wentling
Driscoll	Kirkland	Peifer	Wheatley
Dunbar	Klunk	Pennycuick	Wheeland
Ecker	Knowles	Pickett	White
Emrick	Kosierowski	Pisciottano	Williams, C.
Evans	Krajewski	Polinchock	Williams, D.
Farry	Krueger	Puskaric	Young
Fee	Kulik	Quinn	Zabel
Fiedler	Labs	Rabb	Zimmerman
Fitzgerald	Lawrence	Rader	
Flood	Lee	Rapp	Cutler,
Frankel	Lewis	Rigby	Speaker
Freeman			

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Dowling Masser

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

GUESTS INTRODUCED

The SPEAKER. Turning to guests.

Located in the gallery, the Chair is pleased to welcome Gettysburg College public policy students and the chair of the program, Dr. Anne Douds. They are the guests of Representative O'Mara and Representative Moul. Welcome.

Also located in the gallery, the Chair is pleased to welcome a friend of Representative Lawrence, Sean Spurdle. Welcome.

Located in the gallery, the Chair is pleased to welcome a very special guest of Representative Stan Saylor, Josh Golembowski, and his parents, Cheryl and Christopher. Josh is quite an extraordinary young man. He was born with Down syndrome, and when he turned 3 years old, he received a wish from the Make-A-Wish Foundation. It had such an impact on him that he wanted to make sure that other children would have the same opportunity, so the following year Josh decided to raise enough money to pay his wish forward to another child. That was in 2002. Each year since then, Josh and his parents have continued to do fundraisers for nonprofit organizations, and he has raised \$32,000 to benefit the Arc of Jefferson County, and more recently, the Laurel Fire Company in York County, which is where he met Representative Saylor. Through the years – and this is quite an astounding amount – Josh has raised over \$60,000 to benefit various nonprofits. Josh, you are quite an amazing young man with an extraordinary heart for giving. We are honored to have you and your family here today. I personally would like the opportunity to meet you at the break. If you have a couple minutes when we recess, perhaps we can have you down on the floor of the House, and we will do a picture with you if your schedule would allow it. Thank you again for all of your hard work.

Located in the gallery, the Chair is honored to welcome members of the Pennsylvania Wing of the Civil Air Patrol, led by Col. Kevin Berry, the wing commander. The group is here for their annual legislative day, where the members of the squadron and cadets meet with their legislators. Earlier today this group was recognized by Chairwoman Karen Boback and Chairman Chris Sainato and the Veterans Affairs and Emergency Preparedness Committee with a citation recognizing their 80th anniversary. On behalf of the House, I thank you for your service and extend best wishes on this milestone anniversary.

Located in the well of the House, the Chair welcomes guest page J.T. Esposito. He is here with his mother, who is seated in the gallery. They are the guests of Representative Brooks. Welcome.

Also located in the well of the House, the Chair welcomes guest pages Marissa Burns and Lauren LaBruto. They both attend Twin Valley High School, and they are the guests of Representative Mark Gillen.

And lastly, the Chair would like to welcome the individuals whom I met earlier with Representative Guzman who are up in the gallery, the "Guns Down, Gloves Up" boxing organization.

These fine individuals were here earlier telling me about the programs that they are in and their commitment to that program. Please rise and be welcomed. It was great meeting all of you. They are off to the right over there. Thanks so much for coming up today to visit.

Turning to committee and caucus announcements.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Representative Stan Saylor, for an Appropriations Committee announcement.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet in the majority caucus room at 12:40, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet in the majority caucus room at 12:40.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Dunbar, for a caucus announcement.

Mr. DUNBAR. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock in the majority caucus room. We would be prepared to be back on the floor at 2 o'clock; that is 1 o'clock in the majority caucus room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Bob Freeman, for a caucus announcement.

Mr. FREEMAN. Thank you, Mr. Speaker.

On behalf of Chairman Dan Miller, the Democrats will caucus at 1 o'clock, both in person and virtually, and we anticipate coming back to the floor at 2.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess until 2 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 3 p.m.; further extended until 3:30 p.m.; further extended until 4:02 p.m.; further extended until 4:32 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 122, PN 90**

By Rep. SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for vehicles exempt from registration; and, in licensing of drivers, further providing for persons exempt from licensing.

APPROPRIATIONS.

HB 1307, PN 1399

By Rep. SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for vehicles exempt from registration.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR A**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 122, PN 90**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for vehicles exempt from registration; and, in licensing of drivers, further providing for persons exempt from licensing.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

And on that question, the Chair recognizes the gentleman, Representative Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

Mr. Speaker, the idea for this bill predates my service in the legislature but it did affect my district. Students at James Buchanan High School in Mercersburg, some of whom are my constituents, wanted to host a "Drive Your Tractor to School Day" as part of National FFA (Future Farmers of America) Week about 10 years ago, only to find out from the State Police that they were unable to do so. As a result, the good Senator from Chambersburg at the time, along with my colleague from Lancaster County, introduced legislation to fix this issue.

The effect of this bill will continue to have beneficial purposes. What better to use in an ag mechanics class than to work on the real thing, and what better to engender a sense of rural pride and pride of our agricultural heritage than to give students this privilege.

Mr. Speaker, this is a minor fix in our Vehicle Code with a very positive, wide-ranging impact. Our students have already proven that they can operate farm equipment safely because many of them have been doing it their whole lives. I remind my colleagues that this bill is very limited in scope. The distance driven cannot exceed 25 miles, and the implement driven cannot

exceed 11 feet in width. Mr. Speaker, we currently allow much wider equipment on the road currently. This bill would also not take away a parent's discretion to allow their child to operate farm equipment in such a manner, nor would it take away power from any school districts to not allow this type of transportation.

In short, this is a minor tweak with very positive impacts for our students with an agricultural background, and I urge my colleagues to support HB 122.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Carroll, on the bill on final passage.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, a minor tweak. So a minor tweak, Mr. Speaker, is a 14-year-old that can drive a tractor-trailer to school. That is a minor tweak. And a minor tweak is a 14-year-old being able to drive an oversize, overwidth vehicle 25 miles.

Mr. Speaker, these are not minor tweaks. The number of words changed in the Vehicle Code may be small but the impact of this is real. And I am all for making sure we can have agricultural days in rural school districts, but I am not sure it is a really good idea to have a 14-year-old drive a tractor-trailer to school 25 miles. I just cannot think that is a good idea, especially on some of our rural roads. Some of our rural roads are narrow and windy with sight distances that are not great, and this bill will open the door to 14-year-olds driving vehicles on these roads; driving vehicles that are overweight, overwidth, and potentially up to 80,000 pounds.

So this is not complicated – we will have a lot more complex bills on the calendar today and tomorrow – but, Mr. Speaker, this one is opposed by the Pennsylvania State Police for safety reasons. It is opposed by PennDOT for safety reasons. We prefer not to have an accident on a rural road resulting from a 14-year-old driving an implement of husbandry or a tractor-trailer or some other foreign piece of equipment 25 miles. Just think about this for a minute. I understand the desire to make sure that the gentleman gets a bill sent over to the Senate, but there are other things that we can do that do not result in rural Pennsylvanians' health and safety being put in jeopardy. This bill will result in the jeopardy of drivers, young and old, because we have 14-year-olds that are unlicensed and uninsured driving 25 miles.

Mr. Speaker, this bill is not a good idea. We should oppose this bill in the interest of safety. And if you think having 14-year-olds driving a tractor-trailer in McKean County 25 miles is a good idea, then you should vote for this. I do not think that is a good idea.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Metzgar, on final passage.

Mr. METZGAR. The good gentleman got my attention. He is concerned that the 14-year-olds are driving tractors on the road. Guess what? They already are. This bill just allows them to have a little bit of fun. And I know sometimes the other side does not like it whenever the kids get to have fun, but in this case, the same kids that are driving those tractors at 14, feeding you, want to have a little fun. Let them have the fun.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else, the Chair will return to the good gentleman, Representative Carroll, for the second time. You are in order and may proceed, sir.

Mr. CARROLL. So maybe the gentleman from Somerset did not hear me. I am really not that concerned about the tractors. It is the trailer part – tractor-trailer, 80,000-pound semis. I am all for driving the John Deere to the school for the Ag Progress Days or the ag days or show off your tractor, whatever it happens to be, but I am not a big fan of a tractor-trailer. So it is the trailer part that matters, not the tractor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Kinkead, on final passage.

Ms. KINKEAD. Thank you, Mr. Speaker.

As perhaps the only person in this room who actually has been driving since I was 14 years old – because in North Dakota you can get your license at 14 – let me just tell you that this is an incredibly dangerous proposition that we are putting forward to not require that these kids be licensed and have extensive training in this field. If you are putting a child behind a tractor-trailer, they should have to have a license and they should have to be well trained. I drove a car at 14, and I will tell you that most of my peers should not have been behind the wheel of their vehicles. There was an increase in accidents, and this is a very, very dangerous proposition. So while it is all well and good to say let them have their fun, let us talk about the fact that this increases the danger to both these children and the other people on the road. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentlewoman, Representative McNeill, on final passage.

Mrs. McNEILL. Thank you, Mr. Speaker.

All I want to say is, fun is all fun and games until someone is hurt and killed; 14-year-olds are not old enough to be able to drive semi-truck trailers on rural roads. Let us have the kids have fun elsewhere.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—115

Armanini	Greiner	Mehaffie	Ryan
Benninghoff	Grove	Mentzer	Sainato
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor

Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brown, R.	Hershey	Millard	Schroeder
Burgos	Hickernell	Miller, B.	Silvis
Burns	Irvin	Mizgorski	Smith
Causar	James	Moul	Snyder
Cook	Jones	Mustello	Sonney
Cox	Jozwiak	Nelson, E.	Staats
Culver	Kail	O'Neal	Stambaugh
Davanzo	Kaufert	Oberlander	Stephens
Day	Kauffman	Ortitay	Struzzi
Delozier	Keefer	Owlett	Thomas
DelRosso	Kerwin	Peifer	Tomlinson
Diamond	Klunk	Pennycuick	Toohil
Dunbar	Knowles	Pickett	Topper
Ecker	Labs	Polinchock	Twardzik
Emrick	Lawrence	Puskaric	Warner
Farry	Lewis	Quinn	Wentling
Fee	Longietti	Rader	Wheeland
Flood	Mackenzie, M.	Rapp	White
Fritz	Mackenzie, R.	Rigby	Williams, C.
Gaydos	Major	Roae	Zimmerman
Gillen	Mako	Rossi	
Gillespie	Maloney	Rothman	Cutler,
Gleim	Marshall	Rowe	Speaker
Gregory			

NAYS—84

Benham	Driscoll	Kinsey	Parker
Bizzarro	Evans	Kirkland	Pashinski
Boyle	Fiedler	Kosierowski	Pisciottano
Bradford	Fitzgerald	Krajewski	Rabb
Briggs	Frankel	Krueger	Rozzi
Brooks	Freeman	Kulik	Samuelson
Brown, A.	Gainey	Lee	Sanchez
Bullock	Galloway	Madden	Sappery
Carroll	Guenst	Malagari	Schlossberg
Cephas	Guzman	Markosek	Schweyer
Ciresi	Hanbidge	Matzie	Shusterman
Conklin	Harkins	McClinton	Sims
Cruz	Harris	McNeill	Solomon
Daley	Herrin	Merski	Sturla
Davis, A.	Hohenstein	Miller, D.	Vitali
Davis, T.	Howard	Mullery	Warren
Dawkins	Innamorato	Mullins	Webster
Deasy	Isaacson	Neilson	Wheatley
DeLissio	Kenyatta	Nelson, N.	Williams, D.
Delloso	Kim	O'Mara	Young
DeLuca	Kinkead	Otten	Zabel

NOT VOTING—0

EXCUSED—2

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

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

* * *

The House proceeded to third consideration of **HB 1307, PN 1399**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for vehicles exempt from registration.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

And on that question, the Chair recognizes the gentlewoman, Representative Borowicz.

Mrs. BOROWICZ. Thank you, Mr. Speaker.

My legislation, HB 1307, amends Title 75 to allow side-by-sides, ATVs (all-terrain vehicles), to travel up to 10 miles on highways between farms and fields for the purpose of performing agricultural activities. I am asking my colleagues for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Carroll, on final passage.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, another expansion of the Vehicle Code. And so in this instance, we checked with the AOPC (Administrative Office of Pennsylvania Courts) to see how many people have been cited for this violation over the last 20 years. The answer? None. Not a single one. So we have a change in the law to solve a problem that has not exhibited in 20 years.

Five miles today currently allowed. The bill offers 10 miles. Why stop there? Why not 15 or 20? Maybe no limit at all. Just drive the ATV wherever you want. Then you should vote against the bill because it does not allow that.

Mr. Speaker, again, in the grand scheme of things, is this going to change the earth and the world? No. But, Mr. Speaker, no violations, no citations, no nothing. This has not been a problem. It is not a problem. I would like to see the local police officer in Clinton County write this citation in the first place. Guess what? They are not. And so as a result, Mr. Speaker, I do not think we need to change the law to fix a problem that does not exist.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—120

Armanini	Gregory	Matzie	Ryan
Benninghoff	Greiner	Mehaffie	Sainato
Bernstine	Grove	Mentzer	Sankey
Boback	Hamm	Mercuri	Saylor
Bonner	Heffley	Metcalfe	Schemel
Borowicz	Helm	Metzgar	Schmitt
Brooks	Hennessey	Mihalek	Schroeder
Brown, R.	Hershey	Millard	Silvis
Burns	Hickernell	Miller, B.	Smith
Causer	Irvin	Mizgorski	Snyder
Conklin	James	Moul	Sonney
Cook	Jones	Mustello	Staats
Cox	Jozwiak	Nelson, E.	Stambaugh
Culver	Kail	O'Neal	Stephens
Davanzo	Kaufner	Oberlander	Struzzi
Day	Kauffman	Ortitay	Thomas
Delozier	Keefer	Owlett	Tomlinson
DeRosso	Kerwin	Peifer	Toohil
DeLuca	Klunk	Pennycuick	Topper
Diamond	Knowles	Pickett	Twardzik
Dunbar	Kulik	Polinchock	Vitali
Ecker	Labs	Puskaric	Warner
Emrick	Lawrence	Quinn	Wentling
Fary	Lewis	Rader	Wheeland
Fee	Longietti	Rapp	White
Flood	Mackenzie, M.	Rigby	Williams, C.
Fritz	Mackenzie, R.	Roae	Zimmerman
Gaydos	Major	Rossi	
Gillen	Mako	Rothman	Cutler,
Gillespie	Maloney	Rowe	Speaker
Gleim	Marshall		

NAYS—79

Benham	Evans	Kinsey	Pashinski
Bizzarro	Fiedler	Kirkland	Pisciottano
Boyle	Fitzgerald	Kosierowski	Rabb
Bradford	Frankel	Krajewski	Rozzi
Briggs	Freeman	Krueger	Samuelson
Brown, A.	Gainey	Lee	Sanchez
Bullock	Galloway	Madden	Sappey
Burgos	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Cruz	Harris	Merski	Solomon
Daley	Herrin	Miller, D.	Sturla
Davis, A.	Hohenstein	Mullery	Warren
Davis, T.	Howard	Mullins	Webster
Dawkins	Innamorato	Neilson	Wheatley
Deasy	Isaacson	Nelson, N.	Williams, D.
DeLissio	Kenyatta	O'Mara	Young
Delloso	Kim	Otten	Zabel
Driscoll	Kinhead	Parker	

NOT VOTING—0

EXCUSED—2

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

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1366, PN 2383**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adopting the Uniform Family Law Arbitration Act.

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

Ms. **HANBIDGE** offered the following amendment No. **A02944**:

Amend Bill, page 8, line 17, by inserting after "obligation.—"

The arbitrator shall disclose, and provide in writing to the parties, the amount of initial fee, any hourly rate to be charged, the process for invoices and payment for services and information on the arbitration process, specifically including how to terminate the arbitration.

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

The SPEAKER. It is the Chair's understanding that Chairman Briggs will be debating the amendment, and you are recognized, sir, and may speak on the amendment.

Mr. BRIGGS. Thank you, Mr. Speaker.

And I do want to thank the prime sponsor of this. I believe this is after a lot of hard work between the two subcommittee chairs of the Subcommittee on Family Law who have come up with an agreed-to amendment. And I am just offering it on behalf of Representative Hanbidge, and I hope to encourage everyone to vote in favor.

The SPEAKER. The Chair thanks the gentleman and recognizes the prime sponsor of the bill, Representative Klunk.

Ms. KLUNK. Thank you, Mr. Speaker.

This is an agreed-to amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—199

Armanini	Fritz	Longietti	Roae
Benham	Gainey	Mackenzie, M.	Rossi
Benninghoff	Galloway	Mackenzie, R.	Rothman
Bernstine	Gaydos	Madden	Rowe
Bizzarro	Gillen	Major	Rozzi
Boback	Gillespie	Mako	Ryan
Bonner	Gleim	Malagari	Sainato
Borowicz	Gregory	Maloney	Samuelson
Boyle	Greiner	Markosek	Sanchez
Bradford	Grove	Marshall	Sankey
Briggs	Guenst	Matzie	Sappey
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causser	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Daley	Isaacson	Mullins	Stephens
Davanzo	James	Mustello	Struzzi
Davis, A.	Jones	Neilson	Sturla
Davis, T.	Jozwiak	Nelson, E.	Thomas
Dawkins	Kail	Nelson, N.	Tomlinson
Day	Kaufner	O'Mara	Toohil
Deasy	Kauffman	O'Neal	Topper
DeLissio	Keefer	Oberlander	Twardzik
Delloso	Kenyatta	Ortitay	Vitali
Delozier	Kerwin	Otten	Warner
DelRosso	Kim	Owlett	Warren
DeLuca	Kinhead	Parker	Webster
Diamond	Kinsey	Pashinski	Wentling
Driscoll	Kirkland	Peifer	Wheatley
Dunbar	Klunk	Pennyquick	Wheeland
Ecker	Knowles	Pickett	White
Emrick	Kosierowski	Pisciotano	Williams, C.
Evans	Krajewski	Polinchock	Williams, D.
Farry	Krueger	Puskaric	Young
Fee	Kulik	Quinn	Zabel
Fiedler	Labs	Rabb	Zimmerman
Fitzgerald	Lawrence	Rader	
Flood	Lee	Rapp	Cutler,
Frankel	Lewis	Rigby	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—2

Dowling Masser

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?

The SPEAKER. It is the Speaker's understanding that amendments 2945, 2946, 2947, 2948, and 2996 have all been withdrawn. The Chair thanks the chairman.

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

The SPEAKER. The bill as amended will be reprinted.

* * *

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Speaker recognizes the gentleman, Representative Amen Brown, who calls up HB 1587, PN 1761, on page 4.

The Speaker rescinds that. We will temporarily go over that bill.

* * *

The House proceeded to second consideration of **HB 1590, PN 1747**, entitled:

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

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

Mr. **BRIGGS** offered the following amendment No. **A02965**:

Amend Bill, page 3, line 4, by striking out "possessed" and inserting

used

Amend Bill, page 3, line 12, by striking out "possessed" and inserting

used

Amend Bill, page 4, line 6, by striking out "possessed" and inserting

used

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

The SPEAKER. And on that question, the Chair recognizes the gentleman, Representative Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

Amendment 2965 is a pretty simple amendment, in my opinion. It makes the bill clearer by changing the word "possessed" to "used." Mr. Speaker, I believe if a person is to be sentenced under this new mandatory minimum scheme, the person should have used the firearm during the commission of the offense and not merely possessed the firearm. This amendment makes sense, and I ask for a "yes" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Stephens, on the amendment.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, unfortunately I rise to oppose this amendment offered by my good friend from Montgomery County. In this case, the simple fact is, whether you show up— We are talking about drug dealers, we are talking about people who are committing violent crimes, and we are talking about people who are felons who are illegally possessing guns, and in each of those instances, in my mind, if you show up and you have a firearm in your hand – whether or not you have pointed it at someone else or whether you have another way used it I think is immaterial – the fact that you showed up for a drug deal with a firearm or you showed up to rob a bank with a firearm or you showed up to rape somebody with a firearm ought to be enough to warrant these sentencing guidelines to be presumptive, as the underlying bill would call for. And I would urge the members to vote "no" on the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris. The gentleman is in order and you may verify the board.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—77

Benham	Fiedler	Kinsey	Pashinski
Bizzarro	Fitzgerald	Kirkland	Pisciottano
Boyle	Frankel	Krajewski	Rabb
Bradford	Freeman	Krueger	Rozzi
Briggs	Gainey	Kulik	Samuelson
Brown, A.	Galloway	Lee	Sanchez
Bullock	Guent	Madden	Schlossberg
Burgos	Guzman	Markosek	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Conklin	Harkins	McClinton	Sims
Cruz	Harris	McNeill	Solomon
Daley	Herrin	Merski	Sturla
Davis, A.	Hohenstein	Metzgar	Vitali
Davis, T.	Howard	Miller, D.	Warren
Dawkins	Innamorato	Mullery	Webster
Deasy	Isaacson	Neilson	Wheatley
DeLissio	Kenyatta	Nelson, N.	Williams, D.
Delloso	Kim	Otten	Young
Driscoll	Kinlead	Parker	Zabel
Evans			

NAYS—122

Armanini	Gleim	Maloney	Rowe
Benninghoff	Gregory	Marshall	Ryan
Bernstine	Greiner	Mehaffie	Sainato
Boback	Grove	Mentzer	Sankey

Bonner	Hamm	Mercuri	Sappey
Borowicz	Heffley	Metcalfe	Saylor
Brooks	Helm	Mihalek	Schemel
Brown, R.	Hennessey	Millard	Schmitt
Burns	Hershey	Miller, B.	Schroeder
Carroll	Hickernell	Mizgorski	Silvis
Causar	Irvin	Moul	Smith
Ciresi	James	Mullins	Snyder
Cook	Jones	Mustello	Sonney
Cox	Jozwiak	Nelson, E.	Staats
Culver	Kail	O'Mara	Stambaugh
Davanzo	Kaufer	O'Neal	Stephens
Day	Kauffman	Oberlander	Struzzi
Delozier	Keefer	Ortitay	Thomas
DelRosso	Kerwin	Owlett	Tomlinson
DeLuca	Klunk	Peifer	Toohil
Diamond	Knowles	Pennycuick	Topper
Dunbar	Kosierowski	Pickett	Twardzik
Ecker	Labs	Polinchock	Warner
Emrick	Lawrence	Puskaric	Wentling
Farry	Lewis	Quinn	Wheeland
Fee	Longietti	Rader	White
Flood	Mackenzie, M.	Rapp	Williams, C.
Fritz	Mackenzie, R.	Rigby	Zimmerman
Gaydos	Major	Roae	
Gillen	Mako	Rossi	Cutler,
Gillespie	Malagari	Rothman	Speaker

NOT VOTING—0

EXCUSED—2

Dowling Masser

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

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

* * *

The House proceeded to second consideration of **HB 2039, PN 2385**, entitled:

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

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

Mr. **BRIGGS** offered the following amendment No. **A02956**:

Amend Bill, page 2, lines 6 through 8, by striking out all of lines 6 and 7 and "arraignment" in line 8 and inserting

prosecutor

Amend Bill, page 2, lines 12 through 21, by striking out all of lines 12 through 20 and "(C)" in line 21 and inserting

(B)

Amend Bill, page 2, line 23, by inserting after "PROSECUTOR"

or arresting officer

Amend Bill, page 3, line 10, by inserting after "comment"

or testimony

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

The **SPEAKER**. And on that question, the Chair recognizes the gentleman, Representative Briggs.

Mr. **BRIGGS**. Thank you, Mr. Speaker.

Amendment 2956 requires the arresting officer to give the victim's contact information to the prosecutor so the prosecutor can be the one to provide the victim with prior notice of proceedings where bail may be modified. Mr. Speaker, I think the prosecutors are in a better position to give the victim notice. Plus, I expand the right in this amendment of the victim to give testimony at bail modification hearings, if they so choose. Moreover, Mr. Speaker, my amendment takes out the requirement that the victim's contact information be included in the court transcript. I believe this is an important step for victim safety and privacy.

Mr. Speaker, for these reasons I ask for a "yes" vote. Thank you.

The **SPEAKER**. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Pennycuick, on the amendment.

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

I would ask my colleagues to be a "no" vote on the Briggs amendment. We are trying to give power back to the victims of violent crime.

The **SPEAKER**. The Chair thanks the lady.

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

(Members proceeded to vote.)

The **SPEAKER**. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

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

The electronic board is accurate.

The **SPEAKER**. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

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

The following roll call was recorded:

YEAS—82

Benham	Evans	Kirkland	Pashinski
Bizzarro	Fiedler	Kosierowski	Pisciottano
Boyle	Fitzgerald	Krajewski	Rabb
Bradford	Frankel	Krueger	Rozzi
Briggs	Freeman	Lee	Samuelson
Brown, A.	Gainey	Madden	Sanchez
Bullock	Galloway	Malagari	Sappey
Burgos	Guenst	Markosek	Schlossberg
Carroll	Guzman	Matzie	Schweyer
Cephas	Hanbidge	McClinton	Shusterman
Ciresi	Harkins	McNeill	Sims
Conklin	Harris	Merski	Solomon
Cruz	Herrin	Miller, D.	Sturla
Daley	Hohenstein	Mullery	Vitali
Davis, A.	Howard	Mullins	Warren
Davis, T.	Innamorato	Neilson	Webster

Dawkins	Isaacson	Nelson, N.	Wheatley
Deasy	Kenyatta	O'Mara	Williams, D.
DeLissio	Kim	Otten	Young
Delloso	Kinkead	Parker	Zabel
Driscoll	Kinsey		

NAYS—117

Armanini	Gregory	Marshall	Ryan
Benninghoff	Greiner	Mehaffie	Sainato
Bernstine	Grove	Mentzer	Sankey
Boback	Hamm	Mercuri	Saylor
Bonner	Heffley	Metcalfe	Schemel
Borowicz	Helm	Metzgar	Schmitt
Brooks	Hennessey	Mihalek	Schroeder
Brown, R.	Hershey	Millard	Silvis
Burns	Hickernell	Miller, B.	Smith
Causar	Irvin	Mizgorski	Snyder
Cook	James	Moul	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufer	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
DeLuca	Kerwin	Peifer	Toohil
Diamond	Klunk	Pennycuick	Topper
Dunbar	Knowles	Pickett	Twardzik
Ecker	Kulik	Polinchock	Warner
Emrick	Labs	Puskaric	Wentling
Farry	Lawrence	Quinn	Wheeland
Fee	Lewis	Rader	White
Flood	Longietti	Rapp	Williams, C.
Fritz	Mackenzie, M.	Rigby	Zimmerman
Gaydos	Mackenzie, R.	Roae	
Gillen	Major	Rossi	Cutler,
Gillespie	Mako	Rothman	Speaker
Gleim	Maloney	Rowe	

NOT VOTING—0

EXCUSED—2

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

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

Mr. **ZABEL** offered the following amendment No. **A02964**:

Amend Bill, page 3, lines 10 through 12, by striking out "the" in line 10, all of line 11 and "subsequent" in line 12 and inserting any

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

The SPEAKER. And on that question, the Chair recognizes the gentleman, Representative Zabel.

Mr. ZABEL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is actually meant to protect this bill, protect it from constitutional challenges and ensure that both victims have the opportunity to be heard, that this statute will not

be invalidated based on constitutional challenges, and makes sure that someone who is guilty of committing a crime is not allowed to go free because of delays in a preliminary arraignment.

What this bill would do is simply remove those notice requirements from the preliminary arraignment. For those of you who are not familiar with that as a term, the preliminary arraignment is when someone who has been arrested first appears before a court, before a tribunal. It typically happens within the first 6 hours after an arrest, and it does that for good reason. First of all, there are evidentiary rules to consider and constitutional protections of the accused to occur. Once we get past that 6 hours, and certainly as it goes on past 1 day or another day, constitutional protections of the accused come into play.

If a preliminary arraignment is delayed in order to comply with the mandates of this bill, it would likely violate the constitutional protections of the accused and would cause this entire statute to be thrown out on a constitutional challenge. I do not believe that is what the maker of this bill intended. I will also say that this bill, if we do not exempt preliminary arraignments, will present an extraordinary challenge to prosecutors, to law enforcement, and to the courts themselves. It is simply not realistic, pragmatic, or practical to expect that we can have the victim of an alleged crime in court within 6 hours or to comply with the timely requirements for a preliminary arraignment.

Again, this is not an amendment that is meant to mitigate or weaken this bill in any way; it is meant to strengthen it by ensuring that it complies with our constitutional mandates and allows our law enforcement and prosecutors to do their job. For that reason, if you want to make this bill better, safer, and more constitutional, I ask you to vote "yes" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Pennycuick, on the amendment.

Mrs. PENNYCUICK. I would ask my colleagues to be a "no" vote on the Zabel amendment. The intent of this bill is to give the victim a voice, a voice when bail is being set so that we do not have an offender coming back next to the victim in the same community without the victim having notification. The victim has a right – whether it is 2 in the morning, whether it is 7 in the morning, or 10 at night – to be heard. Thank you.

The SPEAKER. The Chair thanks the lady.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—83

Benham	Driscoll	Kinhead	Parker
Bizzarro	Evans	Kinsey	Pashinski
Bonner	Fiedler	Kirkland	Pisciottano
Boyle	Fitzgerald	Kosierowski	Rabb
Bradford	Frankel	Krajewski	Rozzi
Briggs	Freeman	Krueger	Sanchez
Brown, A.	Gainey	Lee	Sappey
Bullock	Galloway	Madden	Schlossberg
Burgos	Guenst	Malagari	Schweyer
Carroll	Guzman	Markosek	Shusterman
Cephas	Hanbidge	Matzie	Sims
Ciresi	Harkins	McClinton	Solomon
Conklin	Harris	McNeill	Sturla
Cruz	Herrin	Merski	Vitali
Daley	Hohenstein	Miller, D.	Warren
Davis, A.	Howard	Mullery	Webster
Davis, T.	Innamorato	Mullins	Wheatley
Dawkins	Isaacson	Neilson	Williams, D.
Deasy	Jones	Nelson, N.	Young
DeLissio	Kenyatta	O'Mara	Zabel
Deloso	Kim	Otten	

NAYS—116

Armanini	Greiner	Mentzer	Sainato
Benninghoff	Grove	Mercuri	Samuelson
Bernstine	Hamm	Metcalfe	Sankey
Boback	Heffley	Metzgar	Saylor
Borowicz	Helm	Mihalek	Schemel
Brooks	Hennessey	Millard	Schmitt
Brown, R.	Hershey	Miller, B.	Schroeder
Burns	Hickernell	Mizgorski	Silvis
Causser	Irvin	Moul	Smith
Cook	James	Mustello	Snyder
Cox	Jozwiak	Nelson, E.	Sonney
Culver	Kail	O'Neal	Staats
Davanzo	Kaufner	Oberlander	Stambaugh
Day	Kauffman	Ortitay	Stephens
Delozier	Keefer	Owlett	Struzzi
DelRosso	Kerwin	Peifer	Thomas
DeLuca	Klunk	Pennycuik	Tomlinson
Diamond	Knowles	Pickett	Toohil
Dunbar	Kulik	Polinchock	Topper
Ecker	Labs	Puskaric	Twardzik
Emrick	Lawrence	Quinn	Warner
Farry	Lewis	Rader	Wentling
Fee	Longietti	Rapp	Wheeland
Flood	Mackenzie, M.	Rigby	White
Fritz	Mackenzie, R.	Roae	Williams, C.
Gaydos	Major	Rossi	Zimmerman
Gillen	Mako	Rothman	
Gillespie	Maloney	Rowe	Cutler,
Gleim	Marshall	Ryan	Speaker
Gregory	Mehaffie		

NOT VOTING—0

EXCUSED—2

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

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

* * *

The House proceeded to second consideration of **HB 2046, PN 2355**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, further providing for definitions.

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

Mr. **SOLOMON** offered the following amendment
No. **A02951**:

Amend Bill, page 2, line 23, by striking out "60" and inserting
180

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

The **SPEAKER**. And on that question, the Chair recognizes the gentleman, Representative Solomon.

Mr. **SOLOMON**. Thank you, Mr. Speaker.

This amendment would change the effective date of the underlying legislation from 60 to 180 days. I would encourage an affirmative vote.

Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Klunk, on the amendment.

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

As my good friend from Philadelphia County said, this amendment would change the effective date to 180 days. In talking with him, I do believe this adds to the bill; it makes the bill better. It will give these organizations who must come in compliance with this bill some additional time that might be necessary, and I thank him for putting this forward. I ask my members for a positive vote. Thank you.

The **SPEAKER**. The Chair thanks the lady.

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

(Members proceeded to vote.)

The **SPEAKER**. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

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

The electronic board is accurate.

The **SPEAKER**. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

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

The following roll call was recorded:

YEAS—199

Armanini	Fritz	Longiotti	Roae
Benham	Gainey	Mackenzie, M.	Rossi
Benninghoff	Galloway	Mackenzie, R.	Rothman
Bernstine	Gaydos	Madden	Rowe
Bizzarro	Gillen	Major	Rozzi
Boback	Gillespie	Mako	Ryan
Bonner	Gleim	Malagari	Sainato
Borowicz	Gregory	Maloney	Samuelson
Boyle	Greiner	Markosek	Sanchez
Bradford	Grove	Marshall	Sankey
Briggs	Guenst	Matzie	Saphey
Brooks	Guzman	McClinton	Saylor
Brown, A.	Hamm	McNeill	Schemel
Brown, R.	Hanbidge	Mehaffie	Schlossberg
Bullock	Harkins	Mentzer	Schmitt
Burgos	Harris	Mercuri	Schroeder
Burns	Heffley	Merski	Schweyer
Carroll	Helm	Metcalfe	Shusterman
Causser	Hennessey	Metzgar	Silvis
Cephas	Herrin	Mihalek	Sims
Ciresi	Hershey	Millard	Smith
Conklin	Hickernell	Miller, B.	Snyder
Cook	Hohenstein	Miller, D.	Solomon
Cox	Howard	Mizgorski	Sonney
Cruz	Innamorato	Moul	Staats
Culver	Irvin	Mullery	Stambaugh
Daley	Isaacson	Mullins	Stephens
Davanzo	James	Mustello	Struzzi
Davis, A.	Jones	Neilson	Sturla
Davis, T.	Jozwiak	Nelson, E.	Thomas
Dawkins	Kail	Nelson, N.	Tomlinson
Day	Kaufner	O'Mara	Toohil
Deasy	Kauffman	O'Neal	Topper
DeLissio	Keefer	Oberlander	Twardzik
Delloso	Kenyatta	Ortitay	Vitali
Delozier	Kerwin	Otten	Warner
DelRosso	Kim	Owlett	Warren
DeLuca	Kinthead	Parker	Webster
Diamond	Kinsey	Pashinski	Wentling
Driscoll	Kirkland	Peifer	Wheatley
Dunbar	Klunk	Pennycuik	Wheeland
Ecker	Knowles	Pickett	White
Emrick	Kosierowski	Pisciottano	Williams, C.
Evans	Krajewski	Polinchock	Williams, D.
Farry	Krueger	Puskaric	Young
Fee	Kulik	Quinn	Zabel
Fiedler	Labs	Rabb	Zimmerman
Fitzgerald	Lawrence	Rader	
Flood	Lee	Rapp	Cutler,
Frankel	Lewis	Rigby	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—2

Dowling Masser

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. **BRIGGS** offered the following amendment No. **A02960**:

Amend Bill, page 2, line 20, by striking out "three" and inserting 75

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

The **SPEAKER**. And on that question, the Chair recognizes the gentleman, Representative Briggs.

Mr. **BRIGGS**. Thank you, Mr. Speaker.

As the description was, it is pretty simple. There are great bail, community bail funds throughout our Commonwealth that provide these services to community members and do great work. With the language that is limiting it to three or more have to be regulated, these would prohibit these bail funds from participating in this process. So I am raising the number to 75 in a 30-day period so hopefully they will be able to continue doing the great work in their communities, and I ask for an affirmative vote.

Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Klunk, on the amendment.

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

Unfortunately, this amendment goes against the spirit of the bill and what we are trying to achieve here, and I would ask my members to oppose the amendment. Thank you.

The **SPEAKER**. The Chair thanks the lady.

POINT OF ORDER

The **SPEAKER**. The Chair recognizes the gentleman, Representative Vitali, on the amendment.

Mr. **VITALI**. No; I rise to a point of order. I do not think the amendment, the last couple, the last two amendments are coming up on our screen. Just wondering if that could be checked into.

The **SPEAKER**. The Chair thanks the gentleman for raising that point of order. We have the clerk checking into it.

The clerk informs me that it is now available, if you would like to review it.

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

(Members proceeded to vote.)

The **SPEAKER**. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

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

The electronic board is accurate.

The **SPEAKER**. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. **HARRIS**. Thank you, Mr. Speaker.

The electronic board is accurate.

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

The following roll call was recorded:

YEAS—88

Benham	Driscoll	Kirkland	Pashinski
Bizzarro	Evans	Kosierowski	Pisciottano
Boyle	Fiedler	Krajewski	Rabb
Bradford	Fitzgerald	Krueger	Rozzi
Briggs	Frankel	Kulik	Sainato
Brown, A.	Freeman	Lee	Samuelson
Bullock	Gainey	Longietti	Sanchez
Burgos	Galloway	Madden	Sappey
Burns	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Ciresi	Harkins	McClinton	Sims
Conklin	Harris	McNeill	Snyder
Cruz	Herrin	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, D.
Deloso	Kinkead	Otten	Young
DeLuca	Kinsey	Parker	Zabel

NAYS—111

Armanini	Greiner	Mehaffie	Rowe
Benninghoff	Grove	Mentzer	Ryan
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Causar	Irvin	Mizgorski	Smith
Cook	James	Moul	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufner	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dunbar	Klunk	Pennycuik	Topper
Ecker	Knowles	Pickett	Twardzik
Emrick	Labs	Polinchock	Warner
Farry	Lawrence	Puskaric	Wentling
Fee	Lewis	Quinn	Wheeland
Flood	Mackenzie, M.	Rader	White
Fritz	Mackenzie, R.	Rapp	Williams, C.
Gaydos	Major	Rigby	Zimmerman
Gillen	Mako	Roae	
Gillespie	Maloney	Rossi	Cutler,
Gleim	Marshall	Rothman	Speaker
Gregory			

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

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

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Briggs, is withdrawing amendments 2958 and 2959. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 773, PN 1022**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in driving after imbibing alcohol or utilizing drugs, further providing for grading and for penalties.

On the question,

Will the House agree to the bill on second consideration?

Mr. **CARROLL** offered the following amendment No. **A00607**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in licensing of drivers, further providing for suspension of operating privilege; and,

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

Section 1. Section 1532(d) of Title 75 of the Pennsylvania Consolidated Statutes is amended and subsection (b) is amended by adding a paragraph to read:

§ 1532. Suspension of operating privilege.

* * *

(b) Suspension.—

* * *

(6) Beginning as soon as practicable, but no later than 10 months after the effective date of this paragraph, the department shall update driver records as follows:

(i) If a driver record shows on the effective date of this paragraph an active sanction imposed by the department for a conviction of any offense under a Federal, State or other state's controlled substance laws, except for an offense under section 1532(a), the driver record will be changed to indicate the active departmental sanction has ended. The following shall apply:

(A) If the ending of the active departmental sanction means a driver's operating privilege is eligible for restoration, no points will be placed on the driver record as required by section 1545 (relating to restoration of operating privilege) and no restoration fee shall be imposed as required by section 1960 (relating to reinstatement of operating privilege or vehicle registration).

(B) If a driver record shows a pending departmental sanction after the active sanction imposed by the department for a conviction of any offense under a Federal, State or other state's controlled substance laws, except for an offense under section 1532(a), the effective dates of the pending departmental sanction will be adjusted as if the active sanction ended under this

subsection had been rescinded from the record.
 (ii) If a driver record shows on the effective date of this paragraph a pending sanction imposed by the department for a conviction of any offense under a Federal, State or other state's controlled substance laws, except for an offense under section 1532(a), the driver record will be changed to indicate that the pending sanction will not be imposed. The effective dates for a departmental sanction to be imposed after a conviction of any offense under a Federal, State or other state's controlled substance laws will be adjusted as if the controlled substance-related departmental sanction had been rescinded from the record.

(iii) If a driver record shows on the effective date of this paragraph an active suspension imposed under former subsection (d), the driver record will be changed to indicate the suspension has ended. The following shall apply:

(A) If the ending of the suspension means the driver's operating privilege is eligible for restoration, no restoration fee shall be imposed as required by section 1960.

(B) If the driver record shows any pending departmental sanction after the suspension imposed under former subsection (d), the effective dates of any such pending departmental sanction will be adjusted as if the suspension ended under this section had been rescinded from the record.

(iv) If the driver record shows on the effective date of this paragraph a pending suspension imposed under former subsection (d), the driver record will be changed to indicate the suspension will not be imposed. The effective dates for any departmental sanctions to be imposed after the pending suspension under former subsection (d) will be adjusted as if the pending suspension had been rescinded from the record.

* * *

(d) Additional suspension.—The department shall suspend the operating privilege of any person upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into a preadjudication program for a violation under 18 Pa.C.S. § 6307 (relating to misrepresentation of age to secure liquor or malt or brewed beverages), 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) or 6310.3 (relating to carrying a false identification card). The duration of the suspension shall be as follows:

(1) For a first offense, the department shall impose a suspension for a period of 90 days.

(2) For a second offense, the department shall impose a suspension for a period of one year.

(3) For a third and subsequent offense, the department shall impose a suspension for a period of two years. Any multiple suspensions imposed shall be served consecutively.

Courts may certify the conviction, adjudication of delinquency or admission into the preadjudication program on the same form used to submit the order of suspension required under the provisions of 18 Pa.C.S. § 6310.4 (relating to restriction of operating privileges). Wherever practicable, the suspension imposed under this section shall be made concurrent with the suspension imposed under the provisions of 18 Pa.C.S. § 6310.4. All offenses committed on or after May 23, 1988, shall be included in considering whether an offense is a first, second, third or subsequent offense.]

Section 2. Section 3803(b)(4.1) of Title 75 is amended to read:

Amend Bill, page 2, line 7, by striking out "2" where it occurs the first time and inserting

3

Amend Bill, page 3, line 8, by striking out "3" and inserting 4

Amend Bill, page 3, line 8, by striking out "in 120 days." and inserting

as follows:

(1) This section shall take effect immediately.

(2) The amendment of 75 Pa.C.S. section 1532 shall take effect in 60 days.

(3) The remainder of this act shall take effect in 120 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Representative Carroll, indicates he will withdraw the amendment, 607. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **WHEATLEY** offered the following amendment No. **A00608**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in licensing of drivers, providing for Relief from Administrative Suspension Program; and,

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

Section 1. Chapter 15 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER E

RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM
Sec.

1591. Definitions.

1592. Relief from Administrative Suspension Program.

1593. Program requirements.

1594. Use of revenue.

1595. Proceedings relating to violations barred.

§ 1591. Definitions.

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

"Court." The issuing authority or court of competent jurisdiction which notified the department of an individual's failure to respond that resulted in the indefinite suspension of that individual's operating privilege under section 1533 (relating to suspension of operating privilege for failure to respond to citation).

"Program." The Relief from Administrative Suspension Program established under section 1592 (relating to Relief from Administrative Suspension Program).

§ 1592. Relief from Administrative Suspension Program.

(a) Establishment.—The department, in consultation with the Administrative Office of Pennsylvania Courts, shall establish the Relief from Administrative Suspension Program that shall begin on the effective date of this section and end 12 months after the effective date of this section.

(b) Purposes.—The program shall permit the department to restore the operating privileges of eligible individuals from suspensions imposed under sections 1533(a), (b) or (d) (relating to suspension of operating privilege for failure to respond to citation), 1543(a) (relating to driving while operating privilege is suspended or revoked) and 1544(a) (relating to additional period of revocation or suspension).

(c) Duties.—The department, in consultation with the Administrative Office of Pennsylvania Courts, shall:

(1) Review the applications filed for relief under the program and make a determination as to the applicant's eligibility for relief within 30 days of receipt of the application and all other required items.

(2) Determine if an applicant has satisfied all court-ordered obligations which resulted in a suspension of the applicant's operating privilege under section 1533(a), (b) or (d).

(3) Determine if an applicant was convicted of one or more violations under section 1543(a) that occurred only as the result of a suspension imposed under the authority of section 1533 or 6146 (relating to enforcement agreements) and is currently serving or will serve an operating privilege suspension for a section 1543(a) conviction.

(4) Determine whether the granting of relief under the program would result in immediate restoration of the applicant's operating privilege.

(5) Prioritize the processing of applications for which the granting of relief will result in an immediate restoration of the applicant's operating privilege.

(6) Update eligible applicants' driver's records and restore the operating privilege of applicants as permitted under this title.

(d) Eligibility.—The program shall be available to an individual who meets the following criteria:

(1) The individual's operating privilege has been indefinitely suspended under section 1533(a), (b) or (d) prior to the effective date of this subsection.

(2) The department's records show that the individual's operating privilege will be or is suspended for a conviction under section 1543(a) only as a result of a suspension imposed under the authority of section 1533 or 6146 prior to the effective date of this section.

(3) The individual has served any operating privilege suspension required by the underlying offense which resulted in violation of section 1533(a), (b) or (d).

(4) The individual has submitted a completed application for relief to the department on a form prescribed by the department. The following items must also be submitted with the application:

(i) the restoration fee; and

(ii) proof of financial responsibility; or

(iii) in the case of an individual who does not own a motor vehicle currently registered in this Commonwealth, a signed statement certifying that the individual does not own a motor vehicle currently registered in this Commonwealth.

(e) Prohibitions.—An individual shall be prohibited from receiving relief under the program for convictions of violations committed after the effective date of this subsection.

(f) Reinstatement.—The department shall amend eligible individuals' driver's records to show they satisfied all court-ordered obligations which resulted in a suspension of the individual's operating privilege under section 1533. The department shall amend eligible individuals' driver's records to show that suspensions imposed for relevant convictions under section 1543(a) will end or will not be imposed. Any add-on suspensions imposed under section 1544(a) for violations that occurred at the same time as a relevant violation of section 1543(a) shall be rescinded from eligible individuals' driver's records. The department shall not be required to reinstate the operating privilege of an individual under this subchapter if the department is authorized under this title to suspend the operating privilege of the individual for other violations of this title. Upon restoration from suspension under this program, eligible individuals' driver's records shall show five points.

(g) Compliance.—The department may not be required to restore the operating privilege of an individual under this subchapter until the individual has complied with section 1593 (relating to program requirements).

§ 1593. Program requirements.

(a) Form.—An individual who seeks to participate in the program shall respond to the court pursuant to the instructions in a restoration requirements letter which shall be provided by the department.

(b) Satisfaction of payments owed.—The individual is required to pay 100% of the original penalty and any other court-ordered obligations imposed under the applicable laws of this Commonwealth.

(c) Requirements.—In addition to the requirements under section 1960 (relating to reinstatement of operating privilege or vehicle registration), an individual applying for the program shall perform one of the following:

(1) Pay all court-ordered obligations immediately or in a single remittance.

(2) If an individual is unable to pay all obligations under subparagraph (i), the individual shall either:

(i) pay in installments all court-ordered obligations after a hearing conducted by the issuing authority to determine the individual's ability to pay and the issuance of an order providing for installment payments; or

(ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating to adjudication alternative program), complete a court-ordered public service or other adjudication alternative program under 42 Pa.C.S. § 1520(b).

(d) Proof of financial responsibility.—Notwithstanding section 1783 (relating to proof of financial responsibility before restoring operating privilege or registration), before restoring an operating privilege, the department shall require an individual participating in the program to provide the department with:

(1) proof of financial responsibility; or

(2) in the case of an individual who does not own a motor vehicle currently registered in this Commonwealth, a signed statement certifying that the individual does not own a motor vehicle currently registered in this Commonwealth.

(e) Certification.—The court shall certify to the department that an individual is eligible for relief under the program because:

(1) an individual has satisfied the amounts owed to the court; or

(2) an individual has completed or satisfied all court-ordered public service requirements or other alternative adjudication programs.

§ 1594. Use of revenue.

All revenue received by the court under the program shall be distributed in accordance with law.

§ 1595. Proceedings relating to violations barred.

Participation in the program is conditioned upon the individual's agreement not to protest or pursue an administrative or judicial proceeding against the department for the sanctions it imposed on the individual's operating privilege under section 1533 (relating to suspension of operating privilege for failure to respond to citation), 1543 (relating to driving while operating privilege is suspended or revoked), 1544 (relating to additional period of revocation or suspension) or 6146 (relating to enforcement agreements) as addressed by the program.

Section 2. Section 3803(b)(4.1) of Title 75 is amended to read:

Amend Bill, page 2, line 7, by striking out "2" where it occurs the first time and inserting

3

Amend Bill, page 3, line 8, by striking out "3" and inserting

4

Amend Bill, page 3, line 8, by striking out "in 120 days." and inserting

as follows:

(1) This section shall take effect immediately.

(2) The addition of Subchapter E of Chapter 15 of Title 75 shall take effect in 10 months.

(3) The remainder of this act shall take effect in 120 days.

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair will recognize the gentleman, Representative Carroll, on the amendment.

Mr. CARROLL. Mr. Speaker, on behalf of the gentleman from Allegheny, I will withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HOHENSTEIN offered the following amendment No. **A00609**:

Amend Bill, page 2, line 8, by striking out "subsections" and inserting
a subsection

Amend Bill, page 2, lines 12 through 18, by striking out all of lines 12 through 17 and "(c.3)" in line 18 and inserting
(c.2)

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

The SPEAKER. The gentleman indicates he withdraws the amendment. The Chair thanks the gentleman.

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

Mr. HOHENSTEIN offered the following amendment No. **A00617**:

Amend Bill, page 2, lines 12 through 17, by striking out all of said lines and inserting

(c.2) Consecutive sentence.—The following shall apply:
(1) A sentence imposed upon an individual under this section who has two or more prior offenses shall be served consecutively to any other sentence the individual is serving and to any other sentence being then imposed by the court, except for those with which the offense must merge as a matter of law.

(2) Notwithstanding paragraph (1), the court may, in its discretion, impose a nonconsecutive sentence under this subsection if it deems it appropriate and states on the record its reasons for imposing a nonconsecutive sentence.

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

The SPEAKER. And on that question, the Chair recognizes the gentleman, Representative Hohenstein.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

Judges deserve to judge. We in the legislature should not be telling them exactly what they should do in specific situations. There is a segment of this bill that places a mandatory consecutive sentence, and I am urging my colleagues to vote for this amendment to allow judges the discretion that they always have and always should have to determine what the full sentence should be and to allow someone, even in the situation of multiple DUIs (driving under the influence), to have the flexibility to say

that we are not going to pile one sentence immediately on top of another, but rather, in an individual situation, with the judge explaining the rationale and reasoning for the decision, that that mandatory provision can be waived. And so I ask for a "yes" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Quinn, on the amendment.

Mr. QUINN. Mr. Speaker, I thank the good gentleman and I respect his opinion, but that would actually gut the bill and it defeats the purpose, so I am asking for a "no" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—80

Benham	Driscoll	Kinhead	Parker
Bizzarro	Evans	Kinsey	Pashinski
Boyle	Fiedler	Kirkland	Pisciottano
Bradford	Fitzgerald	Kosierowski	Rabb
Briggs	Frankel	Krajewski	Rozzi
Brown, A.	Gainey	Krueger	Sanchez
Bullock	Galloway	Lee	Sapprey
Burgos	Guent	Madden	Schlossberg
Carroll	Guzman	Malagari	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Ciresi	Harkins	McClinton	Sims
Conklin	Harris	McNeill	Solomon
Cruz	Herrin	Merski	Sturla
Daley	Hohenstein	Miller, D.	Vitali
Davis, A.	Howard	Mullery	Warren
Davis, T.	Innamorato	Mullins	Webster
Dawkins	Isaacson	Neilson	Wheatley
Deasy	Kaufner	Nelson, N.	Williams, D.
DeLissio	Kenyatta	O'Mara	Young
Delloso	Kim	Otten	Zabel

NAYS—119

Armanini	Gregory	Marshall	Ryan
Benninghoff	Greiner	Mehaffie	Sainato
Bernstine	Grove	Mentzer	Samuelson
Boback	Hamm	Mercuri	Sankey
Bonner	Heffley	Metcalfe	Saylor
Borowicz	Helm	Metzgar	Schemel
Brooks	Hennessey	Mihalek	Schmitt
Brown, R.	Hershey	Millard	Schroeder
Burns	Hickernell	Miller, B.	Silvis
Causar	Irvin	Mizgorski	Smith
Cook	James	Moul	Snyder

Cox	Jones	Mustello	Sonney
Culver	Jozwiak	Nelson, E.	Staats
Davanzo	Kail	O'Neal	Stambaugh
Day	Kauffman	Oberlander	Stephens
Delozier	Keefer	Ortitay	Struzzi
DelRosso	Kerwin	Owlett	Thomas
DeLuca	Klunk	Peifer	Tomlinson
Diamond	Knowles	Pennycuick	Toohil
Dunbar	Kulik	Pickett	Topper
Ecker	Labs	Polinchock	Twardzik
Emrick	Lawrence	Puskaric	Warner
Farry	Lewis	Quinn	Wentling
Fee	Longietti	Rader	Wheeland
Flood	Mackenzie, M.	Rapp	White
Freeman	Mackenzie, R.	Rigby	Williams, C.
Fritz	Major	Roae	Zimmerman
Gaydos	Mako	Rossi	
Gillen	Maloney	Rothman	Cutler,
Gillespie	Markosek	Rowe	Speaker
Gleim			

NOT VOTING—0

EXCUSED—2

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

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

Mr. **RABB** offered the following amendment No. **A00613**:

- Amend Bill, page 1, line 3, by inserting after "providing" for driving under the influence of alcohol or controlled substance,
- Amend Bill, page 1, line 3, by striking out "and" and inserting a comma
- Amend Bill, page 1, line 3, by inserting after "penalties" and for authorized use not a defense
- Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting
- Section 1. Sections 3802(d)(1) and 3803(b)(4.1) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:
- § 3802. Driving under influence of alcohol or controlled substance.

* * *

(d) Controlled substances.—An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:

- (1) There is in the individual's blood any amount of [a]:
 - (i) a Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act[;], except marijuana used lawfully in accordance with the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act. The exception for medical marijuana under this subparagraph does not apply if the individual holds a commercial driver's license;
 - (ii) a Schedule II or Schedule III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or
 - (iii) metabolite of a substance under subparagraph (i) or (ii).

* * *

Amend Bill, page 3, by inserting between lines 7 and 8 Section 3. Section 3810 of Title 75 is amended to read:
§ 3810. Authorized use not a defense.

The fact that a person charged with violating this chapter is or has been legally entitled to use alcohol [or], controlled substances or marijuana in compliance with the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, is not a defense to a charge of violating this chapter.

Amend Bill, page 3, line 8, by striking out "3" and inserting
4

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, last session we dealt with this issue. There is a shortcoming in the current law relative to medical marijuana users' treatment when it comes to driving a vehicle, because today, Mr. Speaker, any one of our constituents using medical marijuana is subject to a DUI charge and conviction even if they are not impaired.

Mr. Speaker, this bill has been introduced over and over again. Mr. Speaker, this bill receives no attention over and over again, and so the remedy for those of us that know – and that same view is shared by district attorneys across this State – is this needs to be fixed. And so this bill, Mr. Speaker, is that opportunity.

So, Mr. Speaker, while I understand the passion of those that are eager to see the underlying language amended into the Vehicle Code, Mr. Speaker, we simply cannot have people using medical marijuana charged and convicted of a DUI when they are not impaired. It is patently unfair. It is currently happening. The district attorneys across the State have reached out to me and asked that something be done. HB 900 is the remedy, but in the absence of HB 900, this amendment is the remedy.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO TABLE AMENDMENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Grove, on the amendment.

Mr. GROVE. Thank you, Mr. Speaker.

This is a simple bill to adjust penalties under the DUI law. There are times and places to debate medical marijuana amendments. It is an important topic. We should have that discussion, but not now and not at this time, Mr. Speaker. I motion to table amendment A00613.

The SPEAKER. The gentleman, Representative Grove, has made the motion to table amendment 613. For the information of the members – I know that this is a new rule this session – the motion debate is limited to the following: the majority leader, the minority leader, the maker of the motion, the maker of the amendment under consideration, and the prime sponsor of the bill.

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Representative Carroll, has been recognized to offer the amendment, so you are in order to speak on the motion.

Mr. CARROLL. Thank you, Mr. Speaker.

And I appreciate the gentleman from York's willingness to have this conversation. I hope we do.

Mr. Speaker, since this amendment was offered, more than one member of the Delaware County delegation has asked me to reconsider offering this amendment, and out of respect to those members of the Delaware County delegation, I will withdraw the amendment.

The SPEAKER. The gentleman who was previously offering amendment 613 has withdrawn the amendment.

MOTION WITHDRAWN

The SPEAKER. Does the gentleman from York County—I believe that the gentleman from York County would also need to withdraw his motion so that the amendment could be withdrawn. Does the gentleman so agree?

Mr. GROVE. Yes, I will withdraw the motion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair thanks the gentleman for withdrawing the amendment.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 382**, **PN 638**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in public-private transportation partnerships, further providing for definitions, for duties of board and for operation of board; and voiding prior initiatives of the Public-Private Transportation Partnership Board.

On the question,

Will the House agree to the bill on second consideration?

Ms. **DELOZIER** offered the following amendment No. **A02896**:

Amend Bill, page 1, line 4, by striking out "and" where it occurs the first time and inserting a comma

Amend Bill, page 1, line 4, by inserting after "board" where it occurs the second time

and for selection of development entities

Amend Bill, page 10, line 1, by striking out "THE" and inserting Except as provided for under subsection (b.5), the

Amend Bill, page 10, line 2, by striking out "FOR" and inserting to

Amend Bill, page 10, line 18, by inserting after "DAYS"

and the public entity may not proceed with the public-private partnership agreement

Amend Bill, page 10, lines 19 through 30; page 11, lines 1 through 23; by striking out all of said lines on said pages and inserting

(2) Upon receipt of the resolution from the Governor

under paragraph (1), the General Assembly may adopt a concurrent resolution approving the resolution submitted by the Governor, subject to all of the following:

(i) The Senate and the House of Representatives shall each have 20 calendar days or 10 legislative days, whichever is longer, from the date of receipt of the resolution from the Governor to adopt the concurrent resolution.

(ii) If one or both chambers of the General Assembly is prevented from adopting a concurrent resolution during the time period provided under subparagraph (i) because of the adjournment sine die or the expiration of the legislative session in an even-numbered year, each chamber shall have 20 calendar days or 10 legislative days, whichever is longer, from the first legislative day of the succeeding legislative session to adopt the concurrent resolution.

(iii) If the General Assembly adopts the concurrent resolution approving the resolution submitted by the Governor during the time periods provided under subparagraphs (i) or (ii), the public entity may proceed with the public-private partnership agreement.

(3) If either chamber of the General Assembly fails to adopt the concurrent resolution in the time periods provided under paragraph (2), the resolution submitted by the Governor shall be deemed disapproved and the public entity may not proceed with the public-private partnership agreement. The presiding officer of a chamber that fails to adopt a concurrent resolution shall transmit the objections of the chamber to the department within 10 calendar days of the date on which the time periods provided under paragraph (2) expires.

(4) If the Governor disapproves a resolution adopted by the board under paragraph (1), or if the General Assembly fails to adopt a concurrent resolution under paragraph (2), the department may, in consultation with the public entity that is the subject of the proposed transportation project if the public entity is not the department, amend the proposed transportation project and submit an amended resolution to the board for approval, subject to all of the following:

(i) An amended resolution submitted to the board under this paragraph shall not be subject to subsection (b.1), but shall be subject to all other requirements under this section applicable to the approval of a proposed transportation project through a resolution adopted by the board.

(ii) If the Governor disapproves an amended resolution adopted by the board under paragraph (1) or if the General Assembly fails to adopt a concurrent resolution under paragraph (2) approving the amended resolution submitted by the Governor, the public entity may not proceed with the public-private partnership agreement and additional amended resolutions may not be considered under the provisions of this paragraph, provided that the proposed transportation project that is the subject of the disapproved amended resolution may be subsequently submitted for approval to the board as a new resolution and be subject to the provisions of this chapter.

Amend Bill, page 11, line 24, by striking out "THE" and inserting

Except as provided for under subsection (b.5), the

Amend Bill, page 11, line 25, by striking out "FOR" and inserting

to

Amend Bill, page 12, line 11, by inserting after "DAYS"

and the public entity may not proceed with the public-private partnership agreement

Amend Bill, page 12, lines 12 through 30; page 13, lines 1

through 16; by striking out all of said lines on said pages and inserting

(2) Upon receipt of the resolution from the Governor under paragraph (1), the General Assembly may adopt a concurrent resolution disapproving the resolution submitted by the Governor, subject to all of the following:

(i) The Senate and the House of Representatives shall each have 20 calendar days or 10 legislative days, whichever is longer, from the date of receipt of the resolution from the Governor to adopt the concurrent resolution disapproving the resolution submitted by the Governor.

(ii) If one or both chambers of the General Assembly is prevented from adopting a concurrent resolution during the time period provided under subparagraph (i) because of the adjournment sine die or the expiration of the legislative session in an even-numbered year, each chamber shall have 20 calendar days or 10 legislative days, whichever is longer, from the first legislative day of the succeeding legislative session to adopt the concurrent resolution.

(iii) If the General Assembly adopts the concurrent resolution disapproving the resolution submitted by the Governor during the time periods provided under subparagraphs (i) or (ii), the public entity may not proceed with the public-private partnership agreement. The presiding officer of each chamber shall transmit the objections of their respective chamber to the department within 10 calendar days of the date on which the General Assembly adopted the concurrent resolution.

(3) If either chamber of the General Assembly fails to adopt the concurrent resolution in the time periods provided under paragraph (2), the resolution submitted by the Governor shall be deemed approved and the public entity may proceed with the public-private partnership agreement.

(4) If the Governor disapproves a resolution adopted by the board under paragraph (1) or if the General Assembly adopts a concurrent resolution under paragraph (2), the department may, in consultation with the public entity that is the subject of the proposed transportation project if the public entity is not the department, amend the proposed transportation project and submit an amended resolution to the board for approval, subject to all of the following:

(i) An amended resolution submitted to the board under this paragraph shall not be subject to subsection (b.1), but shall be subject to all other requirements under this section applicable to the approval of a proposed transportation project through a resolution adopted by the board.

(ii) If the Governor disapproves an amended resolution adopted by the board under paragraph (1) or if the General Assembly adopts a concurrent resolution under paragraph (2), the public entity may not proceed with the public-private partnership agreement and additional amended resolutions may not be considered under the provisions of this paragraph, provided that the proposed transportation project that is the subject of the disapproved amended resolution may be subsequently submitted for approval to the board as a new resolution and be subject to the provisions of this chapter.

(b.5) Approval of local transportation projects.—

(1) Subsections (b.3) and (b.4) shall not apply to a proposed transportation project if the transportation facility which is the subject of the proposed transportation project is not owned by the Commonwealth.

(2) A proposed transportation project as described in paragraph (1) shall be deemed approved upon the adoption of a resolution by the board under section 9104(a)(4) (relating to duties of board).

Amend Bill, page 13, by inserting between lines 17 and 18

Section 4. Section 9109(a) of Title 74 is amended to read:

§ 9109. Selection of development entities.

(a) Conditions for use.—If a transportation project is approved under [section] sections 9104 (relating to duties of board) and 9105 (relating to operation of board), the public entity may enter into a contract for the transportation project by competitive sealed proposals.

* * *

Amend Bill, page 13, line 18, by striking out "4" and inserting 5

Amend Bill, page 13, line 18, by striking out "§ 9105" and inserting

§§ 9102, 9104, 9105 and 9109

Amend Bill, page 13, line 23, by striking out "authorizing" and inserting

adopted by the Public-Private Transportation Partnership Board on November 12, 2020, approving the public-private partnership delivery model for interstate bridges or expressway bridges and referred to in the resolution as

Amend Bill, page 13, lines 25 and 26, by striking out all of said lines and inserting

the Department of Transportation is prohibited from entering into a public-private transportation partnership agreement with a development entity to utilize a public-private partnership delivery model for interstate bridges or expressway bridges, including associated roadwork, unless the Department of Transportation submits a resolution after the effective date of this act to the Public-Private Transportation Partnership Board and the resolution is approved under 74 Pa.C.S. Ch. 91 as amended by this act.

Amend Bill, page 13, line 27, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Delozier, on the amendment.

Ms. DELOZIER. Thank you, Mr. Speaker.

I put this amendment forward to address some of the issues — some technical changes and the ability to address some of the issues within the 88th District in dealing with tolling of the Route 83 bridge, as well as to work with local decisionmakers on P3 (public-private partnership) and asking that we make the modification to allow for local decisionmakers to make those decisions when it is a P3 organization and decision on their behalf. So I ask for the support of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Carroll, on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I stand in opposition to this amendment. Mr. Speaker, the underlying bill treads into unconstitutional territory because of the sequence of the way the General Assembly's actions occur and the Governor's actions occur. This amendment does not remedy that.

So, Mr. Speaker, while I have grave concerns with the underlying bill and had hoped that there might be some way to remedy those concerns with this amendment, sadly, this does not do that, and so I stand in opposition to amendment 2896.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Chairman Hennessey, on the amendment.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Amendment A02896 makes necessary modifications to SB 382 as we received it from the Senate, and it also exempts local relatively small P3 projects from legislative review.

Frankly, I believe it is a good amendment and I ask for approval of the amendment by the body. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, the majority leader, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Very briefly, I think the majority chairman hit the nail on the head. This bill helps to make a delineation between the local P3 projects and those statewide, and I would ask the members to support this amendment making the bill better. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—115

Armanini	Greiner	Marshall	Rowe
Benninghoff	Grove	Mehaffie	Ryan
Bernstine	Hamm	Mentzer	Sainato
Boback	Heffley	Mercuri	Sankey
Bonner	Helm	Metcalfe	Saylor
Borowicz	Hennessey	Metzgar	Schemel
Brooks	Hershey	Mihalek	Schmitt
Brown, R.	Hickernell	Millard	Schroeder
Burns	Irvin	Miller, B.	Silvis
Causar	James	Mizgorski	Smith
Cook	Jones	Moul	Sonney
Cox	Jozwiak	Mustello	Staats
Culver	Kail	Nelson, E.	Stambaugh
Davanzo	Kaufer	O'Neal	Stephens
Day	Kauffman	Oberlander	Struzzi
Delozier	Keefer	Ortitay	Thomas
DelRosso	Kerwin	Owlett	Tomlinson
Diamond	Klunk	Peifer	Toohil
Dunbar	Knowles	Pennycuik	Topper
Ecker	Kulik	Pickett	Twardzik
Emrick	Labs	Polinchock	Warner
Farry	Lawrence	Puskaric	Wentling
Fee	Lewis	Quinn	Wheeland
Flood	Longietti	Rader	White
Fritz	Mackenzie, M.	Rapp	Williams, C.
Gaydos	Mackenzie, R.	Rigby	Zimmerman
Gillen	Major	Roae	
Gillespie	Mako	Rossi	Cutler,
Gleim	Maloney	Rothman	Speaker
Gregory			

NAYS—84

Benham	Driscoll	Kinsey	Pashinski
Bizzarro	Evans	Kirkland	Pisciottano
Boyle	Fiedler	Kosierowski	Rabb
Bradford	Fitzgerald	Krajewski	Rozzi
Briggs	Frankel	Krueger	Samuelson
Brown, A.	Freeman	Lee	Sanchez
Bullock	Gainey	Madden	Sappey
Burgos	Galloway	Malagari	Schlossberg
Carroll	Guenst	Markosek	Schweyer
Cephas	Guzman	Matzie	Shusterman
Ciresi	Hanbidge	McClinton	Sims
Conklin	Harkins	McNeill	Snyder
Cruz	Harris	Merski	Solomon
Daley	Herrin	Miller, D.	Sturla
Davis, A.	Hohenstein	Mullery	Vitali
Davis, T.	Howard	Mullins	Warren
Dawkins	Innamorato	Neilson	Webster
Deasy	Isaacson	Nelson, N.	Wheatley
DeLissio	Kenyatta	O'Mara	Williams, D.
Deloso	Kim	Otten	Young
DeLuca	Kinthead	Parker	Zabel

NOT VOTING—0

EXCUSED—2

Dowling Masser

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.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1546, PN 1785**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, providing for confidentiality of personal information for public safety officials.

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

MOTION TO RECOMMIT

The SPEAKER. The gentleman, Representative Briggs, has indicated he would like to make a motion on this bill. You are in order and may proceed, sir.

Mr. BRIGGS. Thank you, Mr. Speaker.

It was just last week that we spent a little bit of time talking about process and the appropriateness of committees to do the hard work in the legislature. This bill I am asking to rerefer to the Judiciary Committee. It relates to Title 18, the Crimes and Offenses act, and it is definitely something that I think could use

the finesse and the knowledge of the committee members. As reviewing the drafting, it has a couple of unanswered questions. I know that the Veterans Affairs and Emergency Preparedness did their yeoman's work, but I know it could be better, and with that, I urge folks to vote in favor of the motion to rerefer. Thank you.

The SPEAKER. The gentleman, Representative Briggs, has made a motion to rerefer HB 1546, PN 1785, to the Judiciary Committee.

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

The SPEAKER. On that motion, the Chair recognizes the gentleman, Representative Farry.

Mr. FARRY. Thank you, Mr. Speaker.

As the prime sponsor of this legislation, this is legislation that has actually been introduced in numerous sessions over the last decade. This bill came out of committee in June. It has literally been awaiting action on the floor for the last 5-plus months.

The good Representative from Montgomery County, I would have been happy to work with him on any issues that he had with this piece of legislation, but it is not as if it just came out last week.

So, Mr. Speaker, I am going to ask for a "no" vote on the rereferral. Thank you.

The SPEAKER. On the motion to recommit to the Judiciary Committee, those in favor of recommittal will vote "aye"; those opposed, "no."

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—88

Benham	Driscoll	Kirkland	Pashinski
Bizzarro	Evans	Kosierowski	Pisciottano
Boyle	Fiedler	Krajewski	Rabb
Bradford	Fitzgerald	Krueger	Rozzi
Briggs	Frankel	Kulik	Sainato
Brown, A.	Freeman	Lee	Samuelson
Bullock	Gainey	Longietti	Sanchez
Burgos	Galloway	Madden	Sappey
Burns	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Ciresi	Harkins	McClinton	Sims
Conklin	Harris	McNeill	Snyder

Cruz	Herrin	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, D.
Delloso	Kinhead	Otten	Young
DeLuca	Kinsey	Parker	Zabel

NAYS—111

Armanini	Greiner	Mehaffie	Rowe
Benninghoff	Grove	Mentzer	Ryan
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Causar	Irvin	Mizgorski	Smith
Cook	James	Moul	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufner	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dunbar	Klunk	Pennycuick	Topper
Ecker	Knowles	Pickett	Twardzik
Emrick	Labs	Polinchock	Warner
Farry	Lawrence	Puskaric	Wentling
Fee	Lewis	Quinn	Wheeland
Flood	Mackenzie, M.	Rader	White
Fritz	Mackenzie, R.	Rapp	Williams, C.
Gaydos	Major	Rigby	Zimmerman
Gillen	Mako	Roae	
Gillespie	Maloney	Rossi	Cutler,
Gleim	Marshall	Rothman	Speaker
Gregory			

NOT VOTING—0

EXCUSED—2

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

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

* * *

The House proceeded to second consideration of **SB 565, PN 1212**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a license, providing for license not required, further providing for prohibited conduct during emergency, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses and repealing provisions relating to proof of license and exception.

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

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. Prior to starting debate on the amendments, the Speaker has ruled the following amendments out of order: A02972, A02975, A02999, A03000, A03009, A03010, and A03011.

Mr. HARRIS. Mr. Speaker?

The SPEAKER. And amendment A02966, even though someone had indicated it would possibly be withdrawn.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARRIS. Parliamentary inquiry.

The SPEAKER. The gentleman is in order and you may state your parliamentary inquiry.

Mr. HARRIS. Is that ruling divisible so we can consider each one on its own merits?

The SPEAKER. For the information and in response to the parliamentary inquiry, yes. I listed the amendments out that were all ruled out of order so they could be appealed individually, or if you want, you could appeal in a group.

On the question of the amendments being out of order, it is the Chair's understanding that amendment 2966 had been withdrawn, but also out of order.

We will begin with amendment 2972 being ruled out of order.

Does the gentleman wish to appeal that determination of the amendment being out of order?

The gentleman, Representative Frankel, has indicated he does not wish to appeal the ruling of the Chair. Are there any amendments that the gentleman wishes to appeal the ruling of the Chair on? If so, the gentleman is recognized for a specific enumeration.

RULING OF CHAIR APPEALED

The SPEAKER. The Speaker is in receipt of the list of amendments that the gentleman wishes to appeal. We will begin with the amendment offered by the gentlewoman, Representative O'Mara, 2975. This amendment to SB 565 is out of order because it violates House rule 20, which provides that "No bill shall be passed containing more than one subject...." Article III, section 3, of the State Constitution. SB 565 repeals provisions of the Pennsylvania law requiring a person to obtain a license to carry a firearm in their vehicle or concealed on their person and instead changes the process into an optional license.

Amendment 2975 creates a procedure for obtaining a temporary order to prohibit a person from possessing a firearm; thus, the amendment inserts a different subject matter into the bill. The Pennsylvania Supreme Court held, in *Commonwealth v. Neiman*, that the subject matter of the proposed amendments must relate to the same subject as that contained in the underlying bill, and the mere fact that the amendment amends the same title of the bill does not mean that it meets the requirements of Article III, section 3; therefore, amendment 2975 is out of order.

The question currently before the House is, shall the decision of the Chair stand as the judgment of the House? For the information of the members, prior to recognizing the gentlewoman, those in favor of sustaining the Chair's decision will vote "aye" and those opposed will vote "no." I will reiterate those instructions prior to voting.

On the question,
Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the motion to appeal the Chair, the Chair recognizes the gentlewoman, Representative O'Mara, on the motion.

Ms. O'MARA. Thank you, Mr. Speaker.

I rise today to appeal the decision of the Chair for amendment A2975. My amendment would create extreme risk protection orders in Pennsylvania. We are debating a bill that talks about license to carry, and my bill is trying to make sure that we are not putting guns in the hands of people that are in severe mental health crisis. Right now in Pennsylvania, more than 60 percent of gun deaths in 2019 were caused by gun suicide. In 2019, 270 veterans died from suicide, with 69 percent dying by firearm.

The SPEAKER. The gentlewoman will please suspend.

The Representative has moved beyond the underlying motion to the substance of the bill. I would simply encourage the Representative to confine her comments to the reason as to why you are appealing the motion of the Chair. If your motion is successful, we will then get to the underlying merits of your proposal.

PARLIAMENTARY INQUIRY

Mr. HARRIS. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARRIS. Mr. Speaker, how does the gentlewoman explain why she is appealing the ruling of the Chair without actually explaining how the actual amendment does not violate the single-subject rule?

The SPEAKER. The Representative was arguing the substance of the amendment by citing statistics and reasons to either be for or against the amendment. The way that the debate would be limited would be why this amendment would fit into the bill, because the ruling was confined to deal specifically with concealed carry permits and she is discussing another issue which, in the Chair's opinion, belongs in another substantive bill.

Mr. HARRIS. Mr. Speaker, the subject is the dangerous nature, and what the gentlewoman is trying to explain via facts is why her amendment actually fits into that single subject. So I believe if the gentlewoman was allowed to continue with the facts, it would show why this actually is in fact a part of the single subject of this legislation.

The SPEAKER. The Chair understands the gentleman's opinion, however, respectfully disagrees. The underlying bill deals with concealed carry permits. The gentlewoman—

Mr. HARRIS. That is why we are appealing.

The SPEAKER. The gentleman will suspend. You are not in order.

The gentlewoman was entering into the realm of debate regarding factual debate of the underlying merits of the amendment, and the rules are very clear. The motion to appeal the Chair needs to stay confined to the motion that is currently before the House and not the substance of the underlying amendment or the bill except as to how they relate. Conversely, the gentlewoman could argue, if she disagrees with the interpretation of Article III, section 3, of the Constitution and how this is interpreted, that would also be a matter of substantive debate regarding the motion to appeal, and therefore, does not get into the substance of the amendment or the bill except for how they relate.

If the gentleman has concluded, I will return to the gentlewoman appealing the motion of the Chair. You are in order and may proceed.

Ms. O'MARA. Thank you.

I am talking about extreme risk protection orders, because this bill is putting firearms in the hands of anyone without requiring permits. Unfortunately, what is happening right now is that procedural moves are being taken to limit debate on a very serious matter.

The SPEAKER. The gentlelady will suspend. The gentlelady will suspend.

It is not proper to go after the motives of a member as to why they are offering either bills, amendments, or in this case, motions. That is not the proper subject of debate. This is the second time that the gentlewoman has been cautioned to stay on the topic of the motion to appeal. I would encourage the gentlewoman to please stay confined to those remarks.

Ms. O'MARA. Since we are not going to be allowed to discuss the merit of why this is not the right decision, I ask members to please appeal this decision. This is our one opportunity to have a debate, and I think it is time that we do that in this chamber. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff, on the motion to appeal the ruling of the Chair.

Mr. BENNINGHOFF. Very simply, Mr. Speaker, I rise to support you and your decision, and I would ask the members to do the same. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—110

Armanini	Gleim	Mako	Rossi
Benninghoff	Gregory	Maloney	Rothman
Bernstine	Greiner	Marshall	Rowe
Boback	Grove	Mehaffie	Ryan
Bonner	Hamm	Mentzer	Sankey
Borowicz	Heffley	Mercuri	Saylor
Brooks	Helm	Metcalfe	Schemel
Brown, R.	Hennessey	Metzgar	Schmitt
Burns	Hershey	Mihalek	Schroeder
Causser	Hickernell	Millard	Silvis
Cook	Irvin	Miller, B.	Smith
Cox	James	Mizgorski	Sonney
Culver	Jones	Moul	Staats
Davanzo	Jozwiak	Mustello	Stambaugh
Day	Kail	Nelson, E.	Struzzi
DeLozier	Kaufer	O'Neal	Thomas
DelRosso	Kauffman	Oberlander	Tomlinson
Diamond	Keefer	Ortitay	Toohil
Dunbar	Kerwin	Owlett	Topper
Ecker	Klunk	Peifer	Twardzik
Emrick	Knowles	Pennycuick	Warner
Fary	Labs	Pickett	Wentling
Fee	Lawrence	Polinchock	Wheeland
Flood	Lewis	Puskaric	White
Fritz	Longietti	Rader	Zimmerman
Gaydos	Mackenzie, M.	Rapp	
Gillen	Mackenzie, R.	Rigby	Cutler,
Gillespie	Major	Roae	Speaker

NAYS—89

Benham	Fiedler	Krajewski	Rabb
Bizzarro	Fitzgerald	Krueger	Rozzi
Boyle	Frankel	Kulik	Sainato
Bradford	Freeman	Lee	Samuelson
Briggs	Gainey	Madden	Sanchez
Brown, A.	Galloway	Malagari	Sappye
Bullock	Guenst	Markosek	Schlossberg
Burgos	Guzman	Matzie	Schweyer
Carroll	Hanbidge	McClinton	Shusterman
Cephas	Harkins	McNeill	Sims
Ciresi	Harris	Merski	Snyder
Conklin	Herrin	Miller, D.	Solomon
Cruz	Hohenstein	Mullery	Stephens
Daley	Howard	Mullins	Sturla
Davis, A.	Innamorato	Neilson	Vitali
Davis, T.	Isaacson	Nelson, N.	Warren
Dawkins	Kenyatta	O'Mara	Webster
Deasy	Kim	Otten	Wheatley
DeLissio	Kinhead	Parker	Williams, C.
Delloso	Kinsey	Pashinski	Williams, D.
DeLuca	Kirkland	Pisciottano	Young
Driscoll	Kosierowski	Quinn	Zabel
Evans			

NOT VOTING—0

EXCUSED—2

Dowling	Masser
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. Numerically, the gentlewoman, Representative Sappey's amendment is next.

The gentlewoman indicates she does not wish to appeal the ruling of the Chair. The Chair thanks the lady.

The gentleman, Representative Sanchez's amendment is next numerically.

Representative Sanchez's amendment to SB 565 is out of order because it violates House rule 20, which provides that "No bill shall be passed containing more than one subject...." Article III, section 3, of the State Constitution.

SB 565 repeals provisions of the Pennsylvania law requiring a person to obtain a license to carry a firearm in their vehicle or concealed on their person and instead changes the process into an optional license.

Amendment 3000 creates a new 48-hour waiting period for the sale or transfer of a firearm; thus, this amendment inserts a different subject matter into the bill. The Pennsylvania Supreme Court held in *Commonwealth v. Neiman* that the subject matter of the proposed amendment must relate to the same subject as that contained in the underlying bill, and the mere fact that an amendment amends the same title as the bill does not mean that it meets the requirements of Article III, section 3; therefore, amendment 3000 is out of order.

The gentleman, Representative Sanchez, is in order to appeal the motion of the Chair. Is the gentleman waiving off?

Ms. McCLINTON. Thank you, Mr. Speaker.

The SPEAKER. The gentlelady will please suspend.

Leader McClinton, you are in order and may proceed. We were sorting out the speaking order prior to your arrival. You are in order and may proceed.

RULING OF CHAIR APPEALED

Ms. McCLINTON. Suspend?

The SPEAKER. You are in order and may proceed.

Ms. McCLINTON. I appeal the ruling of the Chair. The Pennsylvania Supreme Court has explained, to determine whether an amendment violates the single-subject rule, we must consider whether the various components of the enactment are part of a "unifying scheme to accomplish a single purpose" – *City of Philadelphia*, 575 Pa. at 579. The court has further explained that the General Assembly must be given some degree of deference to amend legislation, and thus have deemed it appropriate for a reviewing court to hypothesize a reasonably broad topic which would unify the various provisions of a final bill.

Mr. Speaker, the single subject of SB 565 is the regulation of firearms, but do not take my word for it. In the title of the bill, on page 1, lines 1 through 2, the constitutionally required title reads: "...in firearms and other dangerous articles...." As such, any honest interpretation of the single-subject rule would conclude that any amendment regulating firearms and other dangerous articles would be in order on the bill.

Mr. Speaker, I would just like to remind the House that the single-subject rule does not only apply to amendments, but it also applies to bills as well. Yet for some reason I have not seen you, Mr. Speaker, rule a bill out of order under the single-subject rule, despite several opportunities. For example, a similar bill on this week's House voting schedule, we previously passed an omnibus Election Code bill, HB 1300. That bill, according to the

summary, did several different things: expanded voter rights, enhanced election integrity safeguards, provided administrative and financial relief to counties, updated timelines for the conduct of elections, so on and so forth. Yet for some reason, even though it was very broad and there were several different topics within one bill, it was ruled that that bill was in fact in order. So the amendment here applies to the regulation of firearms. To be clear, I would not have found that HB 1300 violated the single-subject rule, but our court has already explained that we must be given a reasonable deference to legislate. What is in fact the difference here?

As an institution, we certainly do not want to lose our way. We know that on and on, the majority will be able to vote how it chooses to vote, but we here in the minority should be able to have our say. But these procedural maneuvers are silencing my colleagues and I, and it is rather concerning. Eventually, it will lead to the erosion of the institution of the House of Representatives as we know it, and each and every one of us is entrusted to protect this institution. For this institution, and in order to protect it, please join me, colleagues, in overruling the Chair.

The SPEAKER. The Chair thanks the lady.

I would also like to offer some clarification regarding the rules and the proper role of the Speaker. We are currently operating under rule 27, which says, "No bill shall be amended so as to change its original purpose." And the rule then goes on to delineate the role and the decisions that are currently being made here. The gentlewoman I believe was referencing rule 20 in her cross-reference to HB 1300, which says, "No bill shall be passed containing more than one subject...." However, it says, comma "which shall be clearly expressed in its title" comma "except a general appropriation bill or a bill codifying or compiling the law or a part thereof." Article III, section 3, of the State Constitution.

I believe the gentlewoman quoted her own answer to herself in describing the title of the bill and the process of the bill, and would offer to the body that should members have concerns regarding the constitutionality of a bill, members are in order and could make such a motion when that bill is being debated. I am not aware of any past precedent in the history of the Commonwealth that allows the Speaker to simply make that decision *sua sponte* from the rostrum regarding an underlying bill. If the gentlewoman is aware of such past precedent, we would be happy to review it, but at this time the sole issue before the House is the relationship of the amendment to the underlying bill, which I have ruled to be out of order.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, rule 20 states, "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof." That is from Article III, section 3, in the Pennsylvania Constitution. Rule 20 enables you, Mr. Speaker, as you just read to me, to rule a bill out of order.

The SPEAKER. Quoting from rule 20: "No bill shall be passed containing more than one subject" comma "which shall be clearly expressed in its title...." As previously stated by the Speaker, and I believe the leader was quoting from the title of that bill previously, prior to its passage, those different component parts were expressed in its title with the exception for the appropriations bills and the codifying bills related to the appropriations. What we are currently discussing is rule 27, which is this amendment being out of order to the underlying bill.

On the question,
Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. The gentleman, Representative Sanchez, is recognized as the prime sponsor of the amendment to appeal the ruling of the Chair. You are in order, sir, and may proceed.

Mr. SANCHEZ. Thank you, Mr. Speaker.

Mr. Speaker, I see it a little more narrowly insofar as SB 565 provides for the regulation of firearms, and similarly, my amendment on the same subject provides for the regulation of firearms by providing a waiting period. Mr. Speaker, waiting periods save lives, and to argue that that is not germane just makes no sense to me in the constitutional protections we are trying to afford here. I just believe this is firmly within the scope and I would ask the members to – if you support waiting periods and firearm safety – please support our motion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Zabel, is seeking recognition. You are in order, sir, and may proceed.

Mr. ZABEL. Thank you, Mr. Speaker.

I rise in support of the motion. I concur with my colleague, and as a prime sponsor of this amendment in its bill form, I believe that this is germane. I believe it falls within the ambit of SB 565; this is regulation of firearms.

Look, I have seen amendments be offered that change the direction of a bill. They tend to align with which side of the aisle is offering them. I believe that the rules should operate the same for majority and minority.

The SPEAKER. The gentleman will please suspend.

The gentleman's debate should be contained to the motion to appeal to the Chair and not go to the motives of any member of the House, nor, more importantly, the motives of the presiding officer.

Mr. ZABEL. Thank you, Mr. Speaker.

I believe that the rules should apply with the same force and be interpreted the same way to the majority and the minority. I hope in the future we see that to be the case. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Leader Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I would respectfully ask our members to support the Speaker's ruling and vote in favor of it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,
Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—115

Armanini	Greiner	Mehaffie	Ryan
Benninghoff	Grove	Mentzer	Sainato
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Burns	Irvin	Mizgorski	Smith
Causer	James	Moul	Snyder
Cook	Jones	Mustello	Sonney
Cox	Jozwiak	Nelson, E.	Staats
Culver	Kail	O'Neal	Stambaugh
Davanzo	Kaufer	Oberlander	Stephens
Day	Kauffman	Ortitay	Struzzi
Delozier	Keefer	Owlett	Thomas
DelRosso	Kerwin	Peifer	Tomlinson
Diamond	Klunk	Pennycuick	Toohil
Dunbar	Knowles	Pickett	Topper
Ecker	Labs	Polinchock	Twardzik
Emrick	Lawrence	Puskaric	Warner
Farry	Lewis	Quinn	Wentling
Fee	Longietti	Rader	Whealand
Flood	Mackenzie, M.	Rapp	White
Fritz	Mackenzie, R.	Rigby	Williams, C.
Gaydos	Major	Roae	Zimmerman
Gillen	Mako	Rossi	
Gillespie	Maloney	Rothman	Cutler,
Gleim	Marshall	Rowe	Speaker
Gregory			

NAYS—84

Benham	Driscoll	Kinsey	Parker
Bizzarro	Evans	Kirkland	Pashinski
Boyle	Fiedler	Kosierowski	Pisciottano
Bradford	Fitzgerald	Krajewski	Rabb
Briggs	Frankel	Krueger	Rozzi
Brown, A.	Freeman	Kulik	Samuelson
Bullock	Gainey	Lee	Sanchez
Burgos	Galloway	Madden	Sappey
Carroll	Guenst	Malagari	Schlossberg
Cephas	Guzman	Markosek	Schweyer
Ciresi	Hanbidge	Matzie	Shusterman
Conklin	Harkins	McClinton	Sims
Cruz	Harris	McNeill	Solomon
Daley	Herrin	Merski	Sturla
Davis, A.	Hohenstein	Miller, D.	Vitali
Davis, T.	Howard	Mullery	Warren
Dawkins	Innamorato	Mullins	Webster
Deasy	Isaacson	Neilson	Wheatley
DeLissio	Kenyatta	Nelson, N.	Williams, D.
Delloso	Kim	O'Mara	Young
DeLuca	Kinlead	Otten	Zabel

NOT VOTING—0

EXCUSED—2

Dowling	Masser
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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

RULING OF CHAIR APPEALED

The SPEAKER. The gentlewoman, Representative Bullock, has amendment 3010, which has been ruled out of order. Does she wish to appeal the ruling of the Chair? The gentlelady indicates she will.

First we will provide the background. Representative Bullock's amendment to SB 565 is out of order because it violates House rule 20, which provides that "No bill shall be passed containing more than one subject...." Article III, section 3, of the State Constitution.

SB 565 repeals the provision of Pennsylvania law requiring a person to obtain a license to carry a firearm in their vehicle or concealed in their person and instead changes the process to an optional license. Amendment 3010 creates a "Community-Based Violence Intervention and Prevention Grant Program," thus this amendment inserts a different subject matter into the bill. The Supreme Court held in the *Commonwealth v. Neiman* that the subject matter of the proposed amendments must relate to the same subject as that contained in the underlying bill, and the mere fact that an amendment amends the same title as the bill does not mean that it meets the requirements of Article III, section 3; therefore, amendment 3010 is out of order.

On the question,
Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the motion to appeal the Chair, the Chair recognizes the gentlewoman, Representative Bullock.

Mrs. BULLOCK. Thank you, Mr. Speaker.

I am introducing amendment A03010 to SB 565. SB 565 is about removing the permit requirement for concealed carry, and my bill is also about guns, firearms, and the use of concealed carry permits and its impact on our communities in regards to gun violence.

The SPEAKER. The gentlelady will please suspend.

I believe she is getting into the substance of the amendment. I would simply encourage the Representative to please stay on the subject matter as to how your amendment correlates with the underlying bill, or if the gentlewoman believes that the interpretation of Article III, section 3, is inappropriate.

You are in order and may proceed.

Mrs. BULLOCK. Thank you, Mr. Speaker.

I was trying to explain how my amendment is the same subject as the underlying bill in regards to making sure that communities are safe if we were to remove the concealed carry permit, and to provide resources to those communities if we pass SB 565.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady for that succinct wrap-up.

The Chair recognizes the gentleman, Representative Hohenstein, on the motion to appeal the ruling of the Chair.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

The single subject that is this bill is the Second Amendment. The single subject that is this amendment, and all of the amendments that have been proposed, is the Second Amendment. And the plain language of that amendment indicates and

contemplates a "well regulated Militia" for the defense of this State and the safety of the public. There is your single subject. That is all we need and that is what we should be voting on and talking about together in this single bill with the amendments that have been proposed

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—116

Armanini	Greiner	Mehaffie	Ryan
Benninghoff	Grove	Mentzer	Sainato
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Burns	Irvin	Mizgorski	Smith
Causer	James	Moul	Snyder
Cook	Jones	Mustello	Sonney
Cox	Jozwiak	Nelson, E.	Staats
Culver	Kail	O'Neal	Stambaugh
Davanzo	Kaufer	Oberlander	Stephens
Day	Kauffman	Ortitay	Struzzi
Delozier	Keefer	Owlett	Thomas
DelRosso	Kerwin	Peifer	Tomlinson
Diamond	Klunk	Pennycuick	Toohil
Dunbar	Knowles	Pickett	Topper
Ecker	Kulik	Polinchock	Twardzik
Emrick	Labs	Puskaric	Warner
Farry	Lawrence	Quinn	Wentling
Fee	Lewis	Rader	Wheeland
Flood	Longietti	Rapp	White
Fritz	Mackenzie, M.	Rigby	Williams, C.
Gaydos	Mackenzie, R.	Roe	Zimmerman
Gillen	Major	Rossi	
Gillespie	Mako	Rothman	Cutler,
Gleim	Maloney	Rowe	Speaker
Gregory	Marshall		

NAYS—83

Benham	Driscoll	Kinsey	Pashinski
Bizzarro	Evans	Kirkland	Pisciotano
Boyle	Fiedler	Kosierowski	Rabb
Bradford	Fitzgerald	Krajewski	Rozzi
Briggs	Frankel	Krueger	Samuelson
Brown, A.	Freeman	Lee	Sanchez
Bullock	Gainey	Madden	Sappey

Burgos	Galloway	Malagari	Schlossberg
Carroll	Guenst	Markosek	Schweyer
Cephas	Guzman	Matzie	Shusterman
Ciresi	Hanbidge	McClinton	Sims
Conklin	Harkins	McNeill	Solomon
Cruz	Harris	Merski	Sturla
Daley	Herrin	Miller, D.	Vitali
Davis, A.	Hohenstein	Mullery	Warren
Davis, T.	Howard	Mullins	Webster
Dawkins	Innamorato	Neilson	Wheatley
Deasy	Isaacson	Nelson, N.	Williams, D.
DeLissio	Kenyatta	O'Mara	Young
Delloso	Kim	Otten	Zabel
DeLuca	Kinkead	Parker	

NOT VOTING—0

EXCUSED—2

Dowling Masser

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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

RULING OF CHAIR APPEALED

The SPEAKER. The gentleman, Representative Warren, has amendment 3011, which has been ruled out of order. Representative Warren's amendment to SB 565 is out of order because it violates House rule 20, which provides that "No bill shall be passed containing more than one subject...." Article III, section 3, of the Constitution.

SB 565 repeals provisions of the Pennsylvania law requiring a person to obtain a license to carry a firearm in their vehicles or concealed on their person and instead changes the process as an optional license. Amendment 3011 adds a Federal "terrorist screening database" to the background check process, thus this amendment inserts a different subject matter into the bill.

Pennsylvania Supreme Court held in *Commonwealth v. Neiman* that the subject matter of the proposed amendments must relate to the same subject as that contained in the underlying bill, and the mere fact that an amendment amends the same title as the bill does not mean that it meets the requirements of Article III, section 3; therefore, amendment 3011 is out of order.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the motion to appeal the ruling of the Chair, the gentleman, Representative Warren, is recognized, and you may proceed, sir.

Mr. WARREN. Thank you, Mr. Speaker.

I rise to respectfully appeal the ruling of the Chair. SB 565 would create section 6106.2 to Title 18 which would provide that, and I quote, "...every person present in this Commonwealth WHO IS NOT PROHIBITED FROM POSSESSING FIREARMS UNDER FEDERAL LAW OR THE LAWS OF

THIS COMMONWEALTH shall have an affirmative, fundamental and constitutional right to keep and bear firearms...."

Amendment A03011 would revise the immediately preceding section 6105, and specifically 6105(c), to provide "Persons not to possess, use, manufacture, control, sell or transfer firearms" and would include "A person whose name is included on the terrorist screening database."

The Federal government uses a terrorist watch list to keep those who may be intent on causing harm from things like air travel. Currently those same individuals are not barred under Federal law from buying or possessing a firearm, thus the proposed amendment to section 6105 is related to, germane to, the new section proposed by the underlying bill, SB 565, which specifically would affirm a possessory right to persons not prohibited by Federal law, including those persons on the Federal terrorist screening database. These provisions, Mr. Speaker, are related. The subject matter of the amendment is germane to the subject matter of the underlying bill. Suspected terrorists on the Federal screening list should be prohibited from purchasing and possessing a firearm in Pennsylvania. Accordingly, Mr. Speaker, I respectfully request that the House reverse the ruling of the Chair. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—116

Armanini	Greiner	Mehaffie	Ryan
Benninghoff	Grove	Mentzer	Sainato
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Burns	Irvin	Mizgorski	Smith
Causar	James	Moul	Snyder
Cook	Jones	Mustello	Sonney
Cox	Jozwiak	Nelson, E.	Staats
Culver	Kail	O'Neal	Stambaugh
Davanzo	Kaufman	Oberlander	Stephens
Day	Kauffman	Ortitay	Struzzi
Delozier	Keefe	Owlett	Thomas

DelRosso	Kerwin	Peifer	Tomlinson
Diamond	Klunk	Pennycuik	Toohil
Dunbar	Knowles	Pickett	Topper
Ecker	Kulik	Polinchock	Twardzik
Emrick	Labs	Puskaric	Warner
Farry	Lawrence	Quinn	Wentling
Fee	Lewis	Rader	Wheeland
Flood	Longjetti	Rapp	White
Fritz	Mackenzie, M.	Rigby	Williams, C.
Gaydos	Mackenzie, R.	Roae	Zimmerman
Gillen	Major	Rossi	
Gillespie	Mako	Rothman	Cutler,
Gleim	Maloney	Rowe	Speaker
Gregory	Marshall		

NAYS—83

Benham	Driscoll	Kinsey	Pashinski
Bizzarro	Evans	Kirkland	Pisciottano
Boyle	Fiedler	Kosierowski	Rabb
Bradford	Fitzgerald	Krajewski	Rozzi
Briggs	Frankel	Krueger	Samuelson
Brown, A.	Freeman	Lee	Sanchez
Bullock	Gainey	Madden	Sappey
Burgos	Galloway	Malagari	Schlossberg
Carroll	Guenst	Markosek	Schweyer
Cephas	Guzman	Matzie	Shusterman
Ciresi	Hanbidge	McClinton	Sims
Conklin	Harkins	McNeill	Solomon
Cruz	Harris	Merski	Sturla
Daley	Herrin	Miller, D.	Vitali
Davis, A.	Hohenstein	Mullery	Warren
Davis, T.	Howard	Mullins	Webster
Dawkins	Innamorato	Neilson	Wheatley
Deasy	Isaacson	Nelson, N.	Williams, D.
DeLissio	Kenyatta	O'Mara	Young
Delloso	Kim	Otten	Zabel
DeLuca	Kinthead	Parker	

NOT VOTING—0

EXCUSED—2

Dowling	Masser
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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

AMENDMENTS TABLED

The SPEAKER. For what purpose does the gentleman, Representative Bernstine, rise?

Mr. BERNSTINE. Mr. Speaker, I move today to table all the amendments together, each in their entirety, that have not already been ruled out of order to SB 565. These amendments, while not strictly out of order for the lack of a single subject, do raise issues tangential to the bill itself and ought to be considered separate and defeated separately and apart from SB 565.

SB 565 relates to the constitutional right for a lawful gun owner to carry a firearm concealed without requiring a government-issued license to exercise the full scope of their Second Amendment rights. Several amendments to SB 565 have already been ruled out of order because they clearly and plainly do not share a single subject with SB 565.

The amendments that remain, however, similarly do not directly relate to the constitutional right to carry a lawfully possessed firearm concealed without a government-issued license, and therefore, violate Article I, section 21, of the Pennsylvania State Constitution. These amendments seek to dilute and distract from this constitutional right. They relate to acts that a lawful gun owner should take prior to even obtaining a firearm in the first place. They relate to carving out one municipality from the rest of the State, and they harm law-abiding citizens. They make little sense when you consider the constitutional dimension of the right to keep and bear arms.

For these reasons I move to table all of the remaining amendments on SB 565.

Thank you, Mr. Speaker.

Ms. McCLINTON. Parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentlelady will please suspend.

Let me get the gentleman's motion on the board first. The gentleman, Representative Bernstine, has moved to table all remaining amendments not previously ruled out of order. We will place that motion on the voting board.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. Leader McClinton, you are recognized for your parliamentary inquiry.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, is this motion divisible so that we can vote on the merits of each amendment?

The SPEAKER. The gentleman has made a motion to table all remaining amendments, so I do not believe it is divisible because of the way he phrased the motion.

Ms. McCLINTON. We have a precedent from just last week, Mr. Speaker. There are three amendments remaining, and last week you decided that we could do that and divide them.

The SPEAKER. The gentlelady will please suspend.

Last week the majority leader made the motion to table all remaining amendments and then succinctly enumerated them. This gentleman has not done that. He has not created a list, which, by definition, can be divided.

RULING OF CHAIR APPEALED

Ms. McCLINTON. I would like to appeal the ruling of the Chair.

The SPEAKER. The gentlewoman, Leader McClinton, wishes to appeal the ruling of the Chair that this motion is not divisible.

(Conference held at Speaker's podium.)

The SPEAKER. The House will return to order.

The gentlewoman, Leader McClinton, has made a motion to appeal the ruling of the Chair that the motion as stated by the gentleman, Representative Bernstine, was not divisible.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the motion to appeal the ruling of the Chair, the Chair recognizes Leader McClinton.

You are in order and may proceed, ma'am.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, we did in fact change the rules at the beginning of this session with very little input from my caucus and my legislative leadership team, but nevertheless, here we are debating whether or not we can individually vote on amendments or whether they should be tabled collectively.

The will of the people of this body is clear: every single amendment that is in order that comes before this House should be given the opportunity to vote. This is not the business of using procedural sideswipes to silence members of either caucus. Every amendment that comes up that is in order, we should be able to vote on it. We should be able to vote on it individually, because each of these amendments has different ramifications on people all across the Commonwealth. They are not all regarding the same in fact issue, and as a result, I am asking my colleagues to join me in appealing the ruling of this Chair, that everyone who is in this august body should be able to vote on every single individual amendment, as our rules provide for.

Our rules do not provide for any new motion that is being made today that suddenly we can table more than one amendment. We do not have the precedent for that, as I stated when I started with my grounds, and we certainly do not have the rules for that either, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Does the gentlewoman, Representative Krueger, seek recognition to speak on the motion to appeal the ruling of the Chair?

Ms. KRUEGER. Yes.

The SPEAKER. You will be in order; however, I will remind all members, because this is somewhat different than some of our other debates, on the motion to appeal the ruling of the Chair, you will only be recognized once.

So you are in order and may proceed.

Ms. KRUEGER. Thank you, Mr. Speaker.

I rise in support of the leader's motion. We have the right to consider every amendment separately. We have seen that there is not a path for bills to be considered on their own merit depending on which party's member introduces the bill, and I stand with my leader and support her motion today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Hohenstein, on the motion to appeal the ruling of the Chair.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

As everyone is aware, we are a Commonwealth founded by William Penn with the concept of a Holy Experiment. Part of that Holy Experiment was the concept of debate and decisionmaking after careful consideration. Now, I am not going to ask this body to do what Quakers do, which is simply sit and wait until we have consensus, or even take years and years to have debate on particular subjects that we need to decide, but, Mr. Speaker, we can at least take the 5 to 10 minutes that each of these very well considered amendments to a bill that they are very germane to should be heard; 5 to 10 minutes. We owe that to the citizens of this Commonwealth if we are to call ourselves Representatives of the people and a true democracy.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Briggs, on the motion to appeal the ruling of the Chair.

Mr. BRIGGS. Thank you, Mr. Speaker.

I stand today in support of the motion to appeal from our leader. Just 7 days ago – I guess 5 days ago – the Judiciary Committee was prohibited from introducing any amendments as this bill was called within hours after the Senate sent it to us with little notice and from the floor. So that was an opportunity to discuss some of these ideas which we were not allowed, and today I think we should be allowed to debate three more amendments. It is why Pennsylvanians sent us here, to discuss these issues, and to do another procedural trick to silence us is, in my opinion, unacceptable, and I will be voting with the leader. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Kinkead, on the motion to appeal the ruling of the Chair.

Ms. KINKEAD. Thank you, Mr. Speaker.

We have done this already in the past that we have considered individual amendments, that we have allowed the unique nature of each amendment to be considered by this body, and as the minority chairman of the Judiciary Committee just stated, we were not allowed to consider any of this fully in Judiciary Committee, which is where this would be appropriate – or more appropriate – and so we are again being denied and the Pennsylvanians that we represent are being denied the ability to have us debate on their behalf these very important issues.

We deserve to hear each and every one of these amendments on their merits, and I ask each of you to vote with the minority leader and appeal this decision. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Bullock, on the motion to appeal the ruling of the Chair.

Mrs. BULLOCK. Thank you, Mr. Speaker.

I stand today in support of my leader, Leader Joanna McClinton's motion to appeal the decision of the Speaker. You know, every parent probably, particularly parents here in this body, we have talked to our children about our jobs, and maybe when they visit us here in the Capitol, we take them down to the visitor center where there is video about how a bill becomes a bill. We have all seen it, it is called "Schoolhouse Rock!" And today, unfortunately, we are to now tell our children that that video is a lie and that we are going to usurp the process about how a bill becomes a bill by not allowing for the amendment process to proceed, silencing the voices of the legislators in this body, and silencing not only our voices, but the folks that we represent back home.

Mr. Speaker, I hope that we would vote in favor of democracy today and allowing our voices to be heard. Mr. Speaker, I hope that we would vote in favor of an old-school video that tells us how a bill becomes a bill, which includes that amendment process.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Freeman, on the motion to appeal the ruling of the Chair.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, each and every one of us in this chamber was elected to serve in a body that is charged with being deliberative. That word "deliberative" is a very important aspect to our constitutional form of government, to the integrity of a legislative body, to its charge. We do a disservice to this institution and to the very concept of a democracy if we shut down that deliberative process.

This motion is a motion to allow us to consider each of the bills – each of the amendments, rather – in their own order as to whether they should be tabled. That is a reasonable request. We should not shirk our responsibility as members of a legislative body to serve in a deliberative capacity. That is our charge. I urge the members of this House to stand by that charge and to vote for this motion to appeal the ruling of the Chair.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Vitali, on the motion to appeal the ruling of the Chair.

Mr. VITALI. Thank you, Mr. Speaker.

I support the Democratic leader's appeal of your ruling, and I wish you would reconsider. There is just something fundamentally wrong with grouping motions to table together. Frankly, even the concept of tabling a motion is a way of evading our duties, but allowing these amendments to be tabled as a group, it is something I have never, I have never really – I do not recall ever experiencing in my many years up here. And of course it takes away our abilities to act in a deliberative way, but more important, it really detracts from the people of Pennsylvania, the people we represent, to judge us.

You know, people have a right to know where their legislators stand on the issues of the day. Guns and the regulations of guns are of paramount importance to every Pennsylvanian no matter where you stand on the issue, and it defines you in some way as a legislator, and it is a very important consideration when people judge you, and they have that absolute right to do so.

You know, the motions we make, the actions we take should not be for our convenience. We should not be grouping three amendments together and voting on them because it is just easier for us. It may be inconvenient, but we ought to take the time to vote on each amendment individually. We owe it to the people we represent to let them know where we stand on these issues.

So I would support my leader's appeal. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Isaacson, on the motion to appeal the ruling of the Chair.

Mrs. ISAACSON. Thank you, Mr. Speaker.

As one of the authors of one of the amendments that is requesting to be tabled, I thought I would stand up and point out that the justification for why my amendment should be tabled was not necessarily correct. But to reiterate, as our voices are about to be silenced, I was elected as a duly elected member of this body. The Constitution created 203 of us and we each have our own districts. And I would like to point out that probably many in this room could never get elected in my district, and the people of my district deserve their voice heard just as much as anybody else. And with regard to the justification on why my amendment should be tabled, saying it is somehow impeding on the constitutional right to bear arms, my amendment does no such thing and should be considered amongst this body to make sure that we have all the loopholes and all the safety precautions in place so that people who should not have firearms should not be getting them through some loophole. And I wish that we would support this motion by my leader and consider my amendment individually so that my people's voice in my district can be heard.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Neilson, on the motion to appeal the ruling of the Chair.

Mr. NEILSON. Thank you, Mr. Speaker.

Mr. Speaker, since joining this House, I have always thought the Chair to be very fair in the multiple roles that you have had. However, I just disagree with your ruling today and I thought it important that I share that with you, because just last week you ruled one way; this week you rule another way. And I ask you, Mr. Speaker, to reconsider yourself, reconsider this. This motion, for these people to not be able to be heard – it is bad enough, Mr. Speaker, that we get shut down in committees consistently. We have resolutions that cannot pass this House rule, under rule 35, because why? I do not know; dyslexia does not seem too controversial to me. It is stuff like this that has been happening to us, so you have to understand our frustrations here, Mr. Speaker.

So I would ask that everyone stand with Leader McClinton on her motion so we can actually discuss the amendments at hand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Representative Pashinski.

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

I am a little confused here today. How would we use the amendment process? What is the point of using the amendment process if you are able to bunch them together, bundle them together and with one vote eliminate them regardless of whether it is relevant or not? This whole process is the American way.

As my colleague indicated, each one of us was elected from a certain part of this State; let that part of the State be heard. We are discussing something that is critical, and yes, it is part of the Second Amendment – although the Second Amendment at the time, if we are going to relate to the Second Amendment, there was no Army, Navy, Marines, National Guard, sheriff, there was nothing like that then, was there? No. But the merchant, the banker, the farmer, they became the militia; that is why they had to have their gun. And if you want to read it back to 1776, I have no problem giving every single American or every single Pennsylvanian a musket, a musket. I got time to run if you are not a good aim or not a good shot. I can run away.

Time has changed. The kinds of things that we have available to us now – one person in this room with the right weapon could annihilate us. Look, we have a police force that is well-trained. They are here to protect. That is why we have police, sheriff, etc. That is why we are here.

The SPEAKER. The gentleman will please suspend.

I was trying to give you some latitude on the debate, but I think you are well far afield of the underlying motion to appeal the ruling of the Chair. Again, the question before the members was, was the motion that the gentleman worded divisible? The answer was simply, no. I would encourage you to talk on the merits of the appeal to the Chair and not the underlying substance of the bill and the amendments that were either withdrawn or contained herein this motion or previously ruled out of order and also appealed.

You are in order and may proceed.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Again, every one of us in this room, we are all Americans. We all represent our districts. We all want to do what is right for our district and Pennsylvania. I do not see how we can conduct this incredible body without the ability to provide amendments. And may I also say that amendments have been passed in this House to improve a bill, to make a bill better. And there is nothing you should fear. You have the majority. Let the people speak. Let

them share their thoughts, maybe some new ideas will come forward and we can come together as a body as we should as Americans.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Madden, on the motion to appeal the ruling of the Chair.

Ms. MADDEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the minority leader's motion. And I would like to make the observation that had we entertained these three amendments – called them up, let the sponsors speak on them, and voted on their merits – we might be on to the next bill by now. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative DeLissio, on the motion to appeal the ruling of the Chair.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I just want to comment, there is a Web site out there, a nonpartisan organization called FairVote.org, and they rate the 99 chambers, the 99 legislative bodies in the United States based on the fairness of the chamber's rules. There are 99 instead of 100 because, as most of us know, Nebraska is unicameral. The State of Colorado gets a 100 for its House rules because its rules are really fair, do not concentrate power in a condensed few folks within the chamber, and they have memorialized those changes in their State Constitution. I would like to share that Pennsylvania gets a zero in our rating, and that is because our rules are not very fair, and this is an unfortunate example, or one example, as to why we rate a zero.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentleman, Representative Harris, has requested to speak at the conclusion of all the other Democratic members. I am just making sure there are no others seeking recognition.

You are in order and may proceed, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to support my leader in her appeal of the ruling of the Chair.

Mr. Speaker, this is a very serious piece of legislation. In my city, we have seen over 450 homicides already just this year. Before this month is out, we may see 500 homicides in the city of the first class. This is a very serious piece of legislation, Mr. Speaker, and quite honestly, Mr. Speaker, we should have been allowed to debate every single amendment on this very serious piece of legislation. Each and every one of us is sent here to represent the 60-something-plus members of our district. This motion silences those 60-some thousand members from having their legislators – whom they elect – speak on an issue that is a very serious matter. You can vote however you want to vote on these amendments, but everyone, majority or minority, deserves a right to have their voice heard, because it is not my voice that I speak on, it is my mother's voice who lives in my district. It is my cousin. It is Ms. Dunphy who lives up the street from my mom. It is Ms. Delawn that lives across the street from my mom. It is Jalina who lives up the street from me. I am speaking for all of them when I stand on this floor and raise my voice as their Representative.

So when you cut off debate, when you cut off the opportunity to speak, you cut off their opportunity to have their voice heard in their house. This is the people's House. So, Mr. Speaker, I am in no rush. I am in no rush to leave this chamber today when we are talking about such an important issue as guns.

So, Mr. Speaker, I am going to be supporting the motion to appeal the ruling of the Chair, because quite honestly, everybody in this body deserves an opportunity to have their voice heard so that they can represent their constituents on these such serious matters. And we have to get serious about the work that we should be doing here in this chamber. Stop naming— Never mind. I will leave that for another day. Well, heck, stop naming—

The SPEAKER. The gentleman will suspend.

Mr. HARRIS. —so many darn bridges and start to actually—

The SPEAKER. The gentleman will please suspend.

Mr. HARRIS. —do the work for the people of the Commonwealth of Pennsylvania.

The SPEAKER. The gentleman is not in order, nor is profanity in order on the House floor. The gentleman's words will be stricken from the record.

The Chair will not engage in debate.

The rules are very clear. I would simply remind the members, the rules state that profanity will not be used on the House floor. The gentleman was not discussing a destination, as you would hear in church; he was using it in another way. I would simply remind the members that as Speaker I am asked to interpret the rules as written. Sometimes it leads to a robust debate, as we have here.

This past June, for the information of the members, there was a motion to table HB 1300 and all the amendments, as made by Leader McClinton. For the benefit of the members, I will read that into the record:

"...Mr. Speaker, I move that HB 1300 be tabled to allow us time for serious negotiations with our colleagues on both sides of the aisle, in both chambers, and along with the Governor." The Speaker then posed the statement: "Leader McClinton has made the motion to table HB 1300 and all the associated amendments."

The gentleman, Leader Benninghoff – members will please suspend – Leader Benninghoff at that time asked to be recognized for a parliamentary inquiry: "Point of order, sir....The gentleman, you may state your point of order." Leader Benninghoff went on to say, "I just want to make sure I heard things correctly. I thought I heard the leader make a motion to table the bill but yet we are..." currently on the amendments. The Speaker said, "The motion as stated by Leader McClinton would in fact table the bill and then take with it all the underlying amendments at the same time."

Several members have raised concerns regarding the lack of past precedent. The members are correct, this is a newly amended rule, rule 59, that was put in this time. So yes, there is no past precedent, and when there is no past precedent and the rule book is unclear, we go to Mason's Manual. Section 312 says, "To be divisible, a proposal must include subjects or parts so distinct and separate that, one of them being taken away, the other will stand as a complete proposal."

The gentleman did not make the motion, however was asked to rule on the motion that was made, and the good gentleman made the motion to table all of their amendments in their entirety.

There were questions regarding the precedent from last week that we were in session. That motion, when you review the Journal, was enumerated as three separate amendments to be tabled together. That is not the motion that the gentleman made.

While we can have a debate about the rule itself and should it be drafted differently, that is not the question that is currently before the House. The question that is before the House was, was the gentleman's motion as made divisible, to which I replied, no. That is the ruling that is currently before us.

The gentleman, Leader Benninghoff, is recognized. The gentleman will suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose do you rise, Representative Neilson?

Mr. NEILSON. Parliamentary inquiry.

The SPEAKER. You are in order and may state your parliamentary inquiry.

Mr. NEILSON. Inquiry; yes, Mr. Speaker, thank you.

Representative Harris, you mentioned that his entire statement was going to be removed from the record or—

The SPEAKER. No, sir.

Mr. NEILSON. —his exact word?

The SPEAKER. No, sir. Just the offensive word—

Mr. NEILSON. Okay. Thank you.

The SPEAKER. —and the profanity that was used.

Mr. NEILSON. Thank you, Mr. Speaker. I appreciate that. I thought everything, all his comments were, and it took me back to an old comedian, George Carlin, and there were seven words that you could not say on TV, and that was not one of them, and I just wanted to make sure you knew that for the record, sir.

The SPEAKER. The Speaker is well aware of that; however, while I did not write the rules, neither did Mr. Carlin. I simply enforce what you, as members, have voted on.

The gentleman, Leader Benninghoff, is in order and may proceed.

The Chair thanks Representative Neilson for that inquiry.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I rise to support the ruling of the Chair, Speaker Cutler. I would remind our members, though we are debating over a rule that we all voted on, HR 3, with a vote of 142 to 54, before us right now we have an appeal by the minority leader to the Speaker's ruling. The Speaker's ruling was supporting one of our members who rose, as any member on this floor can, to propose a motion. We should be voting on that motion, and hopefully we will be very shortly. But it is very important from a process standpoint, whether you agree or disagree with the underlying dialogue, that each of our members has that ability to raise that motion or any motion. And that is what this gentleman has done and has now had to wait to get us, the body who self-governs, to vote on that. We can debate all day long on HR 3, but that was a rule we all voted for collectively at the beginning of the year.

So before us we have an appeal to the Chair's motion. I happen to support process, and I think that it is important that the Speaker's ruling which was challenged, which affords him another opportunity to give a ruling, was very well articulated by the Speaker, in consultation with a long-serving Parliamentarian, and therefore, I would ask us not to support the McClinton motion and get on with the underlying motion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—111

Armanini	Greiner	Mehaffie	Rowe
Benninghoff	Grove	Mentzer	Ryan
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Causar	Irvin	Mizgorski	Smith
Cook	James	Moul	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufner	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dunbar	Klunk	Pennycuik	Topper
Ecker	Knowles	Pickett	Twardzik
Emrick	Labs	Polinchock	Warner
Farry	Lawrence	Puskaric	Wentling
Fee	Lewis	Quinn	Wheeland
Flood	Mackenzie, M.	Rader	White
Fritz	Mackenzie, R.	Rapp	Williams, C.
Gaydos	Major	Rigby	Zimmerman
Gillen	Mako	Roae	
Gillespie	Maloney	Rossi	Cutler,
Gleim	Marshall	Rothman	Speaker
Gregory			

NAYS—88

Benham	Driscoll	Kirkland	Pashinski
Bizzarro	Evans	Kosierowski	Pisciottano
Boyle	Fiedler	Krajewski	Rabb
Bradford	Fitzgerald	Krueger	Rozzi
Briggs	Frankel	Kulik	Sainato
Brown, A.	Freeman	Lee	Samuelson
Bullock	Gainey	Longietti	Sanchez
Burgos	Galloway	Madden	Sappay
Burns	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Ciresi	Harkins	McClinton	Sims
Conklin	Harris	McNeill	Snyder
Cruz	Herrin	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, D.
Delloso	Kinhead	Otten	Young
DeLuca	Kinsey	Parker	Zabel

NOT VOTING—0

EXCUSED—2

Dowling

Masser

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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

POINT OF ORDER

Ms. McCLINTON. Point of order, Mr. Speaker.

The SPEAKER. The gentlelady, Leader McClinton, you are in order and may state your point of order.

Ms. McCLINTON. Thank you, Mr. Speaker.

In my reading of rule 59, which we did all vote for, it states specifically, "...The passage of a motion to lay an amendment on the table shall not cause the subject bill or resolution and all other amendments to be laid on the table." A simple reading of this rule makes it very clear, Mr. Speaker, that there is no provision in the rules, that we all voted on and are following, to allow for this type of motion to proceed, and as a result of my reading and yours, Mr. Speaker, I am asking that this motion be ruled out of order.

The SPEAKER. Just for clarification, the gentlelady is asking if the motion is in order?

Ms. McCLINTON. I am asking if it violates rule 59. Rule 59 only provides for an amendment to be tabled, not multiple amendments at one time. It says it right in the text of the House rules that we voted on and are following.

The SPEAKER. The motion that was before the House previously was, was the motion divisible. I think by inference that would also imply that the motion was proper, but that is why the Chair was seeking for clarification on the leader's parliamentary inquiry regarding the underlying motion as it applies to rule 59.

Ms. McCLINTON. Divisibility is a very different rule than whether or not that motion could have been proceeded or should have been laid on the table under rule 59. They are two separate questions. We have done the first and now I have a second question that is totally separate from the prior one that precedes this motion.

The SPEAKER. What is currently before the chamber is a motion to table any and all remaining amendments in their entirety. This chamber has already ruled, consistent with the ruling of the Chair, that that is not divisible, one; and two, I believe also implies that the motion itself would be proper. Because it is a matter that has already been considered by the House, it is a component part of the underlying original question.

Ms. McCLINTON. That was only on the issue of divisibility. The first motion is, can it be divided? That has been voted. The people in this chamber have made a decision. This is entirely separate. It is no inference. If there were inferences, then that would be also stated in our rules.

The SPEAKER. As a general reminder to the members regarding the rules, we start with the specific House rules that are currently before us. Rule 59 does not disallow this motion.

Ms. McCLINTON. Then I would like to appeal the ruling of the Chair.

The SPEAKER. The Chair has not yet made a ruling to appeal. Ms. McCLINTON. It seemed like I could not make the motion. What is the decision?

The SPEAKER. The gentlelady will suspend and please approach the rostrum.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will please return to order. After conferring with both leaders, I believe I understand the gentlewoman's question.

The Chair will now recognize Leader McClinton for her statement of the question regarding rule 59.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, as I read rule 59, it states, "...The passage of a motion to lay an amendment on the table shall not cause the subject bill or resolution...to be laid on the table." This language was written by the majority legislative legal staff and it is very explicit that it says "an amendment." And all of us, while we have not been in grade school in years, we recognize "an amendment" is singular. It is very different from several amendments, which is plural. So my question, Mr. Speaker, is, is the gentleman's motion even permissible under rule 59? Because it is very explicit. It says "an amendment" can be laid on the table, not more than one amendment, which is what is before this House.

The SPEAKER. Leader McClinton has raised the question of whether or not the motion to table all remaining amendments is proper.

For the benefit of the members, the Speaker will review rule 59 as it is currently drafted: "A motion to lay on the table is debatable by the Majority Leader, the Minority Leader, the maker of the motion, the maker of the amendment under consideration and the prime sponsor of the bill under consideration. It is not subject to amendment and carries with it the main question and all other pending questions which adhere to it, except when an appeal is laid on the table. The passage of a motion to lay an amendment on the table shall not cause the subject bill or resolution and all other amendments to be laid on the table." Recognizing that this rule is new this session, as the leader pointed out, rule 59, as previously stated, does not disallow the motion to be made. Any time that our rules are unclear, we go to Mason's Manual, which does allow such a motion to be made; therefore, the motion is in order.

RULING OF CHAIR APPEALED

The SPEAKER. And I believe Leader McClinton will wish to appeal the ruling of the Chair.

Ms. McCLINTON. That is correct, Mr. Speaker.

The SPEAKER. Leader McClinton has made a motion to appeal the ruling of the Chair on whether or not rule 59 allows for the motion that is currently before us.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On that, the Chair recognizes the gentlewoman, Leader McClinton.

Ms. McCLINTON. Thank you, Mr. Speaker.

As I have previously stated – now, I am not going to repeat the earlier argument – this ruling is bad for this institution. It is certainly bad for the minority party, because we never know when the people of Pennsylvania may make further decisions, but this precedent will in fact be remembered.

The SPEAKER. The Chair thanks the lady.

For the information of the members, the Chair's decision is based on the plain wording of the rule and specific to the last sentence: "The passage of a motion to lay an amendment on the table shall not cause the subject bill or resolution and all other amendments to be laid on the table." It is the Chair's interpretation that that is not the operable part of the underlying rule, however does describe what happens when an amendment is placed on the table.

The Speaker recognizes the gentleman, the majority leader, on the motion to appeal the ruling of the Chair.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I appreciate that very good clarification on that, and I would ask the members to support the Chair on his ruling.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. Nothing is in order but the taking of the vote.

On that question, the Chair recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—111

Armanini	Greiner	Mehaffie	Rowe
Benninghoff	Grove	Mentzer	Ryan
Bernstine	Ham	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Causar	Irvin	Mizgorski	Smith
Cook	James	Moul	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufer	Oberlander	Struzzi

Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dunbar	Klunk	Pennycuick	Topper
Ecker	Knowles	Pickett	Twardzik
Emrick	Labs	Polinchock	Warner
Farry	Lawrence	Puskaric	Wentling
Fee	Lewis	Quinn	Wheeland
Flood	Mackenzie, M.	Rader	White
Fritz	Mackenzie, R.	Rapp	Williams, C.
Gaydos	Major	Rigby	Zimmerman
Gillen	Mako	Roae	
Gillespie	Maloney	Rossi	Cutler,
Gleim	Marshall	Rothman	Speaker
Gregory			

NAYS—88

Benham	Driscoll	Kirkland	Pashinski
Bizzarro	Evans	Kosierowski	Pisciottano
Boyle	Fiedler	Krajewski	Rabb
Bradford	Fitzgerald	Krueger	Rozzi
Briggs	Frankel	Kulik	Sainato
Brown, A.	Freeman	Lee	Samuelson
Bullock	Gainey	Longietti	Sanchez
Burgos	Galloway	Madden	Sappey
Burns	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Ciresi	Harkins	McClinton	Sims
Conklin	Harris	McNeill	Snyder
Cruz	Herrin	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, D.
Delloso	Kinhead	Otten	Young
DeLuca	Kinsey	Parker	Zabel

NOT VOTING—0

EXCUSED—2

Dowling	Masser
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Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

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

PARLIAMENTARY INQUIRIES

The SPEAKER. For what purpose does the gentleman, Representative Vitali, rise?

Mr. VITALI. Parliamentary inquiry. I had—

The SPEAKER. The gentleman is in order and you may state your parliamentary inquiry.

Mr. VITALI. It is two parts. The first question is why I was not recognized to speak on that issue. I had a parliamentary inquiry with regard to the issue at hand, and I was wondering why I was not recognized. Did you not see me at the podium or did you choose— Did you see me?

The SPEAKER. The gentleman will suspend.

Mr. VITALI. Now, wait. Just— I am not trying to—

The SPEAKER. The gentleman will please suspend. You are not in order.

Your parliamentary inquiry regarding your recognition is, very simply, I did not see you seeking recognition until after the vote. As I explained previously, once the phrase "members will proceed to vote" has been said, as we said multiple times – the script is very clear. "The yeas and nays will now be taken. Members will proceed to vote" is what is on the script. That is a terminal statement and nothing is in order but the taking of the vote. If the gentleman was seeking recognition prior to that, I apologize, and I did not see you seeking recognition until after the vote had already commenced.

Mr. VITALI. Well, I was up prior to that statement, and I had a question and maybe, maybe it can be dealt with right now. You have cited that Mason's Manual allowed for the grouping of amendments to be tabled together, and my inquiry was, what section of Mason's Manual were you citing, because this is an extremely important precedent we are setting right now and it really goes to the ability of the minority to have their voice heard? And it is my understanding, in talking with our experts, that this is not the case.

The SPEAKER. We will pull the specific cite for you, Representative Vitali.

For the gentleman's parliamentary inquiry, it is in section 399. Truthfully, after conferring in the front with your legal counsel, we actually specifically referenced this section. Subsection 2 says, "The practice of some legislative bodies is to permit amendments to be laid on the table without affecting the proposal. The purpose is to provide a simple method to dispose of amendments without debate." That is section 399 of Mason's Manual. Any time that our rules are not specific, that is our next checkpoint on that. And that is plural for amendments. I know we were discussing singular versus plural. In our rules, any time our rules are unclear, we then go to Mason's Manual thereafter.

And again, the Chair apologizes for not recognizing the gentleman seeking recognition. I did not see it. It probably would have been easier had you simply requested it when you were up during the conference.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentledady, Representative Bullock, has a parliamentary inquiry?

Mrs. BULLOCK. Yes, Mr. Speaker, I would like to make a motion. Can—

The SPEAKER. Well, does the gentledady wish to make a parliamentary inquiry or a motion, because we currently have a motion on the table?

Mrs. BULLOCK. One second. I am sorry, Mr. Speaker.

The SPEAKER. That is quite all right. I will allow you to confer with counsel.

Mrs. BULLOCK. Parliamentary inquiry.

The SPEAKER. The gentledady is in order and you may state your parliamentary inquiry.

Mrs. BULLOCK. Thank you. Would a motion to table the bill take precedence over this current motion before us?

The SPEAKER. I believe the gentledady is referring to rule 55 and the precedence of motions?

Mrs. BULLOCK. Correct. Yes, sir.

The SPEAKER. Very good. While the motion to lay on the table is there, your motion would be the same. One obviously deals with the bill; one deals with the amendments. I believe that this motion should be dealt with first, and then your motion would be in order thereafter.

Mrs. BULLOCK. Thank you, Mr. Speaker.

I will make that motion after this vote.

The SPEAKER. The Chair understands.

The question before the House is the motion to table all remaining amendments. Members in favor of the motion will vote "aye"; those opposed, "no."

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentledady, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman.

The following roll call was recorded:

YEAS—111

Armanini	Greiner	Mehaffie	Rowe
Benninghoff	Grove	Mentzer	Ryan
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Causar	Irvin	Mizgorski	Smith
Cook	James	Moul	Sonney
Cox	Jones	Mustello	Staats
Culver	Jozwiak	Nelson, E.	Stambaugh
Davanzo	Kail	O'Neal	Stephens
Day	Kaufner	Oberlander	Struzzi
Delozier	Kauffman	Ortitay	Thomas
DelRosso	Keefer	Owlett	Tomlinson
Diamond	Kerwin	Peifer	Toohil
Dunbar	Klunk	Pennycuick	Topper
Ecker	Knowles	Pickett	Twardzik
Emrick	Labs	Polinchock	Warner
Farry	Lawrence	Puskaric	Wentling
Fee	Lewis	Quinn	Wheeland
Flood	Mackenzie, M.	Rader	White
Fritz	Mackenzie, R.	Rapp	Williams, C.
Gaydos	Major	Rigby	Zimmerman
Gillen	Mako	Roae	
Gillespie	Maloney	Rossi	Cutler,
Gleim	Marshall	Rothman	Speaker
Gregory			

NAYS—88

Benham	Driscoll	Kirkland	Pashinski
Bizzarro	Evans	Kosierowski	Pisciottano
Boyle	Fiedler	Krajewski	Rabb
Bradford	Fitzgerald	Krueger	Rozzi
Briggs	Frankel	Kulik	Sainato
Brown, A.	Freeman	Lee	Samuelson

Bullock	Gainey	Longiotti	Sanchez
Burgos	Galloway	Madden	Sappey
Burns	Guenst	Malagari	Schlossberg
Carroll	Guzman	Markosek	Schweyer
Cephas	Hanbidge	Matzie	Shusterman
Ciresi	Harkins	McClinton	Sims
Conklin	Harris	McNeill	Snyder
Cruz	Herrin	Merski	Solomon
Daley	Hohenstein	Miller, D.	Sturla
Davis, A.	Howard	Mullery	Vitali
Davis, T.	Innamorato	Mullins	Warren
Dawkins	Isaacson	Neilson	Webster
Deasy	Kenyatta	Nelson, N.	Wheatley
DeLissio	Kim	O'Mara	Williams, D.
Delloso	Kinhead	Otten	Young
DeLuca	Kinsey	Parker	Zabel

NOT VOTING—0

EXCUSED—2

Dowling Masser

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

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

MOTION TO TABLE

The SPEAKER. The gentlewoman, Representative Bullock, is recognized to make a motion.

Mrs. BULLOCK. Thank you, Mr. Speaker.

When the gentleman first made his motion earlier, about maybe 2 hours ago, one part of his reasoning was we needed more time to work on these amendments. We needed more time because these amendments were not exactly related to the right to bear arms. I could not agree more. We need more time to work on this bill. Surely we can see that there is a lot of discussion to be had. We need more time not only to protect your right to bear arms, but also to protect the right to live in many of our communities.

So, Mr. Speaker, with that, I ask to put forth a motion to table SB 565.

The SPEAKER. The gentlewoman, Representative Bullock, has made the motion to table SB 565 from immediate consideration.

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

The SPEAKER. Representative Bullock has made the motion to table. You are in order and may speak on the motion further.

Mrs. BULLOCK. Thank you, Mr. Speaker.

I stand before you for this motion because I am concerned about the impact of this particular bill in my community and my district. Many of you have heard the numbers about gun violence in the city of Philadelphia. We are on record to reach over 500 homicides in the city of Philadelphia. And when I look at studies that have shown that removing the permit requirements in

the city of Philadelphia – or in any city – has shown an 11- to 13-percent increase in violence over a 10-year period in those communities.

For many folks, they are asking for this time. Unfortunately, time was cut short for many in the previous year: Anthony Abel, 46; Jhaquil Aguilar, 22; Zaki Al-Amin, 22; Angel Albino, 46; Marcus Alexander, age 26; Tyron Alexander—

The SPEAKER. The gentlelady will please suspend.

Mrs. BULLOCK. —age 29.

The SPEAKER. The gentlelady's comments should be confined to the motion to table. I believe she is getting a little far afield of the reasons to table versus immediate consideration of the bill today. I would simply encourage the Representative to confine her remarks to the motion to table and not the policy of the underlying bill.

Mrs. BULLOCK. Thank you, Mr. Speaker.

We need to table this bill because the lives that have been lost matter, lives that have been lost because of guns that are in my community. We need to table this bill for further discussion, further debate, and consideration of all the amendments that were not heard today, in committee, and otherwise.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

(Members proceeded to vote.)

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Harris.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Representative Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER. The Chair thanks the lady.

The following roll call was recorded:

YEAS—84

Benham	Driscoll	Kinsey	Parker
Bizzarro	Evans	Kirkland	Pashinski
Boyle	Fiedler	Kosierowski	Pisciottano
Bradford	Fitzgerald	Krajewski	Rabb
Briggs	Frankel	Krueger	Rozzi
Brown, A.	Freeman	Kulik	Samuelson
Bullock	Gainey	Lee	Sanchez
Burgos	Galloway	Madden	Sappey
Carroll	Guenst	Malagari	Schlossberg
Cephas	Guzman	Markosek	Schweyer
Ciresi	Hanbidge	Matzie	Shusterman
Conklin	Harkins	McClinton	Sims
Cruz	Harris	McNeill	Solomon
Daley	Herrin	Merski	Sturla
Davis, A.	Hohenstein	Miller, D.	Vitali
Davis, T.	Howard	Mullery	Warren
Dawkins	Innamorato	Mullins	Webster
Deasy	Isaacson	Neilson	Wheatley
DeLissio	Kenyatta	Nelson, N.	Williams, D.
Delloso	Kim	O'Mara	Young
DeLuca	Kinhead	Otten	Zabel

NAYS—115

Armanini	Greiner	Mehaffie	Ryan
Benninghoff	Grove	Mentzer	Sainato
Bernstine	Hamm	Mercuri	Sankey
Boback	Heffley	Metcalfe	Saylor
Bonner	Helm	Metzgar	Schemel
Borowicz	Hennessey	Mihalek	Schmitt
Brooks	Hershey	Millard	Schroeder
Brown, R.	Hickernell	Miller, B.	Silvis
Burns	Irvin	Mizgorski	Smith
Causer	James	Moul	Snyder
Cook	Jones	Mustello	Sonney
Cox	Jozwiak	Nelson, E.	Staats
Culver	Kail	O'Neal	Stambaugh
Davanzo	Kaufer	Oberlander	Stephens
Day	Kauffman	Ortitay	Struzzi
Delozier	Keefer	Owlett	Thomas
DelRosso	Kerwin	Peifer	Tomlinson
Diamond	Klunk	Pennycuik	Toohil
Dunbar	Knowles	Pickett	Topper
Ecker	Labs	Polinchock	Twardzik
Emrick	Lawrence	Puskaric	Warner
Farry	Lewis	Quinn	Wentling
Fee	Longietti	Rader	Wheeland
Flood	Mackenzie, M.	Rapp	White
Fritz	Mackenzie, R.	Rigby	Williams, C.
Gaydos	Major	Roae	Zimmerman
Gillen	Mako	Rossi	
Gillespie	Maloney	Rothman	Cutler,
Gleim	Marshall	Rowe	Speaker
Gregory			

NOT VOTING—0

EXCUSED—2

Dowling Masser

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

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

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Vitali, rise?

Mr. VITALI. Parliamentary inquiry.

The SPEAKER. The gentleman may state your parliamentary inquiry.

Mr. VITALI. Thank you, Mr. Speaker.

This goes back to the subject of tabling motions as a group, and you had previously said a couple of minutes ago that the precedent you used in Mason's Manual was section 399. And I actually have that in front of me and I have read it several times. There is nothing in these two, in these seven lines that talk about voting on amendments as a group; nothing. And I am just concerned that that was used as a precedent for such an important action we just took. A fair reading of this by any reasonable person does not, does not allow that conclusion. There is nothing in here about the grouping, voting on a motion of a group of amendments.

The SPEAKER. The gentleman will please suspend. I believe you moved beyond a parliamentary inquiry and more into the topic of debate.

I believe the gentleman is questioning the verbiage in section 399—

Mr. VITALI. Exactly.

The SPEAKER. —and regarding that. Yes, after consulting with the Parliamentarian, as well as legal counsel from both staffs, it was your legal counsel who confirmed that in fact Mason's Manual does allow for this, and we referenced subsection 2: "The practice of some legislative bodies is to permit amendments" – plural – "to be laid on the table without affecting the proposal. The purpose is to provide a simple method to dispose of amendments without debate." That is subsection 2—

Mr. VITALI. And if I could stop you right there—

The SPEAKER. The gentleman will suspend. You are not in order.

That was one of the sections that we did rely on in making that decision. More importantly, that is already the decision of the House and that issue has already been decided.

Mr. VITALI. But the paragraph—

The SPEAKER. Does the gentleman have a further parliamentary inquiry?

Mr. VITALI. Yes; yes, I do, because the paragraph—

The SPEAKER. You are in order and may proceed.

Mr. VITALI. The paragraph you read describes the practice of tabling a single motion without tabling the bill. It does not apply to tabling a group of motions. That is anyone's fair reading of that, the words, those three lines you just read. So if you are using that as a precedent, I think we really need to revisit this issue, because that clearly does not serve as a precedent for what we just did.

The SPEAKER. The Chair understands the gentleman's concern, however disagrees with the verbiage contained in section 399. The Chair will not engage in debate but is happy to meet after session to discuss it further if you so choose.

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

The SPEAKER. For the information of the members, there will be no further floor votes this evening; however, there will be some housekeeping to move through.

BILLS RECOMMENDED

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

- HB 773;
- HB 1366;
- HB 1546;
- HB 1590;
- HB 2039;
- HB 2046;
- SB 382; and
- SB 565.

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

BILLS REMOVED FROM TABLE

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

HB 1823;
HB 1995; and
HB 2075.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 232, PN 844**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school districts, further providing for how constituted.

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

BILL TABLED

The SPEAKER. The majority leader moves that HB 232 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 majority leader moves that HB 232 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.

RESOLUTION

Mr. BENNINGHOFF called up **HR 107, PN 1615**, entitled:

A Resolution adopting a temporary Rule of the House of Representatives relating to guidance from the Centers for Disease Control (CDC) minimizing the spread of COVID-19.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The majority leader moves that HR 107 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The majority leader moves that HR 107 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. The Speaker is in receipt of a motion made by the gentleman, Representative Lewis, who moves that this House do adjourn until Tuesday, November 16, 2021, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:39 p.m., e.s.t., the House adjourned.