

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 16, 2021

SESSION OF 2021

205TH OF THE GENERAL ASSEMBLY

No. 61

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (BRYAN CUTLER) PRESIDING

#### PRAYER

HON. FRANCIS X. RYAN, member of the House of Representatives, offered the following prayer:

Mr. Speaker, thank you so much.

As all of you know, our Speaker has just a tremendous love for his children and many of us have just a tremendous love for our children. So this prayer is a prayer that I say every single day for the children and, as a parent, grandparent, for seeking wisdom, and I ask you to please join with me:

O God the Father of mankind, who hast given unto me these my children and committed them to my charge to bring them up for Thee, and to prepare them for eternal life: Help me with Thy heavenly grace, that I may be able to fulfill this most sacred duty and stewardship. Teach me both what to give and what to withhold; when to reprove and when to forbear; make me to be gentle, yet firm; considerate and watchful; and deliver me equally from the weakness of indulgence, and the excess of severity; and then grant that, by both word and example, I may be careful to lead them in the ways of wisdom and true piety so that at last I may, with them, be admitted to the unspeakable joys of our true home in heaven, in the company of the blessed angels and saints. 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 from Monday, November 15, 2021, will be postponed until printed.

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

#### HB 1005, PN 1780

By Rep. RAPP

An Act amending the act of October 27, 2014 (P.L.2911, No.191), known as the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act, further providing for purpose, for definitions, for powers and duties of board and for establishment of program; providing for requirements for first responder agencies and hospital emergency departments; and further providing for access to prescription information.

HEALTH.

#### HB 1792, PN 2420 (Amended)

By Rep. GROVE

An Act amending Titles 1 (General Provisions), 2 (Administrative Law and Procedure), 3 (Agriculture), 7 (Banks and Banking), 12 (Commerce and Trade), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses), 20 (Decedents, Estates and Fiduciaries), 23 (Domestic Relations), 25 (Elections), 30 (Fish), 34 (Game), 35 (Health and Safety), 37 (Historical and Museums), 40 (Insurance), 42 (Judiciary and Judicial Procedure), 51 (Military Affairs), 53 (Municipalities Generally), 54 (Names), 61 (Prisons and Parole), 62 (Procurement), 64 (Public Authorities and Quasi-Public Corporations), 66 (Public Utilities), 68 (Real and Personal Property), 71 (State Government), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, making editorial changes relating to obsolete references to certain Commonwealth agencies, secretaries and acts relating thereto.

STATE GOVERNMENT.

#### HB 2013, PN 2321

By Rep. RAPP

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for right to medical freedom.

HEALTH.

#### HB 2033, PN 2421 (Amended)

By Rep. RAPP

An Act providing for COVID-19 testing; and making an inconsistent repeal.

HEALTH.

#### HB 2051, PN 2366

By Rep. GROVE

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of West Pittston certain lands, buildings and improvements situate in the Borough of West Pittston, Luzerne County; and making a related repeal.

## STATE GOVERNMENT.

**HB 2069, PN 2390**

By Rep. GROVE

A Joint Resolution proposing an amendment to the Constitution of Pennsylvania, further providing for action on concurrent orders and resolutions.

## STATE GOVERNMENT.

**HB 2070, PN 2391**

By Rep. GROVE

A Joint Resolution proposing an amendment to the Constitution of Pennsylvania, providing for executive orders.

## STATE GOVERNMENT.

**HB 2077, PN 2400**

By Rep. RAPP

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

## HEALTH.

**BILL REPORTED AND REREFERRED TO COMMITTEE ON HUMAN SERVICES****HB 1644, PN 1846**

By Rep. RAPP

An Act establishing the Medicaid Care Transition Program and imposing duties on the Department of Human Services.

Reported from Committee on HEALTH with request that it be rereferred to Committee on HUMAN SERVICES.

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

**HOUSE BILLS INTRODUCED AND REFERRED**

**No. 2083** By Representatives WEBSTER, SANCHEZ, KINSEY, BRADFORD, D. WILLIAMS, HILL-EVANS and WARREN

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, further providing for extended special education enrollment due to COVID-19.

Referred to Committee on EDUCATION, November 16, 2021.

**No. 2084** By Representatives LAWRENCE, BERNSTINE, BROOKS, COX, SCHLEGEL CULVER, GLEIM, GUENST, HAMM, KAUFFMAN, KEEFER, MILLARD, B. MILLER, OWLETT, PICKETT, RYAN, SMITH, TOPPER and WHEELAND

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

Referred to Committee on EDUCATION, November 16, 2021.

**No. 2085** By Representatives LAWRENCE, BERNSTINE, R. BROWN, DIAMOND, MUSTELLO, OTTEN, SCHMITT, SCHROEDER and STAMBAUGH

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for commemorative designations; and making editorial changes.

Referred to Committee on TRANSPORTATION, November 16, 2021.

**No. 2086** By Representatives KERWIN, BERNSTINE, BROOKS, CAUSER, SCHLEGEL CULVER, GILLEN, HENNESSEY, HILL-EVANS, KNOWLES, LAWRENCE, MERCURI, MILLARD, ROWE, RYAN and SMITH

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, further providing for operation of State-owned vehicles.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 16, 2021.

**No. 2087** By Representatives HERSHY, SCHLEGEL CULVER, GROVE, KAUFFMAN, PENNYCUICK, ROAE, ROWE, SAYLOR, STAMBAUGH and ZIMMERMAN

An Act prohibiting a public agency from disclosing personal information of charitable organizations.

Referred to Committee on STATE GOVERNMENT, November 16, 2021.

**No. 2088** By Representatives HELM, BENNINGHOFF, BOBACK, HILL-EVANS, RIGBY, STRUZZI, MILLARD, HAMM, R. MACKENZIE, M. MACKENZIE, RYAN, ORTITAY, SCHWEYER, SCHEMEL, SNYDER, WHEELAND, SANKEY, GILLEN, PICKETT, MAJOR, IRVIN, ROTHMAN, ECKER, GLEIM, COOK, McNEILL, SCHLOSSBERG, KAUFFMAN and SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in licensing of drivers, further providing for application for driver's license or learner's permit; and, in fees, further providing for certified copies of records.

Referred to Committee on TRANSPORTATION, November 16, 2021.

**GUESTS INTRODUCED**

The SPEAKER. Turning very quickly to visitor recognition, the Chair is pleased to welcome high school students from the Boys Latin Charter School in Philadelphia, along with their civics teacher, Mr. Andrew Oliver. They are the guests of Leader McClinton, and I know they are on a very tight schedule. So welcome.

**LEAVES OF ABSENCE**

The SPEAKER. Are there requests for leaves of absence? The Chair recognizes the majority whip, who indicates that the gentleman, Representative Chris QUINN, from Delaware

County, requests leave for the day and Representative Kurt MASSER, from Northumberland County, for the week. Without objection, the leaves will be 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 call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

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

ADDITIONS—0

NOT VOTING—0

## EXCUSED—3

Dowling	Masser	Quinn
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LEAVES CANCELED—1

Quinn

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

Members and guests, please take your seats. I will ask Leader McClinton to please approach the rostrum, as we are preparing for a very special event here on the House floor. Members, please take your seats.

## PORTRAIT UNVEILING CEREMONY

The SPEAKER. We are ready to begin today's portrait unveiling ceremony for the 138th Speaker of the House of Representatives, Mike Turzai.

Members, please take your seats. Sergeants at Arms will please clear the aisles. The Sergeants at Arms will please close the doors of the House.

## INVOCATION

The SPEAKER. The prayer this morning will be offered by Democratic Leader Joanna McClinton. Leader McClinton.

Members and guests will please rise as able.

Ms. McCLINTON. Heavenly Father, we thank You and praise You, for this is the day You have made. We are rejoicing and we are glad in it.

Lord, we thank You for waking us up this morning, for starting us on our way, for blessing us with a new day with brand-new mercies. We can certainly testify that it is morning by morning new mercies we see. Great is Your faithfulness.

Lord, as we are here rejoicing and celebrating this moment of time, we know there are so many across the Commonwealth who are not having as joyous as a morning. It is our prayer that You would be with them with whatever circumstances they are facing. Whether it is sickness, whether it is death, whether it is pain, or whatever it might be, it is our prayer that not only that we pray for them that You be with them, that we, as elected leaders, would make policies that impact their lives positively.

Father, we thank You for our retired Speaker. We thank You for his leadership, we thank You for his compassion, and most of all we thank You for his integrity, where every single one of his words in his agenda, his actions lined up with them. We are appreciative to see such a witness in this chamber for so many years. We thank You for his family, for how You have blessed them and kept them, and, Lord, I thank You that he ran a few of my bills.

God, I thank You right now for all of Your blessings. We pray that You would have Your way and be glorified even in this moment. Let us give You the glory, let us give You the honor, let us give You the praise, let us give You the thanks, because You are worthy, and we are grateful.

We ask all these blessings in Jesus' name. Amen.

The SPEAKER. Thank you, Madam Leader.

The Sergeants at Arms will please open the doors of the House. Members and guests, you may be seated.

### WELCOME REMARKS BY SPEAKER

The SPEAKER. As is custom here in the House of Representatives, following a House Speaker's term in office, an oil portrait is painted and placed in a special location in the Capitol, known as the Speaker's Portrait Gallery. The gallery is located on the first floor, just outside the offices of the Speaker and majority leader. If you have not seen it, I would encourage you to take a walk through the history of this chamber.

Today the portrait of Mike Turzai, the 138th Speaker of the House, will be added to that collection. We have gathered this morning to unveil this painting in honor of his distinguished service to the Commonwealth.

### GUESTS INTRODUCED

The SPEAKER. On behalf of the House, it is my pleasure to welcome Mike's family members and friends who have gathered here for this historic event. Welcome.

To the left of the rostrum and in the well, we have quite a number of former House members. It is always nice to see familiar faces, and to them we extend a warm welcome back.

We also wish to welcome several former House Speakers, seated in the well of the House: the Honorable Dennis O'Brien; the Honorable John Perzel; and the Honorable Bill DeWeese, who is here with his wife, Senator Camera Bartolotta. Welcome.

The role of the House Speaker is difficult to grasp and appreciate until you have actually held the position yourself. Serving as Speaker is a humbling honor that few can appreciate. Presiding over our historic legislature to chart our own course and solve our own challenges; promoting and recognizing the dignity of each elected member who serves here; and being able to serve all of the citizens as a constitutional officer – all of these responsibilities require a leader with strength, courage, conviction, compassion, and integrity, just as the Democratic leader outlined during the opening prayer. There is a different level of pressure and attention on the decisions that you make and the very real long-term consequences of those choices.

In my time as Speaker, it did not take me long to have a new appreciation for Mike Turzai's efforts as House Speaker. Mike dedicated two decades of his life to this institution and to representing the residents of his legislative district. His accomplishments, both legislatively and professionally, are well documented. But as you can only learn from being in this chair, the job requires so much more than signing bills on the House floor or watching over the floor as we vote.

Mike's skills and talents away from the floor are a major part of why so many people are here to celebrate with him today. And I shared this story previously, I believe, in this chamber, but it bears sharing once again. When Mike was policy chair and I was a new member, he was willing to take an issue that I cared about, that I had worked on, we did a policy committee hearing, and ultimately, that legislation, several sessions later, once we got it

through the Senate, ultimately became law. It was Mike's willingness to take a chance on a young, new member, to care about the issues that I cared about and that my residents in the district that I represent cared about, that made him such a great leader. My concerns were his concerns, and he was only concerned for the well-being of us as members, as we worked on each of our policy initiatives.

So, Mike, I want to personally thank you for helping me as I moved into this role and as a new legislator, and I do not think I would be here without your guidance, so thank you.

On behalf of the current members, former members, and all the residents of our great Commonwealth who have all benefited from your tireless work, we say thank you.

I will now ask the members and the guests to please turn your attention to the video screens that are positioned throughout the chamber for a video presentation.

(A video was presented.)

### ADDRESS BY HON. MIKE TURZAI

The SPEAKER. At this time I will invite Speaker Turzai to the rostrum once again to share some remarks.

Mr. TURZAI. Speaker Cutler, Leader Benninghoff, Leader McClinton, the other leaders of this august chamber; members, past and present; Speaker DeWeese, Speaker Perzel, Speaker O'Brien, Philadelphia City Council Majority Leader Cherelle Parker; to my former colleagues, with whom I had the honor of serving, each and every one of you: Thank you so much.

Matt Gabler, Steve Bloom, Bill Adolph, Richard Stevenson, Jeff Coleman, Bill Kortz, Harry Readshaw, Mark Mustio: It is just an honor to have you here today.

To my family – if they will briefly rise – please stand. As all the members know, this is a journey you live with your family. Speaker Cutler, he and Jen and their lovely three kids have that similar journey. I am blessed to have with me today my wife, Lidia Turzai, a medical doctor, a pediatrician; and my oldest son, Andrew, a graduate of Notre Dame and now an investment banker in Chicago; and our second son, Stephen, who is nearby, at Franklin and Marshall College. He is a senior; he plays baseball, had the most saves in his conference last year. That is a round of applause. We are missing our youngest, Matthew. Matthew is in Navy ROTC (Reserve Officers' Training Corps) at the University of Notre Dame; he is a freshman and too many classes to get him here today. My sister, Becky, is here; my mother-in-law and father-in-law, Lori and Joe; I am very honored that each of them could be with me on this day, my last day, Speaker, at the rostrum. It is such an honor to be here with my family and with you today.

I am glad that that video was not a tear jerker, but it was very gracious, and thank you so much to the team that I understand put that together: Stephen Miskin, Neal Lesher, John Dille, Jeff Foreman. You are so kind. And then to our Parliamentarian, Clancy Myer, and to his right-hand person, Margaret Doebler; to Kelly Fedeli, the head of protocol under Speaker Cutler; Jen Gregorits, who works with Kelly. To each of you, thank you for making this such a special day. The work that you did really was so – really, it was outstanding and I cannot thank you enough.

I do have some gifts that I would like to share with Kelly, Margaret, Jen, and then also to Sara Kennedy, who was my district manager for many, many years; like family to us. Sara helped with a dinner that we had held last night, and I am very, very appreciative.

Also I have three individuals, we started a Speaker's Portrait Fund – and, Speaker Cutler, you are going to be here for a long time, so you will not need to use it for some time – but the goal was to set up in perpetuity, through corporate and private donations, a fund that would cover the cost of a portrait, including the one here today, and those in the future, and so no taxpayer dollars are being used with respect to the portrait that is to be humbly unveiled today by the artist, Chas Fagan, and three individuals who were so significant in that were our chair, Pat O'Connor – many of you know that Pat, in addition to being with the law firm of Cozen O'Connor, was the chair of Temple University for the better part of a decade; Mike DeVanney, who helped me in my very first race, he was 17 years old, and also managed, with some other good people, my first race for the State House, and I am forever appreciative, and he, I must tell you, treated my mom and dad with such utmost dignity and they were elderly, and I cannot thank Mike enough for all he did to help me get here. And then in addition, Sil Lutkewitte; Sil was the treasurer and secretary and really kept us within the confines of a 501(c)(4) and made sure we stayed on task at every step of the way. To Chris Franklin, the chair and CEO of Essential Utilities, with whom I work; Mike Huwar, the president of Peoples; and Chris Luning, our general counsel – they are three outstanding colleagues and they have given me an opportunity to be successful, I hope, in the private sector.

It has been nearly a year and a half since I last stood on this rostrum in this august chamber of the Pennsylvania House of Representatives. Speaker, it certainly feels like yesterday; it goes by so quickly. Like each of you, as an elected Representative, I was blessed to be a steward. Others came before me and others will follow. In my mind, the core of all public policy is, must be, the recognition that each and every person has dignity and worth from the moment of conception to her or his last breath on earth. To serve here is to want to help others. I would daresay most of us share the same vision, if not necessarily the specific goals or the means to get there. We want a community, a State, where each and every person has an opportunity to lead a full life, to have a good job, to have the love of family and friends, to be free from violence and the scourge of drugs.

Each of you, as leaders, you look around your communities and you see so many positive things, but you also see folks struggle, facing daunting challenges, and want, by nature, to make life better for each of them. As public servants we are called to govern in a manner that, on the one hand, protects individual freedoms, incents folks that work hard, desires to make sure that persons get to see their hard-earned earnings, to use to make for a better life for themselves, so you want to keep that tax burden low. On the other hand, you are called upon to enhance the greater good, by providing needed infrastructure and certainly a safety net for the most vulnerable. Government should not, cannot, take over our lives, but good public policy must enhance each and every person's opportunities, no matter their race, gender, religion, orientation, age, or background.

Opportunity, of course, I think we all agree, starts with education. Every child in Pennsylvania deserves a quality education that provides needed skills to succeed. Each child

needs a strong background in math and basic science and mechanics and English and analytical writing skills. There is a need for the enhancements like computer science, music, the arts, and physical fitness. My only admonition is this: One size does not fit all. The need for educational opportunity is why I was and continue to be such a fervent advocate for school choice. But understand this: School choice includes, of course, outstanding public schools. My father was a public school teacher, and two of our three boys graduated from North Allegheny High School, an outstanding public institution, while our other son, Stephen, graduated from a local Catholic high school. North Allegheny graduated 650 students per year. Vincentian graduated 75 per year. Lidia and I, of course, could have that choice. We could afford it.

Now, whether it be technical schools, religious schools, charter schools, cyber charter schools, or home schooling, parents, grandparents, guardians, in the end, need to have a say in where their loved one gets her or his education. With that in mind, we increased the educational improvement tax credit year after year, created the opportunity scholarship tax credit, increased income limits for those to be eligible to receive those scholarships from that program, and expanded the pool of those who could contribute under that program. We did this while at the same time increasing State funding, using taxpayer dollars for public education, and as you know, Pennsylvania has between the second and third highest average teacher salary and second and third highest starting teacher salary in the nation.

Looking back on my tenure with my colleagues, I wish we could have done just a bit more, particularly an idea that we had put on the table to add an escalator to the educational improvement tax credit, which we did pass in both chambers but, unfortunately, the Governor vetoed.

Looking back on my tenure with you, my colleagues, and others, I find myself asking, how did I get here? I am not sure if many of you ask that same question. I remember that first race for the State House, a special election, like you, knocking on door after door after door to introduce myself. I started in local government like many of you, on our borough council and our local police board. I was engaged in some community events, and those certainly helped me and put me in good stead. Once getting elected, many of my good friends who were here back in July of 2001, over 20 years ago – seems like yesterday – I got to begin that journey as a State legislator, like each of you are on. When I arrived in the Capitol, I told myself, make sure you utilize your time here to move an agenda that befits helping each and every Pennsylvanian: economic development to foster family-sustaining jobs, legal reform to make the system fair, energy independence, particularly using Pennsylvania's abundant natural gas.

I am so proud, so proud of Representative Kaufer's work and others with respect to the new facility that is going to be converting natural gas into gas and creating some 4,000 construction jobs and I think somewhere around 600 permanent jobs in Lackawanna County, similar to what had happened with the petrochemical facility in Beaver County.

Limited government, which included getting out of the sale of wine and spirits. A little more work to do there, but at least we took a very positive step.

Taking government out of areas where the private sector could do best or with private-public partnerships working together with the private sector to do better by Pennsylvania.

A robust private-sector housing market that makes sure that all individuals of all economic strata have an opportunity to have a home.

Protectors of the most vulnerable, including our aged and our unborn.

I remember also thinking, in answering the question as to how did I get here, that you never do it alone. You have family, friends, and people that believe in you, and I have always found that the confidence that I needed inside myself to do better came from those family and friends. I remember I was a rank-and-file member when a young man approached me and said, "Mike, everybody that I talk to thinks you're going to be in leadership." I said, "Oh my goodness. I wish they'd tell me." "Well, I think you're going to get there, and I would like to be the person who helps run that office." He gave me the idea; I moved forward and have had the opportunity to be policy chair and whip and majority leader and then Speaker. What an honor.

I also remember on some of the agenda items, when I grew up, unemployment was as high as 26 percent in neighboring Beaver County where my mom was from, and almost 20 percent in Allegheny County during my formative years around high school and college, and I always kept thinking, the key to success and to family integrity and to personal integrity and to personal confidence was having this family-sustaining job. And with others, many of you are still around, we started this Keystone Manufacturing Initiative with the idea that Pennsylvania could grow those types of family-sustaining jobs, many of them with the trades; and keep in mind, those that work in the trades are individuals who pay for their own pensions, their own health care, have to pass a drug test, and have significant skills to make what we need in Pennsylvania. I will never forget that.

For those of you serving now and for those that will serve in the future, these are just some thoughts that guided me throughout my tenure here in the House of Representatives. I say them today because as I look back on the tenure, I hope and pray that I followed them and that I lived up to them, although I know on occasion, I probably did not do as good of a job as I should have. You look back and you are happy about some of the things that you accomplished or did, but you also think, ah, I wish I could have done that better.

But here they are: Family is first. The second point: Family is first. Take their calls. Check in on them. Understand that they have journeys, too, and that your journey is no greater than each of their journeys.

Remember where you came from. I come from grandparents from Hungary and Ireland wanting to make a better life for their kids here in the United States.

Be humble. In these positions you can lose your humility. I am sure I did on occasion, and I apologize if I did. But being humble means treating each and every person with grace, getting to know their name, saying hello.

Each and every one of you should want to lead – want to lead – and to do that you have to have a great team. With the members who were there to help me serve on my staff during my tenure, would you please stand at this time, each and every one of you, anybody who was on our staff – Sara, Krystjan, Neal, Dave Reddecliff, Noah, Matt. You cannot succeed without great staff, and this staff that I had the honor to work with, they were exceptional, just exceptional people, and with them I include my good friend, an outstanding chief of staff when I was Speaker, Karen Coates. Karen was a significant fan of Majority Leader

Bryan Cutler and now Speaker Cutler. The great thing about Karen and me – and Karen was very private – oftentimes we would be off doing what we needed to do to move some legislation forward and I did not even have to really talk to her about it. I knew what she was up to and she knew what I was up to. It gives you a lot of plausible deniability. Karen was good at that, amongst other really significantly strong traits.

And then, finally, stay strong. It is a contact sport. Not everybody is going to like what you are doing. Do not worry about it. You know what is right. Stay the course. Stay strong through adversity. Keep your word. Work across the aisle.

Cherelle Parker is here today. Cherelle, as you know, from Philadelphia, was leading the delegation. Many people wanted us to increase the local cigarette tax to help fund public schools in Philadelphia – we had some other bills for Philadelphia, too, that we worked on and got over the goal line – but this particular one was designed to enhance funding on a local basis, in the Philadelphia School District. Cherelle was just dogged about it and we came up with a compromise, using language that John Taylor had originally drafted but had not yet moved. We put them together in a singular bill, and it was designed to allow a formal application process for charter schools, and it also allowed for there to be an appeal process if a charter school was denied. That increased the number of charter school students significantly in the city of Philadelphia, but at the same time, it put additional revenue into the Philadelphia School District to make it even better. Cherelle, I will never forget that day and your leadership, and Bill Adolph was also a significant part of getting that over the goal line, and to both of you, I still remember it as one of my favorite, favorite moments of working together across the aisle. Billy, as you know, was Appropriations chair.

Finally, enjoy the journey. Share it with your family. Never forget that it is going to come to an end. I would come back from a dinner or from a meeting and I would enter into that beautiful rotunda, just that spectacular rotunda in this State Capitol, from 1906, and I would just look around, just like I am now, like we all are – I mean, think about it, you work here; personally, I would never be remote, I would always be here – but you look around and you just think, oh my goodness, I get to represent 65,000 people and be here, and honestly, I am not in any way making this up: every time I would look at the beautiful rotunda or I would be here, almost every single time I would say, there is going to be a day when it is your last day. You better make the most of it.

Good friends, family, colleagues: I hope I made the most of it.

To Chas Fagan – Chas, could you please stand – this good man is the portrait artist, and my good friend, Mike DeVanney, introduced us – he is originally from Pennsylvania, the Ligonier Valley in Westmoreland County, and he has painted a portrait of Mother Teresa, done a sculpture of President Reagan, Pope John Paul II. He is world-renowned, a Yale University graduate, lives in North Carolina, and he came here and spent a number of hours here, touring the Capitol and seeing it and then spending time with me, much of it right here where I was talking to Neal Lesher, because he said I would like you to engage in conversation, and he spoke to a group of folks that helped contribute to the portrait and said, if you know Mike, you are supposed to have somebody whose stationary, but that really was not possible and that he had to envision it as somebody who was in motion. Oh my. And he had also said that as he reviewed his photos from that day, he said the one thing that was consistent is they were blurry.

So goodness, I am looking forward to seeing what this portrait looks like. It is very humbling, exceptionally humbling, but, Chas, thank you so much for allowing your distinction as an artist to include me as a subject of one of your portraits.

Speaker, thank you so much for your indulgence. Members, thank you for your time. It is really quite an honor. I succeed many great individuals; in particular, Sam Smith, and followed by a great Speaker in Bryan Cutler. The stewardship will continue forward. Thank you.

### RECOGNITION OF ARTIST

The SPEAKER. At this time I will ask Speaker Turzai and his family and the artist to come up while I do the artist introduction. Mike already hit some of it, but I did want to review it for the benefit of the members.

Chas Fagan, welcome. Chas was born in Pittsburgh; grew up in Belgium; moved to Ligonier, Pennsylvania. A self-taught artist, he was inspired by the rich landscape and history of his surroundings. He specializes in painting and sculpting. Chas's ability to combine his natural artistic talent with his knowledge of history has led to several high-profile commissions, which Speaker Turzai outlined. They included, in addition to the ones that the Speaker already mentioned, Mother Teresa for the National Cathedral in Washington, DC, and his large painting of Martin Luther King's March to Montgomery is displayed in Dallas, Texas. He currently lives with his family in Charlotte, North Carolina. But most importantly, and I would like to give a special thanks to you, Chas, this is the first portrait in the Speaker's Portrait Gallery, so thank you.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, following the recess, which we will get to as soon as we are done with the portrait unveiling, members and guests are invited to the rostrum to take a closer look at the painting. Speaker Turzai, you and your guests are invited to room 60, East Wing, for a reception, once we conclude up here.

### UNVEILING OF PORTRAIT

The SPEAKER. With that, I will turn it over to you for the portrait unveiling.

(Portrait of the Honorable Mike Turzai unveiled.)

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

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. A little bit of housekeeping while we are moving guests around. The Chair recognizes the Appropriations chairman for a committee announcement.

Mr. SAYLOR. Mr. Speaker, the Appropriations Committee will meet at 12:30 in the majority caucus room, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at 12:30 in the majority caucus room.

### 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 1:30 in the majority caucus room. We will be prepared to be back on the floor at 2:30; that is 1:30 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 Dan Miller, for a caucus announcement.

Mr. D. MILLER. Thank you, Mr. Speaker.

Democrats will caucus at 1:30 hybrid. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### RECESS

The SPEAKER. This House will stand in recess until 2:30 p.m., unless sooner called by the Speaker.

Again, we invite the members and guests up to take a closer look at the portrait.

### RECESS EXTENDED

The time of recess was extended until 2:45 p.m.

### AFTER RECESS

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

### GUESTS INTRODUCED

The SPEAKER. Turning to visitor recognition, I would like to have the members' attention.

We have a very special guest to the left of the rostrum, and we are pleased to welcome Ms. Universe, Nikki Johnson-Huston. Nikki is a graduate of Temple University Beasley School of Law, where she earned her J.D./M.B.A./LL.M. in taxation. She is a frequent speaker on how she overcame a life of poverty and homelessness and has now become a very successful attorney. Nikki Johnson-Huston is a tax attorney in Philadelphia and owns her own firm, the Law Office of Nikki Johnson-Huston LLC and has spent over 6 years as assistant city solicitor in the Major Tax Unit for the city of the Philadelphia Law Department. She is the guest and, as I learned earlier, former law school classmate of Representative Bullock. Welcome.

Located in the well of the House, the Chair is pleased to welcome guest page Ryan Talton, who attends Mechanicsburg Area Senior High School. He is the guest of Representative Delozier. Thank you for being with us today.

Also located in the well of the House, the Chair is pleased to welcome guest page Cody Brullo, who attends Garden Spot High School in New Holland. In the gallery, we welcome Rosanna Martin, who is with Job Training Services at the school district. They are guests of Representative Zimmerman. Welcome.

**FORMER MEMBER WELCOMED**

The SPEAKER. Also located to the left of the Speaker, we have a guest of Representative Kirkland, former member and current mayor of the city of Chester, Thaddeus Kirkland. Welcome, Mr. Mayor.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Speaker notes the presence of Representative Quinn, who is back on the floor, and he will be added to the master roll call.

**BILLS REREPORTE FROM COMMITTEE****HB 773, PN 1022**

By Rep. SAYLOR

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.

**APPROPRIATIONS.****HB 1366, PN 2412**

By Rep. SAYLOR

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

**APPROPRIATIONS.****HB 1546, PN 1785**

By Rep. SAYLOR

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.

**APPROPRIATIONS.****HB 1590, PN 1747**

By Rep. SAYLOR

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

**APPROPRIATIONS.****HB 2039, PN 2385**

By Rep. SAYLOR

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.

**APPROPRIATIONS.****HB 2046, PN 2413**

By Rep. SAYLOR

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

**APPROPRIATIONS.****SB 382, PN 1231**

By Rep. SAYLOR

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

**APPROPRIATIONS.****SB 565, PN 1212**

By Rep. SAYLOR

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.

**APPROPRIATIONS.****CALENDAR****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1823, PN 2370**, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, in historic properties, further providing for powers over certain historic property and providing for Washington Crossing Historic Park.

On the question,

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

\* \* \*

The House proceeded to second consideration of **HB 1995, PN 2319**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, further providing for powers and duties.

On the question,

Will the House agree to the bill on second consideration?

Ms. BENHAM offered the following amendment  
No. **A03029**:

Amend Bill, page 2, lines 6 through 30; page 3, lines 1 through 3; by striking out all of said lines on said pages and inserting

(i) To promulgate regulations for the implementation of additional requirements for the licensure of drug and alcohol treatment facilities, including the following:  
(A) Drug and alcohol staff credentialing requirements.

(B) Drug and alcohol counselor staffing ratios.

(C) New programmatic requirements imposed on drug and alcohol facilities, including the requirement of adding programs that significantly increase the cost of delivering care and meeting staffing requirements.

(ii) The Department of Drug and Alcohol Programs shall promulgate licensing requirements in accordance with the laws of this Commonwealth.

(iii) Nothing in this paragraph shall:

(A) Preclude the Department of Drug and Alcohol Programs from implementing the established American Society of Addiction Medicine criteria for drug and alcohol treatment providers under section 2302-A.

(B) Be construed to apply to requirements imposed by the Commonwealth on licensed treatment providers as a condition for the receipt of Federal or State money under grant agreements or contracts.

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

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

Ms. BENHAM. Thank you, Mr. Speaker.

I rise in support of my amendment.

DHS (Department of Human Services) has a Centers for Medicare and Medicaid Services, CMS, approved SUD (substance use disorder) Section 1115 Demonstration Waiver to maintain critical access to substance use treatment for individuals diagnosed with opioid use disorders as well as other substance use disorders. This waiver requires the use of ASAM (American Society of Addiction Medicine) criteria or other nationally recognized assessment and placement tools that reflects evidence-based, clinical treatment guidelines.

To ensure congruence with DDAP's (Department of Drug and Alcohol Programs) transition to the use of ASAM, DHS designated ASAM as the assessment and placement tool used for all individuals receiving SUD residential treatment services under this waiver.

The standard terms and conditions of the CMS approved waiver states, quote, "CMS may suspend or terminate the demonstration, in whole or in part, at any time before the date of expiration, whenever it determines following a hearing that the state has materially failed to comply with the terms of the demonstration project."

It is estimated that the Commonwealth will lose \$444 million annually in Federal funding if this waiver is not in good standing with CMS. If HB 1995 is passed without my amendment, CMS may terminate this waiver, resulting in economic loss, inability to provide appropriate levels of care, such as residential treatment or the appropriate length of stay in treatment. Requiring ASAM to be regulated will at a minimum delay the implementation of ASAM and would result with the State being out of compliance with the STCs (special terms and conditions) of this waiver and put significant Federal funding in jeopardy of being lost.

New or additional requirements for licensure must be promulgated in regulations; that is how things work under current law. This legislation as written, however, without my amendment, could require DDAP to go through the lengthy regulatory process for new or additional requirements imposed

on treatment providers as a condition for receiving grants or contracts. This could leave providers unable to apply for certain grants or receive certain kinds of State or Federal funding that impose requirements that are different than licensing requirements.

For example, a grant issued by SAMHSA (Substance Abuse and Mental Health Services Administration) might require that an outpatient treatment provider have a physician on staff as a condition of grant eligibility, even though DDAP does not—

The SPEAKER. The gentlelady will please suspend. The House will please come to order. The gentlewoman is explaining her amendment and deserves to be heard. Please remove any conversations off the back of the floor into the anteroom. Members, please take your seats.

I apologize. You are in order and may proceed.

Ms. BENHAM. Thank you, Mr. Speaker.

So to continue, this grant might require that an outpatient treatment provider have a physician on staff as a condition of grant eligibility, even though DDAP does not impose that as a requirement to be licensed. If HB 1995 passes as drafted, licensed treatment providers may be ineligible because the requirements the grant would impose have not gone through the regulatory process.

My amendment clarifies that DDAP may impose conditions on licensed providers for the receipt of funding through grants or contracts. And to ensure that we still qualify for that \$444 million annually in Federal funding, I ask for a "yes" vote on my amendment. Thank you.

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

Mr. FARRY. Thank you, Mr. Speaker.

Would the gentlewoman stand for brief interrogation?

The SPEAKER. The Representative indicates she will. You are in order and you may proceed.

Mr. FARRY. Thank you, Mr. Speaker.

ASAM, as being implemented by DDAP, includes requirements for staff credentialing. Are those requirements based upon DDAP adding those, or are they in the underlying ASAM bill?

Ms. BENHAM. My understanding, based on conversations with DHS and DDAP, is that the requirements that you are speaking about are required to be in compliance with the waiver, yes.

Mr. FARRY. Okay. So you said that it is part of the waiver, but is it part of ASAM as federally adopted?

Ms. BENHAM. So in the conversations that DHS has tried to have with CMS, CMS has been unwilling to put in writing whether or not the lack of these requirements would put us out of compliance, and since we do not know how they will react, the argument is that it would not be worth jeopardizing \$444 million of Federal funding.

Mr. FARRY. So the same would apply to the staffing ratios and the programmatic requirements as imposed by DDAP?

Ms. BENHAM. That has the potential to jeopardize the Federal funding, yes.

Mr. FARRY. Okay. Do you know what year the waiver was approved, the Federal waiver that DDAP is citing?

Ms. BENHAM. I do not have that information.

Mr. FARRY. Okay. Have you had the opportunity to speak to any providers as to the impact as to what DDAP's ASAM would – the impacts that it would have on their ability to deliver services?

Ms. BENHAM. My understanding is that DDAP staff have worked directly one-on-one with providers, have held monthly webinars to provide technical assistance, have issued publications on frequently asked questions, and created an ASAM resource account for providers to e-mail questions to DDAP, and in addition, the single county authorities have worked with providers in their counties in learning collaboratives to support implementation. So there have been extensive conversations with providers that have happened.

Mr. FARRY. Okay. Your amendment, as drafted, specifically states – section (iii), subsection (B) – section (iii) begins with "Nothing in this paragraph shall:..."; subsection (B) states "Be construed to apply to requirements imposed by the Commonwealth on licensed treatment providers as a condition for the receipt of Federal or State money under grant agreements or contracts." Who controls the State moneys as cited?

Ms. BENHAM. I am sorry. I am having a really difficult time hearing you.

Mr. FARRY. Mr. Speaker?

The SPEAKER. Members, please take your seats. Other members, as well as the Speaker, are having some difficulty hearing the interrogation. It is very important that the member hears the questions being posed by the gentleman from Bucks. Please move any and all conversations off the rear of the House and into the anterooms so that the interrogation can continue.

You are in order and may proceed.

Mr. FARRY. Thank you.

I will reask the question. Section (iii), subsection (B). Section (iii) begins with "Nothing in this paragraph shall:..."; subsection (B) states, "Be construed to apply to requirements imposed by the Commonwealth on licensed treatment providers as a condition for the receipt of Federal or State money under grant agreements or contracts."

My question to you is, what is the State money? Where is that coming from?

Ms. BENHAM. Where is the State money coming from?

Mr. FARRY. Correct.

Ms. BENHAM. Okay. So the State money would be allocated by generally the – so allocated by the General Assembly. It can also be passed through by the Federal government and then disbursed by the State as well.

Mr. FARRY. Okay. Would that be disbursed by the department, by DDAP?

Ms. BENHAM. Typically, yes.

Mr. FARRY. Mr. Speaker, on the amendment?

The SPEAKER. The gentleman, if you have concluded your interrogation – and I believe you have – you would be in order to speak on the amendment.

Mr. FARRY. Thank you.

As best we can gather information, and we still have some pending questions to the department, as best we can tell their waiver was approved in 2017, before the additional aspects of ASAM were brought forward by the department. Those additional aspects of ASAM have led to the author of this legislation's underlying bill and the importance of the underlying bill. Those additional components of ASAM are above and beyond what the Federal requirements are for implementation of ASAM. The underlying bill is specific to requiring a regulatory process for the actions that DDAP seeks to impose upon providers above and beyond the underlying Federal standard.

We are unable to get an answer from the department as to what specific funds they would lose, but nothing in this piece of legislation would allow ASAM – or excuse me, would undercut the implementations of ASAM as derived federally.

The amendment that is before us today does several things. One, you know, it clearly states that DDAP would not have to go through the regulatory process if funds were at risk, which makes a lot of sense, with the exception of DDAP cannot point to any funds that are at risk. ASAM, as approved by DDAP, would be implemented at great constraint and concern to the providers. There is a reason the trade association for the providers is in support of the legislation as drafted, and, Mr. Speaker, I ask for a "no" vote on the amendment, and let us proceed forward with HB 1995 as drafted tomorrow on final consideration so we can ensure the providers have the resources that they need.

And in closing, I have spoken to numerous providers and I have met with their trade associations, and the most glaring concern they have put forth and something that I think every member of this Assembly should be concerned about is ASAM, as attempting to be implemented by the department with additional clauses above and beyond what the Federal standards are, will result in further empty beds. To meet the standards that DDAP is asking for, the providers will have to leave beds empty, and I think we can all agree that we need more beds for treatment, not less. Mr. Speaker, I ask 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—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	Kinkead	Otten	Young
DeLuca	Kinsey	Parker	Zabel

## NAYS—111

Armanini	Greiner	Mehaffie	Rowe
Benninghoff	Grove	Menzter	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
Causer	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

## 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 860, PN 848**, entitled:

An Act regulating certain smoke alarms; providing for dwelling unit owner and tenant responsibilities; and prescribing penalties.

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

The SPEAKER. It is the Chair's understanding that the gentleman, Representative Samuelson, has withdrawn amendment 2528. The Chair thanks the gentleman.

It is also the Chair's understanding that the gentleman, Representative Polinchock, has withdrawn amendment 2533 and 2543. The Chair thanks the gentleman.

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

Mr. SAINATO offered the following amendment  
No. A02525:

Amend Bill, page 2, lines 21 through 23, by striking out "required updates or changes" in line 21 and all of lines 22 and 23 and inserting the Uniform Construction Code adopted at 34 Pa. Code § 403.21 (relating to Uniform Construction Code) under the authority granted in the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

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

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

Mr. SAINATO. Thank you, Mr. Speaker.

This is a good amendment. I think that it is something that we need to do, and I encourage my colleagues to put up a "yes" vote.

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

Mr. POLINCHOCK. Mr. Speaker, thank you.

This is an agreed-to amendment, and I encourage an affirmative vote.

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—177

Armanini	Flood	Lewis	Rabb
Benham	Frankel	Longietti	Rigby
Benninghoff	Freeman	Mackenzie, M.	Rowe
Bernstine	Fritz	Mackenzie, R.	Rozzi
Bizzarro	Gainey	Madden	Sainato
Boback	Galloway	Major	Samuelson
Bonner	Gaydos	Mako	Sanchez
Boyle	Gillen	Malagari	Sankey
Bradford	Gillespie	Maloney	Sappey
Briggs	Gregory	Markosek	Saylor
Brooks	Greiner	Marshall	Schemel
Brown, A.	Grove	Matzie	Schlossberg
Brown, R.	Guenst	McClinton	Schmitt
Bullock	Guzman	McNeill	Schroeder
Burgos	Hanbridge	Mehaffie	Schweyer
Burns	Harkins	Mentzer	Shusterman
Carroll	Harris	Mercuri	Sims

Causer	Helm	Merski	Smith
Cephas	Hennessey	Mihalek	Snyder
Ciresi	Herrin	Millard	Solomon
Conklin	Hershey	Miller, B.	Sonney
Cook	Hickernell	Miller, D.	Stephens
Cox	Hohenstein	Mizgorski	Struzzi
Cruz	Howard	Moul	Sturla
Culver	Innamorato	Mullery	Thomas
Daley	Irvin	Mullins	Tomlinson
Davis, A.	Isaacson	Mustello	Toohil
Davis, T.	James	Neilson	Twardzik
Dawkins	Jozwiak	Nelson, E.	Vitali
Day	Kail	Nelson, N.	Warner
Deasy	Kaufer	O'Mara	Warren
DeLissio	Kenyatta	O'Neal	Webster
Deloso	Kerwin	Oberlander	Wentling
DelRosso	Kim	Ortitay	Wheatley
DeLuca	Kinkead	Otten	Wheeland
Diamond	Kinsey	Owlett	White
Driscoll	Kirkland	Parker	Williams, C.
Dunbar	Klunk	Pashinski	Williams, D.
Ecker	Kosierowski	Peifer	Young
Emrick	Krajewski	Pennycuick	Zabel
Evans	Krueger	Pickett	Zimmerman
Farry	Kulik	Pisciottano	
Fee	Labs	Polinchock	Cutler,
Fiedler	Lawrence	Puskaric	Speaker
Fitzgerald	Lee	Quinn	

## NAYS-22

Borowicz	Jones	Rader	Ryan
Davanzo	Kauffman	Rapp	Silvis
Delozier	Keefer	Roae	Staats
Gleim	Knowles	Rossi	Stambaugh
Hamm	Metcalfe	Rothman	Topper
Heffley	Metzgar		

## 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. RYAN offered the following amendment No. A02938:

Amend Bill, page 1, line 14, by inserting after "purposes."

The term does not include a care facility, as defined in section 2 of the act of June 23, 2016 (P.L.357, No.48), known as the Care Facility Carbon Monoxide Alarms Standards Act.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Representative Polinchock.

Mr. POLINCHOCK. Thank you, Mr. Speaker.

Representative Ryan's amendment, A2938, adds language to exempt care facilities from HB 860 that are already covered under the Care Facility Carbon Monoxide Alarms Act. He is offering this amendment on behalf of the PA Assisted Living

Association. This is an agreed-to amendment, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Sainato, on the amendment.

Mr. SAINATO. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I urge my colleagues to vote "yes."

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-197

Armanini	Freeman	Longietti	Rossi
Benham	Fritz	Mackenzie, M.	Rothman
Benninghoff	Gainey	Mackenzie, R.	Rowe
Bernstine	Galloway	Madden	Rozzi
Bizzarro	Gaydos	Major	Ryan
Boback	Gillen	Mako	Sainato
Bonner	Gillespie	Malagari	Samuelson
Borowicz	Gleim	Maloney	Sanchez
Boyle	Gregory	Markosek	Sankey
Bradford	Greiner	Marshall	Sappay
Briggs	Grove	Matzie	Saylor
Brooks	Guenst	McClinton	Schemel
Brown, A.	Guzman	McNeill	Schlossberg
Brown, R.	Hamm	Mehaffie	Schmitt
Bullock	Hanbidge	Mentzer	Schroeder
Burgos	Harkins	Mercuri	Schweyer
Burns	Harris	Merski	Shusterman
Carroll	Heffley	Metcalfe	Silvis
Causer	Helm	Metzgar	Sims
Cephas	Hennessey	Mihalek	Smith
Ciresi	Hershey	Millard	Snyder
Conklin	Hickernell	Miller, B.	Solomon
Cook	Hohenstein	Mizgorski	Sonney
Cox	Howard	Moul	Staats
Cruz	Innamorato	Mullery	Stambaugh
Culver	Irvin	Mullins	Stephens
Daley	Isaacson	Mustello	Struzzi
Davanzo	James	Neilson	Sturla
Davis, A.	Jones	Nelson, E.	Thomas
Davis, T.	Jozwiak	Nelson, N.	Tomlinson
Dawkins	Kail	O'Mara	Toohil
Day	Kaufer	O'Neal	Topper
Deasy	Kauffman	Oberlander	Twardzik
DeLissio	Keefer	Ortitay	Vitali
Deloso	Kenyatta	Otten	Warner
Delozier	Kerwin	Owlett	Warren
DelRosso	Kim	Parker	Webster
DeLuca	Kinkead	Pashinski	Wentling
Diamond	Kinsey	Peifer	Wheatley
Driscoll	Kirkland	Pennycuick	Wheeland

Dunbar	Klunk	Pickett	White
Ecker	Knowles	Pisciottano	Williams, C.
Emrick	Kosierowski	Polinchock	Williams, D.
Evans	Krajewski	Puskaric	Young
Farry	Krueger	Quinn	Zabel
Fee	Kulik	Rabb	Zimmerman
Fiedler	Labs	Rader	
Fitzgerald	Lawrence	Rapp	Cutler,
Flood	Lee	Rigby	Speaker
Frankel	Lewis	Roae	

NAYS-2

Herrin Miller, D.

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 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.

## SUPPLEMENTAL CALENDAR A

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1366, PN 2412**, 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 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?

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

Ms. KLUNK. Thank you, Mr. Speaker.

I just wanted to take a moment and thank my subcommittee on the House Judiciary Committee for the bipartisan work that this bill represents. I think it is a great example of Republicans and Democrats working together to find solutions in the family law space to provide attorneys and clients alike with protections and additional tools to resolve those family law matters. So I would certainly appreciate a positive vote for HB 1366. Thank you.

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

Mr. BRIGGS. Thank you, Mr. Speaker.

I just want to echo the prime sponsor's comments. This bill is a great example of how when both parties work together and have hearings and good discussion and respect each other, a good product can be accomplished.

I do know that there are still some concerns. I am definitely, absolutely in favor of a "yes" vote today, but I do understand there are some concerns from the administration that hopefully will be able to be looked at by the Senate, but I want to congratulate the maker and thank her for being a good partner in advancing good legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman for those kind words.

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-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	Markosck	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	Schwayer
Carroll	Helm	Metcalfe	Shusterman
Causer	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
DelRosso	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			

NAYS—0

NOT VOTING—0

EXCUSED—2

Dowling                    Masser

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 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 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?

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

Mrs. PENNYCUICK. Thank you, Mr. Speaker.

HB 2039 would allow a victim of a violent crime to be notified of any legal proceedings in which conditions for bail for the defendant can be modified prior to the case being transferred to the court of common pleas. This would enable the victim to appear at the proceeding and give input on the defendant's bail, if they choose. In many cases, victims of violent crimes may have relevant and important information to present to the court in

helping to assist it make an appropriate bail determination. This bill would ensure that victims of some of the most violent and serious types of crimes have a voice before a dangerous defendant's bail is modified or reduced.

HB 2039 would only apply to personal injury crimes, crimes of violence, the sexual abuse of children, and the sexual exploitation of children. I authored this bill after a constituent told me of a situation in which a man was arrested on child pornography charges and during the investigation photos of a 9-year-old child who lives next door to him were found on his computer. The defendant's bail was set without any notification to the parents of that child and the man is now living back home next to the child he victimized while awaiting trial. This type of situation is appalling. If the parents of that child knew of the neighbor's bail hearing, they could have made a statement and given further information about the dangers and trauma of a neighbor living in such close proximity, information which may have changed his bail determination.

My legislation ultimately seeks to empower crime victims and strengthen their rights under the law. Thank you, Mr. Speaker.

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

Mr. D. MILLER. Thank you, Mr. Speaker.

Will the maker stand for interrogation?

The SPEAKER. The gentlelady indicates she will. You are in order and may proceed.

Mr. D. MILLER. Mr. Speaker, I want to clarify the intent regarding the "transcript of the proceedings" language. Is it your understanding that transcripts are taken at all preliminary hearings in the State?

Mrs. PENNYCUICK. The transcript refers to a piece of paper in the MDJ's (magisterial district judge) file, not a transcript of the proceedings.

Mr. D. MILLER. What piece of paper?

Mrs. PENNYCUICK. It is a piece of paper called an MDJ transcript that contains all the relevant information on the case.

Mr. D. MILLER. What information would be relevant information on the case that you are referring to?

Mrs. PENNYCUICK. That would be the victim's information so that that person, he or she, could be contacted to participate in the bond hearing, if necessary or if warranted.

Mr. D. MILLER. Is it your intention here to make it so that in certain cases a prosecutor or a police officer can give an offer of proof or colloquy in lieu of the testimony in any subsequent proceeding where bail is ever mentioned? I am looking at page 3 of your bill, in the first paragraph of your bill, on page 3.

Mrs. PENNYCUICK. Could you repeat the question?

The SPEAKER. Prior to that, sir, members, the Representative indicated she is having difficulty hearing the questions. We can only turn the microphones up so loud, so please move any conversations off the back of the House. Individuals along the railings, please move into the anteroom.

The gentleman is in order. You may repeat your question.

Mr. D. MILLER. Thank you.

On page 3 of the bill, Mr. Speaker, there is language regarding a prosecutor and an officer presenting information, some type of testimony or information in lieu of testimony, from a victim. On the paragraph above it, you reference "...at any...proceeding where bail conditions may be modified." So I just want to be clear that you are not just talking about where initial bail is set, you want that colloquy and the testimony of the officer to that colloquy to be given at any proceeding.

Mrs. PENNYCUICK. That is correct.

Mr. D. MILLER. What type of – for example, Mr. Speaker, what often comes up when we are trying to protect those who may have difficulty in testifying, there are tender years that we will go into to try and establish – what would you establish when a bail proceeding or would you establish any requirement on the officer for testifying at a decision on the bail or bond that may be months after the case is already started, would you be giving any type of tender years, similar type of establishment to that testimony before letting that officer talk?

Mrs. PENNYCUICK. Could you ask the question again, please?

Mr. D. MILLER. Is there anything in your bill, Mr. Speaker, that would allow or require the establishment of anything regarding the ability of a victim to testify instead of just letting the officer do it at any proceeding to which bond or bail may be discussed? Are there any requirements that you give at all, or is it just whenever it comes up, if the officer wishes to testify, that the officer can do so?

Mrs. PENNYCUICK. The same rules that are in law now would apply. This allows the victim or the victim's parents to come forward and testify before the judge.

Mr. D. MILLER. Respectfully, Mr. Speaker, I am looking at page 3, in the middle here, in lieu of testimony by the victim. So I just want to be clear, can you tell me on page 3 where it references anything to do with the parents?

Mrs. PENNYCUICK. If the child is a minor, it is assumed in law that the parents—

Mr. D. MILLER. Okay. I will assume that a minor has parents, I understand. I am just wondering how your bill applies to it.

Mr. Speaker, I have no further questions.

The SPEAKER. You are in order. Do you wish to speak on the bill?

Mr. D. MILLER. Yes.

The SPEAKER. You are in order and may proceed, sir.

Mr. D. MILLER. Mr. Speaker, I appreciate the back and forth, I guess I would say, regarding the interrogation. I would note, though, that I really believe that this bill is straying far afield from where we have been or where our law currently is. We have allowed at certain proceedings a degree of hearsay to come in; at lower levels of our court proceedings, we do allow for a degree of hearsay. The problem is that this bill, for that example, seems to apply way beyond anything to do with getting an initial bond hearing, but to do with a preliminary hearing, and anything beyond it; that we are just going to say that somehow the officer is going to get up there and talk as to what the victim says, and this has nothing to do even with questions about who is actually at these initial proceedings, how does due process apply, who can ask a question, who can cross-examine, or, and I appreciate the definition, I guess, for what a transcript of the proceeding is in court, but I am not clear, too, that the language that is used actually makes sense, at least for how we practice in Allegheny County.

I am lost as to the language that is in this bill. I do not believe that it will be something that will be of value into the courtroom. Look, we do have proceedings that are in place that allow for prosecutors to establish ways to limit testimony when there are particular victims for us to worry about. There is no doubt about that. Here what we want, I believe what the bill says is, you want to throw all the victims into every proceeding you possibly can and then be upset to say that well, we do not want them to talk at it; we just want them to be able to say through someone else

whatever they want to say, but do not ask a question of them because that is too much, and the bill does not even apply to just the situation where you are talking about a minor. It does not even apply to just everybody who is a minor.

I am lost to it. I wish it was a little bit more substantive. I wish I personally was able to make a little bit more clear as to the interrogation. I admit that I am a little lost with it. But I do not see how this bill should be voted on and I would urge everybody to vote "no."

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

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this bill and to thank the maker for offering such an important bill. We have taken great strides over the last several years to ensure that victims' voices are heard at different steps in a proceeding, most notably at the Parole Board and elsewhere. There are protections throughout our laws to ensure that the victim's voice is heard, that their rights are protected. Unfortunately, one of the areas that has been overlooked is at a bail proceeding, and so in this instance it is critical, and we heard the example given by the good lady from Montgomery County about a victim of a crime who happens to live next door to a defendant and was not provided an opportunity to be heard by the judge who was making the bail determination. That is critically important information that the individual making the bail determination needs to have before they can go ahead and make that bail determination. So this is about ensuring victims have a voice, making sure that the individual setting bail has all the facts available to them, that they have all the information available to them, and I applaud the lady for bringing this bill forward.

As it relates to the transcript that the prior member was referencing, I would just direct him to the Rules of Criminal Procedure, rule 547, it is entitled, "Return of Transcript and Original Papers." This is not a transcript of a proceeding where you have a stenographer, as we may have here on the House floor recording everything we say. It reads, under section (A) "When a defendant is held for court, or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case, the issuing authority shall prepare a transcript of the proceedings. The transcript shall contain all the information required by these rules to be recorded on the transcript. It shall be signed by the issuing authority, and have affixed to it the issuing authority's seal of office." So there is no confusion about what transcript was referenced here in the bill. It is very clear from the Rules of Criminal Procedure.

I would encourage the members to vote "yes" and support the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, we will recognize the prime sponsor again for the second time on final passage.

Mrs. PENNYCUICK. Thank you, Mr. Speaker.

I ask for your affirmative vote today as a vote for victims and their trials and tribulations as they go through the court process. Any parent who had a child who has been victimized or sexually exploited should have the right to appear and have input into a bail hearing. That is all they want, is to protect their children. Thank you.

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 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—139

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

#### NAYS—60

Benham	Delloso	Kenyatta	Otten
Boyle	Driscoll	Kim	Parker
Bradford	Evans	Kinhead	Rabb
Briggs	Fiedler	Kinsey	Sanchez
Brown, A.	Fitzgerald	Kirkland	Sappey
Bullock	Frankel	Krajewski	Shusterman
Burgos	Gainey	Krueger	Sims
Cephas	Galloway	Lee	Solomon
Cruz	Guzman	McClinton	Sturla
Daley	Harris	McNeill	Warren
Davis, A.	Herrin	Miller, D.	Webster
Davis, T.	Hohenstein	Mullins	Wheatley

Dawkins	Howard	Neilson	Williams, D.
Deasy	Innamorato	Nelson, N.	Young
DeLissio	Isaacson	O'Mara	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 2046, PN 2413**, 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 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?

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

Ms. KLUNK. Thank you, Mr. Speaker.

HB 2046 is a regulatory bill that increases transparency and professionalism for anyone who is acting as a third-party guarantor, referred to as a "surety," in a criminal case. This bill is designed to assure that any person who provides bail to someone facing a criminal charge is, one, listed on the necessary court paperwork as a surety and, two, is licensed to perform those services. The language in this bill is a refinement to the transparency and professionalism measures that this body unanimously adopted in 2015 for a compensated surety or bail bondsman. That legislation required a license for any person who wished to receive compensation to provide surety services and in doing so left unregulated anyone who would provide surety services without compensation.

All this bill does is ensure that a person who is a surety in three or more cases in 30 days, otherwise working as a surety, is held to a standard where they understand that their obligations as a fiduciary are important. This bill further protects the rights of the person charged with a crime as a consumer of those particular services. This bill has been introduced to ensure increased transparency to the public and true communication with our courts.

This bill does not, does not abolish the good work of any person or group who wishes to provide surety services without compensation. The ability to do so remains in this bill, but it remains with transparency and ultimately accountability to both

the person acting as a surety and the person who is facing those criminal charges. This bill does not restrict the ability of a person or a group who wishes to provide other services, those great wraparound services, such as transportation, education, housing, medical care, court reminders, occupational workforce development assistance, or any other wraparound service that they may be providing. That good work can and will and should continue. This bill does not prevent family members, friends, fellow church congregants, or others in the community from banding together to support someone who is facing criminal charges as a surety. That ability still will remain.

This bill does require that any person or group who wishes to serve as a surety in those three or more unrelated criminal cases in that single county in 30 days, it requires them to obtain that license because we need to ensure that someone who is providing these services understands their fiduciary responsibility to the person charged with a crime and our community.

The choice of three or more cases has historical support. Prior to 2015 when we the legislature voted to unanimously pass Act 16 that was a bill to increase transparency of suretyships in Pennsylvania, the law was that anyone, absolutely anyone who, quote, "...within a period of 30 days has become a surety, or has indemnified a surety, for the release on bail of a person, with or without a fee or compensation, or promise thereof, in three or more matters not arising out of the same transaction." That was considered a professional bail bondsman. As a professional bondsman, anyone who served as surety in three or more cases in the 30 days was subject to that regulatory scheme. This concept is not new, but rather a well-settled part of our laws here in Pennsylvania.

Even now, our law recognizes a "surety" as, quote, "A person who pledges security, whether or not for compensation, in exchange for the release from custody of a person charged with a crime prior to adjudication."

When this August, as our good Speaker, former Speaker, would call this body, contemplated these same changes in SB 397 of 2015, known as Act 16 of 2015, some 6 years ago for sureties, not one member of this body opposed the bill. Not one member of the House, not one member of the Senate voted "no." Not one; not one. And more importantly, our esteemed Governor, His Excellency, Tom Wolf, he signed his name on that bill to make it law.

We should all support the increased transparency that this bill brings now to all sureties in our system that make this their work each and every day. It is fair, it is right, and it is transparent. And I urge everyone to vote "yes."

Thank you, Mr. Speaker.

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

Mr. KRAJEWSKI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in strong opposition to HB 2046, a bill that will shut down nonprofit community bail funds throughout this Commonwealth. However, one thing I do agree with the maker of this bill on is that our pretrial holding system is in need of an extreme overhaul. Mr. Speaker, our justice system proclaims that defendants are innocent until proven guilty, yet the inclusion of an archaic system like money bail distorts that promise beyond recognition, instead propping up a system that allows freedom for the haves but incarceration for the have-nots.

Mr. Speaker, community bail funds serve a critical role in balancing the scales of our justice system, allowing those unable to pay to be able to return to their families or their communities prior to their trial date. They also provide this essential service without charging the defendant a fee. There are only two countries in the entire world that use money bail, let alone allow a professional industry that profits off of people who are at their most vulnerable.

Mr. Speaker, the common refrain for why we need to hold people on money bail is that it is insurance that the accused will return for their trial. But data in Philadelphia shows that 94 percent, 94 percent of people bailed out by community bail funds return for their trial date. This is in contrast to an overall failure to return rate of 70 percent for people who are released pretrial. And in fact, that 94 percent is no better of a rate of return than jurisdictions that do not use money bail at all. However, what we have seen for jurisdictions that utilize money bail is an increase in rates of recidivism. So not only does money bail cause no significant increase in the rate of court appearances, it also criminalizes the most vulnerable of us – our poor, our working class, our Black and Brown and immigrant communities throughout this Commonwealth.

So to conclude, Mr. Speaker, my concerns with this bill are twofold. Firstly, it would prevent community not-for-profit bail funds from conducting their essential service of protecting poor people from one of the many injustices and imbalances in our court system. These people would then be at the mercy of a bail bond industry that is less concerned about their innocence or guilt and more concerned about their ability to foot the bill. Secondly, it upholds the validity of money bail as an effective means of holding. If we were truly concerned with community safety, we would get rid of money bail altogether for a system that uses wraparound services and communications to encourage court appearance. For those reasons I ask for a "no" on HB 2046. Thank you.

The SPEAKER. The Chair thanks the gentleman.

## PARLIAMENTARY INQUIRY

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

Ms. KINKEAD. Thank you, Mr. Speaker.

Before I begin my remarks, may I make a parliamentary inquiry?

The SPEAKER. Sure. Yes, ma'am. You would be in order and you may state your parliamentary inquiry.

Ms. KINKEAD. When it comes to speaking on a bill before the House, is speaking to the current situation and the possible impact of the bill relevant to the discussion of the bill?

The SPEAKER. While that is not technically a parliamentary inquiry, I will do my best to answer the Representative's question. I believe what you are inquiring is, what latitude do the rules allow in terms of debating a bill? I would actually point out, I think, that the prior speaker did a very good job of discussing the component parts of the bill and what he would have done differently, and I would simply encourage the Representative to stay within the same confines. But rest assured if that is not the case, we will let you know.

Ms. KINKEAD. Just a follow-up question.

The SPEAKER. You are in order and may proceed.

Ms. KINKEAD. To the extent that I tried to make these comments in my committee and was improperly silenced, what is my remedy?

The SPEAKER. I will reference the good lady to rule 10 on the subject of debate. It says, "When a member desires to address the House, the member shall rise and respectfully address the Speaker. Upon being recognized, the member may speak, and shall be confined to the question under consideration and avoiding personal reflections. When two or more members rise at the same time and ask for recognition, the Speaker shall designate the member who is entitled to the floor. No member...may speak more than twice...."

I believe the good Representative is inquiring as to committee procedures. The committees generally run with the same rules of the House; however, the chairs are also the presiding officers for their individual committees just as the Speaker is the presiding officer for the chamber, and if they determine that you have strayed beyond the content of the bill, the situation would be the same in that they would restrict debate to the underlying component parts of the bill.

Generally – and I know we have had a lot of discussions about this recently – the issues contained in the bills tend to be very confined, for a variety of court cases that we often reference when making decisions have really limited in many cases the scope of amendments as well as sometimes the scope of debate. Our job is to consider legislation. Specific to any remedies that would be available in the committees, I would encourage the Representative to speak with your chairman and work through those issues in committee or you are certainly welcome to talk to me after session.

Ms. KINKEAD. Thank you, Mr. Speaker.

Twelve days. That is how long this legislation has existed and we are already shoving it through on final passage. This bill should be solving a significant problem if we have such urgency and yet it is not. Put simply, we should not even be discussing this. State legislation is not needed. Rules already exist that regulate how private individuals, collective groups like churches and nonprofit groups, including community bail funds, may post bail. Not only are there clear and adequate rules, but it was admitted in committee that this legislation is not tackling an actual problem. No justification whatsoever was provided other than vague theories of professionalism, which is an odd sticking point given that we have traditionally attempted to stake out the claim of being antiregulation and yet here we are calling for regulation where there is none needed.

Though community bail funds are clearly the target of this ALEC (American Legislative Exchange Council)-backed bail bond industry giveaway, this bill is not just about community bail funds. This legislation would limit the ability of churches to come together to support their congregation members, relatives to come together to support their family members, neighbors to come together to support neighbors. This would regulate into the ground, for no clear purpose, any and all attempts by individuals to come together and support their neighbors caught up in the legal system.

One of the most astounding leaps of logic that I heard about this legislation is the fearmongering around cartels, which is not only misguided practically and geographically, it also displays a shocking ignorance of how community bail funds, sophisticated criminal organizations, and our criminal legal system each operate. Community bail funds have existed since 1920 when

similarly overreaching legislators created the Red Scare and prompted mass arrests. They are not and have never been linked to organized crime.

Community bail funds do not receive donations from individuals or organizations to specifically bail out any single individual. They exist to support those who are unjustly trapped in unaffordable bail. Donations provided by shadowy organizations attempting to use bail funds as a front simply does not happen and there is no evidence whatsoever that it does. In order to post bail, a person, whether posting as an individual or on behalf of a bail fund or community group, has to present their State ID and provide contact information to the court. The funds are raised from tiny donations from community members and individuals, near and far. Some donations are as low as \$5, symbolic of the community banding together to support those in greatest need of assistance.

In specific cases involving drug charges, the bail-setting authority is able to use what is referred to as the "Nebbia Order," meaning that in order to post bail, the would-be poster has to appear before the judge to testify that the source of the funds to be used is not related to the crime for which the defendant is accused. If the judge lifts the order, only the person who appeared in court can post bail and they must act as a surety for the bail posted.

Community bail funds are different from bondsmen. They do not profit on the caging of our fellow community members. They do not depend on a system where those without the financial means to post bail themselves are forced to submit to surveillance and coercion prior to their day in court. Bail funds are a manifestation of communities rejecting the idea that caging people leads to community safety and proof that our current system is unnecessary, cruel, and ineffective.

Unlike bondsmen, community bail funds exist solely for the public benefit and do not charge for their services or exact repayment from the individuals and families that they serve. The individuals assisted by community bail funds are working-class and low-income people, many of whom struggled to find and maintain safe housing or were unhoused prior to their incarceration. Requiring bail funds, churches, and other community groups who come together to post bail for our neighbors would only serve to chill this activity and limit the ability of poor and low-income people to make bail. Bail funds, churches, and community groups, unlike bondsmen, post bail for our neighbors without the requirement of payment. Registration and regulation of private citizens who post bail for their neighbors free of charge would not provide any benefit to the community and would in fact prove to be a burden.

Pennsylvania already has the ninth highest rate of pretrial detention with 270 people in jail for every 100,000 residents. Pretrial detainees, people who have not actually been convicted of the crime for which they are accused, make up more than 60 percent of our current jail population. A study that examined bail and court appearance rates in Pittsburgh and Philadelphia found no evidence that cash bail increased the probability of appearance for subsequent court dates. However, it did find that cash bail increases the likelihood of recidivism by 6 to 9 percent. After just 3 days in jail, people can lose their jobs, housing, custody of their children, and even their lives. Community bail funds help mitigate this harm by posting bail free of charge.

Under the guise of professionalizing a system that has worked well for over 100 years, we are reinforcing a system that allows people with financial means to purchase their freedom while

those without means remain incarcerated. Because pretrial detention is directly correlated with increases in defendants waiving fundamental rights like preliminary hearings and pleading guilty when they otherwise would not, this legislation would only exacerbate the disproportionate negative impact our criminal justice system already has on low-income communities and communities of color.

This bill solves no stated problem, creates significant new ones, and leaves our criminal legal system somehow even more unjust than it already is. I cannot support it and I cannot understand how any of my colleagues here would. I ask you to vote "no." Thank you.

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

Mr. ECKER. Thank you, Mr. Speaker.

So if one of our children is charged with a crime, we are not going to go and see an unlicensed attorney. If we have a medical condition, we are not going to go and see an unlicensed doctor. Heck, we probably will not even go and get our hair cut from an unlicensed barber. Okay? This bill is simply bringing in a group that is trying to act unlicensed.

Yesterday we passed an amendment on this floor to give these groups an extra amount of time to get compliant, to get the registration. We are talking about a nominal— At the end of the day, we are talking about a nominal registration fee that these groups have to go through to be able to obtain the licensing that every other bondsperson has to do. That is what this bill does. It is not a change of the bond system – or the bail system; I am sorry. This is about bringing uniformity to how the bail system works and those that are in this arena.

And just like we want our attorneys and our accountants and our doctors to be licensed when we go and see them, that is what this bill does. That is why I am supporting this bill, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman, Representative Briggs, on final passage.

Mr. BRIGGS. Thank you, Mr. Speaker.

I am actually going to be submitting my comments for the record because the previous speaker from Allegheny County hit the argument right on. It would have been great to hear that exact same argument in committee, but she was silenced during that discussion. So with that, I am not going to go through my comments because I think she explained the benefits of the bail funds.

There are eight funds in the State. They provide a lot of services. Last year the Philadelphia Bail Fund provided 400 individuals bail. And I know they could still— They could do it once and they could do it twice but once they got to that third, they would have to stop. And the services they provide are much more comprehensive than just a no-fee bail. They provide rides to hearings. They provide counseling. These are good entities. They are not drug cartels. They are not bad actors as we have heard.

But it was unfortunate last week when those comments were silenced. And I will be submitting the remainder of my comments for the record.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. Your remarks will be submitted and accepted for the record.

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

Mr. Speaker, I rise today to oppose HB 2046.

First, Mr. Speaker, the speed at which HB 2046 is moving through this chamber is notable. Mr. Speaker, this bill was introduced without a cosponsorship memo and referred to the House Judiciary Committee on November 3 and reported out of committee on November 9. Here we are on November 16 voting on final passage on the House floor.

Mr. Speaker, this legislation has not been around and it is a completely new concept for a problem that does not exist. In committee, members queried what the problem is that we are attempting to solve with this legislation. Mr. Speaker, this seems like a straightforward and appropriate question and one that we all ask when we consider legislation, but unfortunately, the answer was all but clear. Basically, the reason stated for the urgent need for this legislation is at some point in the future a bad thing may happen involving a nonprofit bail fund and there was an incomprehensible reference to public safety. We heard about drug cartels and various bad actors.

Mr. Speaker, I will use a phrase a friend of mine used to use on this floor: skulduggery. I believe skulduggery is afoot and the dirty little secret behind this bill is some among us want to eliminate all competition, no matter how insignificant, to the predatory bail bond industry.

Mr. Speaker, bail funds are typically nonprofit, charitable organizations that are community-supported and volunteer-driven. These funds provide free, no-cost bail and case management services to support people who are released pending trial. By all accounts these bail funds are providing a much-needed community service to get people out of jail who cannot afford to post bail.

Mr. Speaker, dare I say community bail funds use a carrot model to help people rather than the predatory sticks used by the commercial bail industry. Bail funds have been around for decades without any issues, and there are eight such funds operating in Pennsylvania. Mr. Speaker, I have been able to look at data from one of the community bail funds operating in Philadelphia and they tell me this bill will shut them down. The data is eye-opening. For example, Mr. Speaker, 88 percent of the people served by the fund are people of color, 98 percent of the people were indigent, 93 percent of all those served by the fund show up for all their court dates, and out of all the cases they closed in 2020, 84 percent were withdrawn or dismissed before trial, 12 percent were given probation alone, and 4 percent were eventually sentenced to jail.

Mr. Speaker, last year alone bail was set in 11,000 cases in Philadelphia and Philadelphians spent \$36 million in bail payments. The community bail fund helped free 400 people and spent only about a million dollars. The overwhelming majority of people in jails are not convicted and are simply awaiting resolution of their charges.

Mr. Speaker, when someone is arrested for a minor crime and granted bail, the issuing authority is making it clear the person is not a danger to the community. We are not talking about hardened criminals or violent crimes. Most of these funds provide support to people accused of minor crimes but they cannot afford to post any amount of bail no matter how small.

Mr. Speaker, even after only a few days in jail, people lose their employment, their housing, custody of their children, and some lose their lives.

Mr. Speaker, people are not programmed to live in a cage, even if it is a short period of time. Eliminating these charitable bail funds will cause more people of color to sit in jail and have their lives turned upside down for minor crimes.

Mr. Speaker, unfortunately, the institutional racism continues to persist in our system. Judges are more likely to assign unaffordable bail to people of color, with Blacks being assigned unaffordable bail 87 percent higher than Whites. What is more, assigning cash bail

undermines public safety. Studies show a low-risk person being detained for 2 to 3 days were 40 percent more likely to commit new crimes than equivalent persons held for no more than 24 hours. Mr. Speaker, 74 percent of all people held in jail have not been convicted of any crime.

Mr. Speaker, making a poor person sit in a cage pretrial directly correlates to an increase in innocent people pleading guilty to crimes they did not commit. When given the opportunity to take a deal that allows you to go home even if you did not commit the crime is all too often the calculation people have to make. Mr. Speaker, this system only makes our streets more dangerous.

Mr. Speaker, maybe the most important thing we must consider is eliminating these community bail funds and keeping more people in jail pretrial undermines the fundamental bedrock principle of presumed innocence.

Mr. Speaker, I feel like I am living in an alternate universe when I walk on to this floor. The House Democratic Caucus has been asking for bail reform for years, we have introduced legislation with no movement, and here we are fast-tracking a bill that will put community bail funds out of business. We know passing this bill will cause more poor people of color to sit in jail longer. For all of these reasons, Mr. Speaker, I ask for a negative vote on HB 2046.

The SPEAKER. The Chair recognizes the gentleman, Representative Dan Miller, on final passage.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, we have heard some very good comments today, so I will not attempt, anyhow, to touch on already made points. However, one of the comments that we did hear was what we would do, what we would do when our children need something, when our children need something. But the reality of it is, if you apply the hour to this bill, overwhelmingly we are going to be able to pay the bond, we are going to be able to pay the bail, we are going to be able to get our children out because we could afford to. Overwhelmingly we can afford to, and that is the issue with this bill.

Look, I very much appreciate, you know, all the comments from the maker. The problem is that while some may feel that this bill does no harm to systems that are in place to help people pay bond, they think that there is a problem. Those who are involved are saying that there is a problem here. Those who are involved are saying that your licensing is going to threaten what we do and how we do it and whom we do it with.

And as it was previously mentioned, our jails are overflowing with people who have not been convicted of anything. The majority of bonds are under \$5,000. The majority of bonds are under \$5,000. We are not talking about the ones that are up there for the most egregious of offenses. We are talking at the very least if the majority of people who have a chance to get out, they cannot get out because they are too poor to get out. So what happens when a poor person is stuck there? Not only does it take every aspect of their life and jeopardize it – their work, their children, their schooling, whatever could be the issue – not only does it do that, but it also alters how their defense works. It makes it so when you go to a preliminary hearing and exercise your rights as a defendant here in the Commonwealth, you are more likely to give them up, you are more likely to waive them, you are more likely to not hear from the police or from an accuser, you are more likely not to hear them because you are doing anything you can to get out of jail.

So what happens? So a prosecutor comes up and says, "Well, look, I understand you are still in." "Well, I can't pay that five hundred bucks, can't pay that \$1500, can't pay that \$1200" – not like our children can, but you cannot do it. "Well, here, let me help you out. I will agree to let you out, poor person; just waive

your preliminary hearing, just waive it. Don't listen to the information, the accusations against you. Don't have a chance to cross-examine any information. Don't have a chance to build a record that could help you going forward. But don't worry, poor person; I'll get you out; just waive it."

The reality that comes up is that more and more our bail and bond system clearly does not work. Someone had mentioned what had happened in years past, but you know what, for everybody who was here, here is the issue for all of us, is that in those years that have passed what has become more and more clear, if we are paying attention to it, is the amount of poor people who are still stuck in our system. They are there. They are there and we seem to be okay with it. That if you can pay, you get out. If you cannot pay, you stay and risk everything else that comes in there so that when CYF (Children, Youth and Families) comes knocking on your door because you cannot be home for your kids, well, hey, that is just bad luck. And when you lost your job because you could not pay for 12 days, well, that is just bad luck. And when you cannot keep your apartment, well, that is just bad luck because you are just too poor to pay the \$750 to get out.

So all we have to do here with this bill is pull back, just pull back, and decide that we are going to treat Americans the same no matter how much they make. And there should be a degree of progressivity that comes into these questions. It does more harm to keep a poor person in jail than it does to let them go. Ninety-four percent we heard today, that is the return; 94 percent – 94 percent are finding their way back in. Country after country are showing how they can make the system work without cash bond at all. And here we are saying, "Oh, look, the one nonprofit system that comes in a place that is getting a bunch of poor people out, well, look, we think they are going to be okay, but every one of them says they are not, every one of them says they are not. I am missing the support from them that says, oh, you know, we are going to be okay. The reality is this: They should not exist. Those nonprofits should not exist in the first place if we were doing bond and bail the right way. They should not have to exist but they do."

So on this bill here, while I very much always appreciate the maker, the reality of it is here, the impact of this is to just keep more poor people in jail. That is what it is. That is what will happen. And then cases can move quicker because there will be more waiving of hearings in the process. So that is what this bill will do: more poor people incarcerated, make the job easier for the district attorneys, have nothing to do with whether or not the person has a full due process, and will be sure to ruin the poor person's life just because they cannot pay the bond. I would encourage everybody to stop this bill today; vote "no."

The SPEAKER. The Chair thanks the gentleman.

Seeing no one else seeking recognition, the Chair will now return to the prime sponsor of the bill, Representative Klunk, for the second time. She temporarily waives off.

And the gentleman, the majority leader, is recognized on final passage.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

There has been a lot of dialogue. Hard to kind of sort through all that, so I just wanted to rise, number one, in support of HB 2046 and remind our voters in this room and those that may be listening otherwise that HB 2046 increases the transparency so that our courts know who is serving as a surety on a bail bond. And in agreement with the previous speaker, HB 2046 increases the professionalism by ensuring that anyone who provides surety services, third-party guaranteed services, so that those charged

with a crime are done so and those that are providing these services are licensed to provide those services. Would you not want that for your family or anyone's family?

Some have described this bill as a solution in search of a problem. That is simply not the case.

I commend the maker of this bill as she works very hard and takes this stuff very seriously.

In addition, my office had met and part of my team with the AOPC (Administrative Office of Pennsylvania Courts) to discuss this bill. The AOPC shared with our team that they have heard from several judges in counties with community bail funds. While all those judges respect the work of the funds, there is concern that there is no mechanism in the law to hold these funds accountable if a person on bail fails to appear. These judges are also concerned that there is no mechanism to ensure that these funds are not being taken advantage of by the people whom they are providing the services for. HB 2046 directly speaks to those concerns and addresses them head-on. Very simple.

The maker of this bill has done an excellent job at crafting this, a solution that is tailored to these problems, doing no harm to the work currently being done by these groups so long as licensing is in place. We all supported a very similar measure like this 6 years ago, I believe, and we all voted in support of it, ultimately passing SB 397, now known as Act 16 of 2015. I would ask my colleagues on both sides of the aisle to support the maker of this bill and HB 2046 on final passage.

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—111

Armanini	Gregory	Marshall	Rowe
Benninghoff	Greiner	Mehaffie	Ryan
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	Sonney
Cook	James	Moul	Staats
Cox	Jones	Mustello	Stambaugh
Culver	Jozwiak	O'Neal	Stephens

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

#### NAYS—88

Benham	Fiedler	Kosierowski	Pashinski
Bizzarro	Fitzgerald	Krajewski	Pisciottano
Boyle	Frankel	Krueger	Rabb
Bradford	Freeman	Kulik	Rozzi
Briggs	Gainey	Lee	Sainato
Brown, A.	Galloway	Longietti	Samuelson
Bullock	Gillen	Madden	Sanchez
Burgos	Guenst	Malagari	Sappey
Carroll	Guzman	Markosek	Schlossberg
Cephas	Hanbridge	Matzie	Schweyer
Ciresi	Harkins	McClinton	Shusterman
Conklin	Harris	McNeill	Sims
Cruz	Herrin	Merski	Snyder
Daley	Hohenstein	Miller, D.	Solomon
Davis, A.	Howard	Mullery	Sturla
Davis, T.	Innamorato	Mullins	Vitali
Dawkins	Isaacson	Neilson	Warren
Deasy	Kenyatta	Nelson, E.	Webster
DeLissio	Kim	Nelson, N.	Wheatley
Deloso	Kinkead	O'Mara	Williams, D.
Driscoll	Kinsey	Otten	Young
Evans	Kirkland	Parker	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 **SB 382, PN 1231**, 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, for operation of board and for selection of development entities; and voiding prior initiatives of the Public-Private Transportation Partnership Board.

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?

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

Ms. DELOZIER. Thank you, Mr. Speaker.

I rise in support of SB 382. This bill is one that is similar to my HB 920, which was introduced because of an action taken by the P3 (Public-Private Transportation Partnership) Board starting in November and culminating this past February when nine bridges that were to be tolled were announced across the State. The impact of that decision on my district is life changing to the local rivertown communities. The entire West Shore will feel the impact, but the communities in my district along the Susquehanna River are directly affected. They are small boroughs – Lemoyne, Wormleysburg, and New Cumberland – and how they will be impacted was laid out in the Transportation hearing that we had last month.

To be fair, to speak to the issue of the South Bridge and Route 83 here in central Pennsylvania, we recognize that the bridge needs to be replaced. We also understand the challenge of paying for a \$600 million project and keeping our traveling motorists safe. It is a big job that PennDOT has and I know they take it very seriously. While we agree on the bridge and the need for replacement, we disagree on the path forward to which the P3 Board has chosen to take, and for that reason SB 382 to needs to be passed and get to the Governor's desk.

We are all elected to represent our areas, to have a voice for them, but the way that this transpired, we did not have that voice. The legislature having a voice was certainly the intent of the bill in 2012. But the workaround that was used by voting to look at tolling and letting the review days lapse and then announcing the actual projects 2 months later shows a lack of transparency that will cost the taxpayers billions of dollars in the end. The lack of transparency will cost our communities in all nine areas where the bridges have been proposed.

The main issues in communities in my area in the 88th District that will feel the impact that were not considered but that would be considered if SB 382 is put into place: We would understand what the diversionary traffic impacts are, the costs, the public safety access, and what it will do to our local businesses. On traffic, we just realized and have seen the backup when our bridge was closed down for small fixes the last few weeks. That traffic was diverted off of 83 and it backed up for hours, and we are forced to go through what we already in our area call the bottleneck in Lemoyne. I can only imagine the diversionary traffic of hundreds more cars going through that area and the cost that it will be to fix those roads.

There is also a cost in my district in the sense that the bridge is used as a commuter bridge. The commuter bridge is a major pathway from the East and West Shores for passenger cars, for businesses, and for our trucking industry. Our trucking industry is vital to our economy, and they are being told that it will cost six times what the passenger cars are of \$1 or \$2 apiece; six times what a car pays is not what our economy needs. There is also an accelerator that these rates may go up in the future.

My constituents already pay the gas tax. They already pay three times the local services tax just because they work in Harrisburg, and now we are going to have to pay a toll to get here. That is three times the tax in order to come and do their job in an

already difficult economic time. This is when we are trying to get people back to work, not cost them more to get there.

SB 382 – we would also know that there is a \$2 billion cost to this plan. This contract that is being let out will most likely go to a foreign private investor, the firm that will contract all nine bridges together under one. That additional cost is at 10- to 15-percent commission, plus higher interest charges, legal and insurance on top of the cost of replacing the bridges. With that contract, that foreign investment financing firm is guaranteed payment. The cost of it plus the profit. If this level funding is not brought in by the tolling, guess who pays? The Motor License Fund. The Motor License Fund will pay to make up for the costs. What does that mean for the Pennsylvania taxpayers? There is zero risk by that private investment firm. All the risk is on the taxpayer and on the State of Pennsylvania. That is not what we need here in Pennsylvania.

We also talked about what all of the costs would be for our responders, the first responders, additional time on our small back roads. The cost to our businesses in these small communities that have already in the last year and a half been going and having difficult times, we are now going to divert all traffic to their front door so no one wants to come to their shops. All of these costs with SB 382 are evaluated prior to moving ahead and are known prior to a P3 Board vote, which was not done last November.

While I disagree with Secretary Gramian that there are no other options, there are two less expensive options: one, our traditional financing; and/or yesterday Federal funds are on the way to Pennsylvania of \$4 billion. I am sure we could find a way to use those.

What this bill is not, this bill is not ending P3 projects. This bill does not change the authority of the board. This bill does not eliminate local or State cooperation with the private sector to save tax dollars. What this bill is, is forcing the P3 Board to work how the P3 legislation of 2012 was supposed to work with checks and balances with the legislators representing their constituents having a voice. What this bill is, is making sure that when a vote is taken by the P3 Board, that the location, the costs, the impact, the type of fees, and the alternatives are known prior to taking a vote and giving the legislature a voice in that. What, finally, this bill is, is a good idea to allow for the intention of what the 2012 P3 bill was, what it was intended to accomplish. Now with appropriate checks and balances, it will allow us a voice that our constituents have asked us to have. I ask for your support of SB 382.

Thank you, Mr. Speaker.

#### THE SPEAKER PRO TEMPORE (JOHN A. LAWRENCE) PRESIDING

The SPEAKER pro tempore. The Speaker thanks the lady.  
The question is, shall the bill pass finally?

On that question, the gentleman from Luzerne, Chairman Carroll, is recognized. The gentleman waives off.

The question is, shall the bill pass finally?

On that question, the gentleman from Cumberland, Representative Rothman, is recognized.

Mr. ROTHMAN. Thank you, Mr. Speaker.

There is really not much I can add to the eloquent words of my colleague from Cumberland County, except for she did mention the increased costs of transportation, and I cannot let it go without mentioning that the price of a gallon of gasoline in

Cumberland County has gone from \$2.40 a gallon in November of 2020 to \$3.62 a gallon today, and that adds additional burden on the people who commute to work. And I support this bill and urge you all to as well. Thank you.

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

On that question, the lady from York, Representative Keefer, is recognized.

Mrs. KEEFER. Thank you, Mr. Speaker.

I applaud the maker of this bill and my colleague's amendment to the bill. This is bad policy, the way that this additional tax was implemented at the last minute and sent forward to us through a committee and we were not even told what the specifics of the projects were until a month later. This changes how that process will work.

This is a double taxation for my constituents who use that bridge frequently who are already paying an LST tax (local services tax) that is almost triple the cost of the surrounding municipalities – \$156 annually. Adding this toll both ways to and from is a triple taxation for them.

So I would encourage my colleagues to support this bill. Thank you.

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

On that question, the gentleman from Carbon, Representative Heffley, is recognized.

Mr. HEFFLEY. Thank you, Mr. Speaker.

I applaud the maker of this bill and the gentlewoman who spoke eloquently earlier from Cumberland County as to why this bill is necessary. When we voted the P3 bill several years ago, it was never the intent to toll existing highways. And for anybody to take it that way and for how this administration and the P3 Board corrupted the process to sneak this through at the eleventh hour knowing that there was no time for the legislature to respond without even listing the bridges that were going to be tolled, that is why there is need for this legislation.

The fact that residents across this Commonwealth are not only going to be paying the highest taxes but then paying, could be paying both ways to drive to and from work. The fact that small businesses and manufacturers across this Commonwealth will be paying not only the toll on both ways on a bridge as they get their raw materials to their factory but then they are also going to be paying a toll both ways to cross a bridge when they take their product to market. This will cripple manufacturing and industries and aggregate companies in the Commonwealth of Pennsylvania.

It is opposed by every business group, every transportation group. It is a terrible process. There are much better alternatives. Paying 15- to 20-percent interest on these bridge repairs and then giving that investment opportunity to foreign companies, whether it be Spain – years ago they tried to sell the turnpike to Spain. That did not work out. Now they want to turn over these bridges possibly to a Chinese Communist government company to purchase our bridges and then dictate to us what we are going to be paying to cross them.

It is bad policy. This bill needs to get passed. And the Governor needs to change his stance on this process. Thank you.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

Are there any other members seeking recognition before I turn to the committee chairs?

Seeing none, on this question, shall the bill pass finally, the gentleman from Luzerne, Chairman Carroll, is recognized.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, this one is tough. This is not easy. The deep end of the pool, so to speak. Tolling of bridges. Raising \$2 billion. Admittedly, this is difficult governing. This is difficult legislating. We do not do it often, but today is a day.

So I think in light of some of the remarks I just heard, a little bit of history is in order here. There was a gentleman from Altoona by the name of Representative Rick Geist, who was the chair of the House Transportation Committee for the House Republicans for many, many years; a passionate advocate for all things transportation – rail, highways, and bridges. It was Representative Rick Geist from Altoona who sponsored HB 3 that created the P3 Board and the P3 process that we have in PennDOT's toolbox today. That bill, HB 3, became Act 88 of 2012. It became Act 88 of 2012 with the unanimous support of the State Senate and overwhelming support in the State House, including almost unanimous support from the House majority caucus – nearly unanimous support. A handful of members cast a "no" vote. The bulk of the members of the majority party in the House in 2012 voted in favor of this proposal. And at that time I heard over and over from the majority party that this is going to be a tool that is necessary in PennDOT's toolbox. That is what I heard Representative Chairman Geist say and others who advocated for this additional tool in the toolbox.

It was the House Democrats, including the gentleman from Mercer County, who offered an amendment to require a vote when we are going to toll roads and bridges, and his amendment was defeated by the majority party. The very thing that you want today, your caucus had that opportunity with the Longietti amendment in 2012 and it was summarily defeated. In fact, the former Speaker whom we recognized today led the floor debate to defeat the Longietti amendment that would have required a vote by the General Assembly if we toll a road or a bridge. Today during the portrait ceremony I heard the former Speaker highlight the fact that he was a passionate advocate for P3 – pro-private investment, as I heard the Speaker say – his own words today.

The reality is that legislative proposal was a proposal that was advanced, adopted, and then signed by Governor Corbett in an effort to try and solve a problem that was the challenge related to additional funding for roads and bridges. It was your caucus's idea. You voted for it, your caucus. You advanced it to Governor Corbett and he signed it. And through the years PennDOT has taken advantage of that tool in the toolbox. In fact, we repaired 500 bridges and that did not cause any concern because it was not going to be a toll.

The P3 vote that was taken and referenced by the gentlelady from Cumberland County was a vote of appointees that included an appointee from the House Republican Caucus, the House Democratic Caucus, the Senate Republican Caucus, and the Senate Democratic Caucus. All four voted "yes"; all four. In fact, it was a unanimous vote by the P3 Board, including the Senate Republicans' and the House Republicans' appointee; a unanimous vote.

After the vote, Act 88 provided a window for action by the General Assembly to unwind the tolling of the nine bridges. That opportunity was not exercised. There was no legislative action taken to unwind the decision made by the P3 Board despite the fact that the current law allows for that unwinding. That option was not exercised by the Senate or the House in 2020.

Now, we heard a little while ago, the Federal government is going to deliver \$4 billion or so forth to Pennsylvania for roads and bridges, and thank God we had infrastructure week in

Washington this week. That \$4 billion gets turned into \$2 billion if we have to use \$2 billion of it to fix nine bridges. And if you happen to be in a county where one of these nine bridges is not located, you will have \$2 billion less worth of projects done. In fact, every county in this State, every single county will have projects that do not get done if we have to dedicate \$2 billion of the \$4 billion to do nine bridges.

Again, this is hard. It is hard to raise money by the billions. It really is. But we always have a conversation around here of what can we deliver, not what do we need. We need money in the Motor License Fund. We all have projects in our districts, we all have projects in our counties that relate to roads and bridges that people use every single day. In fact, there are bearing estimates in terms of what PennDOT says they need for roads and bridges; I think it is probably somewhere in the neighborhood of \$7 billion. The \$4 billion from the Federal government and \$2 billion from the tolling is a gigantic step in the right direction.

Now, tolling is not novel in the United States in the year 2021. There are a whole series of States that probably reluctantly chose the option of tolling because raising revenue in other ways for the Motor License Fund in any State is very difficult. Rhode Island, Kentucky, Virginia, the State of Washington, Indiana, Louisiana have all adopted tolling in their States for bridges that prior were not tolled. I doubt that the General Assembly in Louisiana and Kentucky were doing pep rallies to do tolling on bridges in their State, but they did it. Oregon, Michigan, Ohio, and Maryland have tolling proposals that are under construction. There will be a toll instituted on roads and bridges in those four States coming soon. Again I doubt that the Ohio General Assembly was eager to do tolling on roads and bridges but they did.

Some might say maybe there are other things we can do to raise money for the Motor License Fund here in Pennsylvania to avoid this. We are not at the front of the line for change, Mr. Speaker, when it comes to the way that we fund roads and bridges in this State. We cannot even find a way to enact a bill to raise \$5 million – million – on registration fees for electric vehicles. I doubt that we are going to any time soon have a debate in this chamber relative to vehicle miles traveled or transportation network companies or anything that raises money in a substantial way.

We cannot even wean ourselves off shifting \$700 million to the State Police from the Motor License Fund, and that money equates to about 12 cents a gallon. We hear all the time, second highest gas tax in the nation. It is terrible. PennDOT is doing a horrible job; 20 cents out of the 58 cents a gallon does not even go to PennDOT for roads and bridges. We cannot stop that because we do insincere budgeting with respect to the way we treat the State Police when we dole out 12 cents a gallon to the State Police because we do not have an appetite to fund them properly in the General Fund.

Mr. Speaker, it is hard to raise \$2 billion. But I bet you every member in this chamber more than once has picked up the phone to call their PennDOT district office and talk to the district executive, him or her in that district, and highlight the fact that this particular SR (State route) needed to be paved, swale work needed to be done on this road, these bridges need to be repaired. We all do that. I am positive that you do it, you call your various PennDOT district offices and ask for help. And I am certain they all try and be responsive and helpful. I am certain they do because

I have great respect for the work that is done by the people of PennDOT both in the central office and in the districts across the State. But, Mr. Speaker, they cannot do it when we shift 12 cents a gallon to the State Police and they cannot do it when we do not raise \$5 million for electric vehicles.

Mr. Speaker, sometimes you have to pay to replace the bridges and not just name them.

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

On that question, the gentleman from Chester, Chairman Hennessey, is recognized.

Mr. HENNESSEY. Thank you, Mr. Speaker.

SB 382 as amended requires that the P3 process that was just talked about and was authorized by Act 88 of 2012 be implemented and votes be taken only after the voting bodies are fully informed of the details before the vote is taken. When Act 88 was passed back in 2012, the Federal government historically had never allowed tolling to be imposed on bridges or highways that had been built in any part with Federal money. That changed in December of 2015, and that is when the Federal government actually authorized tolling to be imposed by the States in a sense retroactively for highways and bridges that had been completed and used by our citizens for many, many years.

The rapid bridge replacement program has been mentioned by a former speaker as having been a P3 project and indeed it was, but those projects were handled by PennDOT within their agency. They partnered with outside contractors. They handled the projects themselves, and they did not impose tolls at all to pay for those projects or the completion of those projects.

It is important to note that this bill, even as it is amended, does not prohibit the possibility of tolling but would only allow for tolling after each required vote was cast with full knowledge of the actual proposal. That did not happen here.

Additionally, the recent passage of the Federal infrastructure bill by Congress will result in substantial billions of dollars coming to Pennsylvania. Frankly, the citizens of Pennsylvania will have a hard time understanding the need for tolling in light of that. There may well be a need for tolling going forward, but it simply will not sit well with them now when we have got a sudden influx of money coming from the Feds.

I ask you that we pass SB 382 as it has been amended and then send this back to the Senate for their consideration. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

The SPEAKER pro tempore. On that question, the lady from Clarion is recognized.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The electronic board is accurate.

The SPEAKER pro tempore. And the gentleman from Philadelphia, Representative Harris, is recognized.

Mr. HARRIS. Thank you, Mr. Speaker.

The electronic board is accurate.

The following roll call was recorded:

YEAS—125

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

NAYS—74

Benham	Driscoll	Kinsey	Pisciottano
Bizzarro	Evans	Kirkland	Rabb
Boyle	Fiedler	Kosierowski	Rozzi
Bradford	Fitzgerald	Krajewski	Samuelson
Briggs	Frankel	Lee	Sanchez
Brown, A.	Freeman	Madden	Sappey
Bullock	Gainey	Malagari	Schlossberg
Burgos	Galloway	Matzie	Schweyer
Carroll	Guenst	McClinton	Shusterman
Cephas	Guzman	McNeill	Sims
Ciresi	Hanbridge	Merski	Snyder
Conklin	Harkins	Miller, D.	Solomon
Cruz	Harris	Mullins	Sturla
Daley	Herrin	Neilson	Warren
Davis, A.	Hohenstein	Nelson, N.	Webster
Davis, T.	Howard	Otten	Wheatley
Dawkins	Innamorato	Parker	Williams, D.
DeLissio	Isaacson	Pashinski	Young
DeLuca	Kinkead		

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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third 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 third consideration?

Bill was agreed to.

(Bill analysis was read.)

The SPEAKER pro tempore. 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?

On that question, the gentleman from Montgomery, Representative Briggs, is recognized.

Mr. BRIGGS. Thank you, Mr. Speaker.

Just a little follow-up from yesterday's conversation on my desire to send this to the Judiciary Committee. It is my understanding that back in June House Democrats did in fact share concerns regarding the drafting of this policy with our colleagues on the other side of the aisle. While we were not successful in reaching agreement on an amendment here in the House, we hope the Senate will work with us to address the following concerns: number one, clearly expressing that there must be intent to cause harm as a requirement under the violation; number two, addressing the self-disclosure of personal information; number three, clarifying who is subject to the penalties; number four, narrowing and simplifying the definition of "public safety official"; number five, considering the application of penalties when violations are committed against individuals living in the public safety official's home who are not a spouse or a child. I am hopeful the Senate will address these shortcomings.

Thank you, Mr. Speaker.

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

On that question, the gentleman from Allegheny, Representative Dan Miller, is recognized.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman stand for interrogation?

**THE SPEAKER (BRYAN CUTLER)  
PRESIDING**

The SPEAKER. The gentleman indicates that he will, and you are in order and may proceed.

Mr. D. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I want to just see if I can clarify for myself here, page 1 of the bill at the bottom, about halfway through that last paragraph, it says, "...or child knowing" – "knowing," so I see "knowing," which, to me, is going to talk about some mens rea, some requirement of knowledge – and it says, "...knowing that the person is a public...official...." So I do get that the knowledge requirement at least has to be that a person has to know that the person was a public safety official. Then it says, "...and that a

third party is only seeking information because of the...occupation...." So my first question is, does the knowing requirement that is there for the person being a safety official, does the knowing requirement also apply to the only seeking information for the public safety official's occupation?

Mr. FARRY. It does.

Mr. D. MILLER. Thank you.

And to further that line of questioning, the next step is may cause to harm or threaten, may cause to harm or threaten. Does the knowing requirement apply to the "may cause to harm or threaten"?

Mr. FARRY. The bill is pretty plain spoken in its language. So the knowing applies to knowing the person is a public safety official, knowing that the third party is seeking that information because of the person's status as a public safety official, and the resulting component is to may cause harm or threaten harm of the public safety official or their family member, spouse or children.

Mr. D. MILLER. Sure, but – thank you, Mr. Speaker – but does the person have to know that the individual receiving the information may cause harm or threaten to harm? Does the knowing apply to that?

Mr. FARRY. Yes; it relates to that it may cause harm or result in the threat of harm.

Mr. D. MILLER. 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 gentlelady, 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—179

Armanini	Gaydos	Maloney	Rozzi
Benninghoff	Gillen	Markosek	Ryan
Bernstine	Gillespie	Marshall	Sainato
Bizzarro	Gleim	Matzie	Samuelson
Boback	Gregory	McClinton	Sanchez
Bonner	Greiner	McNeill	Sankey
Borowicz	Grove	Mehaffie	Sappey
Boyle	Guenst	Mentzer	Saylor
Bradford	Guzman	Mercuri	Schemel
Briggs	Hamm	Merski	Schlossberg
Brooks	Hanbridge	Metcalfe	Schmitt
Brown, A.	Harkins	Metzgar	Schroeder
Brown, R.	Heffley	Mihalek	Schweyer
Burns	Helm	Millard	Shusterman
Carroll	Hennessey	Miller, B.	Silvis
Causer	Hershey	Miller, D.	Smith

Ciresi	Hickernell	Mizgorski	Snyder
Conklin	Howard	Moul	Solomon
Cook	Irvin	Mullery	Sonney
Cox	James	Mullins	Staats
Culver	Jones	Mustello	Stambaugh
Daley	Jozwiak	Neilson	Stephens
Davanzo	Kail	Nelson, E.	Struzzi
Davis, A.	Kaufer	Nelson, N.	Sturla
Davis, T.	Kauffman	O'Mara	Thomas
Day	Keefer	O'Neal	Tomlinson
Deasy	Kerwin	Oberlander	Toohil
DeLissio	Kim	Ortitay	Topper
Delloso	Kinsey	Otten	Twardzik
Delozier	Kirkland	Owlett	Vitali
DelRosso	Klunk	Pashinski	Warner
DeLuca	Knowles	Peifer	Warren
Diamond	Kosierowski	Pennycuick	Webster
Driscoll	Krueger	Pickett	Wentling
Dunbar	Kulik	Piscottano	Wheatley
Ecker	Labs	Polinchock	Wheeland
Emrick	Lawrence	Puskaric	White
Evans	Lewis	Quinn	Williams, C.
Farry	Longietti	Rader	Williams, D.
Fee	Mackenzie, M.	Rapp	Young
Fitzgerald	Mackenzie, R.	Rigby	Zabel
Flood	Madden	Roaee	Zimmerman
Frankel	Major	Rossi	
Freeman	Mako	Rothman	Cutler,
Fritz	Malagari	Rowe	Speaker
Galloway			

#### NAYS—20

Benham	Dawkins	Hohenstein	Krajewski
Bullock	Fiedler	Innamorato	Lee
Burgos	Gainey	Isaacson	Parker
Cephas	Harris	Kenyatta	Rabb
Cruz	Herrin	Kinkead	Sims

#### 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 CONTINUED

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1308, PN 2316**, entitled:

An Act providing for establishment of suicide and overdose death review teams, for duties of suicide and overdose death review teams, duties of Department of Health, for confidentiality of suicide and overdose death review team records and for criminal and civil liability protections.

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

Mr. BONNER offered the following amendment No. A03037:

Amend Bill, page 1, line 5, by striking out "SUICIDE AND OVERDOSE"

Amend Bill, page 1, line 8, by striking out "SUICIDE AND OVERDOSE"

Amend Bill, page 1, line 8, by striking out "TEAM" and inserting teams

Amend Bill, page 8, lines 9 through 30; pages 9 through 16, lines 1 through 30; page 17, lines 1 through 14; by striking out all of said lines on said pages and inserting

**Section 1. Short title.**

This act shall be known and may be cited as the Suicide and Overdose Death Review Act.

**Section 2. Definitions.**

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

"County." A county of the first class, second class, second class A, third class, fourth class, fifth class, sixth class, seventh class and eighth class.

"Death review team." A suicide or overdose death review team established under section 3.

"Deceased individual." An individual who died by suicide or fatal overdose.

"Department." The Department of Health of the Commonwealth.

"Drug." A substance which produces a physiological effect when ingested or introduced into the body. The term includes an illicit or legal substance.

"EMS provider." The term includes the following:

- (1) An emergency medical responder.
- (2) An emergency medical technician.
- (3) An advanced emergency medical technician.
- (4) A paramedic.
- (5) A prehospital registered nurse.
- (6) A prehospital physician extender.
- (7) A prehospital EMS physician.
- (8) An individual prescribed by regulation of the department to provide specialized EMS.

"Health care provider." A physician, advanced practice nurse practitioner or physician assistant who is licensed to practice medicine in this Commonwealth.

"Hospital." An institution having an organized medical staff established for the purpose of providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of individuals who are injured, disabled, pregnant, diseased, sick or mentally ill or rehabilitation services for the rehabilitation of individuals who are injured, disabled, pregnant, diseased, sick or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties.

"Law enforcement agency." The Pennsylvania State Police, a local law enforcement agency or the Office of Attorney General.

"Local department of health." Any of the following:

(1) A local department of health established by a municipality under the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law.

(2) A single-county department of health or joint-county department of health established under the Local Health Administration Law.

"Local law enforcement agency." A police department of a city, borough, incorporated town or township.

"Mental health provider." A psychiatrist, psychologist, advanced practice nurse practitioner with a specialty in psychiatric mental health, clinical social worker, professional clinical counselor or marriage and family therapist who is licensed to practice in this Commonwealth.

"Multicounty team." A multidisciplinary and multiagency suicide or overdose death review team jointly created by two or more

counties in this Commonwealth.

"Municipality." A county, city, borough, incorporated town or township.

"Overdose." An alcohol or substance overdose.

"Overdose death." A fatality resulting from one or more substances taken in excessive amounts.

"Overdose death review." A process in which a multiagency, multidisciplinary team performs a series of individual overdose death reviews to effectively identify system gaps and innovative community-specific overdose prevention and intervention strategies.

"School." A facility providing elementary, secondary or postsecondary educational services. The term includes the following:

- (1) A school of a school district.
- (2) An area career and technical school.
- (3) A joint school.
- (4) An intermediate unit.
- (5) A charter school or regional charter school.
- (6) A cyber charter school.
- (7) A private school licensed under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(8) A private school accredited by an accrediting association approved by the State Board of Education.

- (9) A nonpublic school.

(10) An institution of higher education.

(11) A private school licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.

(12) A private residential rehabilitative institution as defined in section 914.1-A(c) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Substance use disorder." A pattern of use of alcohol or other drugs leading to clinical or functional impairment.

"Substance use disorder treatment provider." An individual or entity who is licensed, registered or certified within this Commonwealth to treat substance use disorders or who has a drug addiction treatment waiver under section 303(g) of the Controlled Substances Act (Public Law 91-513, 84 Stat. 1236) from the Substance Abuse And Mental Health Services Administration to treat individuals with substance use disorder using medications approved for that indication by the United States Food and Drug Administration.

"Suicide death." A fatality caused by injuring oneself with the intent to die.

**Section 3. Suicide or overdose death review teams.**

(a) **Establishment.**—A county, or two or more counties, may establish a suicide death review team, an overdose death review team, or both, for the purposes of collecting and examining information and records concerning suicide or overdose fatalities in this Commonwealth to improve community resources and systems of care to reduce suicide or overdose fatalities. The following shall apply:

(1) A county may establish an independent county death review team or jointly with other counties. If a joint county death review team is established, the multicounty team members shall execute a memorandum of understanding between participating counties regarding team membership, staffing and operations.

(2) Upon the establishment of a death review team, the death review team shall notify the department of the establishment of the team.

(3) A death review team shall be multidisciplinary and culturally diverse and include professionals and representatives from organizations that provide services or community resources for families in the community served by the death review team.

(b) **Membership.**—

(1) In counties where there is a local health department, the local health department shall be the lead organization to oversee and coordinate the death review team in a form and manner as prescribed by the department. In counties choosing to establish a death review team, if there is not a local health

department, an organization interested in being selected as the lead organization shall submit an application, in a form and manner as prescribed by the department, for review and approval. Prior to submitting an application, a county's commissioners shall approve the submission of an organization as a lead organization.

(2) The lead organization shall select the membership of the death review team. The following shall apply:

(i) Members of the overdose death review team shall be selected from any of the following categories:

- (A) A coroner or medical examiner.
- (B) A pathologist.

(C) A psychologist licensed under the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act.

(D) A physician licensed under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or a physician licensed under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, who practices as a psychiatrist.

(E) A local behavioral health representative.

(F) An individual who is a member of the education community with experience regarding existing and potential overdose prevention efforts for students in primary and secondary schools.

(G) An individual who is a member of the law enforcement community with experience regarding existing and potential overdose prevention efforts for individuals who are involved with the law enforcement system.

(H) A representative of an organization that advocates for individuals with behavioral health issues and their family members.

(I) A representative of an organization that advocates for individuals with substance use disorders and their family members.

(J) A representative from a single county authority.

(K) The county health officer, or the officer's designee, if applicable.

(L) The director of the local office responsible for human services or the director's designee.

(M) The local district attorney or the district attorney's designee.

(ii) Members of the suicide death review team shall be selected from any of the following categories:

(A) At least three mental health providers specializing in trauma, youth mental health, veteran and military mental health, or other relevant specialty.

(B) A crisis counselor specializing in suicide prevention.

(C) An advocate for the prevention of suicide fatalities.

(D) A medical examiner or coroner responsible for recording fatalities.

(E) A family medicine specialist or other relevant medical specialty.

(F) An individual who is a member of the education community with experience regarding existing and potential suicide prevention efforts for students in primary and secondary schools.

(G) An individual who is a member of the law enforcement community with experience regarding existing and potential suicide prevention efforts for individuals who are involved with the law enforcement system.

(H) The county health officer or the officer's designee, if applicable.

(I) The director of the local office responsible for human services or the director's designee.

(3) In addition to the members selected under paragraph (2), the lead organization may select additional members for a death review team as deemed necessary by the lead organization to administer the death review team's duties under section 4, including individuals with experience and knowledge in the following areas:

- (i) Physical health services.
- (ii) Social services.
- (iii) Law enforcement.
- (iv) Education.
- (v) Emergency medicine.
- (vi) Behavioral health services.
- (vii) Juvenile delinquency.
- (viii) Adult or juvenile probation.

(ix) Drug and alcohol substance use disorder.

(c) Chair, vacancies and meetings.—A death review team shall select a chair by a majority vote of a quorum of the death review team's members. A majority of a death review team's selected members shall constitute a quorum. The death review team shall meet at least quarterly to conduct business and review qualifying deaths under section 4(b). A vacancy on the death review team shall be filled in accordance with section 3(b).

#### Section 4. Duties of death review team.

(a) Authorization.—Upon receipt of a report of a qualifying death under subsection (b), a death review team may perform the following:

(1) Inquire into cause of death upon receipt of a report of a qualifying death.

(2) Conduct a multidisciplinary review of available information collected regarding a deceased individual.

(3) Establish policies and procedures for collecting and reviewing available information and records under section 6 regarding the deceased individual from State, county and local agencies, law enforcement and private entities.

(4) Identify points of contact between the deceased individual and health care systems, social services systems, criminal justice systems and other systems involved with the deceased individual.

(5) Identify the risk factors that put individuals at risk for an overdose or suicide within the death review team's jurisdiction.

(6) Promote cooperation and coordination across State, county and local agencies involved in overdose or suicide investigations.

(7) Recommend improvements in sources of information relating to investigating reported overdose or suicide deaths, including standards for the uniform and consistent reporting of overdose or suicide deaths by law enforcement or other emergency service responders within the death review team's jurisdiction.

(8) Recommend improvements to State laws and local partnerships, policies and practices to prevent overdose and suicide deaths.

(b) Interviews.—If a death review team opts to contact a family member or caregiver of a deceased individual to conduct an interview, the death review team shall develop protocols for initiating the contact and conducting the interview. The protocols shall be based on trauma-informed care principles and shall address all of the following:

(1) The death review team's collection, use and

disclosure of information and records from the family member or caregiver.

(2) Providing notice to the family member or caregiver that the interview is voluntary.

(3) Ensuring that information and records attained from the interview is confidential.

(c) Annual report.—A death review team shall prepare and submit to the department an annual report. The team shall publish the annual report on the local department of health's or local government's publicly accessible Internet website for the purpose of evaluations, policy considerations and health care program enhancements. The annual report shall comply with confidentiality requirements under this act and shall include all of the following information:

(1) A summary of the aggregated, nonindividually identifiable findings of the death review team for the previous year.

(2) Recommendations to improve systems of care and community resources to reduce fatal suicides or overdoses in the death review team's jurisdiction.

(3) Proposed solutions for inadequacies in the systems of care.

(4) Recommendations to improve sources of information regarding the investigation of reported suicides and overdose deaths, including standards for the uniform and consistent reporting of fatal suicides and overdoses by law enforcement or other emergency service responders within the death review team's jurisdiction.

(5) Recommendations for improvements to State laws and local partnerships, policies and practices to prevent suicide and overdose fatalities.

#### Section 5. Duties of department.

The department, in consultation with State or local government agencies, shall have all of the following duties:

(1) Provide technical assistance to a death review team in conducting suicide and overdose death reviews.

(2) Facilitate communication between death review teams.

(3) Transmit available information to the appropriate death review team regarding a fatal suicide or overdose in the death review team's jurisdiction, including all of the following information:

(i) The deceased individual's age, race, gender, county of residence and county of death.

(ii) The date, manner, cause and specific circumstances of the suicide or overdose death as recorded on the deceased individual's completed death certificate.

(4) Promulgate regulations as necessary to implement this act.

(5) Submit an annual report to the Governor and the General Assembly by September of each year which includes a summary of reports received from local death review teams and recommendations relating to the reduction of risk of death by suicide and overdose.

#### Section 6. Authority to access records.

To the extent permitted by Federal law, a death review team may access records as follows:

(1) If deemed necessary for its review, the death review team may petition the court for leave to review and inspect all files and records of the court relating to a deceased individual pursuant to a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) in accordance with 42 Pa.C.S. § 6307 (relating to inspection of court files and records). This paragraph shall not apply to a file and record of the court subject to a child fatality or near fatality review under 23 Pa.C.S. Ch. 63 (relating to child protective services).

(2) Notwithstanding any other provision of law and consistent with the Health Insurance Portability and

Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936) and 42 CFR Pt. 2 (relating to confidentiality of substance use disorder patient records), persons or entities that provide substance use disorder treatment services shall provide to an overdose death review team the records of a deceased individual under review without need for authorization of any person, including the executor, administrator or personal representative of the deceased individual for purposes of review under this act.

(3) Notwithstanding any other provision of law and consistent with the Health Insurance Portability and Accountability Act, the team may review and inspect mental health care service files and records of a deceased individual under review without the need for authorization of any person, including the executor, administrator or personal representative of the deceased individual for purposes of review under this act.

(4) Notwithstanding any other provision of law and consistent with the Health Insurance Portability and Accountability Act, health care facilities and health care providers, pharmacies and mental health care providers shall provide medical records of a deceased individual under review without the need for authorization of any person, including the executor, administrator or personal representative of the deceased individual for purposes of review under this act.

(5) Other records pertaining to the deceased under review for the purposes of this act shall be open to inspection as permitted by law.

#### Section 7. Requests for records.

(a) Request for information and records by a death review team.—Notwithstanding any other provision of law, the following shall be provided to a death review team on written request of the lead organization or chair of a death review team:

(1) Records regarding the treatment for substance use disorder, maintained by a Federally assisted substance use disorder treatment provider, for a deceased individual under review by a death review team, as permitted to be shared in accordance with Federal law, including 42 CFR Pt. 2 (relating to confidentiality of substance use disorder patient records).

(2) Records regarding the physical health and mental health, maintained by a health care provider, hospital or health system, for a deceased individual under review by a death review team.

(3) Records maintained by a State or local government agency or entity, including death investigative information, medical examiner investigative information, law enforcement investigative information, emergency medical services reports, fire department records, prosecutorial records, parole and probation information and records, court records, school records and information and records of a social services agency, including the Department of Human Services, if the agency or entity previously provided services to the deceased individual under review by a death review team.

(4) The following shall comply with a records request by a death review team made under this subsection:

(i) Coroner or medical examiner.

(ii) Fire department.

(iii) Health system.

(iv) Hospital.

(v) Law enforcement agency.

(vi) State or local governmental agency, including the department, Department of Human Services and the Department of Corrections.

(vii) Mental health provider.

(viii) Health care provider.

(ix) Substance use disorder treatment provider.

(x) School.

(xi) EMS provider.

(xii) Social services provider.

(xiii) Prescription drug monitoring program

representative.

(xiv) Any other person or entity who is in possession of records pertinent to the overdose death review team investigation of an overdose death.

(b) Cost to provide records.—A person or entity subject to a records request by a death review team under subsection (a) may charge the death review team a reasonable fee for the service of duplicating any records requested by the death review team for which duplication is required.

(c) Disclosure of substance use disorder records.—The disclosure or redisclosure of a medical record developed in connection with the provision of substance use treatment services, without the authorization of a person in interest, shall be subject to any limitations that exist under section 8 of the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, section 543 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. 290dd-2) or 42 CFR Pt. 2.

(d) Provision of information.—Information, if requested by the lead organization or chair of the death review team, shall be provided within five business days of receipt of the written request, excluding weekends and holidays, unless an extension is granted by the lead organization or chair. Written requests may include a request submitted via email or facsimile transmission.

(e) Administrative subpoena.—Notwithstanding any other provision of law, a death review team shall not need an administrative subpoena or other form of legal compulsion to receive requested records under this act. This subsection shall not negate any right the death review team has to obtain an administrative subpoena or other form of legal compulsion.

(f) Sharing of information.—Information received by the lead organization or chair in response to a request under this section may be shared at a death review team meeting in accordance with section 8.

(g) Prohibition.—A record may not be released:

(1) During the pendency of an investigation.

(2) Without the appropriate written consent in accordance with the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936).

(h) Applicability.—This section shall apply to the extent permitted by Federal law.

#### Section 8. Confidentiality of death review team records and meetings.

(a) Meetings.—A death review team meeting shall be closed to the public and information discussed at the meeting shall be confidential.

(b) Records.—

(1) The proceedings, records and information maintained by and shared with a death review team may not be:

(i) Disclosed under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(ii) Subject to discovery, subpoena or introduction into evidence in a criminal or civil proceeding.

(2) Information presented in or opinions formed as a result of a meeting of a death review team may not be subject to subpoena, discovery or admissible in evidence in a civil or criminal action. Nothing under this subsection shall be construed to prevent a member of a death review team from testifying in a criminal or civil proceeding to information obtained independently of participation in the death review team or to information which is publicly available.

#### Section 9. Criminal and civil liability protections.

(a) Confidentiality.—An individual not a member of a death review team may, in good faith, provide information to a death review team for the purposes of this act. A member of a death review team may discuss confidential matters during a meeting of the death review team. The following shall apply:

(1) A member of a death review team shall comply with applicable Federal and State laws regarding confidentiality.

(2) Except as provided under subsection (b), a member of a death review team or an individual who, in good faith, provides information to a death review team may not be disciplined, criminally prosecuted or held administratively or civilly liable for complying with the provisions of this act.

(b) Liability.—The immunity specified under subsection (a)(2) shall not apply to a member of a death review team or an individual providing information to a death review team by invitation who either rediscloses confidential information in a manner not in accordance with Federal or State law, or who discloses confidential information to the death review team with malice, in bad faith or in a negligent manner. Section 10. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. Section 11. Effective date.

This act shall take effect in 30 days.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Bonner, on the amendment.

Mr. BONNER. Thank you, Mr. Speaker.

It is my understanding that this is an agreed-upon amendment.

The SPEAKER. The Chair thanks the gentleman if you have concluded your remarks and recognizes the gentleman, Representative Schlossberg, on the amendment.

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

This is an agreed-to amendment. It does a variety of things, including clarifies some authority, allows counties to split and have an opioid and/or a suicide death review team. It also expands the jurisdiction of the bill so that counties can have these teams without having a department of health.

I want to thank Representative Bonner for proposing this amendment, as well as the staff and chair of both sides for working together. And I ask the members for a "yes" vote.

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—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	Sappay
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
Causer	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
DelRosso	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	Cutler,
Flood	Lee	Rapp	Speaker
Frankel	Lewis	Rigby	

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?

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

## SUPPLEMENTAL CALENDAR A CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third 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 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?

On that question, the Chair recognizes the gentleman, Representative Bernstine, on final passage.

Mr. BERNSTINE. Mr. Speaker, I stand today to proudly support constitutional carry legislation to preserve the constitutional rights for those across the Commonwealth of Pennsylvania. Article I, section 21, of the Pennsylvania State Constitution clearly states, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned." I would like to thank Senator Dush for working on this legislation together.

Today to receive a license to carry, the process is as follows: One, you complete a form from your local sheriff's office; two, a background check occurs; three, the sheriff issues the license; and then four, you have the right to carry a concealed firearm. With constitutional carry, the change in that process would be, one, when you purchase a gun, you complete a form – the same as before; two, when you purchase a gun, a background check occurs – the same as currently; and then three, the only step we are missing would be the sheriff issuing the license, so three, then you can carry that concealed firearm.

Mr. Speaker, the inconsistencies that occur within our existing permitting system have violated the rights of law-abiding citizens for far too long. We must put a stop to this. Just three examples of this are as follows: One is, a sheriff can deny a permit to a law-abiding Pennsylvanian who has passed a background check for virtually any reason whatsoever. This could be because he or she does not like the way he looked at them, that you worked on a campaign against their opponent, or for truly no reason at all. No resident should ever be denied their constitutional rights without due process. Constitutional carry fixes this issue for law-abiding Pennsylvanians. Two, there are no requirements that individuals receive information for when their license expires. When your driver's license expires, you are required to receive

notice. When our credit card expires, we receive notice. When our car warranty expires – they call us a lot on that one – we definitely receive notice. But today we have people committing felonies who are not even aware of it because they have an outdated concealed carry permit process. Constitutional carry fixes that issue for law-abiding Pennsylvanians. Three, if an individual is carrying a firearm and they are not wearing a suit jacket, that is perfectly legal, they can open carry. The difference is when this suit jacket that I have on, when I put it on and my firearm is concealed, if I do not have a piece of paper, that makes it illegal. That truly makes no sense, and constitutional carry fixes that issue for law-abiding Pennsylvanians.

Mr. Speaker, we can no longer stand by while law-abiding citizens are forced to jump through hoops in order to exercise their God-given constitutional rights. I urge a "yes" vote for my colleagues to affirm Article I, section 21, of our Pennsylvania State Constitution that clearly states, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned."

Thank you, Mr. Speaker.

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

Mr. SCHWEYER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition to SB 565 and I hope the majority party will truly consider the implications of this process. And I want to use process specifically, because let us be honest, given past votes and legislative action and, from my perspective, legislative inaction, there is a very good chance, in fact, that SB 565 will probably pass today. With that said, there is no chance this bill will become law because Governor Wolf has already said he is going to veto it. This is just another example of the Pennsylvania General Assembly moving bills that have zero chance of becoming law – something that, candidly, we have all become way too accustomed to doing in the last couple of years.

Now, if this proposal actually had a chance to become law, my remarks today would be dramatically different. Instead, I would like to share with you all an honest-to-goodness real story of hurt and how this bill, SB 565, which, again, will not become law, is causing real-life pain to real-life human beings.

I have a friend, Jeani Garcia. Jeani is a strong and wonderful woman, and she must be to overcome what she has had to endure in her life. See, on August 24, 2012, Jeani's 17-year-old son, Kareem, was murdered in his own bed as he slept. His case was unsolved until justice for Kareem's murder was delivered 8 years later, in 2020. The conviction for third-degree murder was delivered, or as it was delivered, rather, Jeani was understandably weeping and trembling with anger, as it was written in our local newspaper.

Jeani is a good person with a big heart, and she took no joy in the verdict. She did not seek any sort of vengeance against her son's murderer. Instead, she did what she does best, she took action. She has since that day spent her entire life in service, educating people about gun violence, including me and my own community in Allentown.

During the late hours of June 19, 2019, Allentown witnessed the largest mass shooting in our city's history when 10 people were shot at a nightclub. This is the first time I have had the chance to speak of this horrific crime on the floor as the previous

speaker refused my request to discuss it during unanimous consent, but I digress. After that shooting I sat down with two survivors, a young woman who was shot in the hip and a young man who was shot in the back. The woman, a young mother, was in a full leg cast and being tended to by her elderly grandmother. Sitting next to her, holding her hand, was my friend, Jeani Garcia, who 7 years earlier buried her son. And as this young victim of gun violence told her story, Jeani sat with all of that hurt and all of that pain on full display. We left that apartment and met the young man who was shot in the back. His girlfriend was changing his bandages while we sat with him listening to this aspiring chef tell us of his trauma. All the while, Jeani's pain was visible on her face as she once again relived the memory of her son's murder.

Jeani, who now runs the Mother2Mother program, meets and supports people who have lost loved ones to violence. Sometimes she is a shoulder to cry on, sometimes she is raising money for a funeral, and often she finds herself at the center of de-escalation tactics. Each and every time Jeani Garcia does this, that pain, that trauma, that very real hurt, that hole in her heart left in her life as a result of her son's murder comes rushing back. The path she chose for our community is hard for her, but it helps her with her healing for sure, and ultimately it is truly a calling.

The problem, Mr. Speaker, is that this time the pain that Jeani is feeling is not caused by another gunman in our community, it is being caused by the Pennsylvania General Assembly by merely considering a bill that will never become law. So Jeani called me up last week when she read about this bill being considered in the Senate and she said to me, "Why are you doing this? Why are my elected officials doing this bill? Is this going to become law?" And when I assured her it would never become law, she basically said to me, so why are you putting me through this again?

Mr. Speaker, we, the Pennsylvania General Assembly, are causing Jeani Garcia and thousands of family members, thousands of mothers across Pennsylvania, anguish and pain by the mere consideration of a bill that, again, will not become law. And for what?

I am asking my friends in the majority party, the few that are actually paying attention, to actually think about the reasons why you are running this bill. SB 565 is performative at best and we all know it. Listen, I am a pro. I have been a member for 7 years; I was staff for 11 years. Our side offers amendments that are never going to pass. We saw countless numbers of them today. You have been offering bills over the course of the last several years that the Governor said he will veto and that is fine. I get it. I understand how this place works and I accept it. What I cannot accept is when we are doing this and we are the reasons why countless people, including friends of mine, are caused pain and anguish as a result of our actions. For people outside of this room, our words and our actions matter. And again, when we are considering legislation that will never actually become law that causes pain and hurt, then we, everybody in this room, are the problem.

Mr. Speaker, we should not be causing harm and pain to victims of gun violence any way, anywhere, for any reason.

## MOTION TO POSTPONE

Mr. SCHWEYER. And with that, Speaker, if I am able to, I would like to make a motion.

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

Mr. SCHWEYER. Thank you, Mr. Speaker.

Mr. Speaker, I make a motion to postpone SB 565 indefinitely.

The SPEAKER. The gentleman, Representative Schweyer, has made a motion to postpone to a date uncertain, and that motion is now on the board.

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

The SPEAKER. The gentleman may speak on that motion.

Mr. SCHWEYER. Thank you, sir.

Again, Mr. Speaker, the reason to postpone this bill is because (a) it is not going to become law and merely considering it is causing pain, hurt, and bringing back trauma for people across the Commonwealth of Pennsylvania. If this bill had a chance to become law, you would hear a bunch of us speak on other issues, but it does not, and merely what we are doing today is causing an incredible amount of grief and pain for those folks who have lost loved ones to gun violence.

I ask my colleagues in the General Assembly to support the motion to postpone.

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

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I tell you, this is like Groundhog Day, but the same thing is not happening over and over, but we are in an instance where 24 hours almost to the date we had people getting up and saying that their voices were not being able to be heard, they are not able to speak on things, they are not getting an opportunity to talk. Now, the first motion by that same side of the aisle is saying we ought to shut this down indefinitely, forever. That is not a democratic process. You do not have to like something, but you can get up and speak on it. I always thought we had an unwritten understanding that everybody has the right to be heard, whether we agree or disagree with them. To postpone something indefinitely is poor gamesmanship at best and, frankly, is disrespectful to the process. If you truly believe in people having the right to speak, I would ask the members to not vote to postpone anything indefinitely.

## POINT OF ORDER

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

The SPEAKER. The Chair thanks the gentleman and recognizes the Democratic leader. You may state your point of order.

Ms. McCLINTON. Mr. Speaker, the majority leader has gone to motive over and over again in his motion.

The SPEAKER. Madam Leader, you raise the issue of motive of members. I will take this opportunity to remind all members that they cannot go to the motives of members as to why they may support or oppose a motion or a bill or an amendment or anything else that comes before the House. I would concur with that assessment. However, I believe that the original speaker and the maker of the motion had spoken some about the parliamentary issues as we debated this bill. It was the Chair's understanding that the leader was referring to that as gamesmanship, but not the motive of the members, and I would

just urge all the members, including the leaders, to be very careful with the words, as this can be a very difficult debate, as evidenced by the gentleman's testimonial sharing from the district, so that we can have a full and fair debate on the issue.

The point of order is noted. The Chair thanks the lady.

Would you like to be recognized on the motion, Madam Leader?

Ms. McCLINTON. Yes, Mr. Speaker.

The SPEAKER. You are in order and may proceed.

Ms. McCLINTON. Thank you.

On the motion, all week the majority leader has stated very explicitly that amendments from my caucus have been put on the table so we can further work on a bill and further improve it and hear everybody out, and now that the gentle colleague of mine has raised a motion to put the entire bill on the postponement, we would have the opportunity to revisit those amendments, look at them, make sure we are fully vetting these ideas before we send them to the Governor's desk.

The SPEAKER. Has the gentlelady concluded her remarks? I apologize. I was conferring with the Parliamentarian.

On the motion to postpone, if you are in favor of postponing you will vote "aye"; if you are opposed, you will vote "nay."

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-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	Sappay
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
Causer	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.	Roaee	
Gillen	Major	Rossi	Cutler,
Gillespie	Mako	Rothman	Speaker
Gleim	Maloney	Rowe	

## 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,  
Shall the bill pass finally?

The SPEAKER. The gentleman, Representative Schweyer, had had the floor previously. Has he concluded his remarks? The Chair thanks the gentleman.

We will proceed to the gentlewoman, Representative Kinkead, on final passage.

Ms. KINKEAD. Thank you, Mr. Speaker.

I would like to actually point out that there is no right to concealed carry of a firearm to be found in the U.S. or Pennsylvania Constitutions. U.S. Supreme Court Justice Antonin Scalia stated in *District of Columbia v. Heller*, "Like most rights, the right secured by the Second Amendment is not unlimited. [Throughout American legal history], commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.... For example, the majority of the 19th-century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues." That is Antonin Scalia. Those courts and Justice Scalia reasoned that the public's interest in safety precludes someone's right to hide and carry a firearm.

In our Commonwealth, more than 1600 Pennsylvanians die by firearms every year, via suicide, violent crime, or so-called unintentional shootings. With so many shots fired and so many people injured or killed year after year, we as a legislature are in the unique position to make Pennsylvania safer by passing laws that will prevent, rather than increase, gun violence. SB 565 is the legislature's latest attempt to rectify the problem and it is exactly what not to do legislatively.

We could be passing laws that reduce the number of guns that are in the hands of those who should not have them, but instead, we are here today debating a bill that will, without a doubt, place more illegally possessed guns in more cars, on more waistbands, and under more overcoats. Eliminating mandatory concealed carry permits will not make Pennsylvania a safer place to live. There are already too many loopholes in the background check system. Having one extra check or balance by law enforcement in the county where applicants live, particularly where law enforcement may even know the character of the people applying in ways that a criminal record check would not reflect, is a key step in keeping us safe.

But do not take my word for it or the gun lobby's propaganda. Let us look at the empirical data. In Arizona, after the passage of this kind of permitless carry legislation, aggravated assaults with a firearm increased by 44 percent. After Missouri lowered the minimum age for concealed carry to 19, firearm suicide increased 7.2 percent among people aged 19 to 24.

Not only do I agree with Justice Scalia, but, perhaps more importantly to some of my colleagues, so does law enforcement. While the gun lobby, which profits from the sale of every gun, may support SB 565, law enforcement does not. They know that permitless carry will reduce public safety and make it more difficult and more dangerous for law enforcement to do their jobs. Our police chiefs and beat officers realize that more guns in the hands of our population without any attendant check on the population's fitness to own, let alone conceal a firearm, means more murders, more assaults, and more so-called accidental, meaning, in most cases, preventable shootings. They know that life is not an action movie, even if you are carrying a gun in your waistband. In the real world, an untrained, would-be superhero civilian firing a gun into a conflict makes things worse. In the real world there is no rehearsal to keep you from shooting the responding officer, the child running away 100 yards behind the bad guy, or any other innocent bystander.

In 2019 there were 426 mass shootings in the United States. In 2020, even as COVID raged and many of us were shuttered in our homes, there were more than 600 mass shootings. In this year, as of the end of last month, there have been 583 mass shootings. Since there have only been 320 days in this year, that means we are having more than one mass shooting every day. Time and time again hard data has demonstrated that States with some of the most comprehensive gun laws in place have the lowest per capita rate of gun violence; that is Hawaii, Massachusetts, Rhode Island, New Jersey, California, Connecticut, and even New York.

Passing SB 565 would be a complete misfire. I ask you, as my colleagues tasked with the responsibility of protecting the people of this Commonwealth, to vote "no" on this bill. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Major, on final passage.

Ms. MAJOR. Thank you, Mr. Speaker.

As previous speakers have stated, the United States Constitution states that the right of the people to keep and bear arms shall not be infringed and the Pennsylvania Constitution states that it shall not even be questioned. Asking Pennsylvania citizens to petition their government and then pay to exercise their right is a clear infringement. I would ask you, what other constitutionally protected rights do Pennsylvanians have to pay to exercise?

As a veteran and a single mother who carries and as the Representative of one of the most heavily armed counties in this nation, I am asking for an affirmative vote on SB 565.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Madden, on final passage.

Ms. MADDEN. Thank you, Mr. Speaker.

I do not want it to be understated that having the ability to speak on this bill, to have our voices heard on a subject matter of critical importance to so many of us, is necessary. The actions yesterday to disallow consideration of amendments written to improve this legislation were incredibly frustrating.

SB 565, if passed, will be vetoed by our Governor, as he announced last week when the Senate considered this legislation. However, that does not change the fact that if it were somehow to become law, this bill would have dangerous consequences for our Commonwealth. For that reason I rise in steadfast opposition to this legislation.

Mr. Speaker, I cannot help but consider a point made previously in this chamber by my friend and colleague, the chairwoman of the Legislative Black Caucus. Her children, she said, have so frequently heard gunshots in their neighborhood that they no longer wake her up at night to tell her. That is utterly heartbreaking. And while many of us here simply cannot imagine what that must be like, I promise you that passing this bill would only make that reality worse for so many of our children and families.

We are considering a bill that would make it easier for people like those who stormed the U.S. Capitol on January 6 to conceal weapons meant to intimidate, harm, or even kill people with different ideologies.

The SPEAKER. The gentlelady will suspend. I was trying to give the gentlewoman some leeway to actually debate the bill, but I believe she has gone off course from that. I want to encourage you to please bring your comments back onto the subject matter of the bill.

Ms. MADDEN. Thank you, Mr. Speaker.

Just to conclude that thought, only Florida and Texas have had more people arrested and charged for their roles in the January 6 riot than Pennsylvania.

The SPEAKER. The gentlelady will please suspend. She has been previously warned about going off the subject matter of the bill.

Ms. MADDEN. Apologies, Mr. Speaker.

With law enforcement—

The SPEAKER. The gentlelady will suspend. You are not currently recognized.

The House will be temporarily at ease. I will ask the leaders to please approach the bench.

(Conference held at Speaker's podium.)

The SPEAKER. The House will please return to order.

Members, please take your seats.

It is important, as we have this debate, that we are governed by the rules. The rules are very clear regarding the subject matter of the debate. The good Representative has been warned twice regarding going afield of the subject matter of the bill. In order to run an orderly debate, I will ask all members to please confine their remarks to the issues contained in the bill, with a reminder that the leaders do get a little bit more latitude than rank-and-file members when it comes to discussing issues or the debate.

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

Ms. MADDEN. Thank you, Mr. Speaker.

With law enforcement in my immediate family, I also have a personal reason to fear what this bill might mean. It puts the lives of police officers at greater risk. Traffic stops are already potentially dangerous situations for law enforcement. This bill would hinder their ability during traffic stops to use the in-car computer to discover if the driver has a license to carry a concealed firearm, adding uncertainty and increased danger to an already intense issue.

Mr. Speaker, we have numerous bipartisan bills sitting idly in committee right now that address gun violence and focus on public safety, none of which come close to threatening a responsible gun owner's constitutional right to bear arms. According to CeaseFirePA, where concealed carry without permits is allowed, studies show violence increases by 13 to 15 percent. It is a fact that States with higher rates of gun ownership have higher rates of gun death. It is a fact that firearm access triples the risk of death by suicide. It is a fact that the presence of firearms significantly escalates situations of domestic violence.

It is simply not true that more guns equal increased safety. And as our goal here is improving the safety, well-being, and welfare of Pennsylvanians, this legislation fails miserably in that regard.

It is beyond disappointing, Mr. Speaker, that we are here today debating a bill that, again, if passed, will certainly be vetoed. Let us be honest: We could and should be discussing and passing legislation that would create jobs, support Pennsylvania businesses, improve our schools, and address a burgeoning mental health crisis.

Please vote "no" on SB 565.

Thank you, Mr. Speaker.

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

Mr. KERWIN. Thank you, Mr. Speaker.

I stand in enthusiastic support of constitutional carry here in the Commonwealth of Pennsylvania, and I applaud the maker of this bill.

Twenty-one States already have an active provision similar to SB 565. These States consist of both Republican and Democrat-run governments. Almost half of the United States of America, a population consisting of tens of millions of Americans, have the right to constitutional carry.

It seems that every time a State considers constitutional carry, there is an outcry of emotional pleas that warn of violence, chaos, and the return to 19th-century lawlessness. But every single time these fears never materialize into reality. Why? Because constitutional carry empowers law-abiding, tax-paying American citizens to exercise their constitutionally protected right to bear

arms. This bill does not allow criminals or the mentally ill to acquire and carry firearms with greater ease. Those acts are illegal now and they will remain illegal. Besides, criminals do not follow gun laws now, nor will they ever. I can attest to this as a former criminal prosecutor.

Pennsylvania has the marquee opportunity to expand the right to bear arms and to be the 22d constitutional carry State. I look forward to voting affirmatively on SB 565, and I respectfully ask that my colleagues do the same.

Thank you, Mr. Speaker.

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

Mr. ZABEL. Thank you, Mr. Speaker.

Mr. Speaker, I recognize that today's debate is going to necessarily involve a variety of perspectives on what is the best policy for how we carry firearms on the streets of our Commonwealth. Now, as some colleagues may feel that how we regulate firearms in Pennsylvania is appropriate and proper and others may feel that we do not go far enough in our laws. I can understand and appreciate both of those perspectives.

Where the difficulty lies for me, Mr. Speaker, in this debate is understanding the argument that somehow as mass shootings have become regular occurrences and gun violence has escalated, that somehow, some way, what Pennsylvania needs right now is to remove the requirement for a license to carry a concealed firearm. Mr. Speaker, that principle just does not make any sense to me.

I believe it is a good thing, a sensible policy, that before I acquire a license to carry a concealed firearm, I have to apply for that license with my local sheriff's office. I believe it is a good thing that before granting me that license, the sheriff's office conducts an investigation. I think it is sensible that that investigation considers things like my criminal record, and that is important, the sheriff's office investigation is important because not every firearm that is carried in Pennsylvania is purchased in Pennsylvania. So not everyone will be subject to our background check system. Pennsylvania has a distinct and robust background check system that we should be duly proud of. The sheriff's investigation process ensures that that investigation takes place. It is also appropriate to consider things like mental health records and whether I might act in a manner that is dangerous to public safety. A sheriff's investigation considers all of that.

Do I think we should eliminate a background check requirement for concealed carry? No. I think background checks are reasonable; so do most Pennsylvanians. Do I think Pennsylvania should be powerless to consider my mental health history? Should Pennsylvania ignore whether I am a potential threat to public safety? Should we turn a blind eye, Mr. Speaker, to any potential danger? Should we just throw our hands in the air and abdicate our governmental responsibility to balance the individual liberties with the protection of the larger community? Mr. Speaker, I do not think that is sensible policy. I do not think the majority of Pennsylvanians want us to go down that road and we should not.

Now, there has been some talk of constitutional rights in the debate surrounding this bill, and undoubtedly, constitutional rights are implicated. The Second Amendment of the Constitution, the Federal Constitution, and Article I, section 21, of our State Constitution undoubtedly confer an individual right to bear arms for the purpose of self-defense. Both the United States Supreme Court and the Pennsylvania Supreme Court have

been clear on that point. But where the courts have also been clear is that individual liberties, individual rights conferred by the Constitution, do not exist in a vacuum; none of them do.

The First Amendment, for example, states that "Congress shall make no law...abridging the freedom of speech...", but we all understand and accept that that right does not mean you can say whatever you want, whenever you want. We cannot, for example, threaten someone's life or publish certain obscene materials, even though both of those acts are considered speech. We cannot do those things without some sort of penalty because we, as a society, as a country and a state of laws, recognize that in some instances the community good takes precedence over an individual liberty.

That same balancing of individual liberties and common good occurs with other constitutional rights, whether it is a question of a warrantless search, or the proper amount of bail, or a law that regulates the sale, possession, or use of firearms. No right exists in a vacuum, and Pennsylvania courts have long recognized this basic legal idea. In 2009 our Commonwealth Court stated, quote, "Although the right to bear arms is a constitutional right, it is not unlimited, and restrictions are a proper exercise of police power if they are intended to protect society," end quote. The Pennsylvania Supreme Court also agrees. In a 2003 case the Pennsylvania Supreme Court ruled, "While the right to bear arms enjoys constitutional protection, like many other constitutional rights, it is not beyond regulation."

My colleague, the gentlelady from Allegheny County, referenced Supreme Court Justice Antonin Scalia, who authored that landmark *Heller* decision – that decision, by the way, that recognized for the first time your right to own a firearm in your home for self-defense. Even Justice Scalia agreed with the principle that the right to bear arms is subject to regulation. I will quote a different part of his *Heller* opinion, in which he says, "...nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

So, Mr. Speaker, as we debate this bill, let us be honest in our terms. There is no legal support for the argument that the Second Amendment, or section 21, means that no law can be passed regulating firearms. That is just not true.

Further, there is no constitutional right to carry a concealed firearm without a license; there just is not. There never has been. The constitutionality of concealed carry licenses has been challenged over and over and over again throughout the country and across the decades, and they have never been struck down, certainly not in Pennsylvania and not by any Federal court.

This bill purports to declare a constitutional right to permitless carry, but this legislative body knows full well that is not how it works. Constitutional rights are created, conferred, and expressed in the Constitution itself, not by some long-winded prefatory clause to an ordinary statute. So to anyone watching this at home or reading these remarks later, please understand that this bill, if it becomes law, does not create a constitutional right, and anyone who tells you otherwise is wrong. This legislative body knows all too well how to amend the Constitution. If you want to enshrine a protection in the Constitution, you have to let the people decide.

My final concern with this bill, Mr. Speaker, is the matter of the age threshold. Right now you must be age 21 to obtain a concealed carry permit. Now, personally, I do not think that

children should be permitted to carry concealed firearms into their neighborhood park. Under this bill, that could happen. What this bill does is make it legal for children, an 8-year-old, for example, to engage in concealed carry so long as a parent is with them and approves of it. I will explain.

First, this bill does away with the age 21 requirement. Second, in this new section, 6106.2(a), this bill purports to confer the right to, quote, "...every person...in this Commonwealth...to keep and bear firearms, including the right to carry openly or concealed...." Now, you take that with existing law: Title 18, section 6110.1, which currently allows for a minor to possess or transport a firearm if that minor is accompanied by their parent and the minor is engaged in lawful activity. What this bill does is make the very act of carrying lawful activity. That means that unless there is a specific statute barring guns in a particular place, like a school, there is nothing stopping an 8-year-old from bringing a gun to a public place, if Mom or Dad thinks it is okay. And so at the next play date at the local park, at the next Fourth of July parade, or at the next Sunday service that I bring my kids to, I will be forced to entertain the possibility that my son's classmate or my daughter's friend may have brought a gun along. That is madness.

Mr. Speaker, this is an ill-conceived bill, it is bad policy, and it misstates constitutional law. It will put lives in danger. I fear for my children and all of yours if this bill becomes law. History will judge this vote long after your primary is over. Do the right thing.

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

Mr. DAVANZO. Thank you, Mr. Speaker.

Mr. Speaker, the earlier gentleman from Lehigh County, he forgot to mention the whole story. He forgot to mention that the young gentleman that was shot in the back while sleeping was part of a gang war in which 12 people were shot and 2 were paralyzed. He was shot and killed in retaliation—

The SPEAKER. The gentleman will please suspend.

The Chair will reiterate the prior comments regarding containing your remarks to the underlying issue on the bill. I do recognize that the good gentleman from Lehigh County is the one who brought this fact pattern into the debate, but I would ask you to please not engage in inflammatory language, but rather discuss the merits of the bill.

If you can do so, you are in order and may proceed.

Mr. DAVANZO. Thank you, Mr. Speaker.

I want to be clear: This bill will not stop criminals. Okay? This bill will not stop criminals. What we need to be doing is instead of attacking law-abiding citizens who love our Second Amendment, we should be holding criminals and our murderers accountable for their actions.

Mr. Speaker, I stand here in support of SB 565 and I urge my colleagues to do the same. Thank you.

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

Mrs. BULLOCK. Thank you, Mr. Speaker.

I rise today in opposition to SB 565. This bill would not only remove the concealed carry permit requirement across the Commonwealth, but also Philadelphia's open carry permit law, a law that I believe keeps my family safe. On many occasions you have heard me come before this floor and speak about the gun violence in my community and speak about my prayers, a

mother's prayer for her two sons, now 11 and 13, for their safety and for the safety of all of our children across the Commonwealth. It is not a surprise to anyone to know that Philadelphia is sure to hit more than 500 homicides this year, and I am concerned that this bill will put even more Philadelphians at risk. If we were to become a permitless carry State, Mr. Speaker, I am concerned that we will have more gun violence and more blood running through the streets of Philadelphia and that I will not be able to protect my children.

Studies have shown that an increase in gun violence and gun violence-related homicides were increased by more than 10 percent, sometimes 15 percent, in States that passed permitless carry laws. And I agree that no resident, no Pennsylvanian, should be denied their constitutional rights without due process; that no Pennsylvanian should be denied their right to bear arms. And while I have come before you several times talking about the safety of my children and gun violence in my community, it may come as a surprise to you that last year I joined the National African American Gun Owners Association. Why? Because I believe in responsible gun ownership and responsible gun laws, laws which protect all of our communities, laws that are sensitive to the issues in communities like Philadelphia, while protecting those Second Amendment rights.

What I know is that every American has the right to defend themselves, but that right, like most laws in this country, has never been applied equally to all Americans. The Second Amendment was designed in part and has been consistently applied to regulate Black Americans. You see, Mr. Speaker, I oppose this bill because I fear that the application of this bill would disproportionately put the lives of Black and Brown folks at risk. Many reports last year about the increase of Black gun owners, particularly Black women on the rise – we are legal gun owners – but this simple act of exercising our Second Amendment right can put our very lives at risk.

Mr. Speaker, when a Black person owns a gun, they become an immediate threat. The 2016 shooting death of Philando Castile, a Black man who was shot to death by a police officer during a traffic stop, despite having informed the police officer of the presence of his firearm, despite having a license to carry, is evidence that we are at risk simply for having a gun in our possession.

Mr. Castile is not the only example. Just a few years ago, Mr. Bradford, Jr., Emantic Bradford, Jr., an Army recruit, had a concealed carry permit. He was shopping at a mall in Georgia when shots rang out and he decided to pull out his weapon and direct shoppers to safety. When police officers entered that scene, they shot him three times. They assumed he—

The SPEAKER. The gentlelady will please suspend. Just as the prior speaker, I would encourage you to please confine your remarks to the underlying nature of the bill. I thought you had brought your remarks back to being on point, but you are starting to delve into other areas yet again. I would simply encourage you to stay on point regarding the bill.

You are in order and you may proceed.

Mrs. BULLOCK. Mr. Speaker, thank you.

Mr. Bradford had a concealed carry permit. This bill is about concealed carry permits. It did not matter. It did not matter whether he had a permit or not.

For decades Black Americans were prohibited from owning guns or joining militias. We have always been treated differently when it came to the application of the Second Amendment. Florida even created an act to govern patrols that allowed White

citizens to enter the homes of Black people and to confiscate any weapons that they found. In the 1960s the Black Panther Party gained prominence in Oakland, and then Republican Assemblyman Mulford proposed a law to prohibit California's open carry firearms law. In response, the Black Panthers came to the Capitol and protested, armed. They were arrested. Yet the Mulford Act was later passed with full support from the NRA (National Rifle Association) and was eventually signed into law by Governor Reagan at the time.

I share these incidents, these points of history in our country, to share and illustrate how the Second Amendment has been applied disproportionately and unequally to Black Americans and, Mr. Speaker, to express my concerns, that if we allow Pennsylvanians to carry firearms without a permit, if we allow law-abiding Black Americans to carry without a permit, and law officers or others do not know if these individuals are carrying, that we are putting their lives at risk.

Mr. Speaker, there is a quote that I will try to paraphrase from the great Frederick Douglass that talks about how our safety, our freedoms as Americans are carried out in three boxes: the ballot box, the jury box, and the cartridge box, and unfortunately, neither of these boxes, neither three have been applied equally to Black Americans, and as we consider SB 565, I ask that we consider how this bill can impact communities, particularly communities of color in which we are already targeted and already presumed to be irresponsible gun owners, and therefore, our lives will be put at risk because of this particular bill.

Thank you, Mr. Speaker, for allowing me this time to speak.

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

Mr. DAVIS. Thank you, Mr. Speaker.

In 2020 many of my colleagues in the Legislative Black Caucus came together and occupied the Speaker's rostrum to proclaim that Black Lives Matter. Many of our colleagues in response to those calls responded with a call that Blue Lives Matter. And so I pose the question today, if my colleagues on the Republican side really do believe that Blue Lives Matter, then they will vote against SB 565.

This bill is a direct threat to public safety and law enforcement officers across this Commonwealth. Let us just take a look at who opposes this bill, besides every gun safety group under the sun. It is opposed by the Pennsylvania Attorney General's Office, the Pennsylvania District Attorneys Association, the Pennsylvania Chiefs of Police Association, the Philadelphia District Attorney's Office, the Allegheny County Chiefs of Police, and so many other groups who represent the men and women who put on the uniform and stand between citizens and criminals.

Mr. Speaker, again, SB 565 puts police officers at risk, police officers who are already walking into danger when they make a traffic stop. But with this bill the officer cannot use the in-cruiser computer to know if the driver has a license to carry a concealed firearm. The officer will have to assume every driver might be reaching for a gun when they are reaching for their wallet. The officer will look at a "Stop the Steal" bumper sticker and wonder if the driver was in Washington on January 6—

The SPEAKER. The gentleman will please suspend. I know the gentleman was present on the floor when the prior member was encouraged to stay in the rules. Repeated incursions against the rules are not appropriate and unbecoming of the House.

Mr. DAVIS. My apology—

The SPEAKER. The gentleman will suspend. You are not in order. If the gentleman can abide by the rules, you may proceed.

Mr. DAVIS. I can absolutely abide by the rules. Thank you, Mr. Speaker.

People who support this bill talk about the 20 other States with this law in place already. If what other States do matter, then where is our minimum-wage increase? Where is our shale drilling tax, severance drilling tax?

The SPEAKER. The gentleman will suspend.

Despite his assurance that he would abide by the rules, he is now very far afield of the underlying bill.

Mr. DAVIS. Mr. Speaker?

So may I now proceed—

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

Mr. DAVIS. Okay.

The SPEAKER. For the information of the members, both leaders have been notified regarding "Decorum in Debate," and I will read it for the benefit of everyone in the House. Mason's Manual, section 123, "Procedure Under Call to Order," subsection 5: "Although in control of debate on a question of order, the presiding officer may put to a vote the question of whether a member called to order during a debate should be allowed to proceed." The relevant portion: "A member who has been called to order in debate and decided out of order loses the floor and another may be recognized."

The Speaker would like to have a thoughtful debate on this subject matter, but repeated breaches of the rules will not be tolerated because that is the exact opposite of an orderly and respectful debate.

Mr. DAVIS. I will close.

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

## PARLIAMENTARY INQUIRIES

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

Mr. HARRIS. Parliamentary inquiry, Mr. Speaker.

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

Mr. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, I understand the gentleman being afar with regards to natural gas drilling, but the gentleman made a comment about police officers being in their cars and pulling people over and not being sure if that person had a gun, because we would no longer have the concealed permit in Pennsylvania. Please explain to me how talking about a police officer in their duty with regards to a concealed permit no longer being there, how is that not on the actual bill?

The SPEAKER. The gentleman's parliamentary inquiry is essentially why was the gentleman not on the bill?

The gentleman was not on the bill because the subject matter of that specific comment was inflammatory in nature and, more importantly, a prior member immediately prior to him had been specifically cautioned in the same manner and I know that the gentleman was on the floor for that admonition. So I would expect the gentleman to abide by the same rules.

Respectfully, the Democratic leader yesterday wanted to give me the power to singly rule out bills based on constitutionality. I am asked to preside over this chamber and apply the rules as

written. Once a determination has been made, the expectation is that all members will abide by those same results, regardless of the side, because the speaker immediately prior to him was from the Republican side of the aisle and gaveled down for inflammatory speech. It is my duty to ensure that there is an orderly debate. That is the goal as well as the expectation.

Mr. HARRIS. So I just want to be clear on your ruling, Mr. Speaker.

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

Mr. HARRIS. Yes, Mr. Speaker.

The SPEAKER. You may state your parliamentary inquiry.

Mr. HARRIS. So I just want to be clear that regardless of what bill we are talking about or how it ties in to the underlying legislation, if anybody mentions January 6, it is inflammatory, and therefore, you are going to rule that they cannot talk about it?

The SPEAKER. Based off of the response of the other members, which is also against the rule, whether it is January 6 or the details of an alleged gang war – those were the two examples where individuals were gaveled down – based off of the response of the members shouting over top of the speakers, that is by very definition not an orderly debate. Members from both sides are encouraged to confine their remarks to the underlying bill, without the inflammatory additions.

Mr. HARRIS. Okay.

The SPEAKER. Does the gentleman have another parliamentary inquiry?

Mr. HARRIS. Yes. I mean, according to your ruling, Mr. Speaker, anytime the gallery yells, that means it is inflammatory, and therefore, we should not do it. So I would just – I guess that means encourage folks to yell about this bill, because the whole bill is inflammatory.

The SPEAKER. The gentleman will please suspend. I did not hear a parliamentary inquiry in that lengthy discussion. However, it is the determination of the Chair on what an orderly debate is. Repeated disruptions of the debate by either side or with inflammatory remarks is simply inappropriate. That is the standard; that is the expectation.

The gentleman, Representative Davis, is in order and you may conclude.

Mr. DAVIS. Thank you, Mr. Speaker.

I would just simply conclude by asking my colleagues to vote against SB 565. If you truly care about law enforcement, if you truly care about protecting those brave men and women who don the uniform, who walk the streets to protect our citizens, you would vote against this bill, because a vote for SB 565 puts their lives at risk.

Thank you, Mr. Speaker.

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

Mr. LEWIS. Thank you, Mr. Speaker.

I rise in support of SB 565. I think it is important to recognize that when you analyze the bill as policy and you look at the mechanics that currently ensure lawful gun ownership, that there are none of those mechanics being removed with the passage and enactment of this bill. For example, the current process to obtain a firearm requires the same background check you would undergo to receive the license to carry. So what we then end up having is an antiquated system which is an extra layer of bureaucracy that requires citizens to undergo the exact same process to receive a license to carry that they just went through

to obtain the firearm in the first place. So it is redundant and it is antiquated and for those reasons I do support the bill.

I recognize this is a contentious debate. I deeply respect every perspective, because I know that these perspectives come from a place of wanting to make our communities safer. But I think it is also important to note that one debate is predicated on a notion that more gun laws and more permitting requirements would somehow make us safer and it is like the conversation I had with my constituents, my life experiences have really shown otherwise.

Some of you may know I spent a good deal of my teenage years in Central America in a country that had some of the harshest gun ownership laws in the world. It took years to get a gun permit for folks, and you had to be connected to someone in politics or government, which most people were not, and almost nobody could have a gun there, yet the crime rates were so high per capita, and I will never forget one Sunday when my brothers and I and my dad were away, a guy in a mask and with a gun stormed into our house and essentially held my mom and my sisters and my brothers hostage and tried to beat his way into their bedrooms with a gunstock and they could do nothing and they almost killed my family in a country with some of the harshest, strictest gun laws in the world. And so my personal experiences are that despite harsher gun laws, that does not translate to a safer community and a safer society, because the bad guys will still have guns but the good guys will not.

And for those reasons I support SB 565 and I encourage passage.

Thank you, Mr. Speaker.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Just before my prepared remarks, I would just like to point out to the prior speaker that in much of the world where there are more restrictive gun laws, more reasonable gun safety laws, the rates of homicides and crime are way, way lower than here in the United States. So he may be talking about an aberration, but we see violence less prevalent in countries that have better gun safety laws.

But I rise today to ask each of you to oppose SB 565. It is an easy call, if you judge the bill simply for what it would do and how it would affect Pennsylvanians. But firearms bills, expansive firearm bills, sadly, never work that way. Instead of debating whether Pennsylvanians should need to obtain a permit to carry a concealed firearm, we lawmakers somehow find ourselves in a never-ending debate about whether guns are good or bad, whether firearm use and ownership should be either entirely unfettered or confiscated by the government. That is absurd. Any rational person can see that deadly weapons should be regulated at least as much as, say, swimming pools or lawn mowers. Any rational person can see that requiring firearm owners to obtain a permit to carry loaded, concealed firearms does not interfere with their Second Amendment rights any more than requiring a permit for a protest rally does not interfere with the First Amendment rights.

My Republican colleagues are very aware of how the public feels about this legislation. They know that most Pennsylvanians, including gun owners, think that a permit process helps keep firearms out of the hands of people who should not have them. Never was that clearer than yesterday, when Republican leaders used extraordinary measures to ensure there would be no

amendments and no discussion about background checks, safe storage, or about allowing Philadelphia any tools at all to fight gun violence. Four people in this Commonwealth die from gun violence every day, and we cannot have a conversation about background checks?

In addition to repealing the requirement of a permit to carry a concealed weapon, SB 565 would lower the age requirement to 18, remove the nominal character and reputation investigation, and make it easier for applicants who have been involuntarily committed to be allowed to buy firearms. Seriously. The Second Amendment is not a vow of no inconveniences. Law enforcement has made it clear that this bill would make Pennsylvanians and their own officers less safe.

This bill is dangerous, and it signals how far these discussions have gotten from reality. I ask my colleagues to really think this through and vote against SB 565.

Thank you, Mr. Speaker.

### **THE SPEAKER PRO TEMPORE (JOHN A. LAWRENCE) PRESIDING**

The SPEAKER pro tempore. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the gentleman from Allegheny, Representative DeLuca, is recognized.

Mr. DeLUCA. Thank you, Mr. Speaker.

And it is DeLuca, not Luca, please.

You know I could, Mr. Speaker, I could be up here and I could be back in that seat and not say a word about this bill and I did not intend to, but I just cannot in good conscience support this bill.

Now, I have been – I am an NRA member. I have an "A" record for 30 years and I do not espouse any more legislation pertaining to guns. But this bill is wrong and I know the Governor is going to veto it so I could be a hypocrite and sit back in that seat and vote "yes" on the bill and the fact is, wait until the Governor vetoes it, and the NRA probably would love me, but probably because I am speaking tonight they probably will give me an opponent next time, but I cannot in good conscience vote for a bill that I believe is wrong.

And let me also say that I am not, I am not an antipolice Democrat, just so you get that on the record. My district is not antipolice, and we are middle class and we are a diverse community and all our community is not antipolice, and I am not an antipolice Democrat. You can try to tag that all you want to tag it, but it is not going to work.

But let me say this to you: I remember when I was going to high school, a good friend of mine worked for his father at an after-night club and was closing up and this guy was a weightlifter, a football player, star football player, and unfortunately, the friend that he was walking with after they closed up, they had an argument. Well, my friend could have tied one arm in back of him and beat the [word stricken] out of him without even a whisper, but he had a gun and he had a few drinks—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DeLUCA. That is not far off the field—

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DeLUCA. Mr. Speaker?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. DeLUCA. That is not far off the field. That is what happens when—

The SPEAKER pro tempore. The gentleman will suspend. He is not in order.

The Parliamentarian has gently reminded me and I will gently remind the gentleman to refrain from the use of profanity.

The gentleman is recognized and may proceed.

Mr. DeLUCA. Mr. Speaker, I apologize if I said that word. I really— Sometimes you get caught up—

The SPEAKER pro tempore. The Speaker accepts the apology on behalf of the House.

Mr. DeLUCA. I agree with you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Allegheny is in order and may proceed.

Mr. DeLUCA. I agree with you. I agree. Now I realize what I did. Okay.

But the fact is, that one incident ruined his whole life. He lost his family, he lost his wife, he lost the children, lost his business, went to prison, and just because of a stupid move like that and he really was a good guy. He served 7 years in prison, and the ironic part is, he came out and he learned – in Ohio he learned to be a reporter, a court reporter, when he came out. That is what he did.

But not only will this bill – it is bad because the fact is that I have been around some places where people have tried to intimidate other people. Just by showing that you have a weapon, whether you have it concealed or a carry permit, you intimidate individuals. Now, as a law-abiding citizen myself, I have no problems buying a gun or getting a permit – I do not know how hard it is – but I do have a problem, Mr. Speaker, because I am not as proficient as I should be, even though I carry a carrying permit, because I do not go out there and practice a lot, and that is why we have our police officers who go to the gun ranges so they are proficient, so they do not harm anybody else.

In talking to my law enforcement officers back home, they asked me not to vote for this, because the fact is, they are worried about their life, and I had a police officer who died in Penn Hills trying to save somebody's life, because of somebody who had a gun who should not have had a gun and killed him. That police officer is not coming back. That person in jail will be in jail. And let me say this to you: This whole House, I am not a bleeding-heart liberal when I say I oppose this bill, because I think everybody is entitled to a mistake, but I think we do not speak enough about the victims from these violent acts and it is about time we talk about the victims and I know about the victims, because I had an uncle who was killed by two 15-year-olds for a 5-cent candy bar, and I know I had a niece – not a niece, but a cousin, who gave a friend a ride home who raped her and killed her. So I know tragedy in the families.

And the only way we are going to stop this gun violence is by having people not afraid to come out and testify against who they know are killing these poor innocent people, and that is what happens when we do not get a handle on these drugs out there. Seventy-five percent of crimes are committed by drugs, and we want to blame the guns.

So I just want to bring that up to the fact that that is why I am not supporting 565. In 31 years I will not – for 30 years I had an "A" record, but if this does not give me the record, then shame on me, it is shame on this country, it is shame on this State.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the lady from Montgomery, Representative Guenst, is recognized.

Mrs. GUENST. Thank you, Speaker.

I promise to keep it under 2 minutes and behave myself.

I find it amazing that the Representative that is introducing 565, that his two most important reasons to bypass the sheriff's department is that he did not like the way he was treated and they expect him to know when his permit to carry concealed goes out of date.

Well, I do not know how many of you have a permit to carry concealed, if you want to raise your hand. I can tell you that mine is safely tucked behind my driver's license and in front of my Macy's card. As an avid hunter, marksman, and collector of vintage Colts, I can assure you that no one here is going to take your guns away.

Forty-five years ago I had to go through 2 months of boot camp in the Army to learn all about my M16. I learned about safety, responsibility, and the handling of my weapon. Forty years ago I had to go through multiple days of education before I could take a gun out on the field for hunting purposes. Again, I learned about safety, responsibility, and the handling of my weapon. Only then was I allowed to apply for my hunting license. It made sense to me. It did not bother me one bit.

What I am trying in my head is to figure out why you want to put a loaded gun in the hands of an 18-year-old with no permit to carry, no prior training, and I need someone here at any time to tell me, explain it to me like I am a 5-year-old.

Just a few other points on 565 – but I know you have heard them already – this will increase assaults with weapons and suicides for ages 18 to 21, mostly male. This will increase risks to our first responders and, specifically, to our police departments who have incredible opposition to this bill. I personally talked to my own chief of police in my own hometown over the weekend about it. He is appalled. You are ignoring the D.A.s' opposition to the bill, you are wasting time on a bill destined for veto, and last but not least, you are blatantly ignoring the clear majority of Pennsylvanians that simply want reasonable gun safety laws passed.

I sincerely hope my colleagues take a closer look at 565 and realize how dangerous this can be. Thank you.

The SPEAKER pro tempore. The Speaker thanks the lady.

The question is, shall the bill pass finally?

On that question, the lady from Chester, Representative Otten, is recognized.

Ms. OTTEN. Thank you, Mr. Speaker.

We never think it is going to happen to us until it does. This summer I was sitting in my office here in the Capitol when I got a phone call from home. A beloved member of our community had taken his own life, and it hit me really hard because earlier that day I had been talking about someone that I cared about who was having some mental distress and someone said to me, "Do you think he's a danger to others?" And I said, "A person experiencing emotional distress and mental illness is much more likely to harm themselves than to harm others." This specific beloved neighbor and I had a conversation just before I was elected to the State House. He expressed to me that he was a gun

owner and that he wanted me to come to Harrisburg and fight for commonsense gun safety legislation because a person experiencing emotional and mental illness is much more likely to harm themselves than to harm someone else.

As we stand here today, our country is awaiting a verdict in a case where a 17-year-old crossed State lines with a weapon he never should have possessed, ultimately killing two people and wounding one. He ended two lives and forever changed countless others, including his own. I watched his mother cry, as I got ready for work the other day, and regardless of my opinions on how that event unfolded, I could not help but to feel extreme compassion for her.

Just this summer in the district adjacent to mine, a 20-year-old young man with access to a weapon accidentally shot and killed his lifelong friend, an 18-year-old college student. One life ended far too soon, one likely destroyed; two families forever broken.

The SPEAKER pro tempore. The lady will suspend.

For what purpose does the gentleman, Representative Bernstein, rise?

Mr. BERNSTINE. Mr. Speaker, this has nothing to do with the actual legislation in the bill that we are talking about and it also has nothing to do with the purchasing of any firearms. Mr. Speaker, the gentlelady should be on the bill.

The SPEAKER pro tempore. The Speaker thanks the gentleman.

The Speaker would encourage the lady from Chester to stay on the topic of the bill, describe her feelings with regard to the underlying merits of the bill, one way or the other.

The lady is in order and is recognized.

Ms. OTTEN. Thank you, Mr. Speaker.

As a mother, I find it hard to comprehend why we would ever, ever want to create more of these tragic outcomes, for either the victims or the perpetrators of gun violence. Today our teens and young adults are in crisis, with demand for youth mental health services at an all-time high. According to the CDC—

The SPEAKER pro tempore. The lady will suspend. The Speaker would encourage the lady to stay on topic with regard to SB 565. The topic of the bill is not with regard to mental health. The lady was encouraged once before and is encouraged again to stay on topic with regard to the underlying merits of the bill, SB 565.

The lady is in order and is recognized.

## POINT OF ORDER

Ms. McCLINTON. Mr. Speaker, may I?

The SPEAKER pro tempore. For what purpose does the lady from Philadelphia rise?

Ms. McCLINTON. Simply to clarify and respond to the point of order and the correction.

The SPEAKER pro tempore. The lady may proceed.

Ms. McCLINTON. Thank you, Mr. Speaker.

Mr. Speaker, certainly the gentlelady from Chester County must be in order. We have to consider what this type of bill, if it became law, could lead to, and looking at past incidents in her district or nearby are relevant to this issue about the accessibility of guns and the ability to carry them without any permits, without any rules, without any regulations. It is very much connected, Mr. Speaker.

**THE SPEAKER (BRYAN CUTLER)  
PRESIDING**

The SPEAKER. The lady raises a point of order regarding the debate. During debate you can certainly use an example to get to your point. The issue at hand that I believe that the Speaker pro tem had addressed was the gentlelady was not getting to her point regarding the underlying debate. That is the issue. Despite repeated warnings and requests to follow the rules, there certainly seems to be a struggle by some to comply with them. Once again I would simply use the members on both sides that have stayed within the confines of the bill as a good example of what the debate should look like and encourage members to confine their remarks solely to the bill with limited examples and noninflammatory language.

Madam Leader, have you concluded your parliamentary inquiry?

Ms. McCLINTON. I am just curious, where in the rule does it say limited examples, just so we can be clear for the speakers that are remaining?

The SPEAKER. The limited example request goes back to a pointed debate and the fact that you have to confine your remarks to the subject matter of the bill. While we have been generous in giving some leeway for individuals to provide an example or to discuss the underlying merit or deficiency of the bill on both sides, the reality is many members are taking liberty to go far beyond the merits of the bill and are failing to make the point of what I believe their debate is. The request is to stay confined to the debate and the issue at hand.

The Chair thanks the leader and encourages the member to conclude their remarks on final passage.

Yes, ma'am. I apologize. You are in order and you may proceed.

Ms. OTTEN. Thank you, Mr. Speaker.

I will get to my point. This bill proposes to lower the age to conceal carry in Pennsylvania without a permit from age 21 to age 18. And according to the CDC, the overall rate of suicide by firearm in the United States increased 13 percent from 2010 to 2019. In children and young adults 10 to 24 years old, that increase was 42 percent, with firearm suicides claiming the lives of nearly 3,000 young people in 2018.

According to the Violence Prevention Center at CHOP, the Children's Hospital of Philadelphia, suicide attempts in teens can be very impulsive, and when teens have access to guns, the results of a suicide attempt are far more likely—

The SPEAKER. The lady will please suspend.

Ms. OTTEN. —to be fatal.

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

**POINT OF ORDER**

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

Mr. BERNSTINE. Mr. Speaker, this has nothing to do with accessibility to firearms.

The SPEAKER. The gentleman will suspend. Is the gentleman wishing to make a—

Mr. BERNSTINE. Point of order.

The SPEAKER. —parliamentary inquiry or point of order?

Mr. BERNSTINE. Point of order.

The SPEAKER. You are recognized for your point of order. Please state your point of order.

Mr. BERNSTINE. Mr. Speaker, per our rules, I believe the gentlelady is responsible— The gentlelady is responsible to stay on topic— Boy, am I botching this up. The gentlelady is not on the bill and is not on the merits of the bill and is talking about issues that are entirely outside of the scope of this legislation.

The SPEAKER. The Chair thanks the gentleman for your point of order and will reiterate once again for the benefit of the members, the subject matter of the bill and the merits of the bill are the items for discussion, not issues outside of the bill or beyond the scope of the bill. I believe the gentlewoman was trying to bring a mental health example in. I would simply encourage her to quickly draw a conclusion to the connection of the bill.

For what purpose does the gentlelady from Philadelphia, Leader McClinton, rise?

Ms. McCLINTON. Mr. Speaker, certainly suicide is definitely connected to accessibility of guns since it is the leading cause of death in rural Pennsylvania – death by gun, not people stabbing themselves to death, people killing themselves with guns. This is correct. It is on the bill. It is directly related.

The SPEAKER. The Chair thanks the lady for stating her position.

The Chair recognizes the gentlewoman from Chester County.

The gentlelady will suspend. You are not in order.

The Chair will not engage in debate, nor accept comments hurled from the floor.

The gentleman will suspend. You are not in order.

The Chair recognizes the gentlewoman for the conclusion of her remarks on final passage of SB 565 and would encourage her to please stay within the confines of the bill.

For the information of the members, there are 30 additional speakers, which is why the Speaker is trying to confine debate simply to the bill, the subject matter of the bill. I recognize that this is a very passionate issue for members on both sides of this debate, and it is important that we can conduct the debate in an orderly manner, not shouting side comments from the floor or the aisles.

You are in order and may proceed.

Ms. OTTEN. Thank you, Mr. Speaker.

We know that the frontal lobe of our brains is not fully developed until sometime into our early to mid-twenties. We know that requiring an individual to obtain a permit and a background check during the process of purchasing a handgun is associated with a reduction in firearm suicides. We know that lowering the age, the minimum age for concealed carry is associated with an increase in suicide rates.

We know that when Arizona repealed its concealed carry permit requirement, it did not see safer streets, it saw a 44-percent increase in aggravated assaults committed with a firearm. We know that other States have seen similar results. The PA Chiefs of Police Association and the PA District Attorneys Association know this, too, and they oppose this bill. We know that this bill, SB 565, is destined to be vetoed by Governor Wolf.

So why? Why are we here debating this bill instead of working on ways to address our youth mental health crisis, improve access to health care and mental health care; address substance use disorders, or living wages, or any of the contributing factors to depression, crime, and suicide? We are here pandering to special interests and passing a bill that responsible gun owners say—

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

Ms. OTTEN. —is a step too far.

The SPEAKER. I know that the gentlelady was present on the floor earlier when a member was admonished for going after the motives of members for supporting bills. It is entirely inappropriate and contrary to our rules to categorize anybody's support or opposition to pandering to special interests. That goes directly to the members' motives and is inappropriate.

As previously indicated, the subject matter of the debate before us is on the final passage of the bill and the merits contained therein. The good Representative has been reminded repeatedly to stay on topic. And while it is not the Speaker's desire to go to the next person in line for the debate, this House will have no choice if there is continued flagrant disregard of the rules. If you can abide by the rules, you are in order to conclude your comments on final passage.

Ms. OTTEN. Thank you, Mr. Speaker.

I will wrap it up. While a majority of gun owners support responsible safeguards and permitting requirements for concealed carry, here we are ending the requirement to qualify for a permit to carry a concealed firearm. Here we are making guns more readily accessible to teenagers and lowering the age to carry a loaded concealed firearm in public from 21 to 18 years old. No credible evidence exists to show that permissive concealed carry laws reduce crime. Instead, the evidence suggests that relaxing these laws increases the frequency of gun homicides, assaults committed with a firearm, and firearm suicides.

I urge my colleagues to join me in protecting our youth and protecting our Commonwealth and voting "no" on SB 565.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Krueger, on final passage.

Ms. KRUEGER. Thank you, Mr. Speaker.

I rise today in opposition to SB 565. This bill would dramatically overhaul Pennsylvania's current gun laws, removing the existing requirement that you need a license to carry a concealed firearm and lowering the age limit so that 18-year-olds could now carry concealed weapons. Mr. Speaker, I believe this is bad policy.

Earlier this afternoon I called one of my local police chiefs to get his opinion on this bill because he and his officers are on the front lines. He told me that not only is he strongly opposed but the Pennsylvania Police Chiefs are also opposed to this bill. More concealed weapons put our police officers at greater risk, which is why they oppose this bill.

Other States who passed similar bills saw the rates of suicide go up after those bills passed. Yesterday, or yesterday evening, I should say, on this House floor, my colleagues tried to start a real conversation about real gun safety reform measures, but thanks to procedural tricks we could not get a vote on one gun reform, not even prohibiting terrorists on the no-fly list from possessing guns here in Pennsylvania.

Mr. Speaker, I believe it is time for a real debate on guns in Pennsylvania but this bill does not let us do it. I oppose SB 565.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative Herrin, on final passage.

Ms. HERRIN. Thank you, Mr. Speaker.

Like many of my colleagues, I rise in opposition to SB 565 because this bill is dangerous—

The SPEAKER. The lady will please suspend. Sorry.

The House will be temporarily at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will return to order.

The gentlewoman, Representative Herrin, I apologize. You are recognized and may continue your comments.

Ms. HERRIN. Okay. We will try again.

Thank you, Mr. Speaker.

I rise in opposition to SB 565 because this bill is dangerous. It is dangerous for our children, our communities, and for our police and our public safety officials. This bill is reckless and it goes against the wishes of the people. A recent study found that 88 percent of Americans believe a permit should be necessary for concealed carry. And as the gentleman from Allegheny County noted earlier, police organizations such as the Pennsylvania Police Chiefs Association and the Allegheny County Chiefs of Police Association have spoken very strongly against this bill because this bill is a direct threat to the men and the women in law enforcement who risk their lives in protection of our communities.

At a time when areas are seeing record-high incidents of gun violence and when there have been nearly two mass shootings a day this year – let that sink in – two mass shootings a day this year, does anyone really believe that the solution is to allow anyone and everyone to conceal carry? To just go ahead and do it no matter what their criminal history, their mental health status, or motive? These are the very factors that the application for a license to carry screens for.

This bill has nothing to do with protecting responsible firearm owners in Pennsylvania. The outspoken opposition of the police is proof positive. Every officer I worked with as mayor of my hometown is a responsible firearm owner, and by vocally opposing this bill, they are all telling you that this bill is incredibly irresponsible.

This bill threatens the health, the safety, and the well-being of our constituents and police officers across this entire State. We cannot allow this chamber to be controlled by a radical minority. I urge you to listen to the vast majority of Americans, to the vast majority of Pennsylvanians, and to your conscience and vote "no" on this bill. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlewoman, Representative O'Mara, on final passage.

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

I rise today to oppose SB 565. Right now we are seeing families and communities in Pennsylvania being devastated by gun violence. In an average year, 1,574 people die and 3,058 are wounded by firearms in Pennsylvania. Pennsylvania has the 27th highest rate of firearm violence in the United States. In Pennsylvania the rate of firearm suicides increased 20 percent and firearm homicides increased 12 percent from 2010 to 2019. As a family member who lost a beloved father to gun violence, to firearm suicide, I can tell you that that trauma impacts families for decades to come.

Pennsylvania has the 25th highest social cost of firearm violence in the United States, costing \$942 per person each year. Firearm deaths and injuries cost Pennsylvania \$12 billion, of which \$567 million is paid by taxpayers.

Guns are the leading cause of death among children and teens in Pennsylvania. In Pennsylvania an average of 118 children and teens die by guns every year, and 63 percent of those deaths are homicides. From 2015 to 2019, 118 women were fatally shot by an intimate partner in Pennsylvania; 54 percent of female intimate partner homicide victims were killed with a firearm.

I have heard some say that we are opposing this bill because we do not support the Second Amendment. That could not be farther from the truth. In fact, I am a proud supporter of the Second Amendment and both my husband and I are responsible firearm owners. I became one because I feared for my safety after the date that shall not be named in January. That is the key phrase I want us to remember: responsible firearm owners.

In Pennsylvania the process of obtaining a concealed carry permit is not that complicated. Residents can apply with their county sheriff. In fact, according to the Pennsylvania State Police, as of November 1 of this year, there are 1,496,589 concealed carry permits and 8,540 sportsman permits currently held by residents in the State. These permits are permitted to anyone in PA who is over the age of 21 and can pass a background check, and they remain valid for 5 years. For anyone who is worried, you can set a calendar reminder today for the date that your concealed carry permit is going to expire.

Again, I emphasize this process is not complicated, but what it does is makes sure that people who should not have a concealed carry permit do not have one.

The bottom line is that SB 565 is dangerous and unnecessary. If this bill passes, we will allow anyone over the age of 18 to carry a concealed weapon. That could include criminals who are carrying with active intent to do harm. There is no question that this bill will cost lives. It will also put our police officers' lives at stake. That is why the PA Police Chiefs Association opposes this legislation, and I am proud to stand with our police chiefs today.

Mr. Speaker, I urge you to protect the lives of Pennsylvanians. Do not put more children in harm's way. Do not put more women in harm's way. Do not put more police officers in harm's way. I urge you to vote "no" on SB 565.

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

Mr. WEBSTER. Thank you, Mr. Speaker.

I feel a little bit compelled to lay out the logic of my few points. We have heard a lot of these issues already today, but the point is that the impact of SB 565 is increasing the amount of guns on our streets and increasing the number of concealed weapons. So the logic is whether I am speaking to a house of worship or a mental health or any of the other issues that have been put before us today by Representatives from Philadelphia and Chester County and Allegheny County.

The risk is more guns and the associated concern is in the United States of America we have these mass shootings like no other place. We have an enormous number of gun deaths and murders and violence that do not occur in 32 other developed nations. And when you study that issue, the only variable, statistical variable that is valid between the other nations and their gun safety and the United States and our murder rates is the number of guns. So the issue is voting on a bill that increases the number of guns and the associated risk.

On military bases we do not open carry guns because we recognize the inherent risk in doing so. We keep the weapons in the armory. And if I am training on a weapon, I check it out of the armory and in fact they count the ammunition that is released to me, and I go to the range. Afterward we count the ammunition and the exact number of unused rounds goes back into the armory and then the weapon goes back into the armory. This is because of the inherent risk associated with the number of guns that would be wandering around.

Mr. Speaker, we do not need more guns near or in our schools. We do not need more guns in movie theaters or shopping malls where mass shootings are occurring more and more, more and more frequently. We used to know this, right? We did not – I did not, and most of us in this chamber, you did not see open carry in the streets or near your schools when you were a young person. This is new in the United States. I can remember an anecdote associated with a number of guns. I can remember in the 1980s you would see on television people in black uniforms in Panama and Nicaragua with automatic weapons and we would say to ourselves, thank God we do not live in a nation where people are carrying those weapons on the streets. Well, guess what, Mr. Speaker? What do you know. Because we have relaxed that rule because we are infatuated with the number of weapons, we live in a society where we have exactly that and it is scary.

These weapons, we do not need more of them near government buildings or courthouses or near polling stations on election day, not at concert events. They belong in the armory, or the correlation in our homes – we have heard many people speak who are responsible gun owners, and we know that the corollary of the armory is safe storage. We have not been talking about that, but there ought to be a discussion about safe storage.

And so the logic is really simple. We ought not to do this. We ought to be talking about community safety and reasonable ways to promote that responsible ownership, that responsibility to each one of us as legislators.

So thank you, Mr. Speaker.

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

Mr. RABB. Thank you, Mr. Speaker.

I am trying to figure out what I can say. You see, a lot of my colleagues have made some very compelling statements thus far, all I believe highly relevant. There are colleagues of mine who have said things that have been ruled out of order that I believe have been highly relevant. And then there are things that perhaps were stated by my colleagues in good faith that might not have been heard, were perhaps dismissed – and I do not mean that in terms of motivation. People are busy. People are talking. Maybe you think you have heard what someone said a million times before, so you tune out. I get it. We are all fallible. We are all distracted.

I normally lead with being a parent. I believe my colleague from Philadelphia County, chair of the Pennsylvania Legislative Black Caucus, did the same thing. I, too, have two Black teenage sons raised in the city, and I fear the enactment of this bill, not because they are going to do anything wrong, but because of the potential impact of such legislation if enacted into law. But that has been talked about.

I can talk about being a member of the Second Amendment Caucus and having southern roots and having family members all who have guns. Why? That is how they kept themselves safe from racists. The gun. I do not think there is any family member of mine in the Deep South who did not have multiple guns. God bless them. Perhaps I would not be here today without some of those guns. So I am good on the Second Amendment, Mr. Speaker. We may differ. We may talk about the history differently. I prefer referring to the facts, as was referenced by a previous speaker of its origins and its implications and its impact, disparate as it is.

I can talk about how law enforcement is not supportive of this. We have covered that many times. That does not matter, apparently, because this bill is being fast-tracked. It is so important. It is so important, this bill; so important, perhaps even more than the 16 people who were shot this weekend in Philadelphia that this bill will have no impact on. I do not know.

Why are we not fast-tracking community safety? Why are we not fast-tracking meaningful bipartisan conversation about the very thing that some of us in the Judiciary Committee on this side of the aisle were admonished for not doing in good faith, admonished publicly for not having the courage to address the worst offenders? Admonished. Our motives challenged.

I do not know why this bill is being fast-tracked. I am not going to impugn anyone's motives. All I can tell you is, those of us in besieged communities need help, and I am curious how this is going to help us. I have not heard anything to suggest that it will, not a peep.

One of my colleagues from Philadelphia County recently had a town hall where over 400 people showed up, along with the district attorney, police commissioner, clergy, concerned parents and neighbors, deeply concerned about gun violence. They had a lot of questions and a lot of concerns. None of them thought that liberalizing gun possession or permitless concealed carry, that never came up. We often talk about talking to people who are closest to the pain. You have a farm bill, you talk to farmers. You have a bill on education, you talk to teachers. We hear a lot about victims in this body. We hear victims a lot. What about the victims yet to come who will not be protected by this bill if enacted into law? What about them?

What do your friends in law enforcement say about that? What about the Pennsylvania Fraternal Order of Police? Where is their official position on this? I do not think they have one. That is very curious. They are not a particularly liberal group. They seem to oppose crime and violence. Where are they on this issue?

Why are we fast-tracking this bill? Why do we not instead fast-track community safety? Where is the compassion? Where is the empathy?

If this were to become law, how many Kyle Rittenhouses are going to be walking around? And I hope that is relevant, that statement, because he is 18 now. He is 18. And anybody, anybody who was 18, if this were enacted into law, would be good to walk around if they are a law-abiding citizen; anyone. And you know what? Everyone is a law-abiding citizen until they are not. Who is going to take responsibility for that, because there will be more protests and expression of our First Amendment rights, and we should support that. What we should not support is codifying vigilantism, and I believe that this promotes that.

And I find it deeply disturbing that we have put 147 Democratic bills that have been referred to Judiciary, 2 of which have come up for a vote, none of which talk about the root causes of gun violence – not a hearing, not a peep, not a response from the good chair from Franklin County.

If we cannot talk about it here; if everything is out of order, irrelevant, inflammatory, where are we supposed to have it? If our bills are not considered in committee, if colleagues of my mine when they speak on the merits of the bill in committee are censured, but thankfully the Speaker allowed for that same colleague to speak fully, germane to this bill.

I just ask you, where is the resolve? Where is the moral courage to focus on the actual issue because no one's guns are being taken away, Mr. Speaker. That may work back home, but

we know the deal. You got them, you are going to keep them, you are going to get more, and God bless you. But what are we doing about the public health crisis of gun violence? And this does nothing to address that issue. I strongly urge you to oppose this dangerous bill.

Thank you, Mr. Speaker.

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

Mr. NELSON. Thank you, Mr. Speaker.

And it is a beautiful building that we are in. It is a beautiful, beautiful building. The job we have is amazing. We get to represent, yes, our 62,000 residents, but we do so on behalf of the 12.8, 13 million Pennsylvanians. They are all our neighbors. They are all our colleagues. They are all our residents. We care for them all.

Too often when we stand here and we debate and we vote, we do so with that little word in the back of our heads, right? The phrase of a slippery slope. Oftentimes we take positions on bills that perhaps realistically are not as bad as we would paint them to be. Perhaps we have people in our ear reminding us of scorecards for bills that if it were not for that, we could probably get a little bit more done every now and then. But it is a beautiful building and it is a beautiful job we have. But we always seem to mind the slippery slopes.

Every now and then the luster starts to come off. You realize where we really are. Every now and then a bill is addressed that has gone way beyond that slippery slope; it is now rolling downhill. This bill, SB 565, is one of those bills. Because what this does, it certainly goes way too far. We all know it. The Governor knows it. The maker, Senator Dush, knows it. The challenge, though, is that what we do here matters. If it matters, the votes that we take, each and every last one of them, from when we vote present to when we vote on bills like this, they matter.

There is – and I will make sure to mind the rules – there is an issue right now in front of the folks in Delaware County because after a football game a young lady was shot and killed. She was – I will not get too far into it; I do not want to be gaveled – but there was gunfire between young men, law enforcement responded, and a young woman died because of it. I am not sure, all three individuals involved perhaps had a permit to carry the firearms that they had, perhaps they did not. I am not sure that anything in this bill would prevent all three from carrying a firearm.

What is important here and what I try and explain to my daughter – I have talked before about my kids – so my daughter asked me when I was explaining this to her, she said, "Why do they want to outgun the police?" Why are you all thinking about outgunning the police? Because she and I have had an ongoing dialogue around the role of law enforcement in communities. Certainly in African-American communities we have a very intricate and complicated dialogue around the role of law enforcement. Because, yes, the Second Amendment provides that all Americans ought to have the right to bear arms in the interest of a well-regulated militia. What some of my colleagues presented before I came here was the fact that many are bearing arms but there is no well-regulated militia right now in Pennsylvania. The tool we have for public safety is not everyone get a gun. The tool we have for public safety is ensuring that we have first responders – the heroes that we talk about all the time

— law enforcement; soldiers, our men and women who put their lives on the line so that we do not all need to have a gun. Why are we trying to outgun the police? I do not get it.

This bill is dangerous. This bill will be vetoed. That is our prayer. That is what I will try and tell my daughter. But at least I know that if something were to happen, I am going to vote "no" on the bill. I hope and pray that when you all talk with your family and your community members and you do not celebrate, hey, I voted for something, but the good news is that bill was vetoed; I hope you do not have to go back and explain to your chiefs of police that, yes, I voted for you to be outgunned, but the good news is Gov. Tom Wolf. I dare you guys to go back to your districts and say the good news is Gov. Tom Wolf anything.

Why do they want to outgun our police, is what my daughter wonders. I do not have a good answer. I believe it is because we think there is a well-regulated militia. Perhaps you do not recognize that we have gone way over the downhill slope. This is a bill too far. The building is losing a little bit of its luster. The lights do not work over there. The board is not working. We seem to be voting on stuff that does not make any sense and praying that someone will fix our intentional mistakes. That is not what my oath of office was for. I will be voting "no." Thank you.

The SPEAKER. The Chair thanks the gentleman and wants to thank both the prior speakers for hitting their points quickly and succinctly. It is helping move the debate along. However, I would also like to remind the members because as this debate has gone on, I have heard a couple occasions where members have referred to each other by name or His Excellency, the Governor, neither of those are appropriate under our House rules. You should refer to members as the member from their respective county, their respective district; or in the case of the Governor, the Governor, His Excellency. I would simply ask members to try to keep that in mind as we move through the remaining speakers.

And the Chair now recognizes the gentleman, Representative Krajewski, on final passage. You are in order, sir. You may proceed.

Mr. KRAJEWSKI. Thank you. Thank you. Thank you, Mr. Speaker.

Mr. Speaker, like many of my colleagues, I rise in opposition to SB 565. The Senator who has introduced this legislation noted in his cosponsorship memo that Pennsylvanians have a fundamental constitutional right to keep and bear arms. But what about the inherent rights of mankind that our State Constitution guarantees, specifically the right to enjoy life and liberty?

In Philadelphia there have been almost 400 fatal shooting victims so far this year and over 1500 nonfatal shooting victims. Just today I was fortunate to have greeted ninth graders from my community who came here to visit our Capitol. But I know that these young Black boys have had a family member, a peer, a classmate, or a neighbor who has been struck by this violent epidemic that we are dealing with in our city, and I fear that this legislation would only make them, my neighbors and the people that I represent, less safe.

So, Mr. Speaker, I rise because I fear that this bill will make us less safe, but I also rise because of what appears to me to be a vicious attempt at flooding guns into our Black and Brown communities and then locking up everyone caught in the current. This same week we are considering bills that impose mandatory minimums for offenses that include firearms, yet this bill says that anyone in Philadelphia may openly carry a firearm, rifle, or shotgun. So on one hand we wish to further lax the gun control

that we have in our Commonwealth, yet on the other hand we wish to enact penalties on people who commit offenses with those guns.

So, Mr. Speaker, I fear that this bill is going to fan the flames of an already raging gun violence epidemic in my city of Philadelphia. If the maker had it their way, our Black and Brown communities would be devastated with countless people either left dead or in prison. It is a farce to believe that this would result in anything else. I will be a strong "no" on this bill, and I ask my colleagues to join me. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Kauffman, on final passage.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

With all these speakers, I guess I was lulled to sleep by that pizza we had there. So I appreciate, I appreciate the recognition.

And it is important to note, many want to pretend that this legislation, SB 565, will radically alter who may legally possess a firearm in the Commonwealth, and very frankly, that could not be farther from the truth. Pennsylvania has some of the strongest background checks in the nation, and this bill does not change that. This is not a radical idea. This has been tried in over 20 States and it works. Vermont has had constitutional carry for over three decades. Now, I think we know that some of the most liberal folks in the country come from Vermont, so this is not a conservative issue. And Vermont has one of the lowest crime rates in the nation.

The State of Arizona happens to be the most populated State with the longest track record on permitless carry. From statistics from 2010 to 2015, the years immediately preceding and following the enactment of the 2011 constitutional carry law, the murder rate in the State of Arizona dropped 29.7 percent; the robbery rate fell 14.2 percent. States with constitutional carry are some of the safest in our nation. Guns are not the enemy.

In Pennsylvania between 2006 and 2020 firearm sales went from 415,000 in 2006 to 1.1 million in 2020. That is a rise of 274 percent. During that same time gun violence offenses went from 15,209 to 9,923. That is a drop of 34 percent while gun ownership skyrocketed in the Commonwealth of Pennsylvania. Why is this? I would contend because law-abiding citizens follow the law. They do not buy guns to commit crimes. It is important to note that criminals just do not care about Pennsylvania's gun laws because they do not follow them. They do not get a permit. They do not get a background check.

I need to reiterate, this legislation is not about who can lawfully possess a firearm. This is about when you have a gun on your hip in a holster and it is cold outside you can put a coat on and walk outside and not be breaking the law. This is about when you are a lady and you have a firearm on your person, you can decide to put it in your pocketbook and not be breaking the law.

The Second Amendment to the U.S. Constitution states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The Pennsylvania Constitution states, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned." When our Founders were writing those words, I do not believe they intended to make a criminal out of the lady who puts her gun in her pocketbook without a permit. I do not believe they intended to make a criminal out of the guy who puts on his coat because it is cold outside and walks out but does not have a permit.

Mr. Speaker, this is not a complicated thing. It has worked around our nation and we want to see Pennsylvania join the States where we respect law-abiding gun owners and their constitutional right to carry their firearm on their person. I ask you to join me tonight in supporting the citizens of Pennsylvania and SB 565.

Thank you, Mr. Speaker.

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

Mr. BURGOS. Good evening, Mr. Speaker.

I rise to say thank you to the other side of the aisle. They have put forth one of the most progressive bills in recent history.

According to my understanding on page 10, line 8, "Due to every PERSON PRESENT IN THIS Commonwealth having a fundamental constitutional right to keep and bear arms, obtaining a license under this section...," yada, yada, yada. It looks like undocumented people might be able to carry arms in the State of Pennsylvania, might be able to carry firearms in the State of Pennsylvania. That is astonishing. (Remarks in Spanish.) Finally, acknowledging that undocumented people in the State of Pennsylvania deserve rights.

We could be voting for driver's licenses for undocumented people, we could be voting for safe staffing levels across our hospitals in our great State, but instead, once again we are fighting empathy. Instead of having empathy for one another, we want to send fake news that we are trying to take away the Second Amendment. We need to protect one another, not to continue to fight one another. And the State of Pennsylvania is a leader, it is not a follower. We need to be putting forth legislation that puts Pennsylvanians first. So unfortunately, I will be a "no" on this vote.

Thank you, Mr. Speaker.

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

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

I oppose SB 565 because when we look at freedom, it has three dimensions and our Constitution is not a flat, lifeless piece of paper. It is a document that we have interpreted for more than 230 years. And I stand in opposition to a policy that would allow anyone to carry a concealed loaded weapon anywhere, at any time, without accountability to their fellow citizens. So some people call this constitutional carry and others call it permitless carry, and I believe the key difference in these positions is whether you have a flat, one-dimensional view of the Constitution or whether you can see all three elements of true freedom – that is, one, individual liberty; two, a quality of those liberties throughout the entire population; and three, accountability so that when one group of people exercises their rights, they are not unduly infringing on others.

So how can we give life to the words of the Second Amendment? Nobody has actually put it out there all in one piece yet tonight. So this is the Second Amendment, quote, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," end quote. That is the law. But that is not an individual right. It is rather one that is given to all of the people, and the goal is actually security of a free State – public safety. To reach that goal, the Founders found it necessary to say we would have, quote, "a well regulated Militia." Now, all of these words give the shape and the form to the final, quote, "shall not be infringed,"

end quote, language. In other words, they provide the limitations on the right.

And it is fitting and proper to limit that right, especially in the face of recognizing the second dimension of freedom: a quality of everyone's rights to life, liberty, and the pursuit of happiness. Now, debate on this issue is necessary. We are having it tonight. And as I said on the floor last night, we owe it to the citizens of the Commonwealth, if we are going to call ourselves representatives of the people and a true democracy, to have that debate. Now, we did not have debate on amendments last night, and those amendments that this body so rudely cast aside actually represent the third dimension of freedom, which is a system of accountability to each other.

Now, my colleagues have cited any number of different facts and figures, and one thing I want to call out because it is personally important to me is let us remember two-thirds of the people who die with a firearm die as a result of suicide. So this is not a partisan issue and it should not be. Other colleagues have also cited that law enforcement organizations – the PA Police Chiefs Association, the PA District Attorneys Association – all oppose this policy as a matter of public safety.

## MOTION TO POSTPONE

Mr. HOHENSTEIN. And so, Mr. Speaker, in the interest of being able to fully debate the wisdom of these policies that would form that framework of the third dimension of freedom, I am going to make a motion to postpone until this House votes on and considers HB 1903, relating to extreme risk protection orders; HB 785, relating to safe storage of firearms—

The SPEAKER. The gentleman will please suspend. The gentleman will please suspend. You have made a motion. We will get you to temporarily suspend so the motion— Just to make sure I heard the gentleman correctly, a motion to postpone?

Mr. HOHENSTEIN. This is a motion to postpone—

The SPEAKER. Was it to a date certain or just in the future? I would simply caution the gentleman, you cannot make it contingent upon the passage of other legislation.

Mr. HOHENSTEIN. I am not making it contingent on the—

The SPEAKER. The gentleman will suspend. All right. We have the motion on.

Would you like to speak on your motion?

Mr. HOHENSTEIN. Yes.

The SPEAKER. You are in order and may proceed.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

This motion is not related to or connected to passage of these bills; rather, it is connected to having them presented and voted on on the floor of the House. And I have five bills that I would appreciate being able to list for this motion, or if the Speaker sees fit, I could make five separate motions to postpone. I will await your instructions.

Mr. Speaker, am I still in order? I could list the—

The SPEAKER. The gentleman will please suspend. We are pulling the section from Mason's Manual, so you are not yet in order.

The gentleman has made a motion to postpone. After consulting with the Parliamentarian and Mason's Manual, it is not appropriate to postpone to anything other than a date or time, if the gentleman wishes to specifically state a date or time, or postpone it indefinitely. It cannot be contingent upon other pieces

of legislation or other discussion outside of the motion to postpone to either a definite or indefinite time.

Mr. HOHENSTEIN. Okay. Then may I select a date certain, Mr. Speaker?

The SPEAKER. The gentleman will please suspend.

For what purpose does the Democratic leader rise?

Ms. McCLINTON. To share a precedent.

The SPEAKER. You are in order and may share the precedent.

Ms. McCLINTON. Thank you, Mr. Speaker.

On July 1, 2009, a ruling was made that we can in fact do a motion to postpone until the occurrence of specific events, for a date uncertain. That is a part of the House precedent.

The SPEAKER. The House will be temporarily at ease while we pull the Journals that the leader has referenced.

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. The House will return to order.

It is the Chair's understanding that the gentleman wishes to simply make a motion to postpone. The Chair appreciates the gentleman. If you would like to state that motion, I will then recognize you to speak on the motion.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

I make a motion to postpone the consideration of this bill.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Representative Hohenstein, has made a motion to postpone consideration of SB 565, PN 1212. That motion is now before us.

On the question,

Will the House agree to the motion?

## PARLIAMENTARY INQUIRY

The SPEAKER. You are in order and may debate the motion to postpone.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

I have a brief parliamentary inquiry on procedure. I believe the answer will be easy to—

The SPEAKER. The gentleman will suspend. You may state your parliamentary inquiry.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

With this being a motion to postpone, it is my understanding, in the reading of the rules, that debate on the floor is open and not under the standard motion rules, which would limit it to leadership and to the maker of the motion. Am I correct in that assumption?

The SPEAKER. It is open in regards to who can debate the motion; it is not open to go beyond the actual motion to postpone. The discussion of the bill, prior amendments, or things like that would be limited in the discussion on the motion to postpone. But it is in fact— Each member can speak one time on the motion to postpone.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

You are in order and may proceed on your motion.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

I believe we should postpone consideration of SB 565 until we have considered, voted on, and passed the following bills: HB 1903, relating to extreme risk protection orders; HB 785, relating to safe storage of firearms; HB 872, relating to firearm

safety courses; HB 1900, relating to keeping people who are on the terrorist no-fly list from obtaining firearms—

## POINT OF ORDER

Mr. BENNINGHOFF. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman rise?

Mr. BENNINGHOFF. Point of order.

The SPEAKER. You may state your point of order.

Mr. BENNINGHOFF. I believe the motion was to postpone, and now we are discussing the details of other bills.

The SPEAKER. The gentleman had made the motion to postpone. I believe the gentleman is now listing the reasons why or other items he wished we would consider as a reason to postpone and it is not contingent upon that.

Mr. BENNINGHOFF. Respectfully, Mr. Speaker, one of them specifically was talking about no-fly lists, so that, to me, is the details of that list of bills that he was referring to, which is a little bit off the discussion of a postponement.

The SPEAKER. The leader's point of order is noted; however, I do believe that the gentleman is making the case as to why he believes this bill should be postponed.

The gentleman is in order and may proceed.

Mr. HOHENSTEIN. Thank you, Mr. Speaker.

The final bill that I would like to attach this motion to postpone to is HB 696, which relates to violence prevention grants.

And as I said in my statement on the floor on the bill in chief, my reason for making this motion and my reason for tying our action on this bill to these other bills is that we do have a third dimension of freedom and that dimension is our system of accountability for the exercise of the rights that we all have. I believe that each of these bills that I have named here are part of that system of accountability that will allow for the free exercise of the right to bear arms in a way that meets the goals of the Second Amendment, which is to secure a safe and free society.

So I ask my colleagues to support this motion to reopen.

And again, Mr. Speaker, I appreciate your confirming for me that the floor is open to debate this motion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader to speak on the motion to postpone.

Mr. BENNINGHOFF. Mr. Speaker, I rise to oppose this postponement. It was said earlier that we ought to be able to debate these things. Let us do it and get it done and get the people's business done.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

## VOTE STRICKEN

The SPEAKER. The clerk will please strike the board.

I did not see you walking down the aisle. I apologize. Was the gentleman seeking recognition to speak on the motion? I did not see you. On this motion there was intervening business. It was our understanding that the majority leader had concluded the debate.

You are in order and you may speak on the motion.

Mr. BRIGGS. Thank you, Mr. Speaker.

And I want to thank the maker of the motion for prioritizing some bills that are not getting the attention from the Judiciary Committee. And I think HB 785, the safe storage bill, is something that I have introduced over the last number of sessions. It is something that I have written the majority chair about, along with a number of the other bills over the last few years, and I have gotten cordial responses, but when it comes to action, nothing is happening.

So I think this SB 565 should be postponed until the Judiciary Committee meets to consider these other areas. I do understand one of the other bills that we talked about, the extreme risk protection order, there was a comment made to the press last year or 2 years ago that that bill would never be brought up as long as the current chairman is the chairman. That was a comment that he made.

So I think these are discussions that we should be having to keep Pennsylvanians safe. I know in a respectful, courteous manner we could have those conversations. Unfortunately, the current way the Judiciary Committee has been conducting itself, it has been far from courteous or respectful.

So if it takes our body to send a message that these bills should be considered and then tackle something like SB 565, I wholeheartedly support it. So thank you, Representative from Philadelphia, for bringing up this motion.

The SPEAKER. The Chair thanks the gentleman.

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—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	Hanbridge	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
Deloso	Kim	Otten	Zabel
DeLuca	Kinkead	Parker	

#### NAYS—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	Kauffer	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.	Roae	Zimmerman
Gillen	Major	Rossi	
Gillespie	Mako	Rothman	Cutler,
Gleim	Maloney	Rowe	Speaker
Gregory	Marshall		

#### 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,  
Shall the bill pass finally?

The SPEAKER. The gentleman, Representative Hohenstein, still had the floor upon making the motion. Has he concluded his remarks? The Chair thanks the gentleman and recognizes the gentleman, Representative Sanchez, on final passage.

Mr. SANCHEZ. Thank you, Mr. Speaker.

Mr. Speaker, the United States has one of the highest rates of deaths caused by gun violence in the world – 8 times higher than Canada, 100 times higher than the United Kingdom. Last year we saw more than 600 mass shootings. This year there have already been 627 mass shootings, with the most recent one happening just yesterday. Six Colorado high school students have been hospitalized as a result of the drive-by shooting.

I know we do not want more incidents like this happening in Pennsylvania, so why are we trying to strip away the basic safeguards that prevent tragedies like this? We know that the overwhelming majority of Americans and gun owners think you should get a permit before carrying a concealed gun in public, and the majority of Americans believe in background checks, and that should not be a partisan issue.

Here in Pennsylvania, as many have noted tonight, the Pennsylvania Police Chiefs Association and the Pennsylvania District Attorneys Association oppose SB 565 because of its potential to allow concealed firearm carriers to act in ways that have serious potential to endanger public safety. Pennsylvania's current concealed carry law does not infringe upon the rights of responsible gun owners, and it is easy and accessible to obtain this permit. Just last year, the city of Philadelphia saw a 25-percent increase in applicants for concealed carry permits. Getting your concealed carry permit is not just accessible, but the current process makes it safer for everyone. This is because law enforcement can run deeper background checks and evaluate the character of concealed carry applicants.

All this legislation seems to do is attempt to fix a system that is not broken and create more possibilities for gun violence. And, Mr. Speaker, someone's intentions do not even need to be dangerous for even more shootings to become the new normal. Handguns are very easy to mistakenly set off or unintentionally point at someone, and this bill could put them in the hands of untrained individuals, especially teenagers, inside public places.

This is a careless and dangerous piece of legislation based on a perversion of the Second Amendment, and it seriously concerns me how it will increase gun violence in Pennsylvania. People's lives are at stake. I urge you to vote "no" on SB 565.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, several members have waived off. We are down to our final five speakers plus the leaders.

At this point the Speaker recognizes the gentleman, Representative Kenyatta, on final passage.

Mr. KENYATTA. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will please suspend.

Members, please come to order. Move any conversations off the back of the House.

You are in order and may proceed, sir.

Mr. KENYATTA. Thank you, Mr. Speaker.

Tony Miller was 25; Tymel Fullwood was 35; Alan Womack, 28; Tyrone Armstrong, 36; Kyseem Roberts, 27; Raheem Hightower, 22; Vincent McClain, 35; Raphael Martinez was 25; Anwar Upchurch was 39; Jamir Lamb, 23; Kanye Pittman, 15; Nasir Marks, 18; Troy Coward, 28; Randy Davalos, 31; David Johnson, 38; Deshawn Talley was only 29; Angel Castellanos was 62; Laquan Hayes was 28; Andrew Johnson, 32; Joseph Bishop, 30; Desiree Shaffer was 37; Jeffrey Harvey was 55; Jacob Rodriguez was only 2 years old; Andre Blackshear was 56; Albert Lee, 27; Jahyde Gardiner, 25; Brandon Rucker was 23; Damion Curtis was 39; Terrance Stewart was 35; Kahri Tyson, 28; Rodney Hargrove, 20; Marcus Alexander was 26—

## POINT OF ORDER

Mr. BENNINGHOFF. Mr. Speaker?

Mr. KENYATTA. Darryl Cromwell was 57—

The SPEAKER. The gentleman will please suspend.

For what purpose does the gentleman, the majority leader, rise?

Mr. BENNINGHOFF. Respectfully, I am not sure what the reference— Point of order; pardon me.

The SPEAKER. The gentleman may state your point of order.

Mr. BENNINGHOFF. I am trying to figure out what the reference is to the list of names respectfully that are being in reference to the bill that is listed.

The SPEAKER. For what purpose does the gentlelady rise?

Ms. McCLINTON. Mr. Speaker, if we could just let the gentleman from Philadelphia County speak, he will explain what these names are and how it is related.

The SPEAKER. The majority leader has raised a point of parliamentary inquiry regarding the purpose of the list. Other members have been cautioned to please stay on the topic of the bill. I do not want to assume what the list is, but it is the Chair's hope that the gentleman succinctly wraps up the list, speaks to its importance, and then the underlying component of the bill.

You are in order and may proceed, sir.

Mr. KENYATTA. Darryl Cromwell was 57; and Nasir Muhammed was 17; and Ronald Medford was 36; and Quamir Mitchell was 16; Raheem Edwards was 20; Raul Negron was 71; Shawn Newman was 44; Damion Ocasio was only 25; Wylied Harmon was 20; Nazir Veasy was 19; Aaron Parker was 27; Markel Rafi was only 23; Khalil Burgess was 18; and Samir Lindsey was 17; Sebastian Brown was 20; and Ronald Peck was 25; and Eric Fuller was 25; and Eric McKinney was 28; and Wade Lofton was 23; and Michael Head was 27; and Devin Shaughnessy was 33; and Craig Thomas was 21; Elijah Harvey was only 18; and Robert Casler was 29; Ahmad Morales was 24; Anthony Merriett was 55; Kevin Williams was 24; Tahj Williams was 17; Juan Muniz was 30; Harley Belance was 11; Justin Porter was 18; Hugh Certaine was 27; and Ebony Pack was 30; and Julius Chandler was only 32; and Joseph Lee was 32; and Terrance McNeil was 45; and Clyde James was 31; and Micah Wyatte was 25; Kyeir Pickens was 17; Najeebat Sule was 24; Juawann Mason was 27; Terrance Freeman was 29; Rasheed Marion was 43; Kahree Simmons was 16; Tamir Brown was 17; Naquon Smith was 24; and Stacy Elliot was 21; and Keshone Young was 24; and Bernard Davis was 30; and Antonio Walker was 15; and Rahmeer Ballard was 20; and Rahair Giddings was 17; and Juawann Mason was 27.

And I could go on and on and on because so far 483 people have died in the streets of Philadelphia. Every single one of them have families and cousins and brothers. And as you disrespectfully speak over their names, their lives mattered and have value. And all 483 names ought to be in order to be read in this body tonight, because if this bill passes, there would be more than 483 names. There will be more people like Mumin Jenkins, who was 18; and Aleah Singleton, who was 23; and Navon Wingate, who was 29; and Jan Silverman, who was 62; and Stacy McFarland, who was 53; and David Virella, who was 44; and

Kentrell Wilson, who was 27; and David Canada, who was 55; and Quasir Johnson, who was 18; and Peter Gerold, who was 70; and Benjamin Brown, who was 43; Mikal Meredith, who was 21; and Carlton Rice, who was only 34; and Edward Glover was 43; and Darchelle Sheed was 48; and George Meyers was 37; Delante Johnson was 48; William James was 38; and Makail Bowman was 30; and Richard Weldon was 23; and Darius Winters was 15—

The SPEAKER. The gentleman will please suspend.

Mr. KENYATTA. And if we are sick of hearing these names, then we should get serious about gun violence in this building—

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

Mr. KENYATTA. And Kevin Highsmith was 43; and—

The SPEAKER. The gentleman will please suspend. You have been identified as being out of order.

The Chair has tried to give the gentleman as much latitude as possible regarding the list. I understand— The gentleman will please— The gentleman is not in order. The issue at hand – and I was listening attentively – was the gentleman I believe was reading names from fatalities presumably in the city of Philadelphia or possibly from your district; however, the gentleman, while reading the names, has not brought that back to the subject matter of the debate. I understand the passion again is high on both sides on this issue. I would ask the gentleman to please bring this in line with the debate so that we, as all members, can understand and appreciate the list that you are reading.

For what purpose does the gentlelady, the Democratic leader, rise?

Ms. McCLINTON. Mr. Speaker, the gentleman from Philadelphia County stated that if this bill passes, there will be more names. He said that very clearly and explicitly.

The SPEAKER. The Chair understands the gentleman said that, but he did not indicate as to the nature of the list or the specifics; more importantly, the good gentleman continued to speak after he was asked to suspend.

As we try to wrap up debate here this evening on a very important issue, I am simply asking that we get the direct connection to the bill, the importance of the bill, so that the debate can continue and then ultimately conclude.

I understand that this is a deeply personal issue for the gentleman and for many members in this chamber. Many families have been touched by unfortunate gun violence. But we must continue to operate the floor in a respectful manner so that each of our voices can be heard, but also understand the relevance of what is being said.

The gentleman is recognized to conclude his remarks.

Mr. KENYATTA. Thank you, Mr. Speaker.

For folks like Thomas Burnett, who was 61 and died, and Shakia Allen, who was only 35 when she passed, they do not get to speak on this floor and they do not get to visit and be honored, and this debate is long, but the pain that their families are feeling is much longer, and so I think it should be more than acceptable in a debate about allowing more people to have unfettered access to firearms, it should be more than acceptable for us to mention folks like Christopher Williams, who is only 33; or Jabree Oliphant, who was only 18; and Michael Zappile, who was only 52; and Ammen Green, who was only 27. In this debate when we are not going to have enhanced background checks, when we are not going to have a sheriff any longer understand who was going to be able to conceal carry weapons; in this debate we should

certainly be able to talk about Raymond Lee, who was only 61; or Eric Flores, who was only 50; and Roy Caban, who was only 42; and John Williams, who was only 26. I would hope that all members in this chamber would be gut-wrenched when they hear about folks like Luis Alcazar, who was only 32; and Yasir Hopkins, who was 26. All members when we have this debate about SB 565 should know about Tajzee Branch, who was only 26; and Alpha Johnson, who was only 30. They should think about Rose Fleurimond, who was only 21; and Rajib Ingram, who was only 9. Before folks vote on this bill, they should think about Kevin Davis, who was 18; and Mark Ruff, who was 59; and Charles Suber, who was 29; and Nicole Newell, who was 43; and Kenya Pruitt, who was 42; and Pierre Lovelace, who was 26. How can we in good conscience, knowing that there are folks like Eric Johnson, who was only 22; and Gladys Coriano, who was only 52; and Christopher Watts, who was only 28; and Tyronda Herrington, who was only 33; and Herbert Harris, who was only 29. We are going to pass this bill tonight knowing that Dreyon Hart lost his life at only 17; and that Jaquan Williams, only 15; and Edward Anderson, who was 41; and Russell Dukes, who was 36; and Dale Curebeam, who was 60; and Rory Flynn, who was 37; and Siair Peterson, who was 19.

If you are sick of hearing these names, then you should be ready to pass meaningful gun reform. If you think this list of names is too long, then you ought to come to my district and see the lines of people standing outside of churches. If you do not have the time or the patience to hear about David Oliver, who was 48; or Milan Loncar, who was 25; and Jasmine Lewis, who was 20; and Christopher Williams, who was 43; Jacque Warren, who was 30, if that is too much, then let us do what we have been calling for for a long time and not pass bills like this that would make this list longer. But in the people's House we ought to have time to hear about Adam Hammer, who was 17; and Curtis Frisby, who was 23.

We all raised our hands and swore to uphold the Constitution because we cared about folks in the Commonwealth, so we ought to care about Kevin Smith, who was 50; and Mikal Davis, who was 26; and Aquil Phelps, who was 26; and Jonathan Rosa, who was 17; and Julio Morales, who was 47; and Charles Wilson, who was 54; and Rasoul Grant, who was 23; and Damien Hughes, who was 42; and Jerry Yoghoh, who was 27; and Rudolph Ebinger, who was 37; and Alphonzo Anderson, who was only 24. Frank Smith had the rest of his life ahead of him at only 21, but if we pass SB 565, we are making it more likely – we heard the statistics – more likely that we will hear more names like John Green, who was 25; and Ebony Kitchen, who was 24; and Tahaim Lacey, who was 42; and Lamont Prophet, who was 30; and Quamir Tunnell, who was 20; and Nyeem Kitchen, who was 18; and Aelson Da Silva, who was 38; and Jeremy Perez, who was 15, and Jamil Davis-Hughes, who was 24; and Thomas Daley, who was 18; and Masai Moore, who was 20; and Darell McQueen, who was 19; and Derrick McFarland, who was 24; Stephon Wilson, who was 30; and Zachary Graf, who was 22; and Travanti Lewis, who was 31.

This bill will make our communities less safe and less likely that law enforcement will be able to devote their time and resources to finding justice for these families, because they are worried about the proliferation of guns that this would mean for our streets. And so it means it is less likely that we are going to get justice for Travanti Lewis, who was 31; and that Dajon Delmoral, who was 31; and Corey Jaynes, who was 30; and Kevin Donnelly, who was 32; and Delaney Carter, who was 40;

and Michael Goodman, who was 27; and Bachell Handy, who was 33.

And you can keep talking while I talk about William McDade, who was 40; it is disrespectful to his family but that is okay, because we are going to remember him, and we are going to say the name the of Akiem Stafford—

The SPEAKER. The gentleman will please suspend.

Mr. KENYATTA. Is there a time limit, Mr. Speaker?

The SPEAKER. No. The gentleman will please suspend. You are not currently in order.

It is not the role of the members debating to admonish one another or to shout at one another. I asked for order prior to you beginning. I have also asked that you work through your comments as expeditiously as possible, because I do believe that you have the right to be heard; however, I cannot have individual members yelling at one another on the House floor.

You are in order and may wrap up your comments.

Mr. KENYATTA. Thank you, Mr. Speaker.

But I think that this entire body and the Commonwealth should know what is going to happen if SB 565 is passed. They should know that this bill is dangerous and leads to more names like Thomas Moore, who was 28; and Calvin Greene, who was 32; and Hasting Hightower, who was 54; and Jabrail Wyatt, who was 23; and Alisha Dixon, who was 32.

The Philadelphia Obituary Project has been collecting the names of folks who have been tragically murdered in Philadelphia. But we know that there are so many more names all across the Commonwealth, names that will grow on lists just like these. And so we can make this about politics as usual, if we want, or we can recognize the reality that there are folks like Isheem Chancy, who was 19; and Dejour Holland, who was 23; and Nafiece Tibby, who was 32; and Kiara Wakins, who was 21; folks who will never be able to see their loved ones again, and how can we in good conscience pass a bill where there are irrefutable statistics showing in other States that it would exacerbate the crisis of gun violence that we have seen in the Commonwealth?

This is not Malcolm saying this. These are the statistics. But the statistics are not just numbers; these are people. These are actual people. We have gotten so numb to this that we have forgotten that these are actual people – people who were born and it was the best day of their parents' lives; people who had graduations; people who were good coworkers, who were neighbors, who had something to offer to this Commonwealth. And we are going to knowingly pass a bill that would ensure that less of these real people have access to the life, the liberty, that they deserve in the great Commonwealth of Pennsylvania.

This was not even a fragment of the names of Pennsylvanians who have been cut down by gun violence. And so if this list is too much for you, then this bill ought to be much too much for you.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, under current law, if I am applying for a concealed carry permit and I say on my application, I know that the police have been to my house multiple times and my neighbors have complained about my disorderly conduct, and I was actually hauled in a couple times, but I got a good attorney and they were always able to get me off, and so I do not have a criminal record and I was able to purchase a gun. Now I want the

opportunity to carry a concealed weapon, because after all, I am not a criminal. My guess is that the sheriff would say probably not a good candidate for concealed permit. But under this bill, the sheriff would never even know. I would just get my concealed permit.

If on my application today I said I know that the 2020 election was stolen and anyone that has not called for a recount should meet with certain doom, but you know what, I cannot even get close enough to talk to them when I carry my gun openly. My guess is that the sheriff would say probably not a good candidate for a concealed permit. But under this bill, that person would have a concealed permit and the sheriff would never even know.

Under current law, if I on my application say I am a white supremacist and I believe that anyone that is not of the pure Aryan race should be eliminated, but I cannot even get close enough to talk to them if I have to do an open carry; that is why I need a concealed weapon. My guess is that the sheriff would say probably not such a good candidate for a concealed carry. But under this legislation, I would get my concealed carry automatically.

Mr. Speaker, if on my application I said I am a huge advocate of ISIS (Islamic State of Iraq and Syria), but when I wear a hijab and I go and I carry an open weapon, people flinch a little bit. That is why I need a concealed carry permit, because I want to carry out the ISIS mantra in the United States. My guess is the sheriff would say probably not a good candidate for a concealed carry permit. But under this legislation, I get it automatically and the sheriff never even knows.

Today if I say on my application, I know where you live and I think it would be in your family's best interest if I got a concealed permit, because that way I would know where to come help you if you needed help. My guess is the sheriff would say probably not a good idea to give that person a concealed carry permit. But under this legislation, I get one automatically.

Now, I could go on with scenario after scenario after scenario. I could go and ask every sheriff in every county why they have denied permits in the past, what kind of things caused them to deny a permit, because what we have heard so far is, no one should ever be denied a permit, there is no reason why anybody should be denied a permit, that is why we need this legislation. And I want to know why any sheriff in their right mind, if there was never a good reason to deny a permit, would deny one. But we have them denied every day in this State for good reason, and this bill says, it does not matter, too bad, we are not denying another one.

Mr. Speaker, I ask for a "no" vote on SB 565.

The SPEAKER. The Chair thanks the gentleman.

Seeing no other members seeking recognition, the Chair will turn to the prime sponsor of the House companion bill for closing remarks, prior to recognizing the Democratic and Republican leaders.

The gentleman is in order and you may proceed.

Mr. BERNSTINE. Thank you, Mr. Speaker.

A lot of hot emotions today, and as we talk about not addressing members' motives, I do know that people on both sides of this issue, they are doing what they believe is in the best interest of their constituents and saving lives, and while sometimes we may – sometimes we just have a different avenue of what we think the way to get there is. And I wanted to address some of the things that were talked about today, because it is important that we talk about the facts and we talk about the truth, and number one is that the background check system when you

go to purchase a firearm, it is that same background check system when you go to get your license to conceal carry, and individuals will still be required to go through that exact same background check. The second thing is this: that we heard so many heart-wrenching, gut-wrenching stories today about people that lost their lives across this Commonwealth and across this country and were killed by a firearm. But remember, they were killed by a criminal with a firearm, and when they were killed by that criminal with a firearm, that in itself was indeed a crime. The former Philadelphia district attorney said that 99 percent of gun crimes that happened in Philadelphia were by weapons that were illegally obtained or those individuals were not allowed to have a firearm. So they were not allowed to have those in the first place. Unfortunately, unfortunately, the situation that we have right now is that many criminals do have firearms, but they are not going to abide by these laws anyway.

So today we are talking about law-abiding citizens across this Commonwealth of Pennsylvania and we have a choice to make, whether we are going to stand up for law-abiding citizens and defend Article I, section 21, of the Pennsylvania State Constitution or if we are not. And we are going to put a vote up on the board and people are going to take a stance on those issues, and as we move forward through this, I heard a lot of things from both sides, and while tensions got hot, there are things that we can work on together and collaborate on to stop gun violence and stop those that are criminals and keep them behind bars to make sure that we stop guns from getting into the hands of the wrong people. But that is not what this SB 565 is about. It is about protecting the constitutional rights of law-abiding citizens across the Commonwealth of Pennsylvania.

So, Mr. Speaker, I urge my colleagues today to support SB 565. We will move this forward, and I look forward to working with people on both sides of the aisle on issues to make sure that we can stop gun violence as we move forward.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlewoman, Leader McClinton, on final passage.

Ms. McCLINTON. Thank you, Mr. Speaker.

So much has been said on this evening and this afternoon regarding SB 565. So much has been said, in fact, I am with few words, fewer words than usual, because people have poured out their perspectives and spoken on behalf of their constituents freely and for the most part uninterrupted this evening.

And that being said, we now have to decide what is at the core of this type of legislation. This legislation is providing, for the first time in this Commonwealth, individuals who otherwise would not be able to access permits to carry concealed weapons the ability to do so, the ability to do so. The maker of the companion bill just stated that the only people who are committing crimes are criminals. Well, I would like to suggest to this august body that prior to anybody making a bad decision to go beyond what we have put into Title 18, the Crimes Code, someone is not one until they make that decision, and I am reminded of all of the people that have fallen victim to not only gun violence where I live in Philadelphia and Delaware County, where I also serve, but across the entire Commonwealth, and I am also reminded of the fact that in this bill by giving folks who otherwise would be denied the ability to carry a concealed weapon by their local sheriff or law enforcement, we are also at the same time putting those members of law enforcement that we say on this floor that we respect and that we fight for and that we

protect their ability to serve and have that service with honor and integrity, we are putting their lives in jeopardy. So not only are we continuing to not do commonsense gun legislation, which is what Pennsylvanians have called for in this Commonwealth for years, but we are also jeopardizing the heroes and sheroes that put a uniform on every day to run in front of danger to protect each and every one of us.

And if we say we are for public safety, then let us really vote on bills that protect the public and keep them safe. If we say we are for law enforcement, then let us make sure that these women and men in uniform do not have to worry when they come up to a situation whether someone would have been given a permit to lawfully carry or whether they are somebody who got through because of this bill, SB 565.

Earlier today some were present when constituents from both my district and other ones across the Commonwealth came from Boys' Latin High School. When I talked to those students off of the floor, the first thing that came to mind was Tyhir Barnes. I am just going to name one name, since apparently some people have somewhere to go tonight. I am going to name one name of a student from my district who was killed when he should have been going through Boys' Latin and able to complete his high school education. If he was the only name, I would turn the microphone off, but the truth is, there is not enough time for me to name the names of the children at Boys' Latin, the children at Bartram High School, the children at Motivation, the children at Penn Wood High School in Lansdowne, who day in and day out are faced with so-called leaders in this chamber who have done nothing.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman, Leader Benninghoff, on final passage.

Mr. BENNINGHOFF. Good evening, Mr. Speaker, and everybody else. I know the hour is late, and the last you want to hear is a bunch of speeches. I will do my best to be short. I know some of you are thinking, I have done that my whole life; I got it.

I just want to refocus us real quick, as we are talking about SB 565 as it came over to us from the Senate. Constitutional carry legislation protects the Second Amendment and Article I, section 21, of the State Constitution – constitutional rights of legal gun owners. That is what we are talking about tonight, people who want to lawfully – law-abiding, legal gun owners of Pennsylvania. These same individuals can already open carry firearms without a permit. It was said many times, I think it is worth correcting, this does not automatically increase the number of guns that will be on the street or in the public. This bill, as it was stated by a previous member, would add Pennsylvania to the list of 21 other States that allow concealed carry for legal gun owners without the need to obtain a permit. It is working in other States. I think the majority chairman stated that very well, in reference to Vermont. A permit can be obtained in order to carry concealed in States with permit reciprocity.

This constitutional carry legislation does not expand the list of Pennsylvanians who can suddenly legally own guns. You must go through the background checks. Punitive gun owners will still have to go through background checks to own these guns legally, keeping in mind Pennsylvania has some of the most stringent gun law background checks in this country.

Statistics were thrown all over the place tonight, but I think it is important for us to look at the State Police Annual Firearms Report, because I am actually a little more concerned about what is happening here in Pennsylvania and not trying to govern the rest of the country, and looking at things a little bit more

parochial. That police report is from the years 2015 to 2019 on Pennsylvania homicide and aggravated assaults with firearms. The numbers have actually decreased. In 2015 there were 609 homicides, 4,691 aggravated assaults. As of 2019, that number was down to 471 homicides and 4,594 aggravated assaults. Just for the record, I think it is clear if we are going to talk and debate about Pennsylvania, that we talk about Pennsylvania statistics and not about what is going on around the rest of the country, because this law is about Pennsylvanians, law-abiding Pennsylvanians, who currently can openly carry a firearm.

This bill does not do anything to limit the enforcement of current gun laws. If you want to change those statistics and continue to help drive them down, I would encourage better enforcement, better adjudication in our courts. That is what helps protect the law-abiding citizens of Pennsylvania. It was said earlier most gun violent crimes are committed with guns and committed by people who generally illegally possess firearms. It is time that we do not keep persecuting the masses for a handful of other individuals who made bad choices and bad decisions, because those people do not make legal decisions and get permits. This bill does not take away tools already in the books for law enforcement and/or prosecutors to crack down on illegal gun ownership, illegal gun use, violent crimes, or other criminal matters concerning these tools.

Our caucus has always been very strong about supporting those. Pennsylvania already has one of the most stringent gun background checks in this country. This does not change that. In fact, law-abiding, legal gun owners in Pennsylvania, as I said, can already carry firearms without a permit openly.

Again, this is the Second Amendment, this is about protecting law-abiding citizens, and I would like to get us to the final vote on SB 565, and I would appreciate your support.

Thank you, Mr. Speaker, and to the members for their patience.

The SPEAKER. The Chair thanks the gentleman.

Prior to going to the vote, the Chair would simply like to take the opportunity – I know we had a little bit of a rocky start on the debate – I would just like to commend the members as we concluded the debate.

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—107

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

#### NAYS—92

Benham	Evans	Krajewski	Quinn
Bizzarro	Fiedler	Krueger	Rabb
Boyle	Fitzgerald	Kulik	Rozzi
Bradford	Frankel	Lee	Samuelson
Briggs	Freeman	Madden	Sanchez
Brooks	Gainey	Malagari	Sappey
Brown, A.	Galloway	Markosek	Schlossberg
Bullock	Guenst	Matzie	Schweyer
Burgos	Guzman	McClinton	Shusterman
Carroll	Hanbidge	McNeill	Sims
Cephas	Harkins	Mentzer	Solomon
Ciresi	Harris	Merski	Stephens
Conklin	Herrin	Miller, D.	Sturla
Cruz	Hohenstein	Mizgorski	Thomas
Daley	Howard	Mullery	Tomlinson
Davis, A.	Innamorato	Mullins	Vitali
Davis, T.	Isaacson	Neilson	Warren
Dawkins	Kenyatta	Nelson, N.	Webster
Deasy	Kim	O'Mara	Wheatley
DeLissio	Kinkead	Otten	White
Delloso	Kinsey	Parker	Williams, D.
DeLuca	Kirkland	Pashinski	Young
Driscoll	Kosierowski	Pisciottano	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 return the same to the Senate with the information that the House has passed the same without amendment.

The SPEAKER. For the information of the members, and again, the Chair appreciates the attention to the rules as we concluded the debate there, but there will be no further floor votes this evening. We will be doing some housekeeping here on the House floor.

### BILLS RECOMMITTED

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

HB 860;  
HB 1308;  
HB 1823; and  
HB 1995.

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 1342;  
HB 1665;  
HB 2058;  
SB 208; and  
SB 869.

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

### CALENDAR CONTINUED

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 659, PN 1536**, 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, 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?

### BILL TABLED

The SPEAKER. The majority leader moves that HB 659 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 659 be removed from the tabled calendar and placed on the active calendar.

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

\* \* \*

The House proceeded to second consideration of **HB 71, PN 47**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, in taxation and finance, providing for spending limitations on the Commonwealth.

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

### BILL TABLED

The SPEAKER. The majority leader moves that HB 71 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 71 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.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 681, PN 1187**, entitled:

An Act prohibiting enforcement of covenants not to compete in health care practitioner employment agreements.

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

**BILL TABLED**

The SPEAKER. The majority leader moves that HB 681 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 681 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 Hickernell, that so moves that this House do now adjourn until Wednesday, November 17, 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 8:45 p.m., e.s.t., the House adjourned.