

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 11, 1998

SESSION OF 1998

182D OF THE GENERAL ASSEMBLY

No. 13

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE  
(PATRICIA H. VANCE) PRESIDING**

#### PRAYER

DR. KIRBY NELSON KELLER, Chaplain of the House of Representatives and president of Evangelical School of Theology, Myerstown, Pennsylvania, offered the following prayer:

Let us pray:

Dear Lord, we learned as children that it is more blessed to give than to receive, that we should love our neighbor as ourselves, and to be great, we must learn to serve. We confess these words roll off the tongue easily but are not always easy to live in our daily lives. So give us the strength today, we pray, to give encouragement when we see good in others, to fearlessly support those ideas that are good and noble regardless of who has them, and when we have opportunity, to do that which is good, just, and true.

Bless all the members of this House as they work together for the good of us all. In Your name we pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, February 10, 1998, will be postponed until printed.

#### JOURNAL APPROVED

The SPEAKER pro tempore. The following Legislative Journal is now in print: Monday, September 29, 1997.

### BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that HB 1235 be removed from the table and placed on the active calendar.

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

### BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that HB 1235 be recommitted to the Committee on Appropriations.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2131** By Representatives HUTCHINSON, BAKER, FARGO, LYNCH, SAYLOR, CLARK, EGOLF, FAIRCHILD, HANNA, HENNESSEY, HERSHEY, McCALL, RAMOS, STEELMAN and McILHATTAN

An Act authorizing counties to impose sales, use, occupancy, personal income or earned income and net profits taxes; authorizing municipalities to impose personal income, earned income and net profits and municipal service taxes; empowering municipalities and school districts to require county sales and use taxes; authorizing school districts to impose taxes on personal income, earned income and net profits; providing for the levying, assessment and collection of such taxes; providing for the powers and duties of the Department of Community and Economic Development, the Department of Revenue and the State Treasurer; providing an additional exemption from the tax on intangible personal property; and providing for limitations on debt of school districts.

Referred to Committee on FINANCE, February 11, 1998.

**No. 2237** By Representatives LUCYK, GEORGE, CALTAGIRONE, COLAFELLA, COY, DEMPSEY, PESCI, MCGEEHAN, BATTISTO, DERMODY, TRELLO, OLASZ, KIRKLAND and ROONEY

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, defining "county employee"; and further providing for creditable nonstate service in the State Employees' Retirement Fund.

Referred to Committee on STATE GOVERNMENT, February 11, 1998.

**No. 2238** By Representatives BARRAR, FICHTER, PIPPY, WILT, BELARDI, DeWEESE, HERMAN, LAUGHLIN, PISTELLA, HALUSKA, MELIO, PESCI, TRELLO, DeLUCA, SCHULER, McCALL, TIGUE, FEESE, LEDERER, HERSHEY, BAKER, PLATTS, ROBERTS, GRUPPO, KIRKLAND, BARD, BELFANTI, BOSCOLA, HORSEY, ZUG, YOUNGBLOOD, ROSS, BENNINGHOFF, SEYFERT, HUTCHINSON, WOJNAROSKI, J. TAYLOR, JAMES, SAINATO, ITKIN, RAMOS and MAHER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a special registration plate for veterans and members of United States military airborne units.

Referred to Committee on TRANSPORTATION, February 11, 1998.

**No. 2239** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS, C. WILLIAMS and SCHRODER

An Act repealing the act of May 20, 1857 (P.L.617, No.658), entitled "An act making an Appropriation from the State Treasury, in aid of the Farmers' High School."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 11, 1998.

**No. 2240** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS and SCHRODER

An Act repealing the act of May 8, 1876 (P.L.136, No.103), entitled "A supplement to an act, approved the thirteenth of May, Anno Domini one thousand eight hundred and seventy-four, fixing the pay of road commissioners, road and bridge viewers, and reviewers, and commissioners to run township lines and to divide boroughs into wards, and township lines and surveyors, in this commonwealth."

Referred to Committee on LOCAL GOVERNMENT, February 11, 1998.

**No. 2241** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS and SCHRODER

An Act amending the act of May 22, 1895 (P.L.113, No.87), entitled "An act to provide for the making, acknowledging and recording of deeds, conveyances and contracts for the sale and conveyance of standing or growing timber or bark thereon, and defining the interest vested by such deeds, conveyances and contracts, and making valid the record of deeds, conveyances and contracts therefor," repealing the "grandfather clause."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 11, 1998.

**No. 2242** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS, SCHRODER and C. WILLIAMS

An Act amending the act of April 22, 1909 (P.L.124, No.79), entitled "An act to permit the acquisition of forest or other suitable lands by municipalities, for the purpose of establishing municipal forests; and providing for the administration, maintenance, protection, and development of such forests," repealing management by Commonwealth of municipal forests.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1998.

**No. 2243** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS, SCHRODER and C. WILLIAMS

An Act repealing the act of July 18, 1917 (P.L.1062, No.347), entitled "An act authorizing the Governor to appoint volunteer police officers during the present war with Germany, or in any war in which this Nation may become involved; providing for the organization and discipline of such police officers, and enumerating their powers."

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1998.

**No. 2244** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS, SCHRODER and C. WILLIAMS

An Act repealing the act of April 13, 1921 (P.L.132, No.80), entitled "An act authorizing county commissioners to appropriate moneys for the maintenance of duly incorporated organizations for the prevention of cruelty to animals."

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 11, 1998.

**No. 2245** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS, SCHRODER and C. WILLIAMS

An Act amending the act of June 23, 1931 (P.L.923, No.309), entitled "An act to prohibit the employment in any factory or cannery, or in berry, fruit and vegetable raising and harvesting, in this Commonwealth, of any child under sixteen years of age, residing in another state, during the time when the laws of the state of such child's residence require his attendance at school, to regulate the conditions of such employment of such child during the time when the laws of the state of such child's residence do not require his attendance at school, to prescribe the duties of the employer of such child, to provide for the issuance of school requirement certificates for children resident in this Commonwealth desiring such employment in other states; providing for the enforcement of this act by certain officers, and defining the procedure in prosecutions thereunder; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," further providing for truant officers.

Referred to Committee on LABOR RELATIONS, February 11, 1998.

**No. 2246** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS and C. WILLIAMS

An Act repealing the act of April 30, 1943 (P.L.145, No.73), entitled, as amended, "An act providing for and regulating the accumulation, investment and expenditure by counties, cities, boroughs, incorporated towns, townships and school districts of funds for post war projects."

Referred to Committee on LOCAL GOVERNMENT, February 11, 1998.

**No. 2247** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT and THOMAS

An Act repealing the act of May 21, 1943 (P.L.271, No.124), entitled "An act validating certain expenditures heretofore made by county commissioners in order to furnish filing cabinets or other office equipment to rationing boards."

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1998.

**No. 2248** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT and THOMAS

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for plant and animal disease.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1998.

**No. 2249** By Representatives WILT, DEMPSEY, ARGALL, HERMAN, GRUITZA, HERSHEY, WOJNAROSKI, HENNESSEY, E. Z. TAYLOR, SAYLOR, GEIST, MAITLAND, ZIMMERMAN, BELFANTI, ROSS, NICKOL, YOUNGBLOOD, FARGO, McNAUGHTON, STABACK, STERN, EGOLF, ROONEY, BENNINGHOFF, SEYFERT, THOMAS, C. WILLIAMS and SCHRODER

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, deleting provisions relating to municipal forests.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1998.

**No. 2250** By Representatives PESCI, READSHAW, THOMAS, HALUSKA, JAMES, LEDERER, VAN HORNE, JAROLIN, BEBKO-JONES, STERN, PISTELLA, DONATUCCI, COWELL, STURLA, MICHLOVIC, CLARK, OLIVER, LAUGHLIN, LYNCH, PETRARCA, HENNESSEY, SATHER, SURRA, TRELLO, GIGLIOTTI, MUNDY, DeLUCA, ROBINSON, CIVERA, MAHER, YOUNGBLOOD, GEORGE, YEWIC, ITKIN and CORRIGAN

An Act providing for pharmacy services in health insurance policies and employee benefit plans and for the rights of pharmacists and persons enrolled in health insurance plans and employee benefit plans; promoting competition, choice and availability in the purchase of prescription drugs and pharmaceutical services; and imposing penalties.

Referred to Committee on INSURANCE, February 11, 1998.

## HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 343** By Representatives DALEY, PIPPY, GEIST, LAUGHLIN, HUTCHINSON, WOJNAROSKI, LUCYK, TANGRETTI, PHILLIPS, PESCI, VAN HORNE, LESCOVITZ, ROBINSON, ARGALL, ROBERTS, HALUSKA, SHANER, GIGLIOTTI, STABACK, HESS, S. H. SMITH, PETRONE, DeLUCA, PISTELLA, EACHUS, McCALL and ALLEN

A Concurrent Resolution urging the President of the United States not to sign the Kyoto Protocol, and urging the United States Senate not to ratify the Protocol unless it is amended to comply fully with United States Senate Resolution No. 98.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 11, 1998.

### SENATE BILLS FOR CONCURRENCE

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

**SB 5, PN 1661**

Referred to Committee on STATE GOVERNMENT, February 11, 1998.

**SB 926, PN 1630**

Referred to Committee on LIQUOR CONTROL, February 11, 1998.

**SB 950, PN 1614**

Referred to Committee on JUDICIARY, February 11, 1998.

**SB 1163, PN 1631**

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1998.

**SB 1261, PN 1602**

Referred to Committee on JUDICIARY, February 11, 1998.

### LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to requests for leaves of absence, the Chair recognizes the majority whip, who moves that the gentleman, Mr. GRUPPO, from Northampton County be excused for the day. Without objection, that leave is granted.

The Chair recognizes the minority whip, who moves that the following people be excused for the day: Representative MCGEEHAN from Philadelphia County; Representative PISTELLA from Allegheny County; Representative TRELLO from Allegheny County. Without objection, the leaves of absence are granted.

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

**HB 1172, PN 2973 (Amended)** By Rep. CIVERA

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further providing for definitions, for continuing education and for broker's disclosure to seller;

providing for duties of licensees generally, for duties of seller's agent, for duties of buyer's broker, for duties of dual agent, for duties of designated agent and for duties of a transactional licensee; further providing for broker's disclosure to buyer and for information to be given at initial interview; providing for written agreement with broker and for mandatory provisions of sales contract; and further providing for cemetery broker's disclosure.

PROFESSIONAL LICENSURE.

**HB 2194, PN 2890**

By Rep. CIVERA

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled, "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage; and specifying fees for certain services.

PROFESSIONAL LICENSURE.

### BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

HB 2194;  
HB 1895;  
HB 2038;  
HB 2126;  
SB 585;  
SB 1168; and  
SB 1204.

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

### BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 2194;  
HB 1895;  
HB 2038;  
HB 2126;  
SB 585;  
SB 1168; and  
SB 1204.

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

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—197**

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Horne
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington
Colafiglia	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—4**

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

**LEAVES CANCELED—2**

Gruppo	McGeehan
--------	----------

**CALENDAR**

**RESOLUTION PURSUANT TO RULE 35**

Mr. CLARK called up **HR 341, PN 2910**, entitled:

A Resolution honoring the Pennsylvania Lions Beacon Lodge Camp, Inc., on the occasion of its 50th anniversary.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—197**

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Horne
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington
Colafiglia	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

**NAYS—0**



YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkowitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Horne
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington
Colafella	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

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

**ADDITIONS AND DELETIONS OF SPONSORS**

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

VOTE CORRECTIONS

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Kaiser, rise ?

Mr. KAISER. To correct the record.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. KAISER. On HB 967, amendment 0628, I was not recorded as voting. I would like the record to reflect my vote in the affirmative. Thank you.

The SPEAKER pro tempore. The correction will be cast upon the record. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Readshaw, from Allegheny County rise ?

Mr. READSHAW. Madam Speaker, I rise to correct the record.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. READSHAW. Yesterday I was not recorded as voting on HR 342. I wish to be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman. The correction will be cast upon the record.

Mr. READSHAW. Thank you.

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

**SUPPLEMENTAL CALENDAR B**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 635, PN 1659**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing for the offense of drug delivery resulting in death, for certain assaults by prisoners and for wiretapping and electronic surveillance; and providing for the Office of Attorney General, the General Counsel, special investigative counsel and independent counsel and their powers and duties.

On the question,

Will the House concur in Senate amendments to House amendments ?

The SPEAKER. On that question, the gentleman, Mr. Lloyd, desires recognition. The gentleman will yield.

Members will please take their seats; members will please take their seats. Conferences on the floor, please cease.

Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the bill which deals with wiretapping. Twice the House of Representatives overwhelmingly voiced its disapproval of a proposal to allow telemarketers to wiretap conversations without the consent of the person who is receiving the call.

When this bill passed the House, it included my amendment which said that in order to wiretap, there had to be an up-front warning to the consumer that the conversation may be wiretapped. Mr. Speaker, the Senate has taken that language out of this bill. That is bad enough, Mr. Speaker, but the Senate has also added

some things which I think open up the potential for abuse even wider than the types of problems the bill posed when we dealt with it before.

The Senate took out a provision in the bill, which was in it when it left the House, which said that a business which wiretapped was required to make available a recording of that message to a customer upon the customer's request. The Senate also expanded the types of businesses which may use this type of wiretapping of telephone conversations. Now, rather than a company which is in the business of telemarketing, any business that has customer service calls — customer service calls, and virtually every business does that — has the right to wiretap your telephone conversation without your knowledge and without having to provide you a copy of the contents of that conversation.

Now, Mr. Speaker, the telemarketers say we have to do this, because if we do not do this, people will hang up, and my question to the House is a very simple one: If our constituents would hang up if they knew the call were being wiretapped, why do we want to vote to keep them in the dark?

Secondly, Mr. Speaker, the telemarketers say we have to do this because we want to catch people who are engaged in fraud, and that has some surface appeal to it, but if you look at the language, the language talks about quality control. I suspect that it is just as likely that the telemarketer is going to tap that conversation and call the telemarketer employee into the office and give him the riot act because he is not being aggressive enough, not because he is engaged in fraud.

Mr. Speaker, this legislation, the way it has come back from the Senate, has said that we are going to give to telemarketers the right to record phone calls that we do not give to police departments, fire departments, emergency management agencies, public utilities, the underground one-call system. All of those are allowed to tap your phone to record your call, but all of those must give you a warning that that may be done.

Now, Mr. Speaker, the proponents of this proposal also argue that somehow this is necessary because of a court decision. Well, I have researched that. The court decision was a case in a county common pleas court. It was not a statewide case; it was not a Federal court case; it was a county court case. It was a 1992 case in Northampton County. It also should be noted that it had nothing to do with telemarketing. It had to do with a solicitation for a bid on a project in a township and a phone call or an exchange of phone calls between the solicitor for the township and a bank in North Carolina. And furthermore, Mr. Speaker, unlike the types of telephone calls that our constituents get that they complain to us about or that we get and that we do not like and that we hang up on, this was a situation in which the transaction was initiated by the solicitor for the township.

### MOTION TO SUSPEND RULES

Mr. LLOYD. Mr. Speaker, I do not think we are obligated to do this under any court decision. I think it is bad public policy, and I think that the absolute bottom-line argument here is, if it is true that our constituents would hang up if they knew the call were being tapped, then we should not vote to hide it from them. Mr. Speaker, we ought to fix that problem, and in order to do that, Mr. Speaker, I move to suspend the rules for the purpose of offering amendment A0668.

The SPEAKER. The gentleman, Mr. Lloyd, moves that the rules of the House be suspended to permit him to offer amendment A0668. Is that correct?

Mr. LLOYD. Yes, Mr. Speaker.

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

The SPEAKER. Does the gentleman, Mr. DeWeese, yield to the gentleman, Mr. Lloyd, on the question of suspension of the rules?

### PARLIAMENTARY INQUIRY

Mr. LLOYD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Mr. Lloyd.

Mr. LLOYD. Do I get only one opportunity?

The SPEAKER. On the question of suspension of the rules? You have no opportunity unless Mr. DeWeese yields to you.

Mr. LLOYD. Right. But if he yields to me, do I have one opportunity or more than one opportunity?

The SPEAKER. I am reminded that in the past I have permitted brief rebuttals if someone stands up and replies to your remarks, to the initial remarks.

Mr. LLOYD. Well, Mr. Speaker, the only question I have is, I would like an opportunity to respond to the majority leader—

The SPEAKER. You will be given that opportunity.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I have already stated the argument. This amendment for which I am seeking to suspend the rules would simply put back in the requirement that there be a warning that the conversation may be monitored. This House has twice overwhelmingly said that we thought that is what the law ought to be. The way to fix that is to suspend the rules. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Perzel, on the question of suspension of the rules.

Mr. PERZEL. Thank you, Mr. Speaker.

This bill passed the Senate 36 to 12. We took out the roving wiretap and rewrote the Lloyd amendment. I know he is not happy with that. We are not happy with a lot of things the Senate does.

The drug delivery resulting in death is in this bill, Mr. Speaker. Prison guards are protected from HIV (human immunodeficiency virus) inmates in this bill, Mr. Speaker.

We would be hurting our businesses, Mr. Speaker. Anybody in Pennsylvania that calls a resident in New Jersey can tape the conversation, and any New Jersey outfit that calls Philadelphia or anywhere in Pennsylvania can tape the conversation. So you put our businesses at a disadvantage, Mr. Speaker.

And lastly, the Attorney General wants this bill. The D.A.s Association wants this bill. We need this for the recent technological changes in cell phones and digital communications. So I would urge a "no" vote on the suspension of the rules.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, it is interesting that as we are about to leave for a 3-week recess, all of a sudden this bill must pass. Those of you who will think back will remember that we voted on wiretapping legislation back before last summer's recess, and we could not reach a resolution and the legislation was put off until the fall. Mr. Speaker, we passed the House version of this bill back



in, I think, September. The Senate amended the bill for the first time in November. The Senate waited until yesterday on this urgently needed piece of legislation to make the final changes.

Now, Mr. Speaker, I realize that the District Attorneys Association has a lot of influence. This issue has nothing to do with the District Attorneys Association. We are still in session. Let us amend the bill and send it back to the Senate. If they concur, the bill can go to the Governor and everybody can go home happy.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the two gentlemen for restricting their remarks to the question of suspension.

And the question recurs, on the question of suspension, those in favor of suspending the rules will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-101

Baker	Dermody	Lloyd	Schuler
Battisto	DeWeese	Lucyk	Scrimenti
Bebko-Jones	Donatucci	Lynch	Shaner
Belardi	Eachus	Manderino	Staback
Belfanti	Evans	Markosek	Stairs
Birmelin	George	Mayernik	Steelman
Bishop	Gigliotti	McCall	Stetler
Blaum	Gordner	Melio	Sturla
Boscola	Gruitza	Michlovic	Surra
Butkovitz	Haluska	Mundy	Tangretti
Buxton	Hanna	Myers	Thomas
Caltagirone	Horsey	Olasz	Tigue
Cappabianca	Itkin	Oliver	Travaglio
Carn	James	Pesci	Trich
Casorio	Jarolin	Petrone	True
Cawley	Josephs	Preston	Van Home
Cohen, M.	Kaiser	Ramos	Veon
Colafella	Keller	Readshaw	Vitali
Colaizzo	Kirkland	Rieger	Walko
Corpora	LaGrotta	Roberts	Washington
Corrigan	Laughlin	Robinson	Williams, A. H.
Cowell	Lawless	Roebuck	Williams, C.
Coy	Lederer	Rooney	Wojnaroski
Curry	Lescovitz	Sainato	Yewcic
Daley	Levdansky	Santoni	Youngblood
DeLuca			

NAYS-95

Adolph	Fairchild	Major	Schroder
Allen	Fargo	Marsico	Semmel
Argall	Feese	Masland	Seraffini
Armstrong	Fichter	McGill	Seyfert
Bard	Fleagle	McIlhattan	Smith, B.
Barley	Flick	McNaughton	Smith, S. H.
Barrar	Gannon	Micozzie	Snyder, D. W.
Benninghoff	Geist	Miller	Steil
Boyes	Gladeck	Nailor	Stern
Brown	Godshall	Nickol	Stevenson
Browne	Habay	O'Brien	Strittmatter
Bunt	Harhart	Orie	Taylor, E. Z.
Carone	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Phillips	Tulli
Civera	Herman	Pippy	Vance
Clark	Hershey	Platts	Waugh
Clymer	Hess	Raymond	Wilt
Cohen, L. I.	Hutchinson	Reber	Wogan
Cornell	Jadlowiec	Reinard	Wright, M. N.
Dally	Kenney	Rohrer	Zimmerman
Dempsey	Krebs	Ross	Zug

Dent	Leh	Rubley	
DiGirolamo	Maher	Sather	Ryan,
Druce	Maitland	Saylor	Speaker
Egolf			

NOT VOTING-1

Petrarca

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On that question, the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in the brief period of time that we have had to look over this bill, I have gone over this piece of legislation and concluded that in all likelihood, both Mr. Lloyd and Mr. Perzel are correct. As Mr. Lloyd notes, we have expanded wiretapping for business. As Mr. Perzel notes, we have somewhat contracted the expansion of wiretapping from the original House bill that we last passed for law enforcement. So we are going in fits and starts. The Senate gives business even greater authority to wiretap than the House did, but they give law enforcement people a little bit less expanded authority to wiretap than the House did.

Since we last passed this legislation, we have all had through the Bill Clinton-Monica Lewinsky scandal an example of what wiretapping leads to. People say things in private conversations that may or may not be true. People are not under oath when they have private conversations. Not everybody who engages in a private conversation is always telling the truth. They may be telling the truth; they may not be telling the truth. The more we allow private conversations to be subject to wiretapping, the more we are making a permanent record of them, which could be introduced in many legal enforcement forums to the detriment of the person who makes the statements which may or may not be true.

This bill still, despite the Senate amendments, allows for a very, very broad use of information, which may or may not be true, that can be gained from wiretapping. On page 33 of this bill, the language now is, and it is new language, but it is similar to the other but not identical to the language that we passed, which says, "Any person who has obtained knowledge of the contents of any wire, electronic or oral communication, or evidence derived therefrom, which is properly subject to disclosure under section 5717 (relating to investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence), may also disclose such contents or evidence in any matter relating to any criminal, quasi-criminal, forfeiture, administrative enforcement or professional disciplinary proceedings in any court, board or agency of this Commonwealth or of another state or of the United States or before any state or Federal grand jury or

investigating grand jury. Once such disclosure has been made, then any person may disclose the contents or evidence in any such proceeding.”

Now, this is very, very broad use of any material that could be obtained by wiretapping. People can be asked— People say things that are not always true. As Kenneth Starr has done, any prosecutor can get a copy of any wiretap transcript, used for any purpose, and ask people questions based on that, such as, “You said your debts totaled \$5,000. Are your debts \$5,000?” And a person could say, “Yes, I have 5 thousand dollars’ worth of debts.” And then the prosecutor could come back and say, “No; I have evidence that your debts really are \$12,000. You have committed perjury because you testified under oath that there were only 5 thousand dollars’ worth of debts.”

This could be a very, very serious matter when you give people the evidence of private conversations which may or may not be true for a whole variety of reasons. Monica Lewinsky has been under psychiatric care for much of her life. Monica Lewinsky is not the only person in the United States who has been under psychiatric care for much of her life. A lot of people have a tenuous grip on reality. A lot of people are unsure of the things they say. There are very, very real dangers towards expanding the use of wiretapping, towards expanding the scope of wiretapping. People say things in one context meaning no harm, but the fact that they say it in one context can be used against them in another context, and the harm can be very significant.

I think the Senate has made some improvements in this bill. As Mr. Lloyd indicated, however, the Senate has made changes in the bill which serve to expand the total scope of wiretapping. I believe the current situation that is playing out before a national audience shows that wiretapping is an extremely dangerous thing. It seriously erodes the privacy of individuals. It causes a lot of problems for a lot of innocent people across the country, and we are making a real mistake by dramatically expanding both the business use of wiretapping without a person’s consent and somewhat expanding the use of wiretapping as part of a criminal investigation.

Regardless of how the wiretapping is expanded, we are totally in this legislation dramatically expanding it. We are allowing every governmental agency in the United States of America to use whatever material is wiretapped. Every governmental agency in the United States of America can, for whatever purpose they want, use any conversation that is wiretapped.

This is a very serious extension of wiretapping. It is a serious extension of who is allowed to wiretap, it is a serious extension of the reasons that people are allowed to wiretap, and for these reasons I would urge a vote of nonconcurrency.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Williams. The gentleman will yield.

The conferences on the floor, please break up. The conferences in the aisle, particularly in the area of the gentleman, Mr. Williams, please break up.

Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would appreciate someone submitting to a brief period of interrogation who is supportive of the bill.

The SPEAKER. The gentleman, Mr. Chadwick, has indicated he will stand for interrogation, Mr. Williams. You may begin.

Mr. WILLIAMS. Thank you.

Most of this document many of us believe to be areas that should be followed by law enforcement quite thoroughly, relating to harassment and stalking, relating to sexual assault and those kinds of things. But I draw your attention to page 20, line 16, section 7313, “relating to buying or exchanging Federal food order coupons, stamps, authorization cards or access devices.” For my benefit and those who have asked me, I would like to know what limitations or criteria, what types of people or criminals are we talking about? What categories would they be wiretapped?

Mr. CHADWICK. Mr. Speaker, that is not a Senate change; that was in the bill when it left the House, and my understanding is that we are limited in debate here on the floor to the changes made by the Senate.

Mr. WILLIAMS. Mr. Speaker, recognizing that we did in fact send a bill over with an amended version, are we able to ask questions of the existing bill, because it has changed.

The SPEAKER. The section that I understand you are asking questions about, 7313, was not changed by the Senate and would not be subject to interrogation or debate under the rules of the House.

Mr. WILLIAMS. Well, Mr. Speaker, explain to me, the amendment as introduced by Representative Lloyd provided that a citizen, possibly under this context, would be notified that they were being tapped. Is that correct or incorrect?

The SPEAKER. The gentleman will yield.

Are you asking that the gentleman, Mr. Lloyd, be interrogated?

Mr. WILLIAMS. Well, Mr. Lloyd could be or whoever, you know, would derive the answer. The point is that—

The SPEAKER. I am curious as to the relevance of interrogating on an amendment that has failed.

Mr. WILLIAMS. Well, you are right; I do not really want to, but I will explain the example I want to relate to.

If someone in my district happens to use food stamps — and some do — and they are a private citizen, and they get on the phone talking to someone who may be suspected of trafficking in, I guess, food-order coupons or stamps or that area, they may be wiretapped, and I am trying to find out— Or there may be two private citizens, you know, of small standing in our community who may be trapped in this process. So I am trying to find out, under Mr. Lloyd’s amendment, it would have been my interpretation that both of those people would be protected because they would have some understanding of what was going on. I am not clear if that is the case or not, so I just want to find out if that is the case or not. So if it is Mr. Lloyd I have to interrogate or Mr. Chadwick, that is who I would like to talk to.

The SPEAKER. It is the opinion of the Chair that the scope of your inquiry is beyond the amendments of the Senate and, therefore, not before the House.

Mr. WILLIAMS. Beyond the scope of the Senate. I understand that, but I am saying the removal of the Lloyd amendment in the Senate, does that impact upon the quality of the question I am asking?

(Conference held.)

The SPEAKER. Mr. Williams, I saw you in conference with the gentleman, Mr. Lloyd, and I know that — I say I know — I suspect

that Mr. Lloyd has explained these problems better than I. Are you satisfied that we are beyond the scope of the Senate amendments?

Mr. WILLIAMS. Not quite. There is a tenuous thread by which there is a connection, and that is, if a business or, as described on page 14, customer service is talking to a private citizen relative to the item, that there potentially can be a connection and the private citizen can be tapped. So under those kinds of things I would like to know, what kind of cover does one have? I mean, I would like to question with regard to that.

The SPEAKER. The gentleman will yield.

Mr. WILLIAMS. Thank you.

The SPEAKER. There are entirely too many conferences on the floor. There are too many conferences on the floor. It is difficult for the members who are debating to hear one another.

Mr. Chadwick.

Mr. CHADWICK. Mr. Speaker, I am not sure I understand the gentleman's question. I would love to answer it, if I can.

The SPEAKER. Mr. Williams, try again with your question.

Mr. WILLIAMS. Certainly. The question is simply that if a business — that is, a grocery store or marketer in that area, and there are a variety of others, the “mom and pops” that talk to their customers in that way, either by phone or directly — if during the course of that conversation that business is considered to be a trafficker or suspected of doing something illegal with regard to these items, what protection does that private citizen have that may be calling on the phone and they may engage in the conversation?

Mr. CHADWICK. Mr. Speaker, under the Senate amendments, a civilian cannot turn the tape over anyway. There is protection there. And in addition to that, you need probable cause to obtain an order allowing you to wiretap to begin with. I do not see where the problem is.

Mr. WILLIAMS. Well, let me suggest this, because I do not want to belabor the point. The point is this: Under the previous amendment, there was suggestion that those people, those individuals who might be committing a crime, should be tapped; fine. But under Mr. Lloyd's amendment, marketers and people involved in customer services as we are talking about today had other kinds of things that they were trying to protect, and what my concern is is that if they are tapping that service and they are talking to citizen A about the issue of their groceries and during the course of that this item comes up and then some other things come up, what protections or what criteria or what happens to that person who is involved in that conversation?

My understanding is that a private citizen did fall into the gamut of the Lloyd amendment and there were some protections that were provided them, and that is the point I am trying to make.

Mr. CHADWICK. First of all, again, this goes far beyond anything that was inserted in this legislation by the Senate; and second, you would still have all the protections that were contained in the original wiretap act as well as this legislation.

Mr. WILLIAMS. Thank you.

Mr. Speaker?

The SPEAKER. Mr. Williams.

Mr. WILLIAMS. Thank you very much.

I really have no comment. I had observations that I am still concerned about, and I am not quite sure that my question can be answered, because it may be a little bit more specific in nature and

it may in fact not fall into this area, but it is a concern of mine. Thank you.

The SPEAKER. The gentleman, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

This was a very good bill when it left the House, and it is in many ways a better bill now that it has come back from the Senate.

A number of members in the House had expressed concerns when the bill was here over the roving wiretap provisions. The Senate eliminated those. A number of other members had expressed concerns over the fact that under the bill as it left the House, you could wiretap for possession of gun without a permit; the Senate eliminated that. The Senate added the language protecting our prison guards from tainted feces and such matters being thrown at them.

This was a good bill when it left the House; it is an excellent bill now. It is important to our law enforcement officials that they have the ability to go after these drug dealers using new high-technology methods of conducting their drug deals using cell phones and pagers. This legislation gives them that important tool, and I urge that we concur in the Senate amendments.

The SPEAKER. On the question of concurrence, those in favor— The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I must agree with the previous speaker, Mr. Chadwick, that when this bill had left the House, while there were concerns by many members, myself included, about some of the things that had been included, it is a better bill than it was then. And having communicated with my district attorney's office, and I know that they are concerned about law enforcement and my concern and has been the concern of many members, I would encourage support of this legislation and concurrence on this bill and would hope that we could pass this out today and help fight crime in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

I rise to support concurrence in Senate amendments to SB 635. Very briefly, I think it is important to put some perspective on some of the debate we have heard here this morning.

Some of the opponents would have us believe that the jackbooted storm troopers will be knocking down doors if SB 635 as amended passes. The Senate did not vary the core protections and the core concepts contained in 635 when it left here. This will bring law enforcement technology into the 21st century.

If this does not pass — and we have waited for this for almost 4 years — we will not be able to give our law enforcement officers the power to wiretap in the areas of food-stamp fraud, telecommunications fraud, insurance fraud, and Philadelphia, as has been pointed out here before, is now the insurance-fraud capital of the east coast.

There are 67 counties in Pennsylvania. Each one of us, each member of the General Assembly, whether a Senator or a Representative, gets a report from the Attorney General's Office every year on the wiretaps that take place in the Commonwealth for the previous year. There is not one wiretap per county in the State each year. There are approximately 50 or 55 wiretaps each year. Wiretaps are used very sparingly by law enforcement. They will still have to get a warrant from a judge. This makes a change in that now we will be able to use common pleas court judges to

sign the warrants rather than just Superior Court judges, of whom there are only 15 in the whole State.

This is a vast improvement. This is absolutely necessary for law enforcement, and I ask respectfully for concurrence.

The SPEAKER. On the question of concurrence, Mr. Cohen for the second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Wogan discussed about the procedural obstacles for law enforcement having wiretaps. What Mr. Wogan said is correct. There are procedural obstacles for law enforcement having wiretaps. However, Mr. Lloyd's point earlier in the debate that we have expanded the use of wiretaps by businesses is also valid. No business has to go to court to wiretap. There are no procedural obstacles of the kind that exist for law enforcement for thousands and thousands of businesses in Pennsylvania, and once a business has a discussion with a person, any information can be turned over to law enforcement authorities and used by any law enforcement agency in the United States. So while it is true that there are obstacles for law enforcement people wiretapping, there is really an open field for the use of information obtained in wiretapping by businesses.

This bill still is a major expansion of wiretapping. Probably there is more wiretapping allowed in the Senate version than in the House version, although there is less wiretapping allowed directly by government officials in the Senate version than the House version. I also should add that that material here setting forth how people can sue law enforcement agencies for misuse of information on wiretapping, which was in the House version, has also been deleted from the Senate version. So there is no specific action that can be taken against law enforcement officials for abuse of wiretap information.

For all these reasons I would urge a negative vote.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS-115

Adolph	Dent	Lucyk	Schroder
Allen	DiGirolamo	Maher	Schuier
Argall	Donatucci	Major	Semmel
Bard	Druce	Marsico	Serafini
Barley	Eachus	Masland	Smith, B.
Barrar	Egolf	Mayernik	Snyder, D. W.
Battisto	Feese	McCall	Steil
Belfanti	Fichter	McGill	Stern
Benninghoff	Flick	McNaughton	Stetler
Blaum	Gannon	Micozzie	Stevenson
Boscola	Geist	Miller	Strittmatter
Boyes	Gladeck	Mundy	Sturla
Browne	Godshall	Nailor	Taylor, E. Z.
Bunt	Gordner	O'Brien	Taylor, J.
Butkovitz	Gruitza	Oric	Tigue
Buxton	Habay	Perzel	True
Caltagirone	Haluska	Petrone	Tulli
Cawley	Hanna	Phillips	Vance
Chadwick	Harhart	Platts	Van Home
Civera	Hennessey	Raymond	Waugh
Clark	Herman	Readshaw	Williams, C.
Clymer	Hershey	Reber	Wogan
Cohen, L. I.	Hess	Reinard	Wojnaroski
Cornell	Itkin	Rieger	Wright, M. N.

Corrigan	Kaiser	Ross	Zimmerman
Coy	Keller	Rubley	Zug
Daley	Kenney	Santoni	
Dally	Krebs	Sather	Ryan,
DeLuca	Lawless	Saylor	Speaker
Dempsey			

NAYS-82

Armstrong	Fargo	Manderino	Scrimenti
Baker	Fleagle	Markosek	Seyfert
Bebko-Jones	George	McIlhattan	Shaner
Belardi	Gigliotti	Melio	Smith, S. H.
Birmelin	Hasay	Michlovic	Staback
Bishop	Horsey	Myers	Stairs
Brown	Hutchinson	Nickol	Steelman
Cappabianca	Jadlowiec	Olasz	Surra
Cam	James	Oliver	Tangretti
Carone	Jarolin	Pesci	Thomas
Casorio	Josephs	Petrarca	Travaglio
Cohen, M.	Kirkland	Pippy	Trich
Colafella	LaGrotta	Preston	Veon
Colaizzo	Laughlin	Ramos	Vitali
Corpora	Lederer	Roberts	Walko
Cowell	Leh	Robinson	Washington
Curry	Lescovitz	Roebuck	Williams, A. H.
Dermody	Levdansky	Rohrer	Wilt
DeWeese	Lloyd	Rooney	Yewcic
Evans	Lynch	Sainato	Youngblood
Fairchild	Maitland		

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT BY MR. BARLEY

The SPEAKER. The Chair recognizes the majority Appropriations Committee chairman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise for the purpose of an announcement, and I encourage all the members of the Appropriations Committee to pay particular attention, because this announcement does apply to scheduling of public hearings of the Appropriations Committee.

We are scheduled to meet at 1 o'clock today for our first budget hearing. I am postponing the meeting today until Tuesday, February 17 - that will be next Tuesday - at 10 a.m.

Again, the meeting scheduled for today at 1 p.m. is postponed until February 17, 1998, at 10 a.m. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE  
(PATRICIA H. VANCE) PRESIDING

BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 985, PN 2892, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), further providing for sales by liquor licensees, for special occasion permits, for certain performing arts facilities, for stadium or arena permits, for breweries, for local options, for unlawful acts relative to malt or brewed beverages, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for nuisances and injunctions.

On the question,

Will the House concur in Senate amendments?

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

YEAS-174

Adolph	Donatucci	Major	Sather
Allen	Druce	Manderino	Saylor
Argall	Eachus	Markosek	Schroder
Bard	Evans	Marsico	Scrimenti
Barley	Fairchild	Masland	Semmel
Barrar	Fargo	Mayernik	Serafini
Battisto	Feese	McCall	Seyfert
Bebko-Jones	Fichter	McGill	Shaner
Belardi	Flick	McIlhattan	Smith, B.
Belfanti	Gannon	McNaughton	Snyder, D. W.
Benninghoff	Geist	Melio	Staback
Bishop	George	Michlovic	Stairs
Blaum	Gigliotti	Micozzie	Steelman
Boscola	Gladeck	Miller	Steil
Boyes	Godshall	Mundy	Stetler
Bunt	Gordner	Myers	Stevenson
Butkovitz	Gruitza	Nailor	Sturla
Buxton	Habay	Nickol	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hasay	Orie	Thomas
Casorio	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Travaglio
Chadwick	Hess	Petrarca	Trich
Civera	Horshey	Petrone	Tulli
Cohen, L. I.	Itkin	Phillips	Vance
Cohen, M.	James	Pippy	Van Home
Colaifella	Jarolin	Platts	Veon
Colaizzo	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	Kirkland	Reber	Williams, A. H.
Coy	LaGrotta	Reinard	Williams, C.
Curry	Laughlin	Rieger	Wilt
Daley	Lawless	Roberts	Wogan
Dally	Lederer	Robinson	Wojnaroski
DeLuca	Lescovitz	Roebuck	Wright, M. N.
Dempsey	Levdansky	Rooney	Yewcic
Dent	Lloyd	Ross	Youngblood
Dermody	Lucyk	Rubley	
DeWeese	Maher	Sainato	Ryan,
DiGirolamo	Maitland	Santoni	Speaker

NAYS-23

Armstrong	Clymer	Krebs	Stern
Baker	Egolf	Leh	Strittmatter
Birmelin	Fleagle	Lynch	True
Brown	Hershey	Rohrer	Zimmerman
Browne	Hutchinson	Schuler	Zug
Clark	Jadlowiec	Smith, S. H.	

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to HB 1111, PN 2904, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further regulating public records.

On the question,

Will the House concur in Senate amendments?

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

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Butkovitz	Habay	Nickol	Tangretti
Buxton	Haluska	O'Brien	Taylor, E. Z.
Caltagirone	Hanna	Olasz	Taylor, J.
Cappabianca	Harhart	Oliver	Thomas
Carn	Hasay	Orie	Tigue
Carone	Hennessey	Perzel	Travaglio
Casorio	Herman	Pesci	Trich
Cawley	Hershey	Petrarca	True
Chadwick	Hess	Petrone	Tulli
Civera	Horshey	Phillips	Vance
Clark	Hutchinson	Pippy	Van Home
Clymer	Itkin	Platts	Veon
Cohen, L. I.	Jadlowiec	Preston	Vitali
Cohen, M.	James	Ramos	Walko
Colaifella	Jarolin	Raymond	Washington
Colaizzo	Josephs	Readshaw	Waugh
Cornell	Kaiser	Reber	Williams, A. H.
Corpora	Keller	Reinard	Williams, C.
Corrigan	Kenney	Rieger	Wilt
Cowell	Kirkland	Roberts	Wogan
Coy	Krebs	Robinson	Wojnaroski
Curry	LaGrotta	Roebuck	Wright, M. N.
Daley	Laughlin	Rohrer	Yewcic
Dally	Lawless	Rooney	Youngblood
DeLuca	Lederer	Ross	Zimmerman
Dempsey	Leh	Rubley	Zug
Dent	Lescovitz	Sainato	
Dermody	Levdansky	Santoni	Ryan,
DeWeese	Lloyd	Sather	Speaker
	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo            McGeehan            Pistella            Trello

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House Mr. Gary Asteak of the Pennsylvania Public Defenders Association. He is the guest of Representative Joseph Corpora. He is seated to the left of the Speaker. Would the gentleman please rise.

BILLS ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1113, PN 2905**, entitled:

An Act amending the act of May 9, 1949 (P.L. 908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Department of Property and Supplies to political subdivisions," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

On the question,

Will the House concur in Senate amendments?

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

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McLhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla

Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Home
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington
Colafella	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo            McGeehan            Pistella            Trello

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1116, PN 2906**, entitled:

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," changing the title; further providing for additional methods for the recording, copying and maintenance of records; and providing for an additional fee.

On the question,

Will the House concur in Senate amendments?

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

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Horne
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington
Colafella	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rublely	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

HB 985 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion by the gentleman, Mr. Browne, who moves that the vote by which HB 985, PN 2892, was passed on the 11th day of February be reconsidered.

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

The following roll call was recorded:

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Horne
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington
Colafella	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rublely	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

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

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS-170

Adolph	Dermody	Maier	Santoni
Allen	DeWeese	Maitland	Saylor
Argall	DiGirolamo	Major	Scrimenti
Bard	Donatucci	Manderino	Semmel
Barley	Druce	Markosek	Serafini
Barrar	Eachus	Marsico	Seyfert
Battisto	Evans	Masland	Shaner
Bebko-Jones	Fairchild	Mayernik	Smith, B.
Belardi	Feese	McCall	Snyder, D. W.
Belfanti	Fichter	McGill	Staback
Benninghoff	Flick	McIlhattan	Stairs
Bishop	Gannon	McNaughton	Steelman
Blaum	George	Melio	Steil
Boscola	Gigliotti	Michlovic	Stetler
Boyes	Gladeck	Micozzie	Stevenson
Browne	Godshall	Miller	Sturla
Bunt	Gordner	Mundy	Surra
Butkovitz	Gruitza	Myers	Tangretti
Buxton	Habay	Nailor	Taylor, E. Z.
Caltagirone	Haluska	Nickol	Taylor, J.
Cappabianca	Hanna	O'Brien	Thomas
Cam	Harhart	Olasz	Tigue
Carone	Hasay	Oliver	Travaglio
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Pesci	Tulli
Chadwick	Horsey	Petrarca	Vance
Civera	Itkin	Petrone	Van Horne
Clark	James	Pippy	Veon
Cohen, L. I.	Jarolin	Platts	Vitali
Cohen, M.	Josephs	Preston	Walko
Colafella	Kaiser	Ramos	Washington
Colaizzo	Keller	Raymond	Waugh
Cornell	Kenney	Readshaw	Williams, A. H.
Corpora	Kirkland	Reber	Williams, C.
Corrigan	LaGrotta	Reinard	Wilt
Cowell	Laughlin	Rieger	Wogan
Coy	Lawless	Roberts	Wojnaroski
Curry	Lederer	Robinson	Wright, M. N.
Daley	Leh	Roebuck	Yewcic
Dally	Lescovitz	Rooney	Youngblood
DeLuca	Levdansky	Ross	
Dempsey	Lloyd	Rubley	Ryan,
Dent	Lucy	Sainato	Speaker

NAYS-27

Armstrong	Fleagle	Lynch	Smith, S. H.
Baker	Geist	Orie	Stern
Birmelin	Hershey	Phillips	Strittmatter
Brown	Hess	Rohrer	True
Clymer	Hutchinson	Sather	Zimmerman
Egolf	Jadlowiec	Schroder	Zug
Fargo	Krebs	Schuler	

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Treffo
--------	----------	----------	--------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1778, PN 2385, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for obscene and other sexual materials.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. It is the Chair's understanding that all of the amendments have been withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Oliver	Thomas
Cappabianca	Hasay	Orie	Tigue
Cam	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Horne
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko



Cohen, M.	Jarolin	Raymond	Washington
Colaafella	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

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 1087, PN 1657, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for alimony, for alimony pendente lite, and for contempt for violation of a protection order or agreement.

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

The SPEAKER pro tempore. It is the understanding of the Chair that the amendments may have been withdrawn, but the Chair recognizes the gentleman, Mr. Roberts.

Mr. ROBERTS. Thank you, Madam Speaker.

I have an amendment that is being delivered, and I would like to ask that the bill be held over temporarily until my amendment can get here.

The SPEAKER pro tempore. The Chair again recognizes the gentleman, Mr. Roberts, from Fayette County.

Mr. ROBERTS. Thank you, Madam Speaker.

Madam Speaker, I have an amendment to this bill that is designed to provide protection to our veterans by correcting an inequity in Pennsylvania's divorce law. Specifically, I would like to change the procedure of subjecting a military pension to property settlements following a divorce by requiring at least 10 years of marriage during the military service and to provide for a termination of deductions from the military retired pay upon remarriage or cohabitation of the former spouse before the age of 60.

Madam Speaker, my amendment has a lot of support from all the military organizations and veterans organizations, and the issue is of a lot of concern to a lot of our constituents. However, I understand that the Republican leadership would like to run this bill without my amendment at this time, and they have asked if I would withdraw it, and they have promised that we would have public hearings on the issue of military pensions.

So therefore, Madam Speaker, since we are in agreement that we will hold public hearings on this issue, I will withdraw my amendment. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland County, Mr. Casorio.

Mr. CASORIO. Thank you, Madam Speaker.

I am going to withdraw this amendment. We have bipartisan support for this amendment, on both sides of the aisle, with over 50 cosponsors. We will run this when we return the first week of March on a Title 23 bill, and we have been guaranteed that it is agreed upon by both sides of the aisle. I thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

The question is, shall the bill pass finally ?

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

YEAS-197

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Maitland	Scrimenti
Armstrong	Eachus	Major	Semmel
Baker	Egolf	Manderino	Serafini
Bard	Evans	Markosek	Seyfert
Barley	Fairchild	Marsico	Shaner
Barrar	Fargo	Masland	Smith, B.
Battisto	Feese	Mayernik	Smith, S. H.
Bebko-Jones	Fichter	McCall	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Habay	Nickol	Tangretti
Butkovitz	Haluska	O'Brien	Taylor, E. Z.
Buxton	Hanna	Olasz	Taylor, J.
Caltagirone	Harhart	Olivier	Thomas
Cappabianca	Hasay	Orie	Tigue
Carn	Hennessey	Perzel	Travaglio
Carone	Herman	Pesci	Trich
Casorio	Hershey	Petrarca	True
Cawley	Hess	Petrone	Tulli
Chadwick	Horsey	Phillips	Vance
Civera	Hutchinson	Pippy	Van Home
Clark	Itkin	Platts	Veon
Clymer	Jadlowiec	Preston	Vitali
Cohen, L. I.	James	Ramos	Walko
Cohen, M.	Jarolin	Raymond	Washington

Colaifella	Josephs	Readshaw	Waugh
Colaizzo	Kaiser	Reber	Williams, A. H.
Cornell	Keller	Reinard	Williams, C.
Corpora	Kenney	Rieger	Wilt
Corrigan	Kirkland	Roberts	Wogan
Cowell	Krebs	Robinson	Wojnaroski
Coy	LaGrotta	Roebuck	Wright, M. N.
Curry	Laughlin	Rohrer	Yewcic
Daley	Lawless	Rooney	Youngblood
Dally	Lederer	Ross	Zimmerman
DeLuca	Leh	Rubley	Zug
Dempsey	Lescovitz	Sainato	
Dent	Levdansky	Santoni	Ryan,
Dermody	Lloyd	Sather	Speaker
DeWeese	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

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 SPEAKER pro tempore. The House will be at ease for a few moments.

Mr. DeWEESE. Madam Speaker? Madam Speaker?

The SPEAKER pro tempore. For what reason does the minority leader rise?

Mr. DeWEESE. A query of the Chair.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DeWEESE. Madam Speaker, we anticipate that we are going to have a couple more hours of debate. We would like to respectfully request a 45-minute or 1-hour lunch break. We know that we are going to be here for several more hours, and again, politely, respectfully, we would request even a half-hour, 45-minute lunch break. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Madam Speaker, we are here to work. My members feel that we should do the business of the people of the Commonwealth and not have charades like we had last Wednesday, so we are going to continue with the calendar till we are done, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**MOTION TO RECESS**

Mr. DeWEESE. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the minority leader rise?

Mr. DeWEESE. I move that we take a 30-minute recess for lunch, Madam Speaker.

The SPEAKER pro tempore. The gentleman has made a motion for a 30-minute recess.

On the motion, those in favor of recessing for 30 minutes will vote "yes"; those in favor of not recessing will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS-95**

Battisto	Dermody	Lloyd	Santoni
Bebko-Jones	DeWeese	Lucyk	Scrimenti
Belardi	Donatucci	Manderino	Shaner
Belfanti	Eachus	Markosek	Staback
Bishop	Evans	Mayernik	Steelman
Blaum	George	McCall	Stetler
Boscola	Gigliotti	Melio	Sturla
Butkovitz	Gordner	Michlovic	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Cappabianca	Hanna	Olasz	Tigue
Cam	Horsey	Oliver	Travaglio
Casorio	Itkin	Pesci	Trich
Cawley	James	Petrarca	Van Home
Cohen, M.	Jarolin	Petrone	Veon
Colaifella	Josephs	Preston	Vitali
Colaizzo	Kaiser	Ramos	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kirkland	Rieger	Williams, A. H.
Cowell	LaGrotta	Roberts	Williams, C.
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lederer	Roebuck	Yewcic
Daley	Lescovitz	Rooney	Youngblood
DeLuca	Levdansky	Sainato	

**NAYS-102**

Adolph	Egolf	Maitland	Schuler
Allen	Fairchild	Major	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	McGill	Smith, B.
Bard	Fleagle	McIlhattan	Smith, S. H.
Barley	Flick	McNaughton	Snyder, D. W.
Barrar	Gannon	Micozzie	Stairs
Benninghoff	Geist	Miller	Steil
Birmelin	Gladeck	Nailor	Stern
Boyes	Godshall	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Orie	Taylor, E. Z.
Bunt	Hasay	Perzel	Taylor, J.
Carone	Hennessey	Phillips	True
Chadwick	Herman	Pippy	Tulli
Civera	Hershey	Platts	Vance
Clark	Hess	Raymond	Waugh
Clymer	Hutchinson	Reber	Wilt
Cohen, L. I.	Jadlowiec	Reinard	Wogan
Cornell	Kenney	Rohrer	Wright, M. N.
Dally	Krebs	Ross	Zimmerman
Dempsey	Lawless	Rubley	Zug
Dent	Leh	Sather	
DiGirolamo	Lynch	Saylor	Ryan,
Druce	Maher	Schroder	Speaker

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

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

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

**MOTION TO RECESS**

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I move that we take a 30-minute break for a Democratic caucus. We would like to report to our caucus. This issue of fundamentally altering the constitutional process of election in our State is something that would enhance — or a lunch opportunity for us for 30 minutes to talk about this over lunch would enhance our ability to debate it on the floor, and I respectfully request a 30-minute luncheon break for caucus, for caucus. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

This was caucused on, we were told, by the Democrats this morning, and yesterday the minority leader on the floor of this House told everyone that he was ready to debate this important issue and asked all his members to come here prepared to debate this issue today. They have already had a caucus. They have already told us they have all the information they need. I do not know what we need another caucus for.

The SPEAKER. On the question of postponement for a period of a half an hour, those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

**YEAS—94**

Battisto	DeLuca	Lloyd	Santoni
Bebko-Jones	Dermoddy	Lucyk	Scrimenti
Belardi	DeWeese	Manderino	Shaner
Belfanti	Donatucci	Markosek	Staback
Bishop	Eachus	Mayernik	Steelman
Blaum	George	McCall	Stetler
Boscola	Gigliotti	Melio	Sturla
Butkovitz	Gordner	Michlovic	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Cappabianca	Hanna	Olasz	Tigue
Carn	Horsely	Oliver	Travaglio
Carone	Itkin	Pesci	Trich
Casorio	James	Petrarca	Van Horne
Cawley	Jarolin	Petrone	Veon
Cohen, M.	Josephs	Preston	Vitali
Colafella	Kaiser	Ramos	Walko
Colaizzo	Keller	Readshaw	Washington
Corpora	Kirkland	Rieger	Williams, A. H.
Corrigan	LaGrotta	Roberts	Williams, C.
Cowell	Laughlin	Roebuck	Wojnarowski
Coy	Lederer	Rooney	Yewcic
Curry	Lescovitz	Sainato	Youngblood
Daley	Levdansky		

**NAYS—101**

Adolph	Fairchild	Major	Semmel
Allen	Fargo	Marsico	Serafini
Argall	Feese	Masland	Seyfert
Armstrong	Fichter	McGill	Smith, B.
Baker	Fleagle	McIlhattan	Smith, S. H.
Bard	Flick	McNaughton	Snyder, D. W.
Barley	Gannon	Micozzie	Stairs
Barrar	Geist	Miller	Steil
Benninghoff	Gladeck	Nailor	Stern
Birmelin	Godshall	Nickol	Stevenson
Boyes	Habay	O'Brien	Strittmatter
Brown	Harhart	Orie	Taylor, E. Z.
Browne	Hasay	Perzel	Taylor, J.
Bunt	Hennessey	Phillips	True
Chadwick	Herman	Pippy	Tulli
Civera	Hershey	Platts	Vance
Clark	Hess	Raymond	Waugh
Clymer	Hutchinson	Reber	Wilt
Cohen, L. I.	Jadlowiec	Reinard	Wogan
Cornell	Kenney	Rohrer	Wright, M. N.
Dally	Krebs	Ross	Zimmerman
Dempsey	Lawless	Rubley	Zug
Dent	Leh	Sather	
DiGirolamo	Lynch	Saylor	Ryan, Speaker
Druce	Maher	Schroder	
Egolf	Maitland	Schuler	

**NOT VOTING—2**

Evans                      Robinson

**EXCUSED—4**

Gruppo                      McGeehan                      Pistella                      Trello

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

**STATEMENT BY DEMOCRATIC LEADER**

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. I would like the House Journal to reflect that this is the second time during this session when the majority party disallowed the minority party a quick caucus. I think that is a deplorable precedent. In my 11 terms here, I do not remember it happening historically, and I am quite vexed that we cannot have a 30-minute caucus.

From time to time, strategies and tactics alter and change, and we should be able to project our enthusiasms and our talents in a manner that is most propitious for us. At least a 30-minute caucus would not have been deleterious to the majority party's position, and I want the House Journal in a clarion-clear way to recollect what I consider to be an abuse of power.

**STATEMENT BY MAJORITY LEADER**

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

I would like the House Journal to reflect the fact that our caucus chairman, Howard Fargo, was told that the other side of the aisle caucused on this issue this morning, and they reaffirmed that this

morning, and the minority leader yesterday said that they were ready to debate this issue. The issue is here. It is time to debate it.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. I accept the inexorable numbers that exist here on the floor, but the reason we wanted a caucus is because we have some additional information that may provide benefit to our members about the bill that we are about to debate. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### REPORT OF COMMITTEE OF CONFERENCE

Mr. FLICK called up for consideration the following Report of the Committee of Conference on **HB 1760, PN 2949**, entitled:

*An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for eligibility for absentee ballots, for the powers and duties of county boards of election and the Secretary of the Commonwealth, for court establishment of new election districts, for polling place layouts, for voting machines, for special elections for members of the General Assembly, for affidavits of candidates, for objections to nomination filings, for ballot number and samples and for absentee ballots; removing certain jurisdiction from the courts; further providing for late contributions and independent expenditures, for unlawful possession and counterfeiting of ballots, for forged and destroyed ballots, for perjury, for tampering with voting machines, for illegal or unlawful voting, for denial of voting, for election officer fraud, for election interference, for violence at polls, for improper party voting, for repeat voting, for removal of ballots, for election bribery, for duress and intimidation of voters and for absentee violations; and making repeals.*

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The gentleman, Mr. Vitali, desires recognition on this question? The gentleman is recognized.

Will the gentleman yield.

There are entirely too many conferences going on on the floor. Please take your seats.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. If the gentleman, Mr. Vitali, would yield for one moment, I would like to call to the attention of the House the return of the gentleman from Montgomery, Mr. Bunt, who is on the floor today.

Now everyone sit down, please.

### CONSIDERATION OF HB 1760 CONTINUED

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the conference committee report, and I do that without any malice or animosity toward the gentleman from Allegheny County, whom I have served with.

Mr. Speaker, at the outset, it has to be noted that we are a government of laws and not of men, and we have to uphold the

Constitution that all of us have taken an oath to uphold, and we have set out these laws and we all have to live by them. The purpose, Mr. Speaker, of this conference report is to circumvent those laws. It is, in my view, Mr. Speaker, an attempt to abuse the authority we have been given, Mr. Speaker.

Mr. Speaker, our Constitution, in Article II, section 5 and section 7, sets out various requirements that a member of this General Assembly has to hold to run for office and to serve. Among those requirements are age requirements, 25 for a Senator, 21 for a House member; residency requirements, which would be 4 years a resident of Pennsylvania and 1 year a resident of the district. It also prohibits certain people who have been convicted of crimes which affect one's honesty to serve. These are very important constitutional requirements which the drafters of our Constitution have set forth to ensure and to encourage a body of men who are fit to serve. Mr. Speaker, what this conference committee report would do would be to effectively knock out those requirements, make them difficult if not impossible to enforce by a court of law, and would make them subject to the political currents of this legislature, and that is wrong.

Mr. Speaker, it is an adage in the legal community that good facts make bad law, and in this particular case, although we have a colleague whose residency requirements have come under question, to abuse the law, to ignore the Constitution, to change the laws of this Commonwealth just for his benefit will have many unforeseen consequences that will be to the detriment of the people of this State. It will encourage carpetbagging. It will encourage members not of this district and in fact not of this State to seize the opportunity to swoop in and run for a seat, knowing that if they should be successful and get on the ballot, it would then be a decision not determined by the courts but determined by this political body, and I think we are witness to the fact that if a majority party member was successful, his party would be reluctant to strike him from the ballot, even though he did not meet these constitutional requirements.

In my view, Mr. Speaker, changes in the Constitution, as important as this change is, changes that will not affect only the particular case we are dealing with but the constitution of this body for years to come, should be made with due deliberateness and be made in an objective fashion.

### MOTION TO PLACE BILL ON POSTPONED CALENDAR

Mr. VITALI. Therefore, Mr. Speaker, I would move that we postpone consideration of this until Monday, June 1, at 1 p.m., which, incidentally, is the first session day after the primary election.

The SPEAKER. The gentleman, Mr. Vitali, moves that HB 1760, PN 2949, be placed on the postponed calendar until June 1, 1998.

Is that correct, Mr. Vitali?

Mr. VITALI. That is correct, Mr. Speaker.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, the time to debate this issue is now; it is on the calendar for now. I would urge a "no" vote by the members of my side of the aisle on the motion to postpone. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question to postpone, the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, we have heard no policy reasons why this issue would be prejudiced in any way if it were postponed. What is happening here, Mr. Speaker, is an abuse of authority, an abuse of the Constitution. We are attempting to change the laws of this State in a way that is totally improper. If this really is not about one person but if this is about making the laws better for the citizens of Pennsylvania, then it would be more properly conducted after the current filing of nominating petitions and the returning of the affidavit of the candidate. Mr. Speaker, the affidavit of the candidate has already been printed by the Election Bureau. We have already received them. They already contain this oath of office. If we make this change now — and clearly, we are just making it for one person — if we do that now, these things would have to be, the affidavit of candidate would have to be resubmitted and re-sent out.

There is no policy reason, Mr. Speaker, other than trying to tailor laws for one person, there is no policy reason and I have not heard the majority leader articulate any policy reason, Mr. Speaker, why we would be prejudiced by considering this important issue on the session day after the election. Again I assert that that would allow us to more objectively analyze this issue and deal with the issue on its merits, not based on a motion, Mr. Speaker, and it would not require the expenditure of additional Commonwealth funds for reprinting of materials, Mr. Speaker, and it would demonstrate to the citizens of this Commonwealth that we are acting not to protect one of our own but on the best interests of the people of this State, Mr. Speaker.

So I ask that this motion to postpone be voted in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the motion to postpone, those in favor of postponement will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-95

Battisto	Dermody	Lloyd	Santoni
Bebko-Jones	DeWeese	Lucyk	Scrimenti
Belardi	Donatucci	Manderino	Shaner
Belfanti	Eachus	Markosek	Staback
Bishop	Evans	Mayernik	Steelman
Blaum	George	McCall	Stetler
Boscola	Gigliotti	Melio	Sturla
Butkowitz	Gordner	Michlovic	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Cappabianca	Hanna	Olasz	Tigue
Carn	Horsey	Oliver	Travaglio
Casorio	Itkin	Pesci	Trich
Cawley	James	Petrarca	Van Horne
Cohen, M.	Jarolin	Petrone	Veon

Colaifella	Josephs	Preston	Vitali
Colaizzo	Kaiser	Ramos	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kirkland	Rieger	Williams, A. H.
Cowell	LaGrotta	Roberts	Williams, C.
Coy	Laughlin	Robinson	Wojnarowski
Curry	Lederer	Roebuck	Yewcic
Daley	Lescovitz	Rooney	Youngblood
DeLuca	Levdansky	Sainato	

NAYS-102

Adolph	Egolf	Maitland	Schuler
Allen	Fairchild	Major	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	McGill	Smith, B.
Bard	Fleagle	McIlhattan	Smith, S. H.
Barley	Flick	McNaughton	Snyder, D. W.
Barrar	Gannon	Micozzie	Stairs
Benninghoff	Geist	Miller	Steil
Birmelin	Gladeck	Nailor	Stern
Boyes	Godshall	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Orie	Taylor, E. Z.
Bunt	Hasay	Perzel	Taylor, J.
Carone	Hennessey	Phillips	True
Chadwick	Herman	Pippy	Tulli
Civera	Hershey	Platts	Vance
Clark	Hess	Raymond	Waugh
Clymer	Hutchinson	Reber	Wilt
Cohen, L. I.	Jadlowiec	Reinard	Wogan
Cornell	Kenney	Rohrer	Wright, M. N.
Dally	Krebs	Ross	Zimmerman
Dempsey	Lawless	Rubley	Zug
Dent	Leh	Sather	
DiGirolamo	Lynch	Saylor	Ryan,
Druce	Maher	Schroder	Speaker

NOT VOTING-0

EXCUSED-4

Gruppo	McGeehan	Pistella	Trello
--------	----------	----------	--------

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

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Will the gentleman yield.

The conferences in the House will please break up. Members will please take their seats. Thank you.

The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, HB 1760 has a myriad of issues contained within it that addresses many problems and issues that we have discussed in this chamber in the past and have sought to remedy with this piece of legislation. Other speakers, including the majority leader, will comment on some of those other features of the proposal.

I would like to take this opportunity, Mr. Speaker, to address the opening remarks of the Democratic Caucus through the

Representative from Delaware County, since he seems to have focused on one particular aspect of this bill, stating that we are basically throwing the Constitution out the window to serve the interests of the members of this House.

Mr. Speaker, for the past 200 years, up until 1986, there was no jurisdiction on the part of the courts to get involved with the election of the members of either the House or the Senate. In fact, Mr. Speaker, the Constitution, under Article II, section 9, clearly states that "Each House shall choose its other officers, and shall judge of the election and qualifications of its members."

Mr. Speaker, this issue was clearly brought to a head back in 1986 when the petition of then candidate Roxanne Jones for a seat in the Pennsylvania Senate was challenged on the basis of her residency. The opinion that was written by Justice Nix, a Democrat, made it very clear that the courts do not have a say in the seating of members of the House or the Senate, and let me just read just a couple paragraphs from that opinion that clearly make that point, because I myself could not say it any better. This is from the opinion found at 476 A.2d 1287, dated May 9, 1984.

Mr. Nix notes, quote, "Article 2 is concerned with the composition, powers and duties of the legislature. Nothing" — I repeat — "nothing in this article even remotely suggests the conferment of jurisdiction upon the courts to test the qualifications of the members of the General Assembly. Indeed, section 9 of Article 2" — which is what I just read — "expressly states that each body of the General Assembly shall be the judge of the qualifications of its members. Moreover, Article 2, section 5 by its express terms refers only to the qualifications of the *members* of the body. There is no reference to persons who file to run for the office."

It further states, "...we would also be restrained from intervening at this juncture by virtue of the doctrine of separation of powers of the three independent branches of government. We note the existence of a body of case law which advocates that the language used in section 9 is properly interpreted as placing the exclusive," that is, "exclusive jurisdiction in the legislative body and divesting the courts of all jurisdiction in the matter."

Finally, I would like to read another paragraph furthering the opinion: "The vesting of authority to pass upon the qualifications of...prospective legislators in the legislative body is deemed an essential concomitant of our tripartite form of government affording to the legislative branch an independence requisite to its successful functioning." An independence that is necessary for the separation of powers. "This view of the proper relationship between the various branches of our government was obviously embraced by the people of this Commonwealth and set forth in section 9 in clear and unequivocal terms."

Mr. Speaker, that is the law of this Commonwealth. The Constitution sets forth the qualifications of our members, and it sets forth the responsibility in this chamber to determine who is qualified to sit and represent the people of their legislative district.

The provision for an affidavit, Mr. Speaker, was introduced in 1986 as a means to impose court jurisdiction on a matter that should be reserved to this legislative body. I think since 1986, Mr. Speaker, we have seen the courts usurp more and more of our legislative functions. We have seen their interference in funding of our schools. We have seen their interference in dictating to us how we are to fund other branches of government. Mr. Speaker, the list can go on, and each one of us has had experience in some way or

another with the overreaching of our Supreme Court and our judicial branch of government in Pennsylvania.

By this act today, we are putting back into balance the legislative prerogative of determining within our own branch of government who is eligible and who is not eligible to sit in this House. That is simply what we are doing. We are not changing requirements of residency. We are not changing qualifications of who can be elected to this office. We are saying that for 200 years that was our responsibility. When we passed the law in 1986, we gave up that responsibility, and it is time to bring it back to where it belongs. That law should not have been passed. It was made for arguments of political nature. What we are doing today is restoring the constitutional balance in Pennsylvania.

Mr. Speaker, if you are going to vote "no" on this bill, do not vote because you think you are usurping the constitutional authority of the people. We are restoring the constitutional authority of the people. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, what this debate is about is in part about whether we are going to act on the basis of fanciful views of Pennsylvania history or whether we are going to deal with reality.

The statement that was made a few minutes ago about how the legislature for hundreds of years was investigating the qualifications of its members and then suddenly in 1986 somehow the legislature, for political purposes, did this is rather distorted. For hundreds of years, the Pennsylvania Supreme Court and the Pennsylvania Commonwealth Court, since its founding in 1970, took the position that it had jurisdiction under the Pennsylvania Constitution to investigate residency challenges. Numerous people before 1984 and before 1986 filed residency challenges. I am one of the people who filed a residency challenge, and in my case, in 1976 the court held a long evidentiary hearing. All of the evidence was placed on the table, pro and con, as to whether or not my opponent lived in the district or not, and I was unable to convince the court that he did not live in my district. Parenthetically, he was a used-car salesman, and the 1976 primary in my district provided a real contest of who had more credibility, politicians or used-car salesmen. I am pleased to report to you that the politician won 3 to 1. But it was a principle of Pennsylvania law that the courts of Pennsylvania had the power to investigate residency, and they held long hearings, which were undoubtedly very boring to the judges, who probably wished they were doing other things than poring over minutia of facts as to whether somebody lived in a given legislative district or not.

In 1984 Roxanne Jones ran in the senatorial district that was included in my legislative district, and Milton Street, knowing how popular Roxanne Jones was — Milton Street was the incumbent Senator — tried to challenge her on residency. Roxanne Jones presented a good defense, showing that she really lived in the district. Her lawyer, though, Michael McCarthy, whom many of us know — Michael McCarthy now heads the Business Roundtable in Pennsylvania — her lawyer was compelled to raise all legitimate arguments on her behalf, and as a good lawyer, Mr. McCarthy raised the argument that there was no enabling legislation implementing that constitutional amendment, and therefore, the Supreme Court had no jurisdiction in this case. To everyone's

surprise, the Supreme Court ignored the very strong facts showing that Roxanne Jones lived in that senatorial district and took Mr. McCarthy's argument that the Supreme Court had no jurisdiction because there was no enabling legislation and threw out the challenge on the basis of the lack of enabling legislation.

Now, contrary to what Mr. Snyder said, this was not immediately recognized as great jurisprudence by the people of Pennsylvania; especially it was not recognized as great jurisprudence by Republicans in Pennsylvania. Milton Street voted with the Republican Caucus, had joined the Republican Caucus, and Republicans all over Pennsylvania wanted Milton Street to win that primary, and just about every ranking Republican in Pennsylvania and some Democrats promptly denounced this decision of the Supreme Court, and they quoted the dissenting opinions, which just happened to be made by Republican Justices.

Justice McDermott said, in part, "The Election Code was designed to protect the electoral process, that the franchise would not be squandered on the imposter, fraud or comedian. To ignore that duty, in this case, is to hide in a semantic sanctuary..." Justice McDermott said.

And Justice Hutchinson, another Republican Justice, wrote at length about how terrible the majority decision was and then said, "In sum, the judiciary has a duty to determine the constitutional qualifications of candidates for the offices they seek; that duty does not conflict with the Senate's constitutional power to determine the election and qualifications of its members. The legislature not only recognized that duty but expressly requested us to perform it. Its performance is not foreign to our experience and has involved us in no great difficulties."

So we had two very strong dissents. I just read a small portion of the dissenting opinions of Justices Hutchinson and McDermott.

And the State Senate was so angry about this decision by Justice Nix and four of the seven Justices on the Supreme Court that they passed a resolution saying that if Roxanne Jones was elected, she would not be seated. The Supreme Court then, in this decision which was written after the Senate action, the Supreme Court then ruled that that was irrelevant; the Senate had no power to do such a thing.

So this was an extremely controversial decision made in 1984. Newspapers all across the State, Democratic and Republicans, denounced the Roxanne Jones decision. People did not believe at that time that it was a correct policy, that the court should not be allowed to challenge residency requirements. And as a result of that very strong public opinion, both the then Republican-controlled Senate and the then Democratic-controlled House passed this legislation in 1986, making it crystal clear that the courts have a duty to enforce the signatures and the statements in an affidavit; that you cannot escape, by the Roxanne Jones decision, you cannot escape the Constitution of Pennsylvania.

And now, now that the circumstances have changed, now that a Republican, Mr. Pippy, is caught in the situation that Mrs. Jones was, now we want to go back and say we all made some terrible mistake—

The SPEAKER. The gentleman, Mr. Cohen, knows better than to mention names of people on the floor.

## POINT OF ORDER

Mr. COHEN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. COHEN. Mr. Speaker, this legislation deals directly with a member on the floor. That is the purpose of this legislation.

The SPEAKER. The gentleman is wrong. There is nothing in this legislation that directly deals with a single member.

Mr. COHEN. That is not true, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Rule 65, House rules: "Member Having Private Interest...A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon."

It is my contention, Mr. Speaker, that the gentleman from the 44th District has a direct interest in this legislation; he is a direct beneficiary of this bill if it becomes law.

Mr. FLICK. Mr. Speaker?

The SPEAKER. Mr. Flick.

Mr. FLICK. Mr. Speaker, a point of personal privilege.

Since this is my bill, I am the prime sponsor of this bill—

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. FLICK. Certainly.

There is nothing in this bill that was not in SB 200, which the House has already voted on, that relates to an individual member in this chamber or in our sister chamber in the Senate.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen, proceed without names. That is all I am asking you to do.

Mr. COHEN. Mr. Speaker, this bill radically changes Pennsylvania law to a manner that Pennsylvania law has never been in a legislative election year.

The Roxanne Jones decision took effect in May of 1984. No one in 1984 had knowledge that the Roxanne Jones decision would take effect. No one was able to go into a legislative district where they did not live and run. No one was able to have forged affidavits, affidavits which had no truth behind them, knowing that there would be no power to enforce such affidavits. And by the time the next legislative election rolled around, in 1986, with bipartisan support and under Republican leadership, the House and Senate and Governor Thornburgh had taken action to see that nobody running in the 1986 or subsequent elections would be bound by the Roxanne Jones decision.

And now, just as the petition season is beginning, just as Democrats, Republicans, third-party candidates from throughout the State are planning to run for State Representative and State Senator, we are now making radical changes of this law governing elections in order to benefit a member of this House.

What we are doing is saying that there shall be no effective enforcement of the Pennsylvania Constitution, that nobody can be challenged for falsely swearing that he is a resident of Pennsylvania for 4 years and a resident of the district for 1 year. We are also saying in this legislation, because we strike out a lot of language dealing with the enforceability of affidavits, we are



also saying that no signatures can be thrown out because somebody falsely swore that he was a registered voter of the district in which he circulated it.

Mr. Perzel and I live not too far apart. We can go into each other's district and swear and circulate petitions for our opponents, and I could swear I am a resident of Mr. Perzel's district, Mr. Perzel could swear he is a resident of my district, and those signatures, unlike in current law, would not be thrown out, because we have taken out the language which allows signatures to be thrown out based on the falsity of affidavits.

This legislation takes the position that the enforceability of affidavits should not be a matter for the Supreme Court to deal with, and this is absolutely incredible. I referred to the Monica Lewinsky case in an earlier debate. There is a whole national investigation going on about the falsity, potentially, of affidavits signed by Monica Lewinsky and President Clinton. Falsifying affidavits is a serious matter, and here what we are doing is saying, not in Pennsylvania, not for the Election Code; falsity of affidavits is no big deal; the courts of Pennsylvania have no power to enforce the truth of affidavits.

This is very, very significant. It goes far— In an attempt to help a single member of the House, we are changing the law for all members of the House and changing the law for all members of the Senate. We are severing the bond between a legislator and his constituency. Anybody can come up here who can get hired by a newspaper and be a reporter, anybody could come up here and get hired by an interest group and become a lobbyist, but the only way to get up here as a representative of the people is to have a real tie with your own constituency, a tie not only based on emotion and campaigning skills but a tie based on residence and roots, and this amendment to the Pennsylvania laws takes away that tie. It says, we are not changing the Constitution, but we are gutting the enforceability of the Constitution; we are taking out the enabling legislation which the Supreme Court in 1984 said was necessary in order for the Supreme Court to enforce the Constitution.

Mr. Speaker, ironically, we got here, through this very significant legislation, as a result of a vote on nonconurrence we held on Monday. I would like to read the remarks of Mr. Perzel as to why we should nonconcur.

Mr. Perzel said, "I am asking the House to nonconcur in Senate amendments to HB 1760, PN 2813, as passed by the Senate.

"The bill requires that a registration report be made by each county to the Secretary of the Commonwealth within 20 days of the last day to register for any type of election. Unfortunately, this report is already required under the Election Code, only it has a different...date of not less than 20 days prior to the election.

"As currently constituted, this bill would require two separate reports for the same exact information. Hence, I ask the House to nonconcur in the Senate amendments to HB 1760."

That was the reason we nonconcurred; that was the reason we set up a conference committee. Has anything been done by the conference committee to get rid of this minor language that offended Mr. Perzel? No. The original language that offended Mr. Perzel is still in the law. We still have in this bill the provisions that were objected to on Monday. It sure looks like the only reason we nonconcurred on Monday was so that we could get this language into the law in order to benefit the member of this House from Allegheny County.

This is a very bad piece of legislation. It places into law for the first time a very bad court decision. The Supreme Court decided in favor of Roxanne Jones for all the wrong reasons, and there is absolutely no reason why a Supreme Court decision which I believe made the right conclusion but it made the decision for Roxanne Jones for all the wrong reasons and created extremely bad Pennsylvania law that has never been in effect for any legislative election, 14 years have gone by and we are now saying that that decision should be in effect in Pennsylvania. That would be a very serious mistake. We had the wisdom to do something about that very bad decision in 1986. We should have the wisdom to defeat this legislation in 1998.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, there are just a few days in the year when I am sad that I did not become a lawyer. One of them is the day I file my tax return, and today is another one. But the fact that I am not an attorney and did not go to law school leads me to ask if there is someone on the majority side that I might interrogate so that I and all of the other nonlawyers in this chamber and in this Commonwealth can understand this issue a little better.

The SPEAKER. The gentleman, Mr. Snyder, indicates he will stand for interrogation. You may begin.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, let us just suppose for a minute that as we enter this election cycle in 1998, the efforts of your party are successful and I am not reelected in November — and I know; it frustrates me, too — and let us suppose, Mr. Speaker, that in the year 2000, still having this unquenchable desire to serve in this General Assembly, I decide that I would like to seek office and run for a seat in the House, and I decide, Mr. Speaker, that I am going to run for the seat presently held by the gentleman that I am interrogating, the majority whip. So I get some folks and I go down to the gentleman's district and I circulate petitions, and I go over to the Department of State and I get that little manila envelope with the packet in it and I fill out all those little boxes real carefully so it says "Frank LaGrotta," and I sign the affidavit that says that I am a resident of the gentleman's district and that I have been living in Pennsylvania for 4 years. What protection, Mr. Speaker, under present law do the gentleman's constituents have against me doing that?

Mr. SNYDER. The gentleman asks about current law?

Mr. LaGROTTA. Current law; yes, Mr. Speaker.

Mr. SNYDER. Under current law, unless someone files an objection to the signing of an affidavit that provides for false information, nothing would happen. If an objector raises the issue that a candidate has filed with the court an affidavit where they swear that they meet certain requirements, within 7 days afterwards the court must schedule a hearing. Once they hear that objection, they must determine not later than 12 days after the last day for filing the nominations whether or not the facts of that case substantiate that the person falsely or truthfully signed that affidavit.

Mr. LaGROTTA. Let us suppose, just for argument's sake, Mr. Speaker, that I do live in Ellwood City, Pennsylvania, which is in Lawrence County, and under present law that the judge down in the gentleman's district decides that yes, in fact, that I have signed an affidavit under false pretenses. What happens,



Mr. Speaker, to my nominating petitions and to my affidavit and to my appearance or potential appearance on the ballot as a candidate against the gentleman?

Mr. SNYDER. Mr. Speaker, under current law, if an affidavit is proven in the court to be falsely sworn or misrepresented, the court may order the Department of State to reject those petitions which are necessary for certification to the county to be placed on the ballot.

Mr. LaGROTTA. Which in layman's terms, Mr. Speaker — and correct me if I am wrong — means that the court would say that I am a liar and I do not live in the district and I cannot run for your House seat. Is that correct, Mr. Speaker?

Mr. SNYDER. That is correct, as you stated it.

Mr. LaGROTTA. And to further that argument, Mr. Speaker, your constituents who may not know that I live in Ellwood City, Pennsylvania, and may just see this Democratic candidate, who do not have the wherewithal or the resources to know maybe that I do not live in the district or that I have not lived in the district for the appropriate period of time, which the Constitution says is 1 calendar year, this process would protect them from being subjected to my falsehood. Is that correct, Mr. Speaker?

Mr. SNYDER. Mr. Speaker, the questions you asked deal simply with signing an affidavit without telling the full truth or knowing that you have not told the truth. If you would decide to run in my district, I may decide to allow you to continue as a candidate by not filing objections and use it as an election issue, but, Mr. Speaker, if you should have the fortune to defeat me in my district, that does not necessarily mean that you could be seated in this House of Representatives.

Mr. LaGROTTA. I understand that.

Mr. SNYDER. So the only issue that you are referring to right now is whether or not the courts can determine whether or not you have falsely signed an affidavit that represents that you state that you meet certain requirements or that you are eligible to run for office.

Mr. LaGROTTA. Okay. Mr. Speaker, my next question is, let us suppose that I did sign that affidavit and I did file my nominating petitions. Not only the gentleman, Mr. Speaker, but any person who lives in that district who is a registered voter in that district, could they not file an objection to my potential candidacy?

Mr. SNYDER. Mr. Speaker, the nominating petitions, under law, are petitions to have you be named as a candidate for your particular political party. The nominating petition does not put you on the general ballot; the nominating petition puts you on the primary ballot, representing your party. Therefore, the only people who could object to your false affidavit would be a member of your political party within that district.

Mr. LaGROTTA. And, Mr. Speaker, any member of my political party could object to a potential carpetbagger coming into your district and seeking the seat which you presently hold. Is that correct, Mr. Speaker, under present law?

Mr. SNYDER. I am not sure, the way you are phrasing that question.

Mr. LaGROTTA. I am saying any registered Democrat that lives in your district, Mr. Speaker, could object to me falsely swearing on an affidavit and have my petitions set aside so that I could not misrepresent my party in your district. Under present law, is that correct?

Mr. SNYDER. That is correct.

Mr. LaGROTTA. Thank you.

Okay. Mr. Speaker, what would happen to me, under present law, if in fact one of those enlightened Democrats in your district smelled a rat and went to court and had my petition set aside and had a judge determine that I had falsely sworn by signing a notarized affidavit under false pretenses? Would I be then subject to any prosecutable offense, personally?

Mr. SNYDER. Under general criminal statutes, filing any affidavit with a government body knowing that you are presenting false information could potentially lead to other violations, but the specific process that you have described in which a voter objects to that nominating petition would not subject you to any other violations other than the petition to have your nomination petitions rejected.

Mr. LaGROTTA. No. Mr. Speaker, my question was, if the judge decides that I falsely swore on my affidavit, if the judge says, yes, Mr. LaGrotta — I am allowed to mention my own name, am I not, Mr. Speaker? — yes, the Democratic candidate did sign this affidavit, he lied, he is convicted, he is guilty, his petitions are set aside, am I then as a citizen subject to a prosecutable offense that might, Mr. Speaker, persuade or dissuade me from taking such a risk?

Mr. SNYDER. Mr. Speaker, under the Election Code, the only remedy the court would have would be to determine that the petitions should not be accepted by the Department of State.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Now, let us take the same scenario, and I will shorten my questions, Mr. Speaker. If the legislation which is presently before the House passes and I lose the next election and I move or come to your district 3 months prior to the date that would make me in there or I was there 3 months instead of 1 year and I did the same thing, I filed nominating petitions, and I have in principle violated the Constitution and the Democratic Party in your district, Mr. Speaker, does not like that, what recourse under the new law would they have to protect themselves from my carpetbagging move?

Mr. SNYDER. Mr. Speaker, the law would be the way it was prior to 1986. When many of us came to this House, the law was that if— The scenario you just set forth before this chamber was that if I had not met my requirements, there was no jurisdiction to the courts to raise an objection. It would simply be a political issue within that legislative district, with the electorate knowing that there would be a strong possibility that if they would elect that person, that that person may ultimately not be permitted to be seated for the office which he is seeking.

Mr. LaGROTTA. So then, Mr. Speaker, if this legislation that we are presently considering passes, the only person or group of persons that could object to the lie that I was perpetrating upon the people of your district — now, let me say this slowly so that everyone can hear me — if this bill passes, the only group of people that could object to the lie that I was perpetrating on the people of your district would be the people who were elected to this House of Representatives. Is that correct? Yes or no, Mr. Speaker.

Mr. SNYDER. Mr. Speaker, if I understand your question correctly, you are saying that if you would be elected—

Mr. LaGROTTA. Right.

Mr. SNYDER. —in a district in which you had only been a resident for 3 months rather than the 1-year requirement, what recourse would the electorate have in that district.

Mr. LaGROTTA. Right. Who would protect them, Mr. Speaker?

Mr. SNYDER. The remaining members of the House of Representatives. Any citizen of the Commonwealth can petition any member of this chamber to seek recourse under our own constitutional responsibilities and authorities, so an electorate in my district could go to any member of this chamber and state the case that here is evidence that this member who was just elected does not meet the requirements, and this chamber, through any one of the members sitting here, one of the 203 members, could raise that issue at the time of the swearing-in or any other time that they wish to raise the qualifications.

Mr. LaGROTTA. Mr. Speaker, and when that elector, and I am going to just hypothetically say that there is a good old Democratic committeeman down there who comes to a member of this General Assembly and says, "Frank's a liar and should not be seated," and that member, who happens to be a Republican, would bring that to the attention of this General Assembly on swearing-in day, who would decide whether Frank LaGrotta became a member of the House on that day?

Mr. SNYDER. The majority of the members of this House.

Mr. LaGROTTA. And, Mr. Speaker, if I might just ask one more question along this line. Suppose, Mr. Speaker — and I am going to play devil's advocate for just a second here — suppose, Mr. Speaker, that there were 102 Democrats and I would be the 103d. Would the potential for the majority party to overlook any material evidence be there and just cast a vote for purely political reasons? I am not ever suggesting, Mr. Speaker, that that would happen, but would the potential for that kind of blatant disregard for the people of your district exist here, Mr. Speaker?

Mr. SNYDER. First of all, Mr. Speaker, the line of questioning that you have been putting forth was addressed by the Supreme Court. For instance, in the Supreme Court decision again with Roxanne Jones, it stated that, quote, "...if she" — referring to Roxanne Jones — "was also victorious in the general election, the next duly constituted Senate, following the November General Election of 1984 *might* refuse to seat her, if they concluded that she had not met all of the qualifications set forth in Article 2, section 5 of the Constitution of Pennsylvania," unquote.

Now, if you feel that you have met all those requirements and the House chooses not to, you might be able to raise a constitutional issue. The court also says that. They state, quote, "Manifestly, the court has jurisdiction to entertain a claim of an elected prospective office holder that his or her right to sit has been unconstitutionally denied." So there is protection for that member. If someone falsely accuses you of lying, you have constitutional protections; you could then go to the court to say, hey, I was denied here not on a political basis but, you know, unconstitutionally.

So let me just summarize: For the past 200 years, this body has had the ability to determine the qualifications and the seating of its members. The courts can come in and intervene if and when this body acts unconstitutionally in exercising that authority.

Mr. LaGROTTA. Mr. Speaker, that is an interesting court decision and one that any member of the House that was here in 1986 obviously disagreed with, because according to my

information, they unanimously voted for the language that we are going to overturn today. But, Mr. Speaker, I do not want to know what the court thinks; I want to know what you think. Does the potential exist for this House and its members to make decisions based on who is in the majority if a situation like that were to arise, Mr. Speaker?

Mr. SNYDER. Mr. Speaker, when each one of us raises our hand on the day that we are sworn in, we are told to uphold and swear that we will uphold the Constitution of the Commonwealth of Pennsylvania. I would hope that we each take that oath seriously and we do it and act responsibly, no matter who is the majority or who is the minority.

Mr. LaGROTTA. Mr. Speaker, then do we not also do the same thing when we sign our sworn affidavit, and if we do, Mr. Speaker, then why would we want to take away the protection of our citizens if in fact someone who is not a member of this House would lie and falsely swear on an affidavit?

Mr. SNYDER. Mr. Speaker, the citizens of this Commonwealth are protected by our Constitution. The affidavit is an optional means of someone to bring into a decision that should otherwise be the legislature's the ability of the courts. Mr. Cohen, from Philadelphia, had mentioned about the dissenting opinion. Let me just— Again, you say, but that is the court's opinion, but the Supreme Court of Pennsylvania, I think, has outlined our constitutional rights and responsibilities, which is what you are asking me. My opinion does not count. What the Constitution says is what is important. The dissent, which the Representative from Philadelphia said argued for not getting rid of this, basically said that the issue, even with the affidavit, is just questioning whether that petition or that affidavit is defective.

I will quote again from the dissent: "The question of whether an elected candidate should not be seated for failure to meet constitutional qualifications does implicate an issue for which there is arguably a plain textual commitment of authority to a legislative body." The issue was not before them.

Mr. Speaker, I do not know how much I can make it any plainer. The affidavit and the issue of qualifications was simply whether or not you lied on your petition. It did not have anything to do with your qualifications to be elected to this office.

Mr. LaGROTTA. Mr. Speaker—

The SPEAKER. Will the gentleman yield.

Mr. LaGROTTA. Yes, sir.

The SPEAKER. What I am observing, as this goes on and on and on, is that both sides are really making closing arguments rather than asking questions and getting answers, which is the purpose of interrogation. Now, if you have a question, ask a question, and if you have an answer, give an answer, and — both sides, not one side or the other, both sides — stop giving your closing arguments, which more appropriately should be given at a later time today.

Now I do not know who is up.

Mr. LaGROTTA. I have one last question, Mr. Speaker, but—

The SPEAKER. That is fine.

Mr. LaGROTTA. And the last question I have for the gentleman, Mr. Speaker, is, if what he just says is the position of the majority party today, then why did all of those who were here in 1985 vote for the provisions in the law that we are overturning today, including the gentleman, Mr. Speaker?

The SPEAKER. Now, obviously, this gentleman cannot answer for everybody that was here in 1986. That is not a proper question, really.

Mr. LaGROTTA. I understand, Mr. Speaker. Not bad for a nonlawyer, though, huh?

The SPEAKER. No; it was bad for a nonlawyer.

Mr. LaGROTTA. All right. Mr. Speaker, if I could just—

Mr. SNYDER. Mr. Speaker, I cannot speak for the motivations, but I can say, looking at the vote of that— No; I do not have that one. I am sorry. We do not have that.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, on the question, if I could just speak for a brief minute? Thank you, Mr. Speaker.

The SPEAKER. Now, do not lie.

Mr. LaGROTTA. I promise, I will not.

The SPEAKER. A brief minute.

Mr. LaGROTTA. I did not go to law school; I cannot.

The SPEAKER. Well, that is good.

The gentleman is recognized.

Mr. LaGROTTA. Oh, I forgot— Excuse me, Mr. Speaker. I forgot we have lawyers on our side, too.

Mr. Speaker, thank you for the opportunity to just address this issue and summarize what I was trying to generate through my interrogation of the gentleman.

Mr. Speaker, under present law, if I were to decide to run against the gentleman whom I was just interrogating—

The SPEAKER. Will the gentleman yield.

For what purpose does the gentleman, Mr. Reber, rise?

Mr. REBER. Mr. Speaker, a point of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. REBER. Mr. Speaker, I am a member of this House as are all 202 other members, and I would certainly defend them from any kind of slanderous or defamatory comment. I am also a member that did go to law school, and I find that comment equally defamatory and slanderous, and I would ask the gentleman if he would—

Mr. LaGROTTA. Absolutely.

Mr. REBER. —ask the record to restrict that phrase that he just recently made. I find it very offensive.

Mr. LaGROTTA. Absolutely, Mr. Speaker, with apologies to the gentleman and all the attorneys in the chamber.

The SPEAKER. The Chair thanks the gentleman.

Mr. LaGROTTA. I would just say, Mr. Speaker, that it was meant tongue in cheek, and as a—

The SPEAKER. I took it that way.

Mr. LaGROTTA. Thank you, Mr. Speaker.

The SPEAKER. If I had not, you would have heard from me.

Mr. LaGROTTA. I assumed so, Mr. Speaker.

In any case, Mr. Speaker, what I was trying to ask the gentleman and what I was trying to demonstrate is that if I would do what we were talking about in interrogation, that not only the members of this body but any registered member of my party in that district could object to my false swearing. If the law or the legislation that we are considering, Mr. Speaker, is passed today and signed by the Governor, then the only people who will decide the veracity of someone saying whether or not they lived in the

district and the State for the appropriate amount of time are the members of the House or the Senate. And what I was asking, Mr. Speaker, and what I would ask rhetorically to every member of this body is whether or not we could make those decisions, especially in a tight majority, without any political consideration. And is not the system that we have right now, Mr. Speaker, that protects each member of the party in that district, is not that system that involves those people just a little bit more secure and just a little bit less political than going back where we were prior to the 1985 legislation?

I think that the House and the Senate that made that decision made a wise decision. I think that the people that voted— And I do not criticize the gentleman or any other member that was here then for voting in that way, because I think that they voted right. I think they did the right thing then, and I think that every member of this House knows that the right thing today is to protect the people we represent and not just to protect the politics of this institution. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton County, Mr. Rooney.

For the information of the House, my list is Rooney, Walko, Casorio, Horsey, Surra, Williams, Gruitza, and Sturla, Blaum.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Speaker.

First, I would like to say just from the outset that my remarks are in no way intended to be personal, directed toward any member of this great body.

I have, quite frankly, my own very personal experience with challenges to residency, and that is obviously one of the paramount issues contained in HB 1760. This issue is, again, not about personality, in my estimation; it is fundamental. It is about the qualifications as set forth in the Pennsylvania Constitution.

Now, in the last election cycle, my opponent suggested to the voters in my district that I did not meet the residency requirement and said a bunch of other things in the process, but the bottom line was, what ensued was an investigation of myself by the criminal division of the State's Attorney General's Office. I was literally sat in a room and was asked questions for hours and hours on end about my residency. My family and I moved to Bethlehem in 1988, and it was alleged that I had moved to Bethlehem at some time after that.

Now, I am very much aware of what the Constitution states based upon my own personal experience in terms of the qualifications to be a member of this House. They have been stated before: One needs to be 21 years of age, needs to be an inhabitant of the Commonwealth 4 years and a resident of one's district 1 year prior to the date of his or her election. The language that is contained in HB 1760 — and we can get into as we already have gotten into the debates that the Supreme Court had years ago and that the House and Senate had years ago — but today, but today the question, I think, is one of fundamental fairness.

Now, my good friend and colleague from the Lehigh Valley, the majority whip, suggested to us that what we are doing is just taking back the authority that we had prior to the Supreme Court decision and the coming about of the affidavit in the mideighties, and I as a member of the minority party, quite frankly, would much prefer to have the courts make the determination of whether or not one has submitted a false statement on an affidavit that they

file with their nominating petitions. The reason I as a member of the minority party would prefer to see that, I think, is obvious to anybody that can count to 102, and that is, if somebody does not meet the qualifications as set forth in the Pennsylvania Constitution, that person can be elected and that person can be seated so long as they are a member of the majority party.

As we know, the Democrats have been in control of this chamber, the Republicans have been in control of this chamber, and I do not want the Constitution of this Commonwealth and the qualifications for those of us who are privileged to serve in this House of Representatives be determined by the whim of the majority.

We represent, on this side of the aisle, 6 million people. Half of the people in this Commonwealth are represented by people that I am proud to serve with in my caucus, but if somebody does not meet the requirement in the Constitution, I do not want that decision to be made by the majority party, whoever it is who happens to control the chamber at the time. I want that decision to be made by people who are impartial and have as their only guiding principle the letter of the law and the provisions of the Constitution. I believe that if we concur in HB 1760, we will undermine that notion and that we will disenfranchise to the extent that decisions, important decisions, about who is qualified to serve in this body will not be made by a fair and impartial group but will be made by whomever, Democrat or Republican majority, that controls this House of Representatives. I just think that is fundamentally wrong, and I think it fundamentally flies in the face of what the Constitution specifically spells out.

Now, Mr. Speaker, I would like to respectfully ask that either the gentleman from the Lehigh Valley or the prime sponsor of the bill stand for a very brief interrogation.

The SPEAKER. The gentleman, Mr. Snyder, indicates he will stand for interrogation. You may begin.

Mr. ROONEY. Thank you, Mr. Speaker.

Mr. Speaker, I just had a question. The gentleman, the majority leader, suggested that there are some very — there are other very important issues that are contained in this bill, but from our perspective there is one paramount issue. Has the language that has been proposed that would ostensibly remove the requirement of a candidate's signing an affidavit been reviewed by any of the standing committees of the House of Representatives?

Mr. SNYDER. Mr. Speaker, the language that was inserted into the Conference Committee Report for HB 1760 is identical to the language that was approved by this House on June 12 in SB 200 in which members of both parties concurred in that bill. So that language that is in HB 1760 had already been before this House and the Senate, and it is identical to what we had already considered.

Mr. ROONEY. And if I am not mistaken, Mr. Speaker, the eventual outcome of the bill to which you referred, the eventual outcome is that that bill was vetoed by the Governor of the Commonwealth. Is that not correct?

Mr. SNYDER. The bill was vetoed but for reasons other than the issue that you are currently raising at this point. It had to do with third parties.

Mr. ROONEY. Correct.

Mr. SNYDER. And the issues that were raised in the Governor's veto message were not included in this report.

Mr. ROONEY. I understand. But for the benefit of the record and for the benefit of the people that we serve, the bill was — and you are correct — the bill was vetoed for another reason that would make it more difficult for third-party candidates to become candidates for office, for statewide office. Correct?

Now, I think it is — Well, let me ask one more question. It has been suggested by the gentleman from Delaware County that if this bill were to be passed and signed by the Governor, it would require that new petitions be sent out, be printed and sent out to — I see you shaking your head. Is that incorrect?

Mr. SNYDER. Mr. Speaker, that is not correct. We are doing nothing with the nominating petitions in this conference code. The law currently requires that with the filing of the nomination petition, you also have to file an affidavit, which is separate and apart from the nomination petition.

Mr. ROONEY. Mr. Speaker, again, and I am confused. On the back of the nominating petition that we all circulate, there is a statement, an affidavit, is there not?

Mr. SNYDER. The affidavit that is on the back of a nomination petition is an affidavit by the circulator stating that the circulator is a resident of that district and a member of the party of the person who is being nominated. It is not the candidate himself, unless a candidate himself chooses to circulate a petition.

Mr. ROONEY. I thank you for that explanation, Mr. Speaker. I was under the misimpression that a similar affidavit to the one that has been distributed to all aspiring candidates for State House and Senate offices, these have — and I know you cannot see them, but I think you know the document I am referring to — these have been distributed to perhaps hundreds of candidates across the State.

Mr. SNYDER. There is no effect on those petitions by the action that we are considering today.

Mr. ROONEY. Again, I want to get away from the petitions. You have explained that sufficiently, and I appreciate that.

What I am speaking to now is the candidate's affidavit that is published or comes under the heading of the Pennsylvania Department of State Bureau of Elections that all candidates for office must sign. These have been distributed, the documents I am referring to which have been distributed to hundreds of candidates across the Commonwealth. Correct?

Mr. SNYDER. Mr. Speaker, the law does not prohibit a candidate who wishes to sign that affidavit to still sign that affidavit and file it. We are no longer making it a requirement that that affidavit be filed.

Mr. ROONEY. Mr. Speaker, I guess I would like to just follow up on that a little bit because I am somewhat unclear. The reason that a person today — Today if a candidate files — well, they could not file their petition — but supposing somebody came in without this legislation on February 25 and filed nominating petitions and it says that I will satisfy the eligibility requirements of the Pennsylvania Constitution; I have been a citizen, an inhabitant of Pennsylvania 4 years, blah, blah, blah, blah, blah. What is the purpose of submitting this document now?

Mr. SNYDER. Mr. Speaker, that is the statute that this legislature passed in 1986, which required that affidavit to be filed with the filing of the nominating petitions. It is a statutory requirement, not a constitutional requirement.

Mr. ROONEY. Thank you. I am done with my interrogation, Mr. Speaker.

If my questions are in any way offensive to the majority leader, I would be happy to— Now, I see you shaking your head, and this is a very important issue to many of us on this side of the aisle.

The SPEAKER. Is the gentleman, Mr. Rooney, on final passage remarks or— pardon me— on concurrence remarks or is he asking to do further interrogation?

Mr. ROONEY. No; on concurrence, Mr. Speaker.

The SPEAKER. On concurrence, the gentleman is recognized.

Mr. ROONEY. Thank you, Mr. Speaker.

You know, I have been criticized before because I tend to say some things that maybe do not make a whole lot of sense to the average person, but what has been suggested to me is that we do not need to file this affidavit anymore because we need to take back the authority. We are not taking back anything, Mr. Speaker. We are giving, we are giving the authority to make the determination who is qualified to serve in this great body to those who happen to be in the majority at the time, and that is wrong. By taking this away, by saying that this affidavit is no longer required to be submitted is wrong, because what it is saying is, anybody, anywhere, anytime, can run for this House.

Now, if I were to live in Paris, France, and wanted to run as a member of the State House of Representatives, there is nothing to prevent me from doing that if this bill becomes law, and that is wrong. What is right is this body saying no to the political will of the majority and saying yes to the people who actually believe in the Constitution that up until recently I thought governed the actions of the men and women who are privileged to serve in this chamber.

Mr. Speaker, this is a fundamental vote that we shall cast in a short time. It says to the people of Pennsylvania that we do not just respect the political process, we respect the document that governs our actions in this House, and that is the *Pennsylvania Constitution*. Nobody, nobody, be they Democrat, Republican, or other, man, woman, or child, should ever be so bold as to attempt to trample on our Constitution the way they would have us do if we concur in HB 1760.

I respectfully ask my colleagues on both sides of the aisle to do the right thing by the people who sent us here and vote "no" on concurrence of this ill-thought-of legislation.

The SPEAKER. The gentleman from Allegheny County, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise in opposition to the conference report.

The United States of America and each of our States have constitutional governments. Pennsylvania certainly is a constitutional government. Our governmental system is not and should not be subject to the whims of the current majority, and while the laws can be changed quickly and while regulations can be changed quickly, our governmental structure, our constitutional governmental structure, cannot and must not be changed on a whim for a special purpose or a special temporary need.

The Constitution is so important that when we were sworn into office here in the House of Representatives, we swore to uphold it; we raised our right hand to God and we swore to uphold the Constitution of Pennsylvania.

Now, with HB 1760 Conference Report, the Republican majority has unleashed a despicable attack on Pennsylvania's constitutional process. The Constitution does not exist in a vacuum. The affidavit process made it meaningful for the people

of Pennsylvania and brought them into the process. The Republican majority wants to take away the power of the people of Pennsylvania to enforce their Constitution. They want to block the people from the process; they want to take out the affidavit process.

The Constitution, however, belongs to the people of Pennsylvania. The Constitution does not belong to us alone; it belongs to all of the people of Pennsylvania. We must operate under the provisions of the State Constitution. HB 1760 would take away the power to enforce the Constitution as it applies to this General Assembly from the people of Pennsylvania. It would take the people of Pennsylvania out of the process of enforcing their Constitution.

Under this bill, the people could not challenge a candidate for House or Senate who does not meet the requirements of the Constitution of Pennsylvania. Those requirements will be in place in the Constitution but the people will be out of the loop— the people could not challenge a candidate who is guilty of sworn falsification; the people could not challenge a candidate who does not live in Pennsylvania; the people could not challenge a candidate who has not lived in Pennsylvania for 4 years, as required by the Constitution, or been a resident of his district as required by the Constitution. The power that now belongs to the people to enforce the Constitution, the power of meaning and enforcing the Constitution through our court system, will be taken away by HB 1760.

To the people of Pennsylvania we are saying, by HB 1760 Conference Report, that you will not enforce your Constitution against us, your elected servants. This bill says that only we in the House and they in the Senate can enforce your Constitution as it applies to us; we are above your process. And if this bill becomes law, we can indeed ignore the Constitution by a majority vote and then get tied up for years and years and years in court, and that is wrong.

Mr. Speaker, I am adamantly opposed to this despicable assault on the constitutional process of Pennsylvania. Mr. Speaker, a positive vote on HB 1760 Conference Report is a slap in the face of every soldier who fought for the Constitution of the United States of America and the Constitutions of our 50 States. It is an assault on every man and woman who went to battle for our system of government at Gettysburg, at Antietam, on the beaches of Normandy, and at the Bulge, and in the Au Shaul Valley of Vietnam. It is an assault on the rights of the people of Pennsylvania, and I could not stand by without voicing my opinion.

If this was about individuals, I would not be speaking. This is about our constitutional process in Pennsylvania. I swore to uphold it, not just the paper, not just the words, but the entire process, and if you vote for HB 1760 Conference Report, you are again, again the process. Please vote "no" on HB 1760 Conference Report.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland County, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, let us go home now; let us go home right now. If this is the work that we were sent here to do that the majority leader referred to earlier, we do not need to be here on Wednesday, Mr. Speaker; we do not need to be here on Monday or Tuesday or

any other day of the week. We do not need to be here to alter the Constitution of Pennsylvania without the will of the people. This is not the people's work. We need to be in our district today. We need to be going to meetings and knocking on doors and listening to what the people, the 60,000 people that sent us here, they have to say about this.

You know, Mr. Speaker, both sides of the aisle know this is thwarting the will of the people of the Commonwealth of Pennsylvania. To alter the Constitution, we must pass something in two consecutive sessions, advertised in the newspaper, and voted on by the citizens of the Commonwealth. We are setting grave precedent here today, Mr. Speaker. This thwarts the will of the people of the Commonwealth of Pennsylvania, and it is a bad precedent.

### MOTION TO RECOMMIT

Mr. CASORIO. Mr. Speaker, I would like to make a motion to recommit HB 1760 back to committee.

The SPEAKER. Will the gentleman yield.

### MOTION RULED OUT OF ORDER

The SPEAKER. The motion of the gentleman to recommit is out of order. I am referring now to Jefferson's Manual. The other body — the Senate, that is — having acted on it, Jefferson's Manual guides us by saying, "A motion to refer to a standing committee" — this conference committee report — "or to lay on the table is..." — wait a minute. Now, you have to follow the whole sentence before you jump on me. "It is in order on motion to recommit a conference report if the other body, by action on the report, have not discharged their managers...." And under our prior precedence, with Speaker Fineman in the Chair, the gentleman, Mr. Manderino, raised the following question. The Senate, incidentally, has already acted on this particular bill, on this particular conference committee report, and back in 1976 Mr. Manderino raised the following point of order: "Mr. Speaker, would the effect of the Senate having already adopted the conference report affect the decision as to whether or not we could send it back to conference committee?" The Speaker answered, "Indeed it would," and they found against me. I was trying to recommit it, but Mr. Manderino and Mr. Fineman found against me on that day. So I find it out of order at this time.

Mr. CASORIO. Mr. Speaker, could I make a motion then to revert this back to PN 2185?

The SPEAKER. No. That would be the same as an amendment, and you cannot amend a conference committee report.

Mr. CASORIO. I would like to make a motion then to table this HB 1760.

The SPEAKER. Again Jefferson's Manual: "A motion to refer to a standing committee...or to lay on the table is not entertained in the House...." Sorry.

Mr. CASORIO. May I make a motion to suspend the rules, Mr. Speaker?

The SPEAKER. To do what?

Mr. CASORIO. To revert this back to the prior printer's number.

The SPEAKER. No; that would be out of order.

Mr. CASORIO. May I make a motion to — I am working with you here, Mr. Speaker. I do not have the privilege of having Clancy next to me so I have my good friend, the chairman, here, so it is taking me a little bit longer.

I would like to make a motion to suspend the rules, if I could, Mr. Speaker.

The SPEAKER. For what purpose?

Mr. CASORIO. To revert back to a prior printer's number, Mr. Speaker, 2185, if I could.

The SPEAKER. That, too, is out of order. If you like, I will read to you the section. Under Mason's Manual, "Under no condition, including suspension of the rules, may the house alter or amend the report of the committee, but must adopt or refuse to adopt the report in the form submitted."

Mr. CASORIO. Mr. Speaker, what motion would be in order?

The SPEAKER. Adjourn.

### MOTION TO ADJOURN

Mr. CASORIO. I would like to make a motion to adjourn, Mr. Speaker.

The SPEAKER. Until when?

Mr. CASORIO. Until March 9, Mr. Speaker.

The SPEAKER. I snapped that out rather quickly. It would be proper at this time, because of intervening business, I believe, for you to make a motion to postpone to a later time. Mr. Vitali made that motion earlier. It failed, but I believe it can be renewed at this time or you can move to adjourn to a date certain.

Mr. CASORIO. I would like to make the motion to adjourn until March 9, Mr. Speaker, if I could.

The SPEAKER. We are in — I have not announced it yet — but we will be in session on Tuesday for the purpose of swearing in the two new members. Now, I would be pleased to put your question to the House, but I wanted to advise you of that intent on my part.

Mr. CASORIO. I will oblige you, Mr. Speaker, and move that the motion to adjourn be until Tuesday, February 17.

The SPEAKER. The gentleman, Mr. Casorio, moves that this House do now adjourn until Tuesday, February 17, at 1 p.m.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question, the Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, what a difference 7 days make. Just last week there were members on this floor complaining and arguing about us not doing anything, that we had to move forward as a State, that the Commonwealth needed good legislation, and we are here today to do the people's bidding and our friends all want to go home. I do not know what happened in 7 days. Last week we were the rottenest people in the world because we were not here and now everybody wants to go home.

I would strongly urge that the — Mr. Speaker, we may only be swearing in one member next week. There may be objections, Mr. Speaker.

So I would ask for a "no" vote on the adjournment.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair returns to leaves of absence and removes from leave the gentleman, Mr. Gruppo. The Chair hears no objection.

**CONSIDERATION OF MOTION TO ADJOURN CONTINUED**

The SPEAKER. This is not a debatable motion except by the floor leaders.

Mr. DeWeese, do you yield to the gentleman, Mr. Casorio, or do you care to comment on it?

Mr. DeWEESE. Quickly and succinctly, I think our caucus would like to be here often to do the people's business, but we are collectively convinced that we are giving the people the business today, and I guess that is the motivation for the gentleman's enthusiasms.

I would support the gentleman.

The SPEAKER. On the question of adjournment until Tuesday, the 17th of February, at 1 p.m., those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

**YEAS-92**

Battisto	DeLuca	Lescovitz	Santoni
Bebko-Jones	Dermody	Levdansky	Scrimenti
Belardi	DeWeese	Lloyd	Shaner
Belfanti	Donatucci	Lucyk	Staback
Bishop	Eachus	Manderino	Steelman
Blaum	Evans	Markosek	Stetler
Boscola	George	Mayernik	Sturla
Butkovitz	Gigliotti	McCall	Surra
Buxton	Gordner	Melio	Tangretti
Caltagirone	Gruitza	Mundy	Thomas
Cappabianca	Haluska	Myers	Tigue
Carn	Hanna	Olasz	Travaglio
Casorio	Horsey	Pesci	Trich
Cawley	Itkin	Petrarca	Van Home
Cohen, M.	James	Petrone	Veon
Colafrella	Jarolin	Preston	Vitali
Colaizzo	Josephs	Ramos	Walko
Corpore	Kaiser	Rieger	Washington
Corrigan	Keller	Roberts	Williams, A. H.
Cowell	Kirkland	Robinson	Williams, C.
Coy	LaGrotta	Roebuck	Wojnaroski
Curry	Laughlin	Rooney	Yewcic
Daley	Lederer	Sainato	Youngblood

**NAYS-106**

Adolph	Fairchild	Major	Schroder
Allen	Fargo	Marsico	Schuler
Argall	Feesse	Masland	Semmel
Armstrong	Fichter	McGill	Serafini
Baker	Fleagle	McIlhattan	Seyfert
Bard	Flick	McNaughton	Smith, B.
Barley	Gannon	Michlovic	Smith, S. H.
Barrar	Geist	Micozzie	Snyder, D. W.
Benninghoff	Gladeck	Miller	Stairs
Birmelin	Godshall	Nailor	Steil
Boyes	Gruppo	Nickol	Stern
Brown	Habay	O'Brien	Stevenson

Browne	Harhart	Oliver	Strittmatter
Bunt	Hasay	Orie	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Chadwick	Herman	Phillips	True
Civera	Hershey	Pippy	Tulli
Clark	Hess	Platts	Vance
Clymer	Hutchinson	Raymond	Waugh
Cohen, L. I.	Jadlowiec	Readshaw	Wilt
Cornell	Kenney	Reber	Wogan
Daily	Krebs	Reinard	Wright, M. N.
Dempsey	Lawless	Rohrer	Zimmerman
Dent	Leh	Ross	Zug
DiGirolamo	Lynch	Rubleby	
Druce	Maher	Sather	Ryan,
Egolf	Maitland	Saylor	Speaker

**NOT VOTING-0**

**EXCUSED-3**

McGeehan	Pistella	Trello
----------	----------	--------

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

**CONSIDERATION OF HB 1760 CONTINUED**

On the question recurring,  
Will the House adopt the report of the committee of conference?

The SPEAKER. On that question, the Chair recognizes the—  
The gentleman, Mr. Casorio, did you wish to be recognized for some other purpose other than your motions?

Mr. CASORIO. No. I just wanted to follow up on my debate, if I could, just for a brief second, Mr. Speaker.

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

Mr. CASORIO. Thank you.

Briefly, we are here – I wanted to rebut briefly, if I could – we are here to do the people's work and we are here to perpetuate good government. This is not good government, Mr. Speaker. We know it on this side of the aisle. Those folks on that side of the aisle know it, and later on today the 13 million people of the Commonwealth of Pennsylvania will know that we have altered the Constitution, not those folks on our side of the caucus, but the majority of the folks in this House have altered the Constitution of Pennsylvania without the input of the 13 million people. This is not good government. This is a bad precedent, and I would urge all members, all members, to look at this vote very closely.

I urge a "no" vote.

Thank you for your patience, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair is struck by the number of comments about us altering the Constitution here today. We do not have a constitutional amendment before us; we have a House bill before us.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Respectfully, I think that what this bill does – and I am going to wait until later to make my remarks – but I think that it has a fundamental impact that is the exact same thing



that a constitutional amendment would have if we were to pursue that, and I will elaborate on my remarks, but I do not accept the accuracy of the Chair's observations that there is no connection. I think there is an inextricable nexus between the Constitution and the work that we are doing today.

The SPEAKER. Mr. DeWeese, it may very well be that there is such a connection, but the statement I made was to correct the gentleman, Mr. Casorio, when he said we were dealing with a constitutional amendment. We are not. We are dealing with a House bill.

The gentleman, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the defender of the conference committee report? May I interrogate the gentleman?

The SPEAKER. The gentleman, Mr. Snyder, will stand for interrogation.

Mr. HORSEY. Mr. Speaker, we have a process set up through the courts regarding candidates' affidavits. This bill will eliminate that process. Is that true, Mr. Speaker?

Mr. SNYDER. Could you simplify that question again? I am sorry. You said—

Mr. HORSEY. Candidates' affidavits, when they sign off that they want to be candidates and they have lived in the district for a certain amount of time, if an individual from a particular party wanted to challenge that affidavit, he might go to court and challenge that as to its validity. Is that correct, Mr. Speaker?

Mr. SNYDER. That is correct.

Mr. HORSEY. Now, this present bill, HB 1760, will eliminate that process. Is that correct, Mr. Speaker, in that the person cannot go to the courts? And I am no lover of the power of the courts, so, you know, with this part of it, I clearly understand.

Mr. SNYDER. Mr. Speaker, it takes away the requirement to file an affidavit which, under current statute, if you file that affidavit and you provide false information, the courts have an opportunity to review it if it is raised before them. It is a jurisdiction question.

Mr. HORSEY. I understand that, Mr. Speaker. But my concern is, will there be a process that the House will have for the average citizen to challenge that person's ability to hold office or to run?

Mr. SNYDER. Mr. Speaker, I would like to have everybody's attention for the answer to this question, because this has been brought up by several previous speakers.

Mr. Speaker, the most powerful tool that voters have to protect the Constitution and their rights is their vote. What we are doing today is debating whether or not we should make a decision to take away from the people that right and give the courts the opportunity to make that decision. What we are doing today is saying the voters will decide, not the courts.

Mr. HORSEY. Well, Mr. Speaker, that sounds good, but it does not clarify the question, and the question is, will there be a process by this House, if we are taking away the right of the people to go to the courts, will there be a process?

Mr. SNYDER. Mr. Speaker, there is a process in which you will not be able to go to court but the rights of the voters are strengthened because they will make the decision. So we are not taking away rights; we are just taking away a detour that takes away the people's right and privilege to make the decision whether or not that person should be running for that office.

Mr. HORSEY. Okay. I acknowledge that, Mr. Speaker, but hypothetically, if the person should not be on the ballot for some technical violation and he gets the right to be on that ballot, what process will the House have to address that?

Mr. SNYDER. Mr. Speaker—

Mr. HORSEY. I mean, the scenario, Mr. Speaker, is, a person has violated the State Constitution but he is still on the ballot as a candidate. What process will the House have to eliminate that person from being seated?

Mr. SNYDER. Mr. Speaker, under the way it has been, you have a requirement to get so many people to nominate you to be your party's nominee; you then can be elected in the primary to represent that party in the general election. The Federal Constitution, the State Constitution are not being changed. Both Constitutions state that if a person is not qualified to serve, that decision, once the electorate has the opportunity to make that decision, is in this body or the Senate. So the question you are saying is, first the voters have the right to make that decision.

Mr. HORSEY. Mr. Speaker, I will yield on that point, Mr. Speaker.

Mr. SNYDER. What else is left?

Mr. HORSEY. The point, Mr. Speaker, is, if a mass murderer decides to run in a particular district and he or she wins election, the people have spoken. My question becomes, Mr. Speaker, should we allow mass murderers to sit in the House of Representatives? What will be the process to stop him from being seated in these chambers?

Mr. SNYDER. Mr. Speaker, the State Constitution says that is our responsibility to uphold the Constitution. If—

Mr. HORSEY. And my question—

Mr. SNYDER. Can I answer the question? If a person is deemed to be unqualified to serve because they do not meet the constitutional requirements, that they are a convicted felon, then we have the constitutional authority and responsibility to make sure that that person does not sit in this body.

Mr. HORSEY. My question, Mr. Speaker, is, what will be the process to stop them from being seated in these chambers?

Mr. SNYDER. A motion by one member of this chamber to bring it before this House, and this House will make that determination.

Mr. HORSEY. Then that sort of answers the question that there will be a process once we enact this bill.

Mr. SNYDER. That is correct.

Mr. HORSEY. Okay.

Mr. SNYDER. It is a process that has been in effect for 200 years.

Mr. HORSEY. But, Mr. Speaker, you said that we are returning from a process that was invented in 1986. Did that process sidetrack our ability to remove members or just provide us with exclusivity?

Mr. SNYDER. The only issue from 1986 was whether or not your petitions can be denied acceptance by the State because of a false affidavit. That affidavit had nothing to do with your ability to sit in this House. It was a question of your petitions not being accepted. It has nothing to do with changing the requirements of whether or not you are eligible to run for this office.

Mr. HORSEY. So that, Mr. Speaker, under the State laws, the person still needs to live in the State for 2 to 4 years. Is that correct, Mr. Speaker? None of that changes with this bill. The



person still will have to live for 2 years in the State of Pennsylvania, or 4 years.

Mr. SNYDER. Four years; that is correct, Mr. Speaker. The requirements for residency, not to be a convicted — not convicted of certain crimes—

Mr. HORSEY. Infamous crimes; right.

Mr. SNYDER. That is correct.

Mr. HORSEY. Okay. Thank you, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

Mr. HORSEY. May I comment on the conference committee report, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is in order.

Mr. HORSEY. Mr. Speaker, I am going to oppose the conference committee report because — and I am no lover of the powers of the courts. As a matter of fact, I like the idea of taking power away from the court, but in the process of taking it away from the courts, the courts have an organized process for individuals to challenge people's petitions and/or affidavits. This bill takes that away, and in the process of us as a legislative branch taking it away, we have not set up a process that we will have for people and/or individuals to challenge a person's ability to sit in these chambers.

I heard what the gentleman said in that this is the way we will do it, but that is word of mouth, Mr. Speaker. I want to see written down a process that the House will have for not seating a member, and that has not been demonstrated to me today, Mr. Speaker.

So I am opposed to this conference committee report, and I will vote against it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Surra, is recognized on the conference report.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I would ask if my colleague would stand for a brief interrogation.

The SPEAKER pro tempore. Is the gentleman, Mr. Snyder, willing to stand for interrogation? The gentleman indicates that he is. You are in order and may proceed.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, on Monday the majority leader asked that we nonconcur in HB 1760 because of a conflict of dates that would cause problems. Mr. Speaker, was that issue addressed in the conference report?

Mr. SNYDER. Yes, Mr. Speaker. We changed the election provision to conform with what the Senate had done. It was addressed.

Mr. SURRA. It was addressed?

Mr. SNYDER. Yes.

Mr. SURRA. During your earlier testimony, it was brought up that the reason that we nonconcurrent on Monday had not yet been addressed.

Mr. SNYDER. No; that was addressed with the conference committee. And I think, again, the point is not being brought up that there are many, many provisions in this bill, of which that was one of them.

Mr. SURRA. Mr. Speaker, when would be the proper time, if this becomes law, when would be the proper time for someone to

challenge the residency? Would it be after the November election when we are swearing in?

Mr. SNYDER. That is correct, Mr. Speaker.

Mr. SURRA. Then that decision will be made solely by whoever has the majority votes on this House floor.

Mr. SNYDER. Mr. Speaker, I am not quite sure about the question, but if the issue is brought up.

Mr. SURRA. The question is—

Mr. SNYDER. No; wait. Each one of us as a member will have the right to vote to determine whether or not a person is qualified to sit. Many of us were here a few years ago when this issue almost came before the House, and the process would have been to have a motion and to have that motion voted on by each member.

Mr. SURRA. Mr. Speaker, I will ask it again. Swearing-in day, someone questions my residency requirements for the 75th Legislative District. My residency requirements would be decided by the majority vote of this chamber. Is that correct?

Mr. SNYDER. That is correct, Mr. Speaker.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, let us say this passes and the Governor signs this into law and I chose to challenge the residency requirements of my good colleague, Ms. Carone, Mr. Speaker. Would that be allowed tomorrow?

The SPEAKER pro tempore. While the gentleman is considering his answer, the Chair would request that the gentleman not use the names of other members in debate.

Mr. SURRA. I am sorry; I just picked a name out.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. I am getting a little frustrated at this ridiculous sometimes-I-am-going-to-observe-it-and-sometimes-I-am-not-going-to-observe-it attitude of the people at the dais.

The Governor of Pennsylvania in his address used names. He referred to names of people on the floor. He referred to names of people out in the State during his infomercial. If the Governor can use names when he comes in here and sets up his electronic gadgetry uninvited — at least the gadgetry was uninvited — if he can do this, why can we not use names? The British Parliament uses names. And especially if we are only referring to the gentleman from or the lady from, I do not understand why the Republican majority allows the Governor to use names but will not allow us to use names. Would you care to respond?

The SPEAKER pro tempore. Certainly. First, the Governor is not a member of this chamber, and secondly, when he is speaking, we are operating under a joint session.

Mr. DeWEESE. Is the Governor not responsible to the rules of this chamber?

The SPEAKER pro tempore. No, sir.

Mr. DeWEESE. He is not?

I believe, Mr. Speaker, that a basic fairness has been ruptured. I certainly believe that if the Governor can use names, it should go in the House record that members of our General Assembly should be able to use names.

The SPEAKER pro tempore. Mr. Surra.

Mr. SURRA. Thank you.

And I just want to clarify, my using of the gentelady from Butler was in no means meant to be— She is, I consider to be, a friend of mine.

Mr. Speaker, did you get your answer yet?

Mr. SNYDER. Mr. Speaker, once the members of this House are seated, the other process to follow would be expulsion of a member, which I understand would require a two-thirds vote.

Mr. SURRA. So then the only time I could really challenge the residency requirements would be on swearing-in day of that individual, and it would have to require a simple majority of this chamber.

Mr. SNYDER. Mr. Speaker, that is my understanding.

Mr. SURRA. Okay. Thank you.

Then what would happen, Mr. Speaker, let us say someone from Texas or California would file their nominating petitions, Mr. Speaker, in a primary election. When would be the time to challenge that? Someone that was obviously living in California, Mr. Speaker, or in the Lehigh Valley or Delaware County filed in Elk County, Mr. Speaker, when would be the proper time to make that challenge?

Do you want me to repeat it? Mr. Speaker, let us say, for instance, someone filed petitions to run against myself in the 75th Legislative District that was born and raised, still living in California at this time, Troy Aikman from Dallas, or someone from Delaware County, Mr. Speaker. When would be the proper time to challenge that falsification?

Mr. SNYDER. First of all, Mr. Speaker, this bill before us would not take away the authority or the process of challenging a nominating petition. We are taking away the process of challenging an affidavit. Therefore, if there is any false information on the nominating petition, that can still be challenged.

Mr. SURRA. Mr. Speaker, when would be the proper time to challenge the residency requirements if someone got in a primary against any one of us, any one of us, Republican or Democrat, when would be the proper time to challenge that residency? Would it be after the November election, Mr. Speaker, or could we have some recourse prior to that?

Mr. SNYDER. Mr. Speaker, I think, to the previous speaker from Philadelphia, my response is the same as I have said several times. We are giving the decision in determining the qualifications of a candidate back to the people. We are allowing them to make the decision whether or not in the electoral process they wish to support that candidate. However, the constitutional requirement of residency and other requirements to be qualified to sit in this House has been, does, and will always rest with this body unless we amend the Constitution.

Mr. SURRA. Mr. Speaker, hypothetically speaking, the Republican majority of 104. I am duly elected in November, born, bred, and raised in Elk County for the 44 years that I have lived in Pennsylvania, and someone goes and challenges my residency, and the vote was 104 to whatever that I am not a resident of the 75th Legislative District. I would then not be able to be sworn into my seat.

Mr. SNYDER. Mr. Speaker, that is the way the Constitution is set up. Now, what you could do, under that hypothetical, is then go to court. Once this body has made a decision, you could then go to court and say, my constitutional right to be a member of this chamber, because I do meet those requirements, has been violated. Then the courts will step in and make a decision, but the initial determination of determining qualifications is the House and the Senate.

Mr. SURRA. Is that under current law right now, Mr. Speaker?

Mr. SNYDER. That is the constitutional law in this Commonwealth today and will be tomorrow.

Mr. SURRA. Mr. Speaker, is that current law right now?

Mr. SNYDER. It is the Constitution. It is not— It is basic. We cannot change that unless we change the Constitution. We are not changing the Constitution. I do not know how else to answer the question. The statute only requires an affidavit to be followed and gives someone the right of that person's party to object to that affidavit. We are taking away, under this proposal, the mandate that an affidavit be filed, and if you take away the requirement for an affidavit to be filed, therefore, there is nothing for the person to object to. That is the only issue before us. The Constitution remains the same as it has always been.

Mr. SURRA. Well, Mr. Speaker, then the difference between what is constitutional law is the same; I agree with that, but what this change will do then is, under current law, you could challenge someone prior to them running for election and possibly duping the voters and duly then being sworn in. You would have to wait until after the November election to make that challenge, which I believe is what you said, or is that what this change will do?

Mr. SNYDER. That process you just described has been the same process that has always been available. Most people challenge— You know, most people are not challenging the affidavit. People are challenging the nomination petitions; they are challenging whether or not the people who signed are actually registered voters. I mean, there are so many ways to challenge the technical filing process to become a candidate. We can change those laws tomorrow. In fact, since I have been here, we have doubled the number of signatures required on a petition. Those are "performance standards," if you want to use that as a term, to become a candidate on the ballot. We are talking about— What you are talking about is questioning whether or not we change the ability to become elected to this House, and we are not changing that with this bill.

Mr. SURRA. Under current law, Mr. Speaker, I believe, and correct me if I am wrong, you can challenge someone for lying on their residency requirements through the courts, and this will change that, will it not, Mr. Speaker?

Mr. SNYDER. Mr. Speaker, I have been asked the same question now, and I really think this is the last time I am going to answer it because I do not know how else to answer the question. The statute requires an affidavit currently, and if you provide false information on that affidavit, yes, what you are going to court for is saying that that person lied on the affidavit. That is the only thing that we are removing from current statute.

Mr. SURRA. Okay. Thank you, Mr. Speaker.

If I may, on the bill on concurrence.

The SPEAKER pro tempore. The gentleman is in order.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, the court case that we are all talking about that occurred in the mideighties was a Republican-sponsored bill, a Senate bill, that came about because the courts had no jurisdiction over these issues, and it passed overwhelmingly, Mr. Speaker, in both chambers to fix something that was not right, and I believe and I think everybody, if you want to be honest, believes that that is the way we should do this.

Now there are circumstances that have come up, and I feel sorry for my colleague who has to endure this debate, but what we are doing here is fundamentally wrong. You know, this change will place politics into deciding who is the resident, and frankly, the Republican Party can decide if you are a resident of your seat or not right now in this House. Under this change, Mr. Speaker, a welfare recipient has tougher residency requirements in trying to collect welfare than someone would have for running for the General Assembly, and I believe that is absurd.

I cannot believe that we are all going to line up and vote our party lines on such a serious public policy change. I know on that side of the aisle there are good legislators who ran for office on good principles, trying to do the right thing. We swore to uphold the Constitution, and I cannot believe, in good conscience, that we are all just going to vote party line on this, because this is inherently, patently wrong.

I know when debates get long like this, everybody has their mind made up. Well, I would ask that you reconsider and please vote to nonconcur.

The process, the way we are doing this, stinks. When we voted on SB 200 when this language was in it — you all remember that one — we voted it at 1:30 in the morning along with a stack of bills about this high that the Governor eventually vetoed because it made it more difficult for independents to get on the ballot. So that was a public embarrassment. So now we are back again. We nonconcur because, according to the majority leader, of a date problem on Monday, a 3-page bill, and now it comes back as a 56-page bill with very serious changes in how we run this place and how we can dupe the voters, and now today, here we are a couple days later, we are voting on this. That is not the way to do the people's business.

Mr. Speaker, I implore my colleagues on the other side of the aisle to let us do what is fair and right here. Let us allow redress through the courts like the change that was made to fix the problem back in 1985. That is why they changed it, because what it was like before that was wrong, and now we are going down that road again, Mr. Speaker.

Mr. Speaker, I ask that you please vote against the conference report for this bill.

#### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and notes the presence in the hall of the House of the gentleman from Philadelphia County, Mr. McGeehan, and directs the clerk to add his name to the master roll.

#### CONSIDERATION OF HB 1760 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

Mr. Speaker, we have heard member after member after member today come up to the podium in an attempt to confuse this issue. Now, I am one of the members that serve as a nonattorney, but I look at Article II, section 9, of the Constitution, the basic governing document of this great Commonwealth, and it is clear, crystal clear, in that last sentence who, by virtue of the Constitution, makes the determination of who is seated in this

chamber. And I am just going to read that last sentence one more time, and it says, "Each House shall choose its...officers, and shall judge of the election and qualifications of its members." I do not see how it could be any clearer than what I just read.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Williams, is recognized on the conference report.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the gentleman from Lehigh County stand for a period of interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will. You are in order and may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I will attempt not to repeat some of the same questioning, but if I happen to err, please be tolerant.

Mr. SNYDER. I appreciate that. Thank you.

Mr. WILLIAMS. The nominating petition which we have talked about—

The SPEAKER pro tempore. The Chair apologizes to the gentleman. Will the gentleman repeat his request.

Mr. WILLIAMS. I am just waiting so I can hear myself; that is all, Mr. Speaker. I recognize that this has been a lengthy debate and I recognize that some of the attention span of some of the members may be strained, but nonetheless, I do believe it is important, Mr. Speaker.

The SPEAKER pro tempore. The House will come to order. There are a number of conversations in the side aisles. They will please break up. This is a long debate. There are currently over 20 members waiting for recognition, and it will not get any shorter if we are delayed by things like this.

The Sergeant at Arms will break up conversations.

Mr. Williams, you may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

The nominating petition which we have spoken of earlier today, is there a section that speaks specifically to being a convicted felon or a resident?

Mr. SNYDER. Is there a provision—

Mr. WILLIAMS. Under the process that we will be reverting to, in the documents that we sign as a candidate, is there something that speaks to if you are a convicted felon or a resident?

Mr. SNYDER. Do you mean under current law or this proposal?

Mr. WILLIAMS. No; no. Under the proposal.

Mr. SNYDER. Under this proposed law, the affidavit that you have to sign that would state that you— In fact, the statute sets forth what you have to claim in the current affidavit. The affidavit would state that to be a Representative in the General Assembly, you would affirm that you will be 21 years of age on or before the first day of the term for which the candidate seeks election; that the candidate has been a citizen and an inhabitant of Pennsylvania 4 years and an inhabitant of the respective district in the year next before the election; and that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime. The requirement to sign that affidavit would be deleted from current statute.

Mr. WILLIAMS. Okay. So under the proposed law, what, if anything, is there that we have to sign to attest to the fact that we are not a convicted felon?

Mr. SNYDER. There is no formal process, but I would assume that if you are one, your opponent is going to bring that to the voters' attention.

Mr. WILLIAMS. I understand that, but all I am asking is about in this proposed— Because under the current system, there is a statement that says — that you have to make legally — that says you are a convicted felon. We are deleting that.

Mr. SNYDER. That is correct.

Mr. WILLIAMS. So theoretically, a convicted felon could run for public office, and until the point in which you are sworn in, that will not be a factor, other than the public discussion about it, will not be a factor by law, the standard of law, to that point.

Mr. SNYDER. Mr. Speaker, even signing that affidavit does not mean a convicted felon cannot run for office. It is just that what we are doing is taking away the opportunity for someone to raise that issue prior to that person getting on the ballot.

Mr. WILLIAMS. No; unfortunately, we are able to raise it to a legal standard. We are able to take them to court, because they perjured themselves.

Mr. SNYDER. Your question was, could a convicted felon run for office—

Mr. WILLIAMS. You are right; I apologize.

Mr. SNYDER. —and I am saying a convicted felon—

Mr. WILLIAMS. They could not lie; they could not lie. They would have to affirm that they are not a convicted felon and that that would arise to the point prior to the election that they would have to speak to that fact. Am I right?

Mr. SNYDER. And an affirmation itself does not mean that that person is telling the truth.

Mr. WILLIAMS. Oh, clearly; that is why we go to court.

The other item is this: We have heard a lot about the rights of our constituents and the rights of Pennsylvanians, and I have heard, frankly, on both sides of the aisle that this is an issue of the Constitution, and I believe I heard even from your own mouth that the rights of the citizens would be preserved because they would be able to make a claim and come here and there would be a debate about that issue. Is that correct?

Mr. SNYDER. That is correct, Mr. Speaker.

Mr. WILLIAMS. Now, I am not an attorney, but I want to make sure that I have an understanding of what "rights" means. I believe that anyone who has been talking about that to this point, including yourself, has been talking about rights as described and articulated in the Constitution.

Mr. SNYDER. The Constitution provides the voters with the right to nominate members of their party for an office and then to elect those—

Mr. WILLIAMS. No; I am not talking about in the context of this specific issue. I am just saying—

Mr. SNYDER. Well, you said where do the voters get their rights. Is that not what the question—

Mr. WILLIAMS. No, no, no, no, no; no, no, no. I am just being clear. When we are speaking of the issue of rights, and including yourself, I am assuming you are referring to rights as described or articulated within the Constitution of Pennsylvania.

Mr. SNYDER. Yes, Mr. Speaker.

Mr. WILLIAMS. Okay. And all of those rights are prescribed as articles of law.

Mr. SNYDER. Are prescribed what?

Mr. WILLIAMS. All of those rights which are in the Constitution are prescribed as articles of law. In other words, we passed that, and anything you are saying is a right and I am saying is a right is not just our opinion; it is a matter of the law because we put it in the Constitution.

Mr. SNYDER. The rights do not necessarily have to be in statute. The rights of the Constitution are there and are protected with or without a statute to implement them.

Mr. WILLIAMS. No; my point is, the Constitution exists as a part of law.

Mr. SNYDER. That is correct.

Mr. WILLIAMS. And therefore, anything we are talking about — anything; when you are talking about rights, et cetera — we go to court if there is a challenge of that law. You either end up in court because you broke the law or you end up in court because you believe somebody else broke the law or someone abridged your rights, which is a part of the law.

Mr. SNYDER. The rights and remedies for someone violating a law are what we do on a day-to-day basis here. When we write the statute, first we define what is right and wrong, and then we define what the remedy is.

Mr. WILLIAMS. Right.

Mr. SNYDER. Sometimes the remedy is going to court; sometimes the remedy is some other course of action. It depends on how we, through our legislative responsibilities, define it.

Mr. WILLIAMS. No. Unfortunately—

Mr. SNYDER. But what we cannot alter is the Constitution.

Mr. WILLIAMS. Wait, wait, wait. Unfortunately, it is not how we interpret it when it comes to the Constitution. That is an art form that we do activitywise on this floor, but the reality is, when it actually gets challenged, it comes before a court. So it is not an art form; it is a constitutionally prescribed, they are constitutionally prescribed remedies which are products of law that we passed. We establish the standard, and the standard is the law, and the law resides before the court. And I just want to make sure that what you are saying today is reflected on this record, because we keep bantering about — Democrats and Republicans, by the way — keep bantering about when we are talking about the rights of citizens. The rights of citizens is the Constitution. The Constitution is something we have adopted and supported and put into law and is preserved by the courts of this Commonwealth. Now I am hearing something, and I want to make sure that you are agreeing with it; that is all I want to make sure.

Mr. SNYDER. If an individual citizen's rights are violated by the Constitution, that is why we have the judicial system to go to court.

Mr. WILLIAMS. Right.

Mr. SNYDER. That is correct.

Mr. WILLIAMS. All right. And today we are suggesting that, you were suggesting that the end of all was no longer going to be the courts; it was going to be us as if that were to be better. So I am trying to understand why everything else that falls under the Constitution as far as everybody's individual rights, we should take that eventually to the courts if we cannot resolve it, but for some mysterious reason, now this is a better place to do that. So I need to clarify that.

Mr. SNYDER. Mr. Speaker, what I said was, the voters of the Democratic or Republican Party or a third party have the fundamental right to elect their Representatives to government.

What the affidavit process did was preclude a candidate from ever getting on the ballot to allow the voters to make that decision in terms of whether or not that is a candidate that they would like to have represent their party. That is a totally different issue than whether or not that person is qualified to be seated in the legislature, and the courts have recognized that the affidavit has nothing to do with whether or not you are qualified to sit in the House of Representatives. The only question is, did you lie on the affidavit?

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. DeWeese, rise?

Mr. DeWEESE. If the gentleman will yield for 30 seconds.

The question is if you lied on the affidavit, and if you lied on the affidavit, the courts would intercede. You are trying to eliminate that process.

Mr. SNYDER. Is that in the form of a question?

The SPEAKER pro tempore. The gentleman is under interrogation. The gentleman, Mr. Williams, may proceed with his interrogation.

Mr. WILLIAMS. Thank you for the assistance.

Now, the point is this, and you have said it, and I am counting the times; you said it four different times. In our interrogation you said it twice. The courts — and I have said it, and I have allowed you to, you know, interpret my criteria — the courts exist as a remedy, and they remediate or arbitrate differences as we have established by law. In this process, I tried to get from you again why, if someone perjured themselves, lied, or frankly are not what they said that they were, why the courts are now a lesser place to take that problem?

Mr. SNYDER. Mr. Speaker, we have members of this House who may have lied on their affidavit but were not challenged by it. We have members who perhaps should not have been seated in this House, but until they are challenged, there is no need for a resolution of a problem. What we are saying is, the process of raising challenges is one where there might be opportunities to raise it. An affidavit does not mean that ineligible people could never, ever serve in this chamber; it is the process, and we are just saying that we are taking one step of challenging that out. Because that has been successful for almost 200 years, this House has functioned properly, and I do not really see much difference between 1986 and today with the way we deal with it. What we are saying is, let the voters decide on their own without the court stepping in before they even have a chance to have that person on the ballot. But if that person is ineligible to be seated here, we have the authority under the Constitution to deny that person if we can justify that they have not met those requirements.

Mr. WILLIAMS. Now, the gentleman from Lehigh has been at the mike for some length of time today, and I recognize that at certain points during the course of the day, he has become a bit intolerant and, frankly, a bit impatient when people have repeated the same question. I have intentionally not repeated the same question, but now you are beginning to repeat the same answers, and therefore, I am not getting the answers to the questions that I am asking.

Mr. SNYDER. Well, Mr. Speaker—

Mr. WILLIAMS. And the question— Wait; let me, let me—

Mr. SNYDER. —I cannot finish my answers.

Mr. WILLIAMS. Can I finish my statement?

Now, all I am simply saying is that the questions I am asking, I really deserve some answer to. That is all I would like to have. And some of the other questions which have preceded this are certainly consistent with some of the answers you are giving. I am trying to get to people's rights in Pennsylvania, and I want to make sure today that we are not stripping people's rights in Pennsylvania, and if we are not, then I would like to know why we are not. And the last time I checked, and everything I have asked you is, the most objective, the higher standard, by all the work that we do every day, is the law, and the law is what separates us from vigilante activities or subjective activities, and now I am trying to find out from you, because we made a change in 1986, which I thought increased the standard, whether you take some action now or later on, why we are now reverting back to that process.

So I have asked you four times, what makes this a higher— I do not care whether we did it 200 years, 400 years, or 600 years. That is irrelevant. It may have been wrong all 400 years and it is still tainted with subjectivity. So I am trying to find out again, what are we doing as human creatures to prevent our partisan, our biased, our ignorant behavior from being the overriding activity of the day? Why is this now a better thing that we will revert back to as opposed to keeping what we already have? That is what I would like to have the answer to.

Mr. SNYDER. Mr. Speaker, let me answer it this way. I started out a few hours ago reading from a court opinion dealing with the petition of Roxanne Jones, a candidate for the State Senate. The Commonwealth Court had substantiated that Ms. Jones had not met the residency requirements. The Supreme Court overruled that decision, saying it was up to the legislature. The people of that district elected Roxanne Jones to represent them.

The Senate could have, if they wished, based on the information that had already been presented to the Commonwealth Court, refused to seat her. I was not a member of the Senate, but I can only speculate that they felt that if the people of that legislative district chose to elect her to be their representative, they were not going to override that decision. That was a decision made by that chamber.

The same thing applies here. If a person wants to run for office, I believe the first line of protecting the Constitution lies with the people, and we have to assume that that knowledge or that information would be available to them. That is what the whole political process is. But yet, if it is a question of meeting those requirements, we are the final arbitrators of that decision. That is the process we follow.

Mr. WILLIAMS. So we are suggesting, you are suggesting the logic I should follow is that if the will of the people in a given district on a given day in a given moment for a kid, if he raises enough money, if he is a big-time drug dealer who resides in that district and was convicted of that and came before us and, theoretically, gave out enough money or influence, all of a sudden, the heck with the courts; we should decide whether the person stays or not. Is that the logic you are trying to get me to buy into?

Mr. SNYDER. Mr. Speaker, that is why we have separation of powers. This is the legislative branch. We need to be able to control, as we do adopt our own rules, we need to be able to be the ones that determine the upholding of the Constitution. If someone feels that that Constitution is not being upheld, they always have the right then to go into court. But it first must start here.

Mr. WILLIAMS. I just want to be clear, and just answer that question before I ask another one. Are we saying that— Give me an answer to my question — okay? — because I can say, well, let us talk about checks and balances to your separation of powers. I mean, let us not get into a civics lesson right now.

The point I am making to you is, you are saying to me that if somebody of ill character shows up — and I used a drug dealer — a convicted person shows up, the courts do not have anything to do with it — all right; the Governor has nothing to do with it — we are the final arbiters. That is the logic you want me to agree with. Is that what you are saying?

Mr. SNYDER. That is what I am saying, Mr. Speaker, and—

Mr. WILLIAMS. All right. And to remove that person — one person raises a challenge — how many actually have to vote to remove the person?

Mr. SNYDER. It is my understanding it would be, with that type of challenge, a majority of the members of the chamber.

Mr. WILLIAMS. Just a simple majority of the members of the chamber.

Mr. SNYDER. That is correct, Mr. Speaker.

Mr. WILLIAMS. But also if we have in our midst today someone who has violated the residency or any qualification issues, in other words, when and how would one bring the challenge?

Mr. SNYDER. Mr. Speaker, as I said before, if you determine today that someone sitting in this chamber does not meet the requirements, then the only process available, once they have been sworn into the office, is to expel them, which requires a two-thirds vote.

Mr. WILLIAMS. Okay. And how do we do that?

Mr. SNYDER. Mr. Speaker, I did not research enough, and since I am not familiar with any proceedings in this chamber that have done that, I would assume it would be the same way you would any other function. It would be the responsibility of someone to present to this House information concerning that, put it in the form of a resolution, and a two-thirds vote of that resolution would be required to expel that member. That is my understanding. It might be a little bit more complex than that.

Mr. WILLIAMS. Can I get a guarantee from you today that if we present and when we present information that someone violated the constitutional requirements, that we will actually have the ability — please do ask — that we will have the ability to get that resolution to the floor?

Mr. SNYDER. Mr. Speaker, that is speculation on—

Mr. WILLIAMS. No, no, no; that is not speculation. I said when we, and we will, because we do have the facts and the evidence that there is a person in this chamber that did not meet the qualifications, that got past the standard, sits here today, and deserves expulsion based upon what you are saying to me. So I just want to be clear that we will have the opportunity to do that, and it will not get buried in a committee process. Will we have and will we have a guarantee from you today and your leadership that we will be able to do that, present that evidence to the House?

Mr. SNYDER. Mr. Speaker, I cannot answer that now without additional information.

Mr. WILLIAMS. What additional information do you need? What additional information do you need, Mr. Speaker?

The SPEAKER pro tempore. Is the gentleman no longer willing to stand for interrogation?

Mr. SNYDER. Mr. Speaker, we have gone beyond questioning what is in this legislation. The interrogation should be designed— I am willing to answer questions about what is before us in HB 1760. Anything beyond that is far beyond the context of this debate.

Mr. WILLIAMS. Mr. Speaker, since the gentleman feels uncomfortable with the nature of the question, I will close out my brief period of interrogation and ask the Chair the question that the gentleman could not provide.

What proceedings do we need to put in place today before the House for the process of expulsion?

The SPEAKER pro tempore. That is not a proper inquiry of the Chair, and the gentleman is not permitted to put the Chair under interrogation. You are entitled to raise points of parliamentary inquiry.

Mr. WILLIAMS. Well, I do not believe I am trying to interrogate the Chair; I am simply asking a question of the Chair.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Does the gentleman wish to raise a point of parliamentary inquiry?

Mr. WILLIAMS. Absolutely, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman state the point.

Mr. WILLIAMS. The point is, Mr. Speaker — and I cannot hear myself — the question is, what is it that we need to do to put in place the process that was described, and that is the process of expelling a member that did not meet the criteria, that apparently was sworn in, breaking the laws of this Commonwealth?

The SPEAKER pro tempore. That is not a proper question for the Chair.

Mr. WILLIAMS. Okay. Well, how should I phrase it to get my answer and the method that I need to go to get— The point is that the Chair does provide all the answers to the House, and we do try to follow the rules, and I am certainly trying to follow that. So what is it that I need to do in order to get an answer to my question? It was not me who brought it before the House; it was the gentleman from Lehigh County, and so I am trying to follow up on the facts so that the people of the Commonwealth can be better served.

The SPEAKER pro tempore. If the gentleman is dissatisfied with the answers he received from the gentleman, Mr. Snyder, he may search elsewhere; for example, your caucus counsel, Judiciary Committee counsel. The gentleman has answered the question.

Mr. WILLIAMS. No, the gentleman did not answer the question, and I reverted to the Chair, and so I am trying to find out from the Chair exactly what it is that we need to do or an individual member needs to do once they find evidence that a member has violated the rules of this House and is in a position to be expelled. It is not the first time that this question has been raised on this floor, and we can research that right now to prove that. So all I am asking is the answer to that process.

The SPEAKER pro tempore. The Chair has again consulted with the Parliamentarian, and that is not a proper question of the Chair.

Mr. WILLIAMS. Okay. Let me—

Mr. DeWEESE. Mr. Speaker?

Mr. WILLIAMS. The gentleman will yield.



The SPEAKER pro tempore. For what purpose does the gentleman, Mr. DeWeese, rise?

Mr. DeWEESE. To interrogate the Chair.

The SPEAKER pro tempore. The Chair is not going to stand for interrogation. Do you wish to raise a point of parliamentary inquiry?

Mr. DeWEESE. You can nitpick, Mr. Speaker, on interrogation or a query; I just want to ask our nonpartisan Parliamentarian a question.

The SPEAKER pro tempore. That is also not proper. You can ask it of me.

Mr. DeWEESE. Mr. Speaker, would you ask the nonpartisan Parliamentarian what this young man needs to get the information he so desires? We pay a nonpartisan Parliamentarian to give us some help on the rules. The gentleman from Philadelphia has asked for some help in a comparatively arcane, inscrutable parliamentary question, and you are stonewalling him.

Mr. PERZEL. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Perzel, rise?

Mr. PERZEL. Mr. Speaker, if we want to question the qualifications of members, if that is what this is about today, we have a member here who has not lived in his district for about 15 years. Maybe we ought to start looking at that, Mr. Speaker. We have another member here, another member here—

The SPEAKER pro tempore. Will the gentleman—

Mr. PERZEL. —who has pleaded guilty to a felony. Maybe we ought to ask—

The SPEAKER pro tempore. Will the gentleman, Mr. Perzel—

Mr. PERZEL. —for the impeachment process for him, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman, Mr. Perzel, suspend, please.

Mr. PERZEL. There is a lot more, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker?

### THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The House will come to order.

The matter before the House is the adoption or the rejection of the Conference Committee Report on HB 1760. That is what is before the House.

On that question, the Chair recognizes the gentleman, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker?

The SPEAKER. Yes, sir.

Mr. WILLIAMS. The gentleman was in the process of asking through the parliamentary inquiry process some specific questions. I do not know if you heard them or not.

Is it appropriate at this time to make a motion regarding expulsion of a member so the hearing process can proceed?

The SPEAKER. Mr. Williams?

Mr. WILLIAMS. Yes?

The SPEAKER. Your question, to be answered fully, I believe would take some minutes of research, and without going into that, it is the opinion of the Chair and the Parliamentarian, without recessing the House for a moment to do that research, that an expulsion proceeding should begin by a written resolution.

Mr. WILLIAMS. Thank you.

And that resolution, is that resolution able to get to the floor without going through a committee process?

The SPEAKER. No; that would go through Rules.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I want to conclude my—

The SPEAKER. The gentleman is recognized.

Mr. WILLIAMS. Thank you for the applause.

I believe that, frankly, what we are witnessing in my brief period of interrogation, because the Constitution of this Commonwealth has survived for hundreds of years, that we are witnessing, frankly, what we will resort to when challenges of this nature arrive before us as a body. We will hunker down not in the interests of all Pennsylvanians; we will divide ourselves on party lines. We will move to protect those that we believe to be weakest within our respective bodies, and we will claim indifference, ignorance, or tolerance of wrong as the winner of that day.

I am not sure how anyone can explain how reverting back to something in a society is progress. And I will tell you, for the minorities who are in this chamber, the women on both sides of the aisle who are in this chamber, there was a time when women were not allowed in this chamber, and that was considered a good thing, and there were people who actually believed that to be a good thing, and I am not sure that I want to revert back to those good old days.

I am not sure why anyone who understood how the courts preserved the rights of us who were not allowed to get into this chamber, because those who were in this chamber were certainly using subjective judgment, and the courts were the only saving grace, how anyone could stand at a mike and suggest that the courts are a bad thing. And that has nothing to do with your political stripes; that has everything to do with your character as a Pennsylvanian.

This is a sad day, a sad day for everyone who sits in this chamber, and I believe that there are certainly people on the side of that aisle who will go home and face some very difficult questions. And I want to assure you that with this change, we are going to make sure some of those questions are asked, because some of us might even register in some of those districts, knowing full well we are lying about where we live and the communities from which we come. But do you know what? All the rules are off now, and we are doing it in the daylight in front of cameras, so I am grateful that that part is occurring. And God knows, I hope my children are not watching. I hope my children are not watching, because this certainly is a despicable act and an egregious act, but apparently it fits with the tenor of our political times. Whatever is good for me, that is what I want to do. Whatever provides for me in my circumstance, that is what I am going to do. Rules and laws were written for a reason, and that is so civilized society will at least follow something. But if we as the protectors of that decide to throw that out because we got a buddy who does not comport with the rules, well, then woe be us all.

I will tell you this: As a kid growing up in Philadelphia County, there were people, friends of mine, who decided to become gang members. They broke some laws, and they went to jail. I made a choice: I decided not to partake of that activity. I decided not to break those laws. And by the way, when someone came looking for them because they broke those laws, I did not protect them. I told them exactly where they sat. I told them exactly from where

they came. I told them exactly where they were residing. I suggest some of you think about that today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Raymond.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Conference Report on HB 1760. We have heard a lot of debate today on numerous parts of the conference report, mainly about one provision, but there are many provisions in this that we all supported before, that we all would like to see enacted into law, that are all very valid things we want to do.

I also support the section that seems to be the controversial point here. This body voted, I think it was 140 to 55, for the same provision some months ago. Now all of a sudden people want to change that, and I just point back to Article II, section 9, of the Constitution where it says this House shall judge on the election and qualifications of its members.

So clearly it is a separation of powers between the courts and us. I think it belongs here in this chamber, and I fully support it and urge everyone to do so. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I want to try to clarify a few issues, and I know this debate is getting long, so I am going to try not to cover ground that has already been covered. And I think all of us in this chamber have a pretty good understanding of the issue, but I think I want to try to clarify the issue a little bit for the public who may be viewing this today, and to that end I want to ask if the gentleman, Mr. Snyder, will consent to a brief interrogation.

The SPEAKER. The gentleman, Mr. Snyder, do you consent to be interrogated?

Mr. SNYDER. Only if it is new and original questions.

The SPEAKER. Mr. Gruitza.

Mr. GRUITZA. Well, it is a little new, I think. It is a little different spin.

Mr. Speaker, the language that has been the topic of debate here throughout the afternoon really is language that is being deleted from the legislation at the bottom of page 14 and then going on to page 15 of HB 1760, the conference report.

Now, the language that is in here that is being deleted, essentially it says, "In cases of certificates for candidates for the General Assembly, the candidate's affidavit shall state...that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania;..." and it goes on. Essentially would you agree with me that the language that is being deleted here that is required by this candidate's affidavit pretty much mirrors the language that is contained in our State Constitution?

Mr. SNYDER. Yes; it does.

Mr. GRUITZA. My question then is, what interest is being served in this legislation to delete this requirement of a candidate for public office? What public interest is being served by the deletion of this language?

Mr. SNYDER. Mr. Speaker, it is the same question but just repackaged.

We could have affidavits for everything; you know, that I affirm, that I uphold every law and everything else. It is just that what this particular section of the code does, it provides an opportunity for the courts to intervene, and as I said, the courts themselves had determined that even with this provision in the law, they are not determining whether or not someone is qualified to serve in the office that they seek; they are only determining whether or not they falsely signed the affidavit. The Constitution says we have the only authority to determine who is qualified to serve or not, and it removes an impediment from the electoral process that allows the people to decide first who they would like to nominate to represent their party rather than a process that may keep those people from even getting onto the ballot.

Mr. GRUITZA. Okay. I am going to repeat this, because I do not think— I want to know what public interest. We are here today — and this long debate is going on — to do the public's bidding, to protect the public interest.

Mr. SNYDER. Mr. Speaker, I think, as I stated, I believe that the constituents of Senator Jones were satisfied to have her as their representative. Perhaps if this affidavit requirement had been in existence when she filed her petition, she would never have had the opportunity to serve the people of Philadelphia. The decision of whether or not to judge her for qualifications was really rested in the Senate, and the Senate made a decision to allow her to remain in the Senate by not moving a resolution to prevent her from sitting. That is the public interest, by giving the voters the opportunity to make that decision based on the truth of a person who runs for office, assuming that they— We have to assume that whenever we do anything, that we are being law-abiding citizens, that we are upholding the Constitution, and that underlying assumption should be there when someone seeks office for the State House or the State Senate, and the public interest is that we are taking the courts out of that process from a very limited scope to allow the electorate to make that decision whether or not that person is first qualified, and then we are the ones that ultimately have to make the decision on the constitutionality.

Mr. GRUITZA. So then the advocates for the deletion of this requirement, this affidavit, are doing so on the basis that in so doing, they are limiting an individual's right to petition a court for redress under the theory that someone does not comply with the appropriate articles of the Constitution, that they in fact do not fulfill those requirements.

Mr. SNYDER. That is right, Mr. Speaker. The recourse that that voter has is the court of public opinion through the electoral process.

Mr. GRUITZA. Mr. Speaker, can I speak on the measure?

The SPEAKER. You may. The gentleman may proceed.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, there has been a lot of debate here today on this, and I want to just touch on a few points, because early in this session my leadership saw fit to appoint me as the Democratic minority chair of the State Government Committee, and that committee has traditionally and historically had the obligation, the duty, one of the duties of our committee is to review legislation that affects the Election Code, and there has been some discussion here that in its first pass through this legislature, that this bill passed with this language in it.

I want the members here to know that at no time was this issue ever brought up in our committee, that when this report, when that



bill came over, the paper was still warm. We were up with my staff frantically looking through to try to determine what changes had been made by the Senate, and it went through, and there were some obvious glaring mistakes made here. And so the fact that — this has been mentioned several times — the fact that that happened and that we are here aggressively debating that perhaps earlier we made a mistake is certainly not a cogent argument for passing this measure as it stands.

It has been said that what we are doing here is giving the voters more power by empowering them to vote for candidates, and I do not want to, I cannot really quote the gentleman but I can sort of paraphrase what he said, that this is their strong constitutional protection, that they can protect their constitutional rights by voting. Well, voting is a constitutional right, and when a person fulfills the requirements that are set forth by law to vote, they can exercise that right. But the bottom line, and any constitutional scholar, and I do not hold myself out to be one, is that when there is a constitutional issue, that people have the right to redress in the courts of law, and to suggest here that this issue belongs in this chamber, that this issue does not belong before the courts, I strongly disagree with. It has always been the courts who have been the defenders and protectors of the Constitution, and they have every right to look at these issues and determine if the appropriate articles of our Pennsylvania State Constitution have been upheld.

This is a very important, not just political issue here; this is an important constitutional issue, and it impacts on what the courts can and cannot do in dealing with situations where things may have been done improperly. I, for one, cannot see any reason why a candidate for office should have any fear, why anybody in this chamber should have any fear, of signing an affidavit, and an affidavit, as far as I understand it to be, is a sworn statement attested to to be truthful, subject to the laws of the State, that they have complied and that they are qualified under the appropriate articles of our State Constitution.

I do not see this as a burdensome overregulation of candidates. It is just a very straightforward thing — I, Michael C. Gruitza, do hereby swear that my candidacy is in compliance with the rules and regulations and laws of the Commonwealth of Pennsylvania — and no candidate should be afraid to sign such an affidavit, and this chamber should have no fear to have that be part of the process. It is an affidavit. We are not asking somebody to sign their life away; we are just asking them to sign a document that says, I am a qualified candidate, and I am standing here telling you the truth that I am a qualified candidate; I am not a convicted felon; I have lived in this State all my life, or for the 4 years that are required, and I have lived in my district for a year. What public interest is being harmed by the signing of that affidavit?

So to the people who have been confused by all of the questions out in the public that are watching this debate, that is what this is all about. Should a person running for this office, is it too much of a burden for a person running for this office to sign an affidavit that says, I am qualified to run for this office to the best of my knowledge and belief and understanding, and you are entitled to know that I have signed that affidavit, so when you go out and vote for me, I am not pulling any punches; I do not have any cards up my sleeve; there are no games being played here. I do not see any harm in that being a part of this process, and to suggest that the voters are being given greater rights because of their right to

vote, what is happening is, the voters, the people, are losing their right to redress. That is where the constitutional issue is, that is where the rubber meets the road on constitutional issues — in the courts, not on the floor here. How many times have we voted here that something was constitutional only to find out a month later when the Supreme Court rules that it was not constitutional?

Let us give due respect to the judiciary here and understand that they are a part of this government, and we cannot just run rampant here and decide on our own if somebody has complied with the law. It would be my strong feeling that after looking at the record, if there ever is a case that gets before the court on this, if they can uphold this process as being constitutional, I would certainly be amazed.

I do not take the floor here often, and I am not taking the floor here today to be a political pundit of any kind, but I do believe very firmly in our Constitution and these constitutional issues. When Representative DeWeese appointed me to the State Government chairmanship, he said to me, you know, we want you to be a cooperative chairman, we want you to be attentive to the important issues that are going to come through that committee, and we want you to look out for the interests of the public, and so my comments today are made along that regard. I do not take a lot of this floor's time with floor speeches, but I felt so strongly about this and particularly with my role on that committee that I wanted to speak to the issue. And I want people also to remember that some of the things that happened earlier in this legislation did bypass the committee process and did slip through here even with our best-faith efforts in working with my staff to see some of the — We missed some things that late night. So we have a chance to rectify this thing here today, and I think that in good conscience we need to do that.

I thank the members for their time and their patience here. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer.

I wonder if all of the members will impose upon themselves a time limitation, a reasonable time limitation. There are some 26 or 28 members who still are on my list, and only one good sport has erased his name. So I am suggesting that we self-impose a time limitation.

Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, briefly, the Conference Report on HB 1760 makes some important changes to the Election Code, and let me just mention one of them: voter approval of Joint Resolution 3 of 1997, which authorized any qualified voter who is absent from his or her municipality of residence on election day to vote by absentee ballot.

First I would like to discuss the important role HB 1760 will play in allowing us to enact this much-needed enabling legislation — the absentee-ballot amendment to the Constitution recently approved by the voters. I have been seeking advice from our caucus' chief counsel and others for the need of enabling legislation for Joint Resolution 3. In our chief counsel's opinion, the absence of enabling legislation could lead to conflicting views among the 67 county boards of elections and their solicitors as to whether or not the voters affected by this amendment are entitled to cast an absentee ballot. A failure to legislatively resolve this issue could create the potential for litigation mischief in the

upcoming spring primary. If the General Assembly declines to enact implementing legislation on the assumption that the 1997 amendment is self-executing, significant legal and electoral problems could arise if this assumption turns out to be incorrect. Conversely, the swift enactment of enabling legislation dispenses with the need to ascertain whether or not the absentee-ballot amendment is self-executing since timely legislative action will render this question moot.

Since the counties must soon begin to send civilian absentee ballots to the applicants and we will not be back in session until March 9, perhaps March 17, I believe that we must act now on this particular piece of legislation to ensure that those voters who could benefit from Joint Resolution 3 will be able to do so.

So, Mr. Speaker, I think it is important that we realize that this particular bill, HB 1760, does encompass the enabling legislation that we need, which the voters approved back in November, and I would ask for support of this legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Snyder, rise for a brief interrogation?

The SPEAKER. Mr. Snyder indicates he will. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, earlier you had pointed out the fact that if in fact a person who had been elected to the legislature was denied being seated by the majority, that they would have redress with the courts by the mere fact that their constitutional rights had been violated and that they could then appeal it to court. Is that correct?

Mr. SNYDER. That is my understanding of the legislative and judicial process, yes.

Mr. STURLA. Okay. Mr. Speaker, if a person who was not seated in the legislature because someone else who got more votes, even though they were not qualified under the Constitution, was seated, would that person also have standing with the courts because their constitutional rights were violated because someone was seated that did not meet the constitutional requirements?

Mr. SNYDER. Are you saying that if we seated somebody who should not have been qualified, that the other 202 members' constitutional rights are violated? Was that your question?

Mr. STURLA. No, that the person that was not seated who ran in that race, their constitutional rights were violated, because they were the only constitutionally qualified candidate in that race, and someone who was not constitutionally qualified was seated. Would that person who was not seated, would they have a right to appeal to the courts?

Mr. SNYDER. Mr. Speaker, no, and it goes back to my often repeated argument: The person who did not get here was not elected by the people to begin with.

Mr. STURLA. They may have received one less vote than the person who got here, that vote being the person who voted who was not constitutionally qualified to even vote in the district perhaps. So you are saying a person would have no redress whatsoever?

Mr. SNYDER. The Constitution is clear that the only body that can make the final determination of the qualification to serve in this office is the House of Representatives and the Senate.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could make a few comments, please.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, what this conference report does is an abomination to the Constitution and the electoral process, and just to point out the kind of highjinks that I believe will occur as a result of this passing, if it does, I took the time to run to the nearest House phone booth and grab a few telephone books, and I randomly picked three telephone books, of which there was a whole shelf full of telephone books, and I randomly picked three telephone books just from Pennsylvania, not even from Texas, and in those three telephone books I found the names of people who are not members of the House of Representatives — so I will not be violating any rule by saying their names — but I found 12 Bruce Smiths, and I found 11 Sam Smiths, and I found 48 John Taylors in just three telephone books. I even found nine Matthew Ryans. Now, given the fact that none of these people, should they decide to run in any district in the State of Pennsylvania, could be challenged until they were ready to be seated, I think you can see and imagine the kind of highjinks that can and will go on should this conference report pass, because it will not be the situation that we had several years ago where it will be the real Bob Casey against the other Bob Casey. It will be the real John Taylor who is on the fourth line, the third one in, of the 12 John Taylors that are running. It will be the real Matthew Ryan who is on the third line of the seven Matthew Ryans that will be running. That is the kind of highjinks that will go on in the State of Pennsylvania in an attempt to, quote, “serve the people of Pennsylvania.” And I can guarantee you that some of the people in this telephone book will end up being elected by a majority of the people in those districts, not because that is whom the people believed they were electing but because they happened to get their name on the ballot without being a resident of that district. That is the kind of highjinks that we are going to perpetrate on the citizens of Pennsylvania today if we vote “yes” on this.

I would strongly urge a “no” vote, because this stack of phone books is a lot higher. Thank you, Mr. Speaker.

The SPEAKER. Would the gentleman advise the Chair how many Sturlas there were?

Mr. STURLA. Mr. Speaker, I could not find any, which is why it might be an okay thing.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Blaum, from Luzerne County.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1760. I believe that this is a dark day in the history of this General Assembly, in this House and Senate, and it is a sad one. The only other one that comes to mind was back in 1987 when this House passed a strong ethics act, sent it over to the Senate, the Senate totally emasculated it, sent it back to us, pretty much a travesty. But as I believe that HB 1760 will be approved here today, that abomination of an ethics act was adopted by the House and sent to the Governor, but in 1987 Bob Casey had the integrity and the honor to veto that legislation.

What we have before us here today, and the people of Pennsylvania, I think, will understand it, and I believe the media will make it clear to them over the next several days, because guess what? It is petition time, and they should understand that as we are knocking on their doors asking them to sign our petitions to put our names back on the ballot, that as of this day, each one

of us has to sign an affidavit, a sworn affidavit, on our honor, that we are 21 years of age, that we have lived in the district which we seek to represent for a year, and that we have lived in the Commonwealth of Pennsylvania for 4 years. There is a very good reason for that, and I think the gentleman, Mr. Sturla, just pointed it out: so that they are not confused. What is before us here today is to eliminate the requirement for that affidavit so that people can lie, so that somebody can put their name on the ballot, suggest to the people of a particular district that they have lived in Pennsylvania for 4 years, that they have been a resident of the district they seek to represent for a year, and that they are 21 years of age.

The ridiculous comments of the gentleman from Lehigh saying that all that does not matter, that only we are to determine whether or not someone is 21 years of age, has lived in the district they seek to represent for a year or has been a citizen of Pennsylvania for 4 years, are absurd, when you extrapolate it out to the idea that a 19-year-old, because we are eliminating the affidavit, can put their name on the ballot and purport to be 21, living up to the requirements of the Constitution, and if that 19-year-old comes here and is elected and is sworn in in January and is a Republican, that the Republican majority can say that 19-year-old is indeed 21 and should be eligible to sit in this chamber, or that Republican majority can say that someone who has not been a resident of their district for a year was in fact a resident of their district for that period of time, or that someone who was not a resident of Pennsylvania for 4 years was in fact a resident of the State for that long.

There is a reason for this affidavit, that we have to swear that we meet the constitutional requirements before we go out and knock on doors and ask the people of Pennsylvania to vote for us. There is a reason for that, and this legislation, no matter how it wants to be spun, corrupts the electoral process here in this Commonwealth. It allows people to violate the constitutional requirements but, if they sit in the majority, for that majority to uphold and to say what is not true is in fact true. That ruins the electoral process here in Pennsylvania, and that is what is about to happen.

But there is one more step, Mr. Speaker, and that is that it has to go to the Governor. You know, there is a crane outside, and very shortly it will return a statue to the top of this building; it will return a statue to the top of this building which is going to be strong, pristine, and intact — much the same as the integrity of the Governor's Office was in January of 1995 when Tom Ridge found it. And he is going to have an opportunity, an opportunity to live up to the integrity of his predecessor by vetoing this bill just as Bob Casey vetoed that abomination of an ethics act. I realize they are big shoes to fill, and we are going to see very soon if Tom Ridge can fill them.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

Mr. Speaker, I have heard a lot of discussion about the Constitution here today, and I am frankly confused, because it seems to me that the Constitution requires that this body finally decide who is qualified to serve in it, and if someone is challenged and thrown off the ballot by the judge, I do not see how they ever

get to this body to have that decision made here, where it is supposed to be by the Constitution.

So therefore, I ask everybody to consider a positive vote on this bill, and I will end my remarks there. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Fayette, Mr. Roberts.

Mr. ROBERTS. Thank you, Mr. Speaker.

Mr. Speaker, would Mr. Snyder stand for a brief interrogation, please? I will try not to be redundant.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. ROBERTS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask for a clarification on an answer to a previous question.

Earlier today you said that we could continue to use the existing affidavit when you were asked if we were going to have to send out all new affidavits to everyone. Did I hear you say that right, that we can in fact continue to use that affidavit that we now have?

Mr. SNYDER. Mr. Speaker, what I said was, we are removing the requirement to have the affidavit filed with your nominating petition. I think one of the previous speakers noted that he sees nothing wrong with signing that affidavit and affirming to the voters of that district that he will be able to meet the requirements of the Constitution. So my answer was that it is no longer a mandate, but if a candidate chooses to sign that affidavit, there is no restriction against them doing that, under this statute.

Mr. ROBERTS. Okay. So I understand you correctly, we can in fact voluntarily sign that affidavit?

Mr. SNYDER. That is correct.

Mr. ROBERTS. Okay.

And with this legislation, we still have to sign an affidavit — right? — but the new affidavit will eliminate the residency requirement. Is that not right?

Mr. SNYDER. Yes. There are other requirements under the statute that would have to be included in the filing affidavit.

Mr. ROBERTS. So we still have to file an affidavit. If this legislation is passed, we still have to file an affidavit, but it is my understanding that the new affidavit will not have the residency requirement stated on it. Is that correct?

Mr. SNYDER. Could the gentleman just give me a moment to check that.

Mr. Speaker, there are several sections related to this question, but as an example, I would refer you to page 14 of the conference committee report, and that is section 630.1. You will note that that section begins, "Each candidate for any State, county, city, borough, incorporated town, township, school district or poor district office, or for the office of United States Senator or Representative in Congress, selected as provided...shall file with the nomination certificate an affidavit stating..." and there are a series of requirements, including your residence, your election district, the name of the office you are seeking, that you are eligible for such office, that you will not knowingly violate any provision of this act or law limiting election expenses, and then it goes into some things about Philadelphia and that you are aware of the reporting requirements for campaign expenses.

So, yes, there will still be an affidavit required. The only portion which only — And it is very interesting, too, that you brought this up, because the rest of the requirements for the

affidavit did not apply to any other elected office; only to the office for a position in the General Assembly did it require the additional requirements. That portion of the law is what is being stricken through the conference committee report.

Mr. ROBERTS. Okay. So we still have to file an affidavit, but this legislation eliminates that question about residency.

Mr. SNYDER. Yes. If that is a misunderstanding from my previous answer, I apologize for not making that clear.

Mr. ROBERTS. Well, your previous answer was that if someone wishes to use the existing affidavit, then we can voluntarily do so, because it meets all of the other requirements.

Mr. SNYDER. That is right, because the other requirements are still in the existing affidavit that we have been using all along, since 1986.

Mr. ROBERTS. Good.

Another question: You also stated earlier that— And there was an awful lot of discussion about what the benefits to the people of this Commonwealth would be, and you answered a number of times, and I apologize for the redundancy, but you answered a number of times that if the voters chose to elect someone, then they should be allowed to be seated in this House. Did I misinterpret that or—

Mr. SNYDER. I did not say that. In fact, the speaker just before you from Delaware County I think said it very clearly. We have the constitutional responsibility to determine who is qualified to sit and be a member of the House of Representatives, and the Senate has the same ability to determine who sits in the Senate. We have been saying all afternoon that by just eliminating the ability to challenge somebody on the truthfulness of the affidavit does not take away that responsibility. In fact, as the previous speaker said, what it does is prevents the people to first have a voice in terms of whom they would like to see represent them, and if the courts would take away that right to even get on the ballot, they will not even have the opportunity to have a say before it gets here, when we have to make that determination.

Mr. ROBERTS. Right, and I remember you saying that, and the way I interpreted that was that if the people vote for this person, then we should allow them to come here, because there is no question as to the residency, and if the people decide to have someone elected, then we should allow them to do that and that we will uphold their wishes.

Mr. SNYDER. Mr. Speaker, that might have been the thinking of the Senate with the seating of Senator Roxanne Jones at the time.

Mr. ROBERTS. Well, it could have been. I hope it is not—

Mr. SNYDER. But I am saying, there is the flexibility. You know, we had some interrogation about the process and stuff. The process has to be initiated. If no one challenges it, then, of course, a person who may not be qualified to sit, once they are sworn in, is a member.

Mr. ROBERTS. Good. Thank you very much, sir.

May I speak on the bill, Mr. Speaker?

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

Mr. ROBERTS. Thank you.

First of all, I want to say that earlier this evening I was somewhat disappointed that we were not allowed to caucus, and I say that because there is an awful lot of misunderstanding about this bill, and I think that most of the members here, on both sides

of the aisle, still do not understand the ramifications of what is going to occur if this bill is passed into law.

As an example, I believe that once this bill is passed, almost anyone, from anywhere in the country, will be able to get a post office box in your district and get an address and run against you. Now, he may or she may not be able to be seated after being elected if they get that far, but they are going to cause you to run a campaign against an opponent that probably should not have been there, and I do not know that that is necessarily what we should be doing, but that is what I think is going to happen, and I think it will happen in this next election.

Now, it was said earlier that this legislation is designed to stop the courts — and I think I am quoting from the gentleman from Lehigh Valley — is designed to stop the courts from interfering with our responsibilities and that it will restore a constitutional balance. Now, I have to tell you that it is unfortunate that some of you may actually believe that.

I want to take you back to 1992 and tell you a personal story about interference with a candidate and interference with the process. It is a story about Larry Roberts, who ran for this office, when I chose to run against a 24-year incumbent.

I had a number of offers or I was encouraged in a number of ways not to run against the incumbent. I chose not to do that. I wanted to run for this seat. And at the time, reapportionment was upon us, if you remember. Some of the newer members do not remember that, but those of you who have been here for a while, you remember reapportionment. Well, Mr. Speaker, let me tell you that there was so much activity going on in my election to try to protect a seated incumbent that my district was reapportioned three times, and each time as I moved to a new address, through the reapportionment process the district was changed again, and I had to move again in order to live within my district and maintain my residency status. Now, are we going to talk about interference?

Finally, my residency was challenged after the reapportionment was over, and lo and behold, I went to court. It cost me an awful lot of money. There were witnesses there from the Department of Revenue and witnesses there from the vehicle registration department. There were private detectives there to try to prove that I was not a resident of this Commonwealth for 4 years and that I was not a resident of my district for a year. We had a full day of hearings. There were all kinds of witnesses and evidence and testimony, and let me tell you that I felt quite alone. Fighting a 24-year incumbent was not an easy thing to do, but in the end, I did in fact prove my residency. Fortunately for me, I had a fair judge that listened to all the testimony, reviewed all the evidence, and made a fair decision, and so I am here with you today in this honorable House. But I have to tell you, Mr. Speaker, that had this legislation been enacted back in 1992 and had this legislature had the opportunity to decide whether or not Larry Roberts had met his residency requirements, as this legislation will provide if it is passed, Mr. Speaker, I am here to tell you that I would not be here today.

So you see, it goes both ways. I mean, you can try to protect someone or you can try to eliminate someone. But we had a question answered earlier or a statement made that this legislation provides to eliminate interference in the election process and eliminate the interference in our responsibilities. That is hogwash.

Now, I have some other things that concern me. I mentioned the fact that a comment was made about we should give the voters the

right to vote and choose whom they want and then we will decide whether or not they should be seated. Now, there is an implication there that if someone gets elected because the voters decided to do that, going back to the Roxanne Jones case, that we should maybe consider seating that person. I do not like that.

There was also another statement made here earlier by the majority leader that we have a member in this House that has not lived in his district for 18 years. Are we saying that we acknowledge the fact that we have someone here that does not meet the constitutional requirements and yet we close our eyes to those kinds of things? Mr. Speaker, I think that is wrong, and I think that we should take a second look at what we are about to do here.

I also want to say that there have been some allegations made that this legislation is designed to protect a particular person. Now, if there is a candidate or if there is a person in this hall today that perhaps does not meet the residency requirements, I would hope that he or she should be allowed to prove his residency at the early stage of the election process, the way I did in 1992, and I would hope that any other candidate across this Commonwealth that wants to run for this office should be able to go through that process if someone suspects that he or she may not be eligible, and I think that they should be able to do that in the early stages of the election process, and if they can prove that they are a resident, then fine, then they should be allowed to run for that office.

Why should we allow someone to go through the process — and I will use my case as an example — why should I have been allowed to go through the process and spend all my time and money and all the effort that you know we put into campaigns, to come here and then find out that I did not meet the requirements. It is wrong.

And if we have a member here who is personally affected by this legislation, as was alluded to earlier, and subject to rule 65, then I would suggest that since we often use the title of “honorable” — and I do not use that term lightly; we are considered honorable ladies and gentlemen — if we are going to do this and if there is a person here that is affected by rule 65, I think that person or persons should do the honorable thing. If there is such a person here and he or she does not do the honorable thing and I believe that if anyone else sitting in this hall knowingly and willingly supports that person in violation of the Constitution that we are talking about and if we go on to pass this legislation to protect someone, and the only reason being to protect someone, then that does not say a whole lot for those individuals, and if we pass this legislation today, knowing that we may have already violated the Constitution, well, that does not say very much for this honorable body either.

I am extremely disturbed by what we are doing today. We talk about the Constitution; we all use the term of being honorable ladies and gentlemen, and I think many of us here know, many people who are going to press that button and vote “yes” know in their hearts that we are doing something wrong, and I am very troubled by that.

Finally, Mr. Speaker, if this bill that takes the residency requirement off our affidavit is so good, then I wonder why we are not applying this same standard to the Governor and the other statewide candidates. That is mind-boggling. Of course, we know that there may be some other motives.

This is bad legislation. I think it is designed to protect an incumbent or possibly incumbents which you know that our constituents do not like. In fact, there are a lot of folks that just hate the word “incumbency.” But I think that is what we are doing here today, and again, I think that is wrong.

If this bill passes, I would like to take this opportunity as I stand here today in this hall to ask His Excellency, the Governor, to seriously consider vetoing this bill and stopping it before it becomes law. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Corpora, and again respectfully requests that the remarks be voluntarily held to a reasonable amount of time, please.

Mr. Corpora.

Mr. CORPORA. Thank you, Mr. Speaker.

May I interrogate Representative Snyder?

The SPEAKER. The gentleman, Mr. Snyder?

You may begin.

Mr. CORPORA. Thank you.

I am looking at the amendments to HB 1760 that we have been debating for the past several hours, and looking specifically at page 14, line 28, through the next page, it looks like we are taking language out of existing law with that amendment. Is that fair to say?

Mr. SNYDER. Yeah. We have already discussed that.

Mr. CORPORA. But this language simply restates the constitutional requirements, residency requirements. That is what this language says right now in present law.

Mr. SNYDER. Correct.

Mr. CORPORA. And we are ripping that language out.

Mr. SNYDER. Correct.

Mr. CORPORA. Okay. Why are we doing that?

Mr. SNYDER. Why should it only apply to just the General Assembly?

Mr. CORPORA. That is the answer?

Mr. SNYDER. Well, that is one of the answers. I think I have given the other answers so many times that I do not need to repeat them.

Mr. CORPORA. Well, we are not changing the Constitution. That still applies to us.

Mr. SNYDER. That is correct.

Mr. CORPORA. And this language simply restates the Constitution.

Mr. SNYDER. Correct.

Mr. CORPORA. Under present law, if we had filed affidavits, the affidavits that we filed the last time we ran, and if they were inaccurate and we knew we did not meet the residency requirements and we signed them anyway, knowing them to be false, we could be charged with a crime, a crime from the Crimes Code; specifically, it would be section 4903, false swearing. Correct?

Mr. SNYDER. That is my understanding. I think we discussed that a few hours ago also.

Mr. CORPORA. Well, I am not sure that we did, because every time it was asked, it was answered in a way that I did not think answered the question.

When we make this change, we are no longer going to be subject to the false-swearing statute with our nomination petitions.

The SPEAKER. Will the gentleman yield.

Now, the debate is going on and on and on. Ask questions, get answers, but do not make arguments in between your answers. You are starting to argue, and I do not mean argue in an unfriendly way—

Mr. CORPORA. Certainly.

The SPEAKER. —but you are making argument or debate rather than interrogation.

Now, I am going to start to enforce this because it is really out of control. Ask questions, get your answers, but do not make your arguments. Save your arguments until the interrogation has ended, and I will recognize you, and then make your argument.

Mr. CORPORA. Mr. Speaker, I am not making arguments; I am just asking questions.

The SPEAKER. Ask questions, that is fine, but then get your answer and stop.

Mr. CORPORA. Very well.

Presently the affidavits that we signed to be nominated for this election, having been elected already, if we had lied on there, we could be subject to the Crimes Code violation section 4903. Is that right?

Mr. SNYDER. That is correct; you could be.

Mr. CORPORA. Now, when this law passes, no one that files nomination petitions is going to be subject to this Crimes Code any longer. Correct? That is the question.

Mr. SNYDER. You are still signing an affidavit.

Mr. CORPORA. But that affidavit does not make any representations.

Mr. SNYDER. Yes it does. I think we have already— Again, with the previous speaker, I think we listed about seven areas that are still included in the affidavit.

Mr. CORPORA. But not the residency requirements. Correct?

Mr. SNYDER. Not the specific residency requirements that are set forth beginning on line 28 of page 14.

Mr. CORPORA. So someone can run for office contrary to the Constitution and not be charged with false swearing under the Crimes Code if this new bill passes.

Mr. SNYDER. That is correct.

Mr. CORPORA. Well, that is a change that was not discussed before or answered before.

Presently it is a two-step process: We sign this affidavit and file it, and then it becomes part of the nomination petition, which can be challenged. Correct?

Mr. SNYDER. Yes.

Mr. CORPORA. And your explanations before were that the nomination petitions could still be challenged.

Mr. SNYDER. Yes.

Mr. CORPORA. But you have ripped out of the current language a section that says, well, the affidavits are not part of the nomination petition.

Mr. SNYDER. A certain portion of the current affidavit would no longer be required to be included.

Mr. CORPORA. To be fair, Mr. Speaker, it is on page 20.

The SPEAKER. Will the gentlemen yield.

Again, the purpose of interrogation is to get information. If you are sitting there with the information, you are wasting the time of the House. You should argue what you know. The purpose is to ask for something that you do not know. You are asking for an answer. If you have the answer in your hand, which you obviously

do, then do not be asking the question and wasting the time of the House, please.

Mr. CORPORA. I beg to differ, Mr. Speaker. When I took the microphone the very last time back in December, it was the same situation, when I was talking about the alimony pendente lite law.

The SPEAKER. Well, we are not going to talk about alimony pendente lite now.

Mr. CORPORA. But I was going through the exact same exercise, trying to establish for the record what the legislative intent was. That intent was the exact opposite of what the law said.

The SPEAKER. Mr. Corpora, I have told you what the rules of the House are. Now, please go ahead with your interrogation, and if you know the answers to your question, save them until you are arguing your position. Do not continue with this "correct, correct, correct," if you know that everything you have asked is correct.

Mr. CORPORA. Thank you.

The SPEAKER. That is not fair. You know the answer. You are not soliciting answers. You are just taking the time of the House.

Mr. CORPORA. Thank you, Mr. Speaker.

To continue with my interrogation, on page 20, what do lines 16 through 18 mean?

Mr. SNYDER. Mr. Speaker, what that essentially provides is that the affidavit would no longer be an integral part of the nomination petition. Therefore, if there is a problem with the affidavit, it would not necessarily affect the nomination petitions. The nomination petitions themselves would have to be challenged based on their own merit.

Mr. CORPORA. Okay. So a nomination petition — and I am asking this question because I do not know the answer — a nomination petition that can be challenged, the affidavit is not going to be part of what gets challenged?

Mr. SNYDER. That is correct.

Mr. CORPORA. We are ripping that out of the law with this bill.

Mr. SNYDER. What we are doing is repealing the 1986 statute that dealt with the affidavit.

Mr. CORPORA. Is there a fiscal note for this bill? I do not know the answer to that question.

Mr. SNYDER. It is my understanding that there is a fiscal note.

Mr. CORPORA. Okay. I have not seen it. Could I see it?

Mr. SNYDER. There is a fiscal note that I have—

The SPEAKER. The gentleman, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, the fiscal note that I have has a typographical error in it. There is a fiscal note, but I do not have that copy in my immediate possession, but it will be provided to you prior to voting on the conference committee report.

Mr. CORPORA. Can you tell me what the fiscal note says?

Mr. SNYDER. Mr. Speaker, I will quote the "FISCAL IMPACT" from the fiscal note for HB 1760, PN 2949, as it was prepared on February 10, 1998, by the House Committee on Appropriations: "Under the provisions of Section 302(m), there is no additional cost to the counties as they presently prepare the reports required by this legislation. However, the Department of State will incur a *de minimis* cost of approximately \$10,000 (includes one-time start-up costs of \$6,400) associated with additional staff, computers and software needed to prepare and enter data received from the counties in a format usable by the Legislative Data Processing Center.



"The provisions for Section 628, based on prior special elections, could cost the Commonwealth approximately \$9,000 to \$500,000. The cost is determined by county size and the number of polling places in that county. Costs will be less if the special election is held in conjunction with a primary or general election," end of the quote.

That last section deals with a requirement that we are putting in statute, the Speaker's responsibility to call for a special election within a certain time period.

Mr. CORPORA. Okay. So the legislation today could cost the Commonwealth up to a half a million dollars? Is that what the fiscal note says?

Mr. SNYDER. That is because of the cost of holding special elections, if there are any.

Mr. CORPORA. Now, HB 1760 on Monday was 2 pages long — I have it here — 2 pages long; now today it is 56 pages. Are any of the 2 pages in the 56 pages, any of it?

Mr. SNYDER. Was that a question?

Mr. CORPORA. Yes.

Is any part of—

Mr. SNYDER. Most of the length—

Mr. CORPORA. Let me finish the question.

Mr. SNYDER. Oh, I am sorry. I thought you were asking why it was so much longer.

Mr. CORPORA. It is HB 1760. On Monday we voted HB 1760; it was 2 pages long. Today it is 56 pages long, and I do not see — and maybe I am missing it — I do not see any part of HB 1760 in this bill. Is it in there, anywhere?

Mr. SNYDER. You are looking for the original— You are looking for PN 2813? Is that what you are saying?

Mr. CORPORA. I am looking for any sentence of that bill being in this bill.

Mr. SNYDER. Mr. Speaker, everything that was in that bill, except for the correction of the duplicity of the report, is incorporated into HB 1760. Much of the length of the conference committee report has to do with the implementation of the recently adopted constitutional amendment, changing the word "county" to "municipality" for the absentee ballots, and the repeat of a lot of that portion and the sections which that involves as well as the penalties really constitute the bulk of this because you have to reprint all those sections.

Mr. CORPORA. So the amendments have changed the content of HB 1760.

Mr. SNYDER. Yes. There are additional provisions in the conference committee report that were not in PN 2813.

### PARLIAMENTARY INQUIRY

Mr. CORPORA. Mr. Speaker, that would lead me to ask of you, as a point of parliamentary inquiry, as to whether or not we are violating our own rule, number 27.

Rule 27 simply says that no amendment shall change the purpose of the bill, and the purpose of the bill has been changed dramatically by the amendments in the conference committee's report.

The SPEAKER. If the gentleman is raising a question of germaneness, that is a question that he takes to the floor, not to the Speaker. That question is determined by the House, not by the Speaker, if that is what you are asking, and I think it is.

Mr. CORPORA. Mr. Speaker, I am simply asking for an interpretation as to whether or not we have been violating rule 27 by this process, and if so, what are the moves to correct that violation?

The SPEAKER. Would you be kind enough to tell me what portion of that rule you are citing, that you are relying on?

Mr. CORPORA. Certainly, Mr. Speaker.

The SPEAKER. The first two lines on the top of the page?

Mr. CORPORA. Yes.

The SPEAKER. What you are doing is you are questioning the constitutionality, and that, too, is tested by the House, not by the Speaker.

### CONSTITUTIONAL POINT OF ORDER

Mr. CORPORA. Then, Mr. Speaker, I would raise that motion.

The SPEAKER. All right.

The gentleman, Mr. Corpora, raises the point of order that the Conference Committee Report for HB 1760, PN 2949, is unconstitutional.

Under rule 4, the Speaker is required to submit questions affecting the constitutionality of a bill to the House for decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. The Chair recognizes the gentleman, Mr. Corpora.

Mr. CORPORA. Mr. Speaker, the rule has a meaning to it. It is so that a conference committee, comprised of a handful of people, does not craft a bill that has not been introduced, that has not gone through the committee process, that has not been subject to public debate or hearings, that has not been considered on the floor of the House three times. Essentially, in this 56-page document, that is what we are doing. We are empowering a small group of legislators to craft a bill which has not gone through the process of how we make a bill in Pennsylvania. That is why we have the rule.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Snyder, on the question of constitutionality.

Mr. SNYDER. Mr. Speaker, I would ask for a "yes" vote, that this conference committee report is constitutional and conforms with rule 27. From its original beginnings as a legislative proposal, this bill dealt with voter registration and the Election Code. As it was amended several times through the process, it is still an Election Code bill that deals with voter registration and other aspects of the electoral process.

I would ask again for a "yes" vote. This is a constitutional process.

The SPEAKER. The question before the House is that of the constitutionality of HB 1760's Conference Committee Report.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. On constitutionality, I would sustain or ask that the House sustain the gentleman from Northampton because of the fact that we have not discussed this on 3 different days.

I have to aver, as others have on this side, that this is a fundamental change in the way we conduct our elections, and we



at least need to subscribe to the constitutional provision of having 3 different days to consider this, and therefore, I would ask that the gentleman's motion be supported.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is that of constitutionality.

Those voting "aye" will be voting to declare the conference committee report and the bill constitutional; those voting "no" will be voting to declare the bill to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

## YEAS-102

Adolph	Fairchild	Maitland	Schuler
Allen	Fargo	Major	Semmel
Argall	Feese	Marsico	Serafini
Armstrong	Fichter	Masland	Seyfert
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Gannon	McNaughton	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Orie	Taylor, E. Z.
Bunt	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Phillips	True
Civera	Herman	Pippy	Tulli
Clark	Hershey	Platts	Vance
Clymer	Hess	Raymond	Waugh
Cohen, L. I.	Hutchinson	Reber	Wilt
Cornell	Jadlowiec	Reinard	Wogan
Dally	Kenney	Rohrer	Wright, M. N.
Dempsey	Krebs	Ross	Zimmerman
Dent	Lawless	Rubley	Zug
DiGirolamo	Leh	Sather	
Druce	Lynch	Saylor	Ryan,
Egolf	Maher	Schroder	Speaker

## NAYS-96

Battisto	DeLuca	Levdansky	Sainato
Bebko-Jones	Dermody	Lloyd	Santoni
Belardi	DeWeese	Lucyk	Scrimenti
Belfanti	Donatucci	Manderino	Shaner
Bishop	Eachus	Markosek	Staback
Blaum	Evans	Mayemik	Steelman
Boscola	George	McCall	Stetler
Butkovitz	Gigliotti	Melio	Sturla
Buxton	Gordner	Michlovic	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappabianca	Haluska	Myers	Thomas
Carn	Hanna	Olasz	Tigue
Carone	Horsely	Oliver	Travaglio
Casorio	Itkin	Pesci	Trich
Cawley	James	Petrarca	Van Home
Cohen, M.	Jarolin	Petrone	Veon
Colafiglia	Josephs	Preston	Vitali
Colaizzo	Kaiser	Ramos	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kirkland	Rieger	Williams, A. H.
Cowell	LaGrotta	Roberts	Williams, C.
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lederer	Roebuck	Yewcic
Daley	Lescovitz	Rooney	Youngblood

## NOT VOTING-1

McGeehan

## EXCUSED-2

Pistella

Trello

The SPEAKER. On the question, the "yeas" are 102; the "nays," 96—

Mr. DeWEESE. The gentleman, Mr. McGeehan.

The SPEAKER. The majority having voted in the affirmative, the constitutionality is sustained.

Mr. DeWEESE. I would like the Chair to please enforce the rule that when they are in their seats, members should be voting.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the gentleman from Chester County, Mr. Flick, who waives off. The Chair acknowledges, with the thanks of the House, the gentleman's generous gesture.

Mr. Levdansky. Does the gentleman waive off? No.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, the Conference Committee Report on HB 1760 has just a smidgen of irony laced through it, a bigger dose of hypocrisy, and an overdose of politics.

We often rail and complain about the State courts usurping, impinging, and overreaching and encroaching upon the jurisdiction of the legislature. Well, under this legislation, we are about to do the reverse. This conference committee report removes the court's jurisdiction in determining whether or not a candidate has any errors, defects, misrepresentations, be they intentional or not, or any false statements contained in a candidate's affidavit. It vests the sole authority to determine the residency requirement in this legislature.

There is a little bit of hypocrisy that is going on as well. Earlier in this session of the legislature, we passed two major pieces of legislation. In welfare reform, we increased the residency requirement for residents from 30 to 90 days before they could qualify for welfare in Pennsylvania. I was not opposed to that requirement. I think it made some sense to strengthen and lengthen the residency requirements to pursue the public interest in Pennsylvania. Later on we passed an increase in the gas tax, which had a provision requiring that if you want to deviate from the blue-book value more than 20 percent, you are going to have to file a form and swear to the fact of how much you paid for that vehicle. So under welfare reform, we are tightening the residency requirements, and under the gas tax increase, we have a provision to tighten the truthfulness of reporting the sale price of vehicles, and we all support that. Now, with this legislation, we take a step backwards from those heightened standards and requirements, and we essentially wipe out the candidate's residency requirement with this legislation. It makes no sense to me.

I also want to point out, Mr. Speaker, that in terms of procedure here, what I am particularly upset about is being denied an opportunity not only to thoroughly review the legislation, but I

want to point out to the members that when HB 1760 was introduced on September 16 of 1997, it was a Voter Registration Act amendment; a Voter Registration Act. When it was reported from committee, when it passed through this chamber, it remained a Voter Registration Act piece of legislation, not an Election Code. But on Tuesday, after a nonconcurrency vote on Monday, the bill in conference committee mysteriously was transformed into an Election Code bill. We go from an original piece of legislation that is 2½ pages in length to a piece of legislation that is now not just lengthy at 56 pages and far more complex than most of us have a short time to review but it has also transformed from a Voter Registration Act amendment to an Election Code amendment, and I am particularly irate about that, Mr. Speaker, because while I have long advocated the need in the General Assembly to address the issue of campaign finance reform, I have been denied every opportunity over the last couple of years to offer any amendments to the Election Code. This bill just is not simply, simply, a coverup on a political process that occurred out in Allegheny County, but it is an end run on those of us that desire to offer amendments to bring about campaign finance reform in Pennsylvania. It is an end run, and it is a coverup.

Mr. Speaker, I am also particularly appalled at how this procedure has worked in light of the fact that we have been warned by the Chair on numerous occasions that our amendments to bills on the floor must be germane, must be germane. As a matter of fact, we were warned, Mr. Speaker, in a letter from your office on my birthday, last October, that clearly, amendments clearly not germane to the bill, that completely change the original purpose of the bill, would be ruled out of order. Not only could they be subject to the determination of the House as to whether or not they are germane, but you mentioned in your memo that they would be ruled out of order if they changed, if they changed the intent and the purpose of the bill.

Mr. Speaker, it seems to me that ruling and that interpretation applies to the members of this chamber when we are offering amendments on the floor, but it does not seem, it does not seem to apply to the conference committee report.

### PARLIAMENTARY INQUIRY

Mr. LEVDANSKY. Mr. Speaker, the question I would pose to you is this: Given your direction to us to keep our amendments germane to the pieces of legislation, how can I as a member challenge the germaneness of this conference committee report at this time?

The SPEAKER. I am going to say that you cannot question the germaneness of what is now before us. Germaneness is something that you would question with respect to an amendment to something else. Here there is nothing before us that is affecting something else. We have the entirety before us now — that is, the conference committee report — and you cannot separate it out and question one side against another side. We have already tested the constitutionality.

Mr. LEVDANSKY. Mr. Speaker, rule 27 says the following: "No bill shall be amended so as to change its original purpose...."

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

Mr. Speaker, this bill clearly has been changed, not just in content but it amends a different code than that form from which

it left this chamber. Do we have no recourse then to question and challenge the germaneness of anything other than amendments that are offered on the floor?

The SPEAKER. Referring to the sentences you just read, if you follow what you read, it is referring again to amendments. It is when an amendment is offered, you question its germaneness.

### MEMORANDUM SUBMITTED FOR THE RECORD

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, just for the record, I would like to enter your memo of October 14 into the record, because I really do think it provides clarity as to how we ought to conduct our affairs on the floor, but I would contend that the manner in which the conference committee has handled this issue clearly flies in the face of the rules of the House.

That said, Mr. Speaker, you know, I have been here—

The SPEAKER. Will the gentleman send the memorandum to the desk.

(For memorandum, see Appendix.)

Mr. LEVDANSKY. Mr. Speaker, the leadership of this chamber has been maybe just a little too smart and a little too slick in the efforts to cover up some alleged misconduct in an Allegheny County legislative race. I believe that you will rue the day when you violate the spirit and the intent of the Constitution of the State of Pennsylvania.

There is no public interest being furthered by this conference committee report. There is simply a narrow political interest being protected. This is not good public policy, Mr. Speaker, and I would urge all fairminded legislators to vote against it on final passage. Thank you.

The SPEAKER. The Chair thanks the gentleman.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, I have submitted my remarks for the record. Thank you.

The SPEAKER. Will the gentleman send his remarks to the desk.

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

Mr. Speaker, the Constitution of the Commonwealth of Pennsylvania provides minimum qualifications for members of the General Assembly. The laws of the Commonwealth provide the rules under which elections for these offices are conducted. The laws also provide for an orderly judicial process to review the qualifications of persons who seek election to the General Assembly and the manner in which those elections are conducted. Members of the General Assembly have been involved in this type of litigation. It is a process that is understood and accepted by candidates to public office and has worked well.

Today, the majority party seeks to destroy this system. The Constitution requires that a member of the House of Representatives must have been a citizen of Pennsylvania for 4 years, and a resident of the

district for 1 year, prior to being elected. The majority party wants to violate this provision of the Constitution, and they want to prohibit any citizen of Pennsylvania from challenging their illegal actions. The legislation before us throws the average citizen out of court, while turning the majority party in the House of Representatives into its own judge and jury. The majority cannot win the court case on its merits, so they are attempting to fix the case.

We do not vote on legislation in a vacuum or for theoretical purposes. Legislation is introduced to address specific, real-life situations. This legislation will enable this House to intrude into a specific election where we have no business intruding. The people of this State should elect their representatives. If a candidate is alleged to have violated the law, any citizen should be able to bring that matter before a court. And if the candidate is found to have violated the law, the candidate should be subject to the sanctions of the law, just like any other person. This legislation puts candidates above the law and legalizes lying. Anyone who believes in honest elections and the rule of law should vote against this bill.

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Manderino, then Ms. Youngblood and then Mr. Roebuck.

Ms. MANDERINO. Thank you, Mr. Speaker.

I have a succinct but important point that I would like to make about the conference report before us, and in particular, the legal case *In re Jones* that we have talked so much about today, and the reason I want to do that is because Jones has been cited for a lot of different things and to support a lot of different things, and unfortunately, in using it as justification, explanation, or excuse for what we are about to do, we have overlooked one of the major underpinnings, I believe, that was key to the court's holding in that case, and that was a decision by the court then that there was no specific governing statute or specific statutory authority that they decided that the jurisdiction arose from.

Now, why is that important to what we are talking about today? It is important because people would like to lead you to believe that if we remove this language that was put in the law in 1986, that all we are doing is reverting back to the way we practiced for 200 years prior to the Jones case. That is not true. Prior to the Jones case — and the Representative from the 202d District in Philadelphia gave a specific example from his own case that happened in 1976 prior to the Jones case — prior to the Jones case, the court always looked at the issues that we have been discussing today, and within the court thought it within their jurisdiction to question or to look at the question being raised about the valid nomination petitions of a candidate for office: Were they telling the truth about their age; were they telling the truth about where they lived; were they telling the truth about whether they were a citizen of Pennsylvania; were they telling the truth about whether they had major criminal convictions? And prior to Jones, if the court determined that they were not, the court could remove the candidate from the ballot, knock their nomination petitions out.

So the practical implication is, prior to Jones, prior to 1984, if I or you or anyone else put their name for candidacy in this General Assembly and lied about their age or lied about where they lived or lied about their citizenship or lied about their criminal record, they could be knocked off the ballot. And today if I lie, if I do not tell the truth about those same issues, I can be knocked off the ballot.

There is only a very small window, a little window of limbo in which that was not the case, and that limbo was not the case after the Jones decision in 1984 and before the legislature acted in 1986, and I do not think there were any elections to the General Assembly in between that time, so I do not think this new rule that we are going to be acting under, should we pass this conference report, has ever been tested. But what I do know is that we now have legal precedent in front of us in a Supreme Court decision, *In re Jones*, that says the courts are not going to look at it, and that is new and that is different than any 200-year history, any 200-year precedent, any challenge that ever happened in any election of anybody in the General Assembly since the starting of our Constitution.

So do not be fooled that we are returning back to a prior practice. We are going into nowhere land; we are going into limbo; we are going out there into uncharted territories, call it what you want. It is untested, it is uncharted, it is unprecedented, and I think it is bad public policy.

I ask you, in the face of good public policy, on behalf of the integrity of this chamber, and on behalf of all the citizens, to vote against this conference committee report.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady from Philadelphia County, Ms. Youngblood.

Mr. DALEY. Mr. Speaker?

The SPEAKER. The lady waives off.

#### PARLIAMENTARY INQUIRY

Mr. DALEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. DALEY. Mr. Speaker, on HB 1760 I am looking at rule 27 and rule 48, and I am asking for a decision from the Chair pursuant to Article III, section 1, of the Constitution. Does this bill meet the test that has been outlined by Article III, section 1, as well as these two sections of our rules that this bill indeed has not been so amended as to change its original purpose that was once passed by the House of Representatives as late as Monday?

The SPEAKER. The question of constitutionality was raised, and it was determined by the House, by a vote of 102 to 96 with 2 excused votes, to be constitutional.

Mr. DALEY. Mr. Speaker, would it be proper to ask the Chair for its decision in this matter?

The SPEAKER. No. The rules do not provide for that.

Mr. DALEY. Can the Chair render an opinion in this matter, Mr. Speaker?

The SPEAKER. Well, if you want to take me out to dinner tonight, I would be glad to sit down and discuss it with you.

Mr. DALEY. How about a late lunch, Mr. Speaker?

The SPEAKER. It will be a late dinner though, I suspect.

Mr. DALEY. Mr. Speaker, I would ask the Chair to render an opinion in this matter, as the chief officer of the House, the presiding officer of the House, if this bill, through the Parliamentarian's ruling, adheres to these two rules.

The SPEAKER. No; no. I abide by the rules. The rules say that you determine constitutionality, not the Speaker. It is something that is determined by the members, that and the question of germaneness.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

It is hard to really begin to approach this particular conference committee report, because it certainly raises very basic questions about the way we do government in Pennsylvania.

The gentleman from Lehigh has told us over and over again in this debate that this conference committee report will return the process to the people, that somehow we will take things out of the hands of the courts and give them back to the people and that the voters now will have a greater say in the way in which they elect their elected officials. I wish that were true. Unfortunately, it is not.

If we follow the debate of this afternoon, I would note that what we are told is that now when there is to be a challenge to a member, it is done not before a primary election when you file a petition; it is rather to come to this body to be determined on the day that we are sworn in. Well, let us follow that out to its logical conclusion. Suppose that indeed we have someone who is elected to this body, and this membership considers it on swearing-in day, and we determine, gee, this guy really was a felon; gee, this woman really did in fact not live in the district; she lived in California or wherever, and we determine not to seat that person. Are the interests of the citizens of Pennsylvania served by that? I suggest they are not served very well, because in fact we have moved the process from the spring to January, and so we determined this fraud, this dishonesty, this misrepresentation not at the beginning of a primary process but rather on the day when we are sworn in.

And if indeed we refuse to seat that Representative, what happens to the people that voted for that individual? Do they have representation? No, they do not. When will the replacement for that person be elected? The gentleman from Lehigh has a suggestion that it might indeed be 6 months later, and so for 6 months those individuals who have already been defrauded will now be not represented in this body. Is that fair? Is that right? Is that democracy? Is that returning votes to the people? I do not think that is at all what we are doing.

It is suggested also that there are good things in this bill and they override what is bad. The mere fact there might be good things in this bill does not overcome the basic undercutting of the rights of the citizens of Pennsylvania that are embodied in this conference report.

It is said that we somehow, as members, determine our membership. Under the Constitution, that is true. We also recognize that it is not necessarily a disinterested process. Indeed, the history of legislative bodies tells us that when that process is invoked, it is oftentimes as much political as it is democratic, and there is nothing to suggest that somehow we are certainly going to become disinterested individuals to judge our own membership when the majority might swing by one vote of that individual member we are reviewing. Let us not perpetrate a fraud upon the citizens of this State by suggesting that somehow we are empowering them in this conference report. The reality is we are not. The reality is we are making it harder for them to exercise their rights as citizens; we are making it harder to elect good and decent people to this body.

There is something basically wrong, in my mind, about lying on an affidavit to claim the title of being honorable. There is something wrong about lying and then saying that you have become a member of an honorable legislative body.

I would urge that we do not accept this conference report and that men and women of good conscience in this body will in fact reject the Conference Report on HB 1760.

Thank you, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, wish to be recognized for the second time? The gentleman waives off.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

I will abbreviate my remarks, as the day is getting late.

However, I do have just one point that I believe has not been made yet. The gentleman, Mr. Snyder, on many occasions today, has explained during the interrogation process that by this measure we are taking this situation away from the Pennsylvania courts and putting it back where it belongs — with the people. And by that, he has at least inferred that we represent the people; we in this body will make the decisions for the people about the representation of a particular legislative district in this body.

Madam Speaker, I thought long and hard about those many discussions between many of the members on my side of the aisle and the gentleman, Mr. Snyder, and can only come to one conclusion, and that is, nothing can be further from the truth in that this conference report will take the power from the courts and put it back where it belongs — with the people.

And the reason I say that, Madam Speaker, is because in the case of the 44th Legislative District, if the gentleman was elected — and I wish the best to the gentleman — but if he was elected and a challenge is made either on swearing-in day or a challenge is made subsequently to expel the member, then, Madam Speaker, at least on election day or swearing-in day, the only people precluded from having a voice in the representation of their legislative district are those 60,000 people, because that individual is not allowed to vote on that particular matter, and that would be the case throughout.

If this conference committee bill passes, in the future, if there is a challenge and the courts cannot address that challenge, the only individuals who are not able to be represented in the debate as to whether or not their Representative should be seated or not are those 60,000 people. The rest of us, the remaining 202 members, will have a say in who their Representative is, but they will not.

And for that reason, along with many others that were espoused today, I believe that Conference Committee Report on HB 1760 is foolhardy, irresponsible, and as the gentleman, Mr. Levdansky, said, it will come back to bite us.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Cowell.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, over the last couple of hours we have drifted into a lot of conservation about process and some details, very important details, technicalities, but I would like to spend just a few moments talking about the real issues of what this controversial language is about and what the implications are.

First, Madam Speaker, I have got to say, as others have said, it is disingenuous to argue that this controversial language has nothing to do with any individual. The truth is, this controversial language that was inserted into this bill just over the last couple of days, which is now being debated on the last session day before petitions are to be circulated, is intended to protect the political interests of one individual and to protect the political interests of the House Republican Caucus.

We have already discussed the important questions, important issues that the Constitution addresses in terms of qualifications to serve in this House, things like age and residency and how long you have lived in the State or your district. What remains unanswered are the very fundamental questions: What is wrong with every candidate for the House being required to sign or swear to an affidavit saying, I am 21 years old; I have lived in my district for 1 year; I am a resident and an inhabitant of Pennsylvania for the past 4 years? What is wrong with requiring every candidate to swear to those simple constitutional points? And why would any legitimate candidate be unwilling to swear to those basic constitutional requirements, and why would we as an institution want to protect the person who is unwilling or unable to swear to those qualifications?

Madam Speaker, if this did not affect an incumbent member in a pivotal seat for the majority, would we be debating this at all?

An earlier speaker, one of the leaders on the other side, said, we are here on Wednesday to do the people's bidding. The truth is we are here this Wednesday to do the bidding and the business of the House Republican Caucus.

In addition to eliminating this requirement for an affidavit, this legislation, if it becomes law, will eliminate the authority of the court to determine that a candidate has falsely sworn on an affidavit about these basic constitutional requirements to serve in this chamber and then subsequently eliminates the authority of that court to determine that a candidate is not eligible to seek this office. The effect is to eliminate protections for voters in every one of our legislative districts. No affidavit means that we will deny to voters in each of our districts some important and official information about the constitutional qualifications of those who would come before them, and very importantly, we eliminate the right of voters in each of our districts to challenge the constitutional qualifications of a candidate.

This legislation will remove the protections which treat this matter as an issue of representation — eliminates information to those who would be represented, eliminates a right of those who are to be represented to appeal — and instead, it leaves it to be treated merely as an issue of club membership, where we all get to vote on who can come here, who will be seated.

If this becomes law, the voters in the 34th District that I represent, each and every one of them, will be left in a position where they have no standing to challenge the constitutional qualifications of anybody who wants to be on the ballot in the 34th District. They will have no standing, no right, no ability, and instead will be told, wait till next January and then you voters in the 34th District, if any one of you wants to challenge, will have

to rely on a bunch of other men and women who sit in Harrisburg, none of whom live in this district, to decide whether a person will be seated or not seated.

We are saying that same thing to voters in each and every legislative district across this Commonwealth. We are telling them they have no right to challenge; they have no standing to challenge; they will have to rely on men and women who live everywhere else in the State to maybe consider entertaining their complaint.

Madam Speaker, it has been said recently — we were reminded it has been said — that power corrupts and absolute power corrupts absolutely. I think some members of the Republican Party now believe they have absolute power in terms of the legislative process in Pennsylvania. This is corrupt. It will corrupt our process, it will corrupt our institution, and it risks corrupting each of us personally.

I would say to the Republican members, and I would ask you to consider this: Today you have a decision to make; it is basically a political decision. You are asked to change the law to protect a member, to protect your caucus, and you can make that political judgment, and there may be some political consequences one way or the other, but it is a political call.

If this change occurs and if your caucus leaders have their way, in January you will not be asked to make a political decision; you will be asked to make a moral decision, a moral decision about whether you will be prepared on that day early in January to uphold the provisions of the Pennsylvania Constitution. You may be asked, you may be asked to decide that an individual who has not lived in Pennsylvania for 4 years, you may be asked to seat them. And there will be powerful political forces that day trying to sway you with respect to a decision that will largely be a moral one, and you will be told to respect the will of the voters in the district, but that will be begging the question, because we have been told repeatedly today that ultimately we in this chamber or our successors in this chamber will make the decision about the constitutional qualifications, not changing them, not altering them, not interpreting them, but making the hard and fast judgment, does this person meet the constitutional test.

And so what may be a relatively easy political decision for some today in January may become a far more complicated, far more controversial, far more morally difficult decision about how you will vote to seat somebody who does not meet the constitutional test. You will not have to confront that issue and be challenged by that moral dilemma if you would make the tough political decision today.

Madam Speaker, it has been said to us that ultimately we should defer to the voters, and I suspect that will be the speech come January — if so-and-so has been elected, even if they do not live in the district or have not lived there, let us defer to the voters.

Let us remember why the constitutional provisions are there. The constitutional provisions are there to protect the rights of every citizen, not just those who run for office, but to protect those who are to be served and represented by those who run for office.

As one person in my legislative district next January who will not hold office — I will not be an elected official; I will be a voter and a taxpayer and a resident of my district — I want to be able to rely on that Constitution to make sure that, regardless of who is in charge in Harrisburg and regardless of how people feel in Harrisburg, to make sure that my Representative is 21 years old,

my Representative has lived in my district for a year, and my Representative has been a resident and an inhabitant of Pennsylvania for the last 4 years. And I and every citizen in every one of our districts, even if we are the most minor of the minorities, must have that constitutional protection respected by this chamber when we make those decisions about who shall be seated.

Madam Speaker, this bill is simply wrong; it is wrong, and those who support it today and those who may enable it to become law in the very next few days will inevitably set themselves up for a much more morally and constitutionally difficult question come next January, and they will undermine, they will undermine the protections that are currently in place for every one of our citizens, the protections that now allow each of us some recourse in our district to challenge the constitutional qualifications of those who would seek to be on the ballot as a step toward seeking to represent us.

Madam Speaker, I would urge that we not undermine those protections, that we not pass this wrong law, that we not let the interests of one member and one caucus today, a momentary passing interest, undermine some of the fundamental principles that we find in our Constitution.

I urge that we vote to nonconcur. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Eachus.

Mr. EACHUS. Thank you, Madam Speaker.

I think my colleague from Allegheny County did a sufficient job of laying out the arguments as to why this affidavit is important to protecting our citizens, to make sure that we have qualified candidates serving here in the House of Representatives and in the Senate.

But I thought it was important to tell you a short story about a young child. I was in a third grade class at the Drums Elementary School about 2 months ago, and it was in my son's class, so it was really special to be there, and a young lady asked me if, because I was a State Representative, I could break the law. My answer to her that day was unequivocally no.

Today the Constitution has been used as a red herring to cover, for whatever reason, the problems of one legislator in the western part of the State.

I am, frankly, ashamed by the perversion of the language used, the fallacious arguments of the folks in the well at the other side of this chamber about how important it is to put the power back in the hands of the citizens of our districts by allowing the final arbiter in this process to be the majority of whoever rules this chamber. Might is not always right, and we have to remember that.

I feel strongly that this whole day, this whole 3-hour debate, has been spent merely to cover for that one member, and that is a shame and it is a waste of the people's time.

I can tell you, frankly, the people of the 116th District have no faith, no faith, in the power decisions that get made inside this process. *I am an example, my seat is an example of what bad decisions get made when power politics here on Capitol Hill get mixed into seats, and I know you members who were here before me remember the swearing-in day of 1994. That is the same thing that is going on here today. We are going to leave the decisions about residency, about whether someone can be a bomb-throwing anarchist, a rapist, a felon, because we no longer will have an affidavit that we will have to swear that we are not any of those*

terrible things. The power politics of this chamber are going to be the final arbiter in that decisionmaking process, and I can tell you, the people of the Greater Hazleton area understand what that means.

After today I have to go back to my community and look that young girl from the Drums Elementary School in the eye, and I still want my answer to be an unequivocal no, but after today, after we cast this vote, we all need to think about whether we can go home and talk to those kids and give them that answer.

The SPEAKER pro tempore. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Mr. PERZEL. Madam Speaker? Madam Speaker? Ms. STEELMAN. Thank you, Madam Speaker.

The SPEAKER pro tempore. Would the lady hold just one moment, please.

For what purpose does the majority leader rise?

Mr. PERZEL. I apologize, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Madam Speaker.

Will the gentleman from Lehigh County stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Ms. STEELMAN. Thank you.

Madam Speaker, listening to you respond to some of the other interrogatories earlier in the afternoon, I noticed that you seem to be extremely careful in speaking to the issue of the constitutional right of the House to determine the qualifications of its members. Repeatedly you use the term "members." Are we also to understand from that that you were doing so carefully to draw a distinction between members of the House and candidates for membership in the House; that is, that you did not want to suggest that the House has the authority to determine the qualification of candidates?

Mr. SNYDER. That is correct, Madam Speaker.

Ms. STEELMAN. Then the House does not have the capacity to determine or rule on the qualification of candidates.

Is it possible to become a member of the House of Representatives without first having become a candidate?

Mr. SNYDER. Madam Speaker, the Constitution provides for the electoral process of nominating and the general election. That part of determining who the candidates are going to be is left to the voters of that particular district.

Ms. STEELMAN. That does not actually answer the question. I asked you specifically if you knew of any way in which an individual could become a member of the House without being a candidate first.

Mr. SNYDER. No.

Ms. STEELMAN. Logically then, the same qualifications that apply to a member of the House must also apply to a candidate since that is the only way to become a member; members are bound by those qualifications. But if we pass HB 1760, we are going to take away what appears to be the only mechanism other than voter choice for removing candidates from the process who are not qualified to be candidates. I am not actually posing that as a question, because I already know the answer to it.

You said in another response that our laws provide different kinds of remedies for violations. For many of them the remedy is



through the court system; for some of them the remedy is through various other agencies.

If we adopt HB 1760's conference committee report, we will be saying that the only enforcement mechanism for the qualification of candidates for the House and the Senate will be the choice of the voters. Do you know of any other law in the Commonwealth, the administration of which is left entirely to the voters of the Commonwealth?

Mr. SNYDER. Standing here I do not know of any, but I do not know of any specific provision that is spelled out as it is in Article II for what our responsibilities are on this issue. I mean, there are areas in the Constitution that give us, the legislature, the ability to determine statute and the remedies for violation of those statutes, but in Article II it is very clear — and I think you have heard it read several times today — that the people of the Commonwealth, through the Constitution, have told us, that is your job, and so if you look in the Constitution, that is the answer. It is not my opinion; it is not how does it compare to other issues. The Constitution is very clear that it is our responsibility to determine the qualifications of the members of this body.

Ms. STEELMAN. Thank you, Madam Speaker.

That concludes my interrogation. Could I speak on the bill?

The SPEAKER pro tempore. You may proceed.

Ms. STEELMAN. Thank you.

What we are about to do in adopting the conference report then will be to create a unique situation in the Pennsylvania legal system, in the system of laws under which our Commonwealth exists, and we are being told that we should do this in order to defend the purity of the Constitution, but a lot of the discussion today has called that argument into serious question.

I would repeat, with a slight modification, an observation of a previous speaker. The way I heard that old maxim, it goes, power tends to corrupt and absolute power tends to corrupt absolutely, and that, unfortunately, is what we are seeing today.

This is not about the separation of powers; this is not about expanding the powers of voters. This is about a battle for control of the House, and it is about cash, the cash that flows from control and the cash that will be expended in maintaining control, and that is what has created the corrupted atmosphere in which this House has its being. It is a classic example of the corrupted atmosphere of the House that after weeks of effectively adjourning on Tuesdays, we are finally, finally here on Wednesday arguing about a bill that includes, buried among several good provisions, language that makes it harder to prevent bogus candidates from imposing themselves on the electorate.

It is an unfortunate example of the corrupted atmosphere of this House that a senior Republican leader responds to criticism of this sweetheart bill not with reasoned argument but by threats delivered in the tone of a schoolyard bully, and it is a tragic example of the corrupted atmosphere of this House that we are about to see Republican members who believe in respect for the law, respect for the courts, and the authority of the Constitution hold their noses and vote for this bill.

I am asking those who recognize that this legislation is flawed and the arguments supporting it are specious to vote against concurrence, and if that leads to a wave of accusations, as the majority leader has threatened, so be it. This is a good time to raise these issues; petition season is about to open. The people of Pennsylvania deserve a clean House, and if this is the only way to

do it, then something good will come out of this attempt to weaken the election laws of this Commonwealth. Please, vote to nonconcur.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Madam Speaker.

This bill is taking away the right to object of 12 million people and is placing it in the hands of 203. The American Revolution, Madam Speaker, was fought for less, fought over less.

Benjamin Franklin, Benjamin Franklin said it best when he wrote in the Historical Review of Pennsylvania, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." Let me repeat that: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

I am afraid that this bill is sending a horrible message around the country that the Pennsylvania legislature is willing to compromise the rights of its citizens.

My good Republican colleague, who represents the people of Erie in the Pennsylvania Senate, had the good sense to know that the liberties of the people of Pennsylvania were being jeopardized with this legislation. She voted "no" on HB 1760, and I urge you to do the same. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Myers.

Mr. MYERS. Thank you, Madam Speaker.

Madam Speaker, I have heard a lot today, and I heard so much I am kind of confused. So I was wondering if Representative Snyder would help me get through some of this confusion.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. MYERS. Madam Speaker, it is my understanding that changing the language or removing the language will allow for the process to be carried out here in the House of Representatives. If someone ran in my district, did not really live there for the time that was required, used the wrong address, that my only recourse would be to bring that information to this body?

The SPEAKER pro tempore. The Chair would ask the gentleman to repeat it. He is having difficulty hearing what you are saying.

Mr. MYERS. Oh, okay; sure.

The SPEAKER pro tempore. Would you cease just a moment.

It is very difficult for the gentleman to answer the question because there is too much noise in the hall of the House. Could you please try and be quiet.

Will the gentleman, Mr. Myers, proceed.

Mr. MYERS. Thank you, Madam Speaker.

Madam Speaker, my question is that if someone ran in my district, did not live there for a year, was not a resident of Pennsylvania for 4 years, my only recourse would be to try to challenge that here in the House of Representatives?

Mr. SNYDER. Madam Speaker, first of all, I am sure that with your knowledge of your district and people, that you would be able to beat that person anyway, so we will not have to worry about that issue, but that is really what the Constitution says.

Let me just read and perhaps reverse the interrogation and ask you what this means: "Each House...shall judge of the election and qualifications of its members." Now, the Constitution defines that we have the ability to pass laws and to do different things, and one



of the things that the Constitution says that we have the responsibility for doing is judging the qualifications of its members. So is that not the answer to your question — we have that responsibility?

Mr. MYERS. Well, no, actually it is not. Actually, I severed the issues into two. One, are you qualified to be a candidate placed on the ballot, separate from whether after you won, are you qualified to sit in the House? So my question is in regards to someone being qualified to be a candidate, if that is going to be determined by this House.

Mr. SNYDER. Madam Speaker, the affidavit requirements that we are discussing do not apply to someone running for the mayor; it does not apply to someone who is running for school board or anything else. So if someone wants to run from the city of Allentown for mayor of Philadelphia, even though your charter may say differently, there is no requirement for an affidavit to state that, so the only requirement in here dealt with the General Assembly. So I guess the answer to your question is, after this, it will be the same as it applies to every other elected office in the Commonwealth of Pennsylvania. We will be uniform with all other candidates, and the process will be the same except that we will have the ability, when someone gets elected by the people, to determine, based on a challenge, that they are eligible to sit or not in this chamber.

Mr. MYERS. Okay. So then walk me through this process. Someone challenges candidate X on the grounds of residence. How do they do that? I heard earlier you said that all they have to do is tell one of the 203 members here in the House. Right?

Mr. SNYDER. Madam Speaker, I certainly do not mind answering questions, but I think the Speaker had noted earlier that I do not think there is a point in repeating the answers to the same questions that have been asked several times. We have been at this debate for 6½ hours now, and I believe that the line of questioning we are going down are the same questions that have been answered.

Mr. MYERS. No, they are not, because the only question that has been answered so far in the process is that if someone wants to challenge a person's residency, they can do that by giving their challenge to one of the members of the House. I am saying, all right; I understand that.

Okay. Let us say, let us say someone— Let us say I brought the challenge to you. I said, this guy really does not reside in the district long enough. Then what would happen after that?

Mr. SNYDER. Madam Speaker, as long as when that person filed their nomination petition, the affidavit, which states that I am eligible for said office, some of the same questions that applied earlier about, are you in violation of a crime for falsely swearing, would still apply.

Mr. MYERS. Okay. So then—

Mr. SNYDER. I could go to the district attorney and ask the district attorney to file charges against this person for falsely swearing. The only difference is that the court would not have the ability to withdraw that person's nomination petitions; that is the difference.

Mr. MYERS. Okay. So what you are saying is that if I brought a challenge to you, that you could take it to the district attorney and the district attorney could start the legal process to investigate this? Is that what I am hearing you say? I mean, the reason I am asking you this question is because there are a lot of citizens out

here watching this, and if any of them want to make a challenge, we need to tell them what the process is. They can bring that challenge to you, to me, and then we take the next step. Is that how it goes?

Mr. SNYDER. Madam Speaker, there is a difference between being a candidate for office. First of all, the issue is how you get nominated by your party, and that is really what the affidavit is about. As you may recall from earlier this morning, the affidavit applies to the nominating petition, and the only people that can challenge that are people of the same party, because the nomination petition is to represent that party.

There are other means within our political process — within your political party in your municipality, through the media, through charging somebody with a crime for falsely swearing — there are several other remedies to deal with this particular issue. We are not taking away all the remedies.

Mr. MYERS. Thank you.

Madam Speaker, may I address HB 1760?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MYERS. Madam Speaker, this conference report reminds me of a pizza, and I guess you would say, well, why would it remind me of a pizza? Well, the reason it reminds me of a pizza is because I ordered a pizza and it had a lot of good stuff on it. And somebody said earlier that this conference report has a lot of good stuff in it, some of the stuff in this conference report is good, but do you know what happened with my pizza? I had all this — a combination. I had pepperoni and ground sausage and vegetables, and then somebody put horse manure on it. Now, now, I had this good pizza. I mean, it was an excellent pizza. It was made by the best pizza house in Harrisburg until they put the horse manure on it. That messed the whole pizza up. So I am saying that this conference report, even though it has got a lot of good stuff on it, somebody added horse manure, and that is to my friends from the rural communities who will understand what I am saying.

I believe that this language, this one particular item in this bill, has totally destroyed the credibility of this conference report, and for anyone to suggest that it has done anything other than that, they are lying and trying to cheat and defraud the constituents of the State of Pennsylvania.

And I know that everybody has got their mind made up already that this is a candidate-protection bill, this bill is about protecting one member of this House, and we are going to sell our integrity to protect one member. If I was wrong, I should suffer the consequences. If you are wrong, you should suffer the consequences, and we should not, 202 of us, be asked to sell our integrity for the benefit of someone that did not have the common decency or the sense to be a qualified candidate.

It is therefore, I believe, our responsibility to reject this language so that we do not find ourselves doing this again — selling our souls to the devil for power and control and forgetting about the citizens of this Commonwealth.

And in closing, I say, this pizza is loaded with horse manure.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Kirkland.

Mr. KIRKLAND. Thank you, Madam Speaker.

First of all, just let me say, I may never order take-out pizza again.

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

The SPEAKER. Will the gentleman yield.

Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1760, the conference report.

Mr. Speaker, when my mother was alive, she always told me something that was very important to me. She always told me, "Son, whatever you do, always tell the truth." And there were times, I must admit, Mr. Speaker, when I was younger that I would test my mom and I would not tell the truth, and somehow, somehow, she would find out that I was lying, and there was a penalty to be paid, and more times than none, that penalty was very severe. My mother always told me, Mr. Speaker, to tell the truth. She would say, tell the truth even if it hurt; she would tell me to tell the truth even if it was embarrassing; she would say, tell the truth even if your friends kind of walked away from you, she said, but still tell the truth. And I always wondered why she would ask me to do such a thing even if it would hurt, but she simply said, "Son, the truth will simply set you free."

Mr. Speaker, this conference report, HB 1760, disallows the truth from being told. The fact of the matter, Mr. Speaker, is that this conference report is nothing more than a coverup, a coverup for one individual.

Now, Mr. Speaker, I have heard other persons on the other side and I have heard one of the leaders on the other side refer back to some happenings back in 1986, and, Mr. Speaker, quite frankly, I was not here in 1986; I was not here in 1976; I was not here in 1966, but I heard other speakers go back to that date. I even heard them speak on people who are no longer with us, persons who have since died, and, Mr. Speaker, quite frankly, I think that is wrong to raise those individuals, to bring up those individuals' names that are deceased in this type of debate. In fact, I think it is wrong to talk about anybody unless you are going to be man or woman enough to address them face to face.

Mr. Speaker, the bottom line is that this conference report, HB 1760, simply hides the fact that someone on that side of the aisle, Mr. Speaker, has lied, someone on that side—

Mr. PERZEL. Mr. Speaker?

Mr. KIRKLAND. —of the aisle, Mr. Speaker—

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I would like to have that comment stricken from the record. There has never been anything said here about anybody lying.

The SPEAKER. I apologize; I was distracted and did not hear the remarks of the gentleman.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Let me go back, Mr. Speaker. Something is happening on that side of the aisle that is not true, Mr. Speaker; something is happening on that side of the aisle—

Mr. SNYDER. Mr. Speaker?

Mr. KIRKLAND. —concerning the conference report.

The SPEAKER. Will the gentleman yield.

Mr. Snyder.

Mr. SNYDER. Mr. Speaker, this has been almost 7 hours. The Conference Committee Report on HB 1760 does not deal with any

individual; it deals with statutory language, and I wish we would please stick with the statutory language.

The SPEAKER. The gentleman, Mr. Snyder, is right. What is before us is the adoption or the rejection of a conference committee report.

Now, there has been a great deal of latitude given. I will continue to give it. I would ask you, however, to really try and close your remarks down into a narrow, narrow alleyway dealing with the conference committee report.

Mr. KIRKLAND. Thank you, Mr. Speaker.

And at the same time I wish that I would have the same latitude as other members of the House have had. Thank you.

Once again, Mr. Speaker, the bottom line is that this conference report is a coverup. It provides a shield; it provides a blanket for individuals or an individual, Mr. Speaker, to not be truthful to his or her constituents, to not be truthful to the persons within their district, to not tell the truth.

This conference report, Mr. Speaker, quite frankly — and I will not say the word — this conference report, Mr. Speaker, quite frankly, is a sham.

I rise, Mr. Speaker, asking that the members of this House, on both sides of the aisle, would vote "no" on HB 1760, Mr. Speaker, and, as my mama would say, simply tell the truth. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**REMARKS SUBMITTED FOR THE RECORD**

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

It is disappointing that this House has been put in a position to vote on this issue, an issue that is designed to be self-serving for the majority party. That in itself would be bad enough, but to undermine the matter of constitutional requirements for candidates who run for the people's House is unacceptable.

If this legislation passes, we will have brushed aside an important check-and-balance aspect of our election laws. The courts will no longer have a say on important matters, such as the requirement as to where a candidate lives and if that person has a right to seek office in that district.

We must not support the attempt of the majority party to establish unfair circumstances relative to the election process. I urge a "no" vote on the Conference Report on HB 1760.

The SPEAKER. The Chair recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I know a lot has been said so I will try to make my remarks brief.

This conference report that we are going to vote on today is chicanery, pure and simple. The members on the other side of the aisle know that as well as every single member on this side of the aisle knows it. This conference report is chicanery, pure and simple, and if it was not chicanery, this bill is the classic example of, where there is smoke, there is fire, because we would not be asked to change anything or repeal any part of the law if there was not a problem in the 44th Legislative District. Make no doubt about it; that is why we are voting on this conference committee

report with the repeal language that is included in it. It is chicanery, Mr. Speaker, and you know it.

The problem is that there is an individual who signed an affidavit swearing and affirming—

Mr. SNYDER. Mr. Speaker?

Mr. McCALL. —swearing and affirming residency—

Mr. SNYDER. Mr. Speaker?

The SPEAKER. Will the gentleman yield.

For what purpose does the gentleman rise?

Mr. SNYDER. I think we are going far afield here again. He is talking about an individual in this House.

The SPEAKER. Will the gentleman yield; will the gentleman yield.

No names have been mentioned. The gentleman is still within the rules as I view them.

The gentleman may continue.

Mr. McCALL. It is a problem where an individual signed an affidavit swearing and affirming to something and we want to change that; we want to change the statutory authority, take that requirement away, and allow him to be seated in this seat.

Mr. Speaker, it is abhorrent that the Republican majority today wants us to cover up something. I tell my people every day, when I speak in my legislative district, that it is an honor and a privilege for me to serve in this House, and I thank them every time I go to a public gathering for the honor and privilege to stand on this floor representing their needs here in Harrisburg.

But, Mr. Speaker, I have to tell you all something today. I am embarrassed because today we are less than honorable, and your tactics today are an arrogant abuse of power, and you make a mockery of the term "honorable."

And if I can quote my good friend from Delaware County, Representative Kirkland, look in the back of the hall of the House, etched in the ceiling in the back of the hall of the House: "And Ye Shall Know The Truth, And The Truth Shall Make You Free," and that is what the debate is about today, about the truth.

I ask for a "no" vote on this conference committee report.

The SPEAKER. The gentleman, Mr. Williams, for the second time. Mr. Williams?

Mr. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is recognized for a few brief remarks.

Mr. WILLIAMS. Thank you.

Mr. Speaker, I have with me a resolution, and I would like, for the purpose of introducing this resolution, to suspend the rules of the House.

The SPEAKER. The gentleman is not in order. The business before the House right now is the business of consideration of HB 1760, the conference committee report. That is the order of business. We do not just take anything that strikes our fancy out of order. Now, you know better than that, Mr. Williams.

Mr. WILLIAMS. Well, Mr. Speaker, I have been here on this floor today, and I have heard more than once, more than twice, more than three times people attempt to suspend the rules, and each time you have asked them for the purpose of what.

The SPEAKER. That is true. I did not have to ask you, Mr. Williams. You told me it was to introduce a resolution.

Mr. WILLIAMS. If theirs were in order at that particular time, then I am not sure why mine is out of order at this particular time, because the question, it would seem to me—

The SPEAKER. Mr. Williams, the question before the House is the adoption or the rejection of HB 1760. Does your resolution deal with that bill?

Mr. WILLIAMS. Directly.

The SPEAKER. In what way?

Mr. WILLIAMS. In the way that some of the substance of the bill that we are dealing with today relates to this particular resolution.

The SPEAKER. The resolution is out of order at this time. The suspension of rules that has taken place in the House today, from my recollection right now, dealt with the offering of amendments to other bills that were before the House. This is an inappropriate time to introduce a resolution, while we are in the middle of a debate on another bill.

Mr. WILLIAMS. If my resolution relates to the substance of this bill, why is it out of order?

The SPEAKER. The only thing before the House is the acceptance or rejection of the conference committee report.

Mr. WILLIAMS. I understand that, but I am asking you—

The SPEAKER. There are no resolutions that can be part of a conference committee report. There are no amendments that can be taken to the conference committee report. There is nothing that is appropriate to be considered at this time other than accepting or rejecting the conference committee report, other than some of the things that we have already considered dealing with motions to delay, postpone, constitutionality, and the like.

Mr. WILLIAMS. So it is my understanding that the information I got earlier with regard to expulsion and the process by expulsion that relates substantively to this as it was described by the gentleman from Lehigh County does not relate now?

The SPEAKER. It does not relate— It is not relevant to what is before the House at the moment, which is the acceptance or rejection of this report. Now, if you have some kind of a petition to expel someone, there might be an appropriate time to introduce it, but this is not it.

Mr. WILLIAMS. What would be the appropriate time?

The SPEAKER. Frankly, when we have completed the calendar.

Mr. WILLIAMS. So will I be recognized prior to adjournment so that I may be able to offer my resolution?

The SPEAKER. You would be recognized at that time for the purpose of suspending the rules to offer— You can offer a resolution which will be sent to the Rules Committee. Is that what you wish done?

Mr. WILLIAMS. No; I do not want it to be sent to the Rules Committee. I want the body to consider it directly.

The SPEAKER. Well, then you will be recognized, and you can move to suspend the rules at the time prior to adjournment.

Mr. WILLIAMS. Can I speak on the conference committee— Well, no; never mind. I will speak on this when I get recognized. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, in my 18 years in this House, I must say that this is the saddest, most tragic day I have ever spent as a member of the House of Representatives.

I am ashamed at leaders on both sides of the aisle to pursue this course that does not even make nonsense on this issue; to pursue

this course that is only going to allow bloodletting from now on from both sides of the aisle; to pursue this course that will serve no purpose but to prove that we are wrong in this action.

It is really sad; I am ashamed, and many of my colleagues on both sides agree with me. I wish they would stand up and be heard now, because if it were ever important, it is now.

To me, Mr. Speaker, since the first day I was here in January of 1981 and you were the Speaker on the rostrum, this is the most disgraceful day I have ever witnessed, and I think every one of you will be sorry that you allowed this to happen.

MOTION TO ADJOURN

Mr. PETRONE. On that, Mr. Speaker, I would like to make a motion that this House adjourn until Monday, March 9, at 1 p.m. Thank you.

The SPEAKER. Mr. Petrone?

Mr. PETRONE. Tuesday.

The SPEAKER. Mr. Petrone, might I—

Mr. PETRONE. Tuesday.

The SPEAKER. —might I remind the gentleman that there are prospectively two members, two new members, to be sworn in on Tuesday, the 17th of February. I wonder if you might adjust your dates.

Mr. PETRONE. Well, then I will make the motion that the House adjourn until Tuesday, February 17, at 1 p.m.

The SPEAKER. The Chair thanks the gentleman.

Mr. PETRONE. Is that fair, Mr. Speaker?

The SPEAKER. I am not going to say whether it is fair, but it will accommodate those two people, I am sure. They will think it is fair.

Mr. PETRONE. Thank you.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Two things. First off, I was ashamed a couple of weeks ago when I read a few things in the newspaper myself, and I would strongly urge the members to vote "no" on the motion to adjourn.

The SPEAKER. On the question, those in favor of adjournment will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-96

Battisto	Dermody	Lloyd	Sainato
Bebko-Jones	DeWeese	Lucyk	Santoni
Belardi	Donatucci	Manderino	Scrimenti
Belfanti	Eachus	Markosek	Shaner
Bishop	Evans	Mayernik	Staback
Blaum	George	McCall	Steelman
Boscola	Gigliotti	McGeehan	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Gruitza	Michlovic	Surra

Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Myers	Thomas
Carr	Horsey	Olasz	Tigue
Casorio	Itkin	Oliver	Travaglio
Cawley	James	Pesci	Trich
Cohen, M.	Jarolin	Petrarca	Van Horne
Colafiglia	Josephs	Petrone	Veon
Colaizzo	Kaiser	Preston	Vitali
Corpora	Keller	Ramos	Walko
Corrigan	Kirkland	Readshaw	Washington
Cowell	LaGrotta	Rieger	Williams, A. H.
Coy	Laughlin	Roberts	Williams, C.
Curry	Lederer	Robinson	Wojnaroski
Daley	Lescovitz	Roebuck	Yewcic
DeLuca	Levdansky	Rooney	Youngblood

NAYS-103

Adolph	Fairchild	Maitland	Schuler
Allen	Fargo	Major	Semmel
Argall	Feese	Marsico	Serafini
Armstrong	Fichter	Masland	Seyfert
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Gannon	McNaughton	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Orie	Taylor, E. Z.
Bunt	Hasay	Perzel	Taylor, J.
Carone	Hennessey	Phillips	True
Chadwick	Herman	Pippy	Tulli
Civera	Hershey	Platts	Vance
Clark	Hess	Raymond	Waugh
Clymer	Hutchinson	Reber	Wilt
Cohen, L. I.	Jadlowiec	Reinard	Wogan
Cornell	Kenney	Rohrer	Wright, M. N.
Dally	Krebs	Ross	Zimmerman
Dempsey	Lawless	Rubley	Zug
Dent	Leh	Sather	
DiGirolo	Lynch	Saylor	Ryan, Speaker
Druce	Maier	Schroder	
Egolf			

NOT VOTING-0

EXCUSED-2

Pistella	Trello
----------	--------

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

CONSIDERATION OF HB 1760 CONTINUED

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the gentleman, Mr. Petrone, on the question of the conference committee report.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I want it to be known by this House and especially the majority leader that his reference to my personal life a moment ago—

The SPEAKER. Mr. Petrone—

Mr. PETRONE. —is a disgrace, and I say that you are a coward, Perzel, and you might even be a Nazi. You might have a little Nazi in you.

The SPEAKER. The gentleman will yield.

The Chair recognizes the gentleman, Mr. James. The gentleman, Mr. James; the gentleman, Mr. James. Do you desire to be recognized? The gentleman is recognized.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, I have a question for Mr. Snyder. It was something in reference to what he said as it relates to—

The SPEAKER. The House will come to order; the House will come to order. Members will take their seats. Members will take their seats.

Mr. James.

Mr. JAMES. He does not want to stand for interrogation?

The SPEAKER. The gentleman, Mr. Snyder? The gentleman indicates he will not stand for interrogation.

Mr. JAMES. All right. Thank you. Thank you, Mr. Speaker. I understand. I guess I cannot blame him if he does not want to face the music. But anyway, I just want to, since he cannot answer that question, go ahead and shorten my remarks because of the time, Mr. Speaker.

I just want to remind us that, as Representative Kirkland talked about the truth will set us free, and also Representative Myers when he talked about the horse manure is on the pizza, and I would encourage all of my colleagues to vote against this conference report, basically because that is what it is. Thank you, Mr. Speaker.

The SPEAKER. To the best of the Speaker's knowledge, there are only three more speakers, all of whom are short winded.

The Chair recognizes the distinguished gentleman from Allegheny County, the Democratic whip, Mr. Itkin.

Mr. ITKIN. Short winded but long willed.

Mr. Speaker, we have heard a lot of our colleagues today discuss the deleterious effect of this particular legislation. In my judgment, this is one of the worst blatant attempts that I have seen to close the gates on citizens' self-determination.

The House of Representatives, this body, is known as the people's chamber, and it has been created to give the people a voice in government. We are the people's chamber, and yet today—

The SPEAKER. Conferences on the floor, please break up. Sergeants at Arms, clear the area behind the rail. The members in the center aisle, please take your seats. The conferences in the area of the minority leader, please break up. Conferences on the side aisle, please break up.

Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

We will be finished fairly soon; I am convinced of that, and so if we keep the noise to a low rumble, I think we can all get out of here at a reasonable hour.

And yet — as I was saying — today on this particular legislation, we are voting to turn this chamber into a fraternity — membership by invitation only.

And what this bill does, Mr. Speaker, is to invite carpetbaggers, sometimes controlled by outside interests, to be planted in strategic legislative districts throughout the State, and it ultimately strips citizens of the tools needed to challenge a pretender to a House seat.

Think about it this way: Everyone must pass tests — to drive a car, to sell real estate, to audit a ledger, to get a college degree. Tests prove that we are indeed qualified for the task at hand, and the most critical test for an elected official is the residency test. It proves that you and I are fully qualified to speak for our neighbors in this people's chamber, and this bill removes that test and muzzles our neighbors' voices.

This is purely a partisan incumbency-protection plan — the second we have seen this session.

The SPEAKER. The gentleman will yield.

Please. The gentleman, Mr. Itkin, is entitled to the courtesy of the House. The members will take their seats.

Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

The first was that third-party petition bill, and fortunately for democracy in Pennsylvania, Governor Ridge rose to the occasion and vetoed that bill.

This bill smells to high heaven, and now it is on the verge of heading to the Governor's desk. So I am saying here today in this chamber and to the Governor, Governor Ridge, rise to that occasion again. Rise above partisan politics and kick this stinking bill off your desk and into the trash without your signature, and give the people of Pennsylvania the right to choose their own representation in the State House and the State Senate.

Governor, there is a bad bill heading your way. Get out that trusty veto stamp. Kill this bill, and give government back to the people of Pennsylvania. Thank you.

The SPEAKER. The Democratic floor leader, Mr. DeWeese.

### PARLIAMENTARY INQUIRY

The SPEAKER. Mr. James, for what purpose do you seek recognition?

Mr. JAMES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. JAMES. I just wonder, if it would be in order, if I can interrogate Representative Pippy?

The SPEAKER. On this bill?

Mr. JAMES. Yes.

The SPEAKER. The gentleman indicates he will not stand for interrogation.

Mr. JAMES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the Democratic floor leader, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

He lied; I knew he lied; he knew I knew he lied. Those were the recollections of an American intelligence officer in 1944 who jumped into Spain, made his way to Madrid, and met the covert Russian agent. He said, he lied; I knew he lied; he knew I knew he lied, but that is the way we did business.

This is not occupied Europe; this is not a totalitarian system, and the fundamental question that we have to keep asking ourselves, Mr. Speaker, and the essence of our assignment here is engraved not in flame but engraved in gold: "And Ye Shall Know The Truth, And The Truth Shall Make You Free." Those words are not mine, Mr. Speaker; those words are ours. Those words are the people's words.

When the ammo is running low, you guys just roll out the rusty artillery of abuse, and this is abuse. I cannot fathom that all of you, especially some of the graybeards, some of the old stalwarts, some of the old war horses, some of the chairmen, some of the institutionally inspired men and women who serve with me here year in and year out, are going to let this happen. I cannot believe that the Republican members are going to let this happen for the salvation of the Allegheny County Representative in the 44th District — one person, one person, whose candor on an affidavit not too long ago is being questioned. So you are going to throw a grenade, politically speaking, into the process.

I cannot remember, I think it was Mr. Levdansky, one of our members said that, and he was right, you folks carped and caviled about residency for welfare people. For folks that need welfare, you want residency, but to run for the House and the Senate, no affidavit, nothing to prove residency. Just like the gentleman who had the horse-manure pizza said, you folks want it all to be decided up here on swearing-in day, in the flowers and the songs and the jubilation. You are taking it away from the county courthouse. You are taking away the opportunity for men and women in the neighborhoods and the townships to go down to the court of common pleas in Jefferson County or McKean or Pike or Monroe. Wherever you Republicans happily reside, you are going to allow 15 Joe Smiths to potentially run against each other and bollix up this system more than it has ever been bollixed up before.

Representative Fumo, figuratively speaking, tore the Constitution in half last night. I think that was an appropriate metaphor, because the constitutional checks and balances inherent in our system over the long run of history have been contingent upon a tripartite structure, the equality of the three branches, and when I hear the name, especially for you Philadelphia Republicans, when I hear the name of Justice McDermott, I am favorably disposed, I am favorably impressed, I am inspired, and I remember my good acquaintanceship with Justice McDermott.

We had a problem. We had a potential problem in the mideighties, because ostensibly one Senate candidate was elected to the Senate from a district which she did not represent — or she did not live in, excuse me. So not too long after that, our Attorney General, Michael Fisher, Joe Loeper — Joe Loeper — David Brightbill, all these Senators got together and crafted new legislation that said an affidavit would be sworn to. You had to live in your district 1 year. You had to live in Pennsylvania for 4 years. This was their tactic; this was their strategy, and it made sense, and it passed overwhelmingly in the Senate 47 to 1, and it passed in this chamber 198 to zero. Now, we are getting ready by a party-line vote to overthrow that. One hundred and ninety-eight of us voted for the system to make sure that anybody that swears on an affidavit is telling the truth, anybody that swears on an affidavit has lived here for 1 year in the district and 4 years in the State.

Now, I will certainly subscribe to the rules of the House, Mr. Speaker, and I will certainly not mention names, but when you swear an oath and you file it before the Secretary of the Commonwealth that you are satisfying the eligibility requirements of our Constitution and you swear that on an affidavit, that is a serious matter, and when you swear that you have lived here for 4 years, that is a serious matter. And it would be nice to have that supported, Mr. Speaker, with a Pennsylvania driver's license, not a Texas driver's license like the gentleman from the 44th District.

It would be nice to have potentially voted in Pennsylvania before the military service, but when you live in Massachusetts, that is pretty tough to do.

Mr. Speaker, just a short time before the gentleman from the 44th District ran for office, he was a resident of Bell County, Texas. He registered to vote in Bell County, Texas, in 1994, and when he walked into that courthouse, he gave his former address as Killeen, Texas, not an address in Pennsylvania. The gentleman first registered to vote in Pennsylvania on October 19, 1995 — October 19, 1995. The driver's license did not come until February of 1996. Enough of that.

We know that the affidavit notwithstanding, notwithstanding the inherent duty, honor, and country that is perpetually evinced from our service academies, notwithstanding that credo, notwithstanding that inspiring honor code at Annapolis or on the Palisades above the Hudson or in faraway Colorado, notwithstanding that, we have a situation here, Mr. Speaker, that you Republican majority members are trying to change for one person and affect 12 million others. You are trying to say it is okay to not live in Pennsylvania for 4 years prior to running. You are trying to say it is okay not to live in your district for 1 year prior to running. You are saying it is okay to not be candid on your affidavit.

The gentleman from Lehigh County and the gentleman from Lancaster County, the honorable chairman of the Judiciary, said a little while ago that it is incumbent upon the House; we are the final repository of these decisions, and yet, for over a year we have sat here waiting for our honorable gentlemen and ladies of the Republican side to constitutionally deal with this issue. It was a violation of affidavit. There was an untruth, and nothing, nothing, has been done. That is why, that is why we want to have the recourse to go to the county courthouse.

You Republicans are always telling us you want smaller government; you want localized control; you want to take it away from big government. I can hear all of you reverberating the excitement and localism of Ronald Reagan, but now you do not want the judge back home to decide whether someone was lying on his affidavit. You want to come up here and duke it out on swearing-in day. You are taking the power away from the people.

Sure, sure, we had a system like that for a couple hundred years, but there was a mistake, and Joe Loeper and the Honorable Michael Fisher, our Attorney General, corrected that mistake in the mideighties. He corrected — D. Michael Fisher, honorable Attorney General — he corrected it, and we passed it. Now you are trying to rupture, sunder, and tear apart what we did, and that makes no sense. It makes no sense.

This is one of the most serious matters we have ever debated on this floor. I have here in front of me the affidavit that was ostensibly perpetrated upon our system, and I want to read one sentence: "...I will satisfy the eligibility requirements of Article II, Sections 5 and 7 of the Pennsylvania Constitution;...I shall have been a citizen and an inhabitant of Pennsylvania for four years and an inhabitant of the electoral district specified above one year...before the election;..." and then the signature of the gentleman from Texas.

It is a sublime coincidence, at least chronologically speaking, that that was 2 years ago today — 2 years ago today.

You are stripping our courts of their involvement. You are taking away this delicate balance of the tripartite system of



government, and all of you wonderful Republican friends of mine who have been the beneficiary of a law school education, you should really be concerned about the assault on the balance of powers. You are tipping that balance away from the judiciary. The judiciary should have some involvement at the court of common pleas. If someone had been aggressively involved at the court of common pleas, this gentleman would not be in our midst today, and we would not be debating this subject.

You are giving people, by virtue of what you are doing, the ability to lie. Really, there is nothing in this statute that would defer or deflect or prohibit a 4-year-old girl from California from running for office in Pennsylvania. You are opening the proverbial door wide open. People can move in, Mr. Speaker, to Pennsylvania one day and run for office the next.

This is not a spasmodic agitation; this is a seismic bounce for our system, and I think — I am sure — the vote will be to our disadvantage, but I think the record needs to be made clear that this is a heinous assault on our three branches of government and the nexus that they have always enjoyed.

I cannot fathom the eager servility. You folks, you folks, you crouch like whipped spaniels before the lash. And what do we hear from you graybeards, you solid guys that I have come up through the ranks with, you chairmen of the Republican rank and file? All you chairmen, what do I hear, what do I hear from you, you strong, sturdy Republican chairmen? What do I hear? I hear the silence of the lambs.

In closing my remarks, Mr. Speaker, I think it is important to remember for all of us that a very daring young woman from Erie, Pennsylvania, last night, Governor Ridge's State Senator, Senator Earll, had the fortitude and intellectual precision to vote against this heinous perpetration against our system. Governor Ridge's State Senator needs to be commended for her courage, and I am glad it was done earlier in the evening, and I think it should be done again.

You folks are trampling, trampling upon the divine inspiration of the Constitution, like the ancient pagans trampled upon the cross.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, when the gentleman was reading the Constitution of the Commonwealth of Pennsylvania, "They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year...before their election" — and this was left out by the gentleman — "(unless absent on the public business of the United States or of this State)..." the Commonwealth of Pennsylvania. Mr. Pippy was a West Point graduate. Mr. Pippy—

The SPEAKER. The gentleman—

Mr. PERZEL. —moved to—

The SPEAKER. The gentleman— The gentleman—

Mr. PERZEL. —Allegheny County, Mr. Speaker—

The SPEAKER. The gentleman will yield.

Mr. PERZEL. —and was assigned to Texas.

The SPEAKER. The gentleman will yield.

Mr. PERZEL. But this bill is not about John Pippy. Oh; okay. This bill is not about the gentleman from the 44th District, Mr. Speaker.

Incidentally, 14 speakers that have spoken here today were also "yes" votes for this bill the last time it came before the House of Representatives, and now it has become such a bad thing.

This bill restores to the General Assembly the right to decide the qualifications of the members of this body, Mr. Speaker. We are the ultimate determiners of our own fate, and yes, it is on swearing-in day as the day when we can make that decision. Yes, that is true, and we have made that decision several times in the past.

There is also in this the implementing language for the absentee-ballot initiative that was passed by the voters in the Commonwealth of Pennsylvania.

Also in this piece of legislation is the 10-day rule that was asked by the other side of the aisle — no names mentioned — where the Speaker has to, in 10 days, announce the election or fill a vacancy of one of the members. That was important, because we wanted to put it into statute, because we know that the rules of this House can be changed, and we did not want to see it to be changed; we are putting it in statute.

There were also provisions passed in this bill previously 140 to 55 that were important, Mr. Speaker. Some of the things that are in this bill go back to the Second Senatorial District, where that was a disgrace perpetrated upon the people of the Commonwealth of Pennsylvania where the election was stolen. We have taken and made possession of ballots or counterfeiting ballots a felony. We have made forging or destroying ballots a felony in this bill. Tampering with voting machines is now a felony. Election officials permitting unregistered voters to vote is a felony. Election officials refusing to permit election people that are properly registered now becomes a felony, and fraud by election officials becomes a felony.

There were 12 people involved in the Stinson case. Not one of them went to jail, and not one of them paid a serious penalty. Sure, they laughed and flaunted the law and stole the election that was duly won by Bruce Marks. That is all in there. So yes, there is a provision in there that says that we now are the arbiters of whether or not we seat someone based upon their qualifications. That has always been the case. We could have done that in 1996; we could have done that in, well, 1997; we could have done it in 1995. That has never changed and it will not change in 1999 when, I believe with all my heart, that we will be standing here and we will not be throwing people out and we will be the majority party.

But, Mr. Speaker, I would strongly urge concurrence for HB 1760, the conference committee report before us. There are an enormous number of good things in there, and we will be the arbiters of our own fate in the future, not the courts, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. On concurrence, Mr. Speaker, I would hereby move, under rule 65, that the gentleman from the 44th District not vote on this matter. I would quote the rule: "A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon."

My interpretation of this rule is that the gentleman from the 44th District has a direct interest in the legislation. He is a direct



beneficiary of this bill if it becomes law. It is unequivocal, and I would ask that he not vote.

The SPEAKER. The House will come to order.

It is the ruling of the Chair that this bill is not a bill that affects a personal or private interest. I quote no greater authority than the gentleman, Mr. Cohen, who so eloquently said here about an hour or 2 hours ago that this bill affects all of us in the General Assembly, both the members of the House and the members of the Senate. This is a bill that generally is an Election Code bill. It is not designated to any one particular member of the House. It could affect any one of us. It could affect any possible future candidate for the House. There is nothing, there is nothing to show right now, incidentally, on the particular point raised by the gentleman, Mr. DeWeese, that the present incumbent is going to seek election. So my ruling is that the gentleman is permitted to vote on this issue, and it is not such a vote that he would not be permitted to do so.

### RULING OF CHAIR APPEALED

Mr. DeWEESE. I appeal the ruling of the Chair, Mr. Speaker. The SPEAKER. The gentleman is in order.

The gentleman, Mr. DeWeese, appeals the ruling of the Speaker.

On the question,  
Will the House sustain the ruling of the Chair?

The SPEAKER. Is there debate on the question? Mr. DeWeese.

Mr. DeWEESE. I will tell you why, Mr. Speaker, that I believe the gentleman from the 44th District has a personal involvement in this measure. If this measure passes, he will not have to deal with an affidavit when he runs for reelection. He still has not been in this State 4 years. He still has not been here 4 years. He is the only one on this floor that has that dilemma. You are taking the affidavit away. You are relying on a constitutional provision to be utilized on swearing-in day — only one person.

If this thing fails, and I know you have the votes, but if it fails, we are in court. We are in court. In fact, I, quite frankly, cannot figure out why you guys did not hire him a great lawyer instead of messing up 202 other districts. I cannot figure that out. It would have been a lot better; it would have been a lot better. And many of you have told me that. Notwithstanding that—

The SPEAKER. The question before the House is the appeal—

Mr. DeWEESE. You are right.

The SPEAKER. —not the hiring of good lawyers or bad lawyers.

Mr. DeWEESE. I beg the indulgence, and the Speaker is correct in that regard.

So if this affects one person poignantly, piquantly, personally, and irrevocably, and it affects the rest of us on the margins—

The SPEAKER. The gentleman will yield.

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Mr. Fairchild, rise?

Mr. FAIRCHILD. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FAIRCHILD. Mr. Speaker, there are many veterans in this House. There are also those that are active in the National Guard. There are those that have left this House to serve. My point is, my point-of-order question is, when a person leaves this House or before he gets here, is that time in the military concerned or does it relate to time as a resident, or are you classified as a resident of Saudi Arabia or Vietnam or Korea?

The SPEAKER. Mr. Fairchild, I have an opinion on that, but I am not permitted to express that opinion. That is a part of the argument.

Mr. FAIRCHILD. Well, the point of order is that, for instance—

The SPEAKER. You can make an argument the same way the gentleman, Mr. DeWeese, can make an argument on that point, but it is not the type thing that the Chair would rule on, or give an opinion on.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

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

In response to the gentleman's query, if I might focus on his point of order, I think that if you are from Massachusetts and you go into the service, you are based in Texas, you have a Texas driver's license, you vote in Texas, a few months later you show up in Pennsylvania and run for office, you do not comply with the 4-year residency or even the 1-year residency in the district. So that is why this one very nice man, very nice man, is in this imbroglio. He should not vote on this, because in rule 65 it says, "A member who has a personal or private interest" — the personal or private interest is his election or nonelection — "in any measure or bill proposed or pending before the House...shall not vote thereon."

With all due respect, sir, I believe that you are dead wrong on this. You can give me any legal arcana that you wish, but this bill affects this man, and there is no denying that.

The SPEAKER. The bill affects that man and every other man and woman in this House.

On the question—

Mr. DeWEESE. Mr. Speaker, you should come to the podium if you want to debate.

The SPEAKER. That was my ruling, Mr. DeWeese. That was not a question of debate. My ruling was that it does not affect just this man but rather it affects all of us, and that was the exact ruling that you appealed from.

Mr. DeWEESE. And you expressed the ruling.

The SPEAKER. That is exactly right — twice.

On the question, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, it is not retroactive. It affects each and every one of us here in this chamber. Even if what the gentleman says was true, Bill Stinson in the Senate was allowed to vote on his own seating in the State Senate. According to the Supreme Court, that was allowed, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, those believing the decision of the Chair to be proper—

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. You did just state that this does affect all of us.

The SPEAKER. I believe the bill affects all of us, yes.

Mr. WILLIAMS. Directly.

The SPEAKER. I am sorry?

Mr. WILLIAMS. Directly.

The SPEAKER. The bill affects all of us, yes.

Mr. WILLIAMS. So if it affects all of us and you agree with the understanding as described by the minority leader, Mr. DeWeese, and we agree with you, and I definitely agree with what you just said, Mr. Speaker, then how can any of us vote on this?

The SPEAKER. It is like a pay-raise vote.

Mr. WILLIAMS. Well—

The SPEAKER. Or adjournment.

Mr. WILLIAMS. Well, with all due respect, Mr. Speaker, that is usually done around about 12 o'clock, and it is not right yet. So if you want to do 4 more hours, we can wait. But in the meantime, to the question, on a serious note, how are any of us, if we agree with your understanding, how are we to vote upon this issue? I would like a ruling with regard to that.

The SPEAKER. I have ruled on it.

Mr. WILLIAMS. No; you said—

The SPEAKER. As long as it does not affect an individual personally but us as a class, you are permitted to vote on it.

Mr. WILLIAMS. Oh; okay.

The SPEAKER. And the question recurs, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Will the House sustain the ruling of the Chair?

(Members proceeded to vote.)

The SPEAKER. The gentleman, Mr. Surra, shall be recorded in the negative. His machine is not working.

Mr. DeWEESE. Mr. Speaker, respectfully, you are going to win the vote. We probably ought to run it again, sir. You are going to win it.

The SPEAKER. There is nothing before the House but the taking of the vote. The gentleman's machine is out of order. Like Ms. Bard, I am happy to make the change. It is working now, as a matter of fact.

On the question recurring,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS-103

Adolph	Fairchild	Maitland	Schuler
Allen	Fargo	Major	Semmel
Argall	Feese	Marsico	Serafini
Armstrong	Fichter	Masland	Seyfert
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Gannon	McNaughton	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil

Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Orie	Taylor, E. Z.
Bunt	Hasay	Perzel	Taylor, J.
Carone	Hennessey	Phillips	True
Chadwick	Herman	Pippy	Tulli
Civera	Hershey	Platts	Vance
Clark	Hess	Raymond	Waugh
Clymer	Hutchinson	Reber	Wilt
Cohen, L. I.	Jadlowiec	Reinard	Wogan
Cornell	Kenney	Rohrer	Wright, M. N.
Dally	Krebs	Ross	Zimmerman
Dempsey	Lawless	Rubley	Zug
Dent	Leh	Sather	
DiGirolamo	Lynch	Saylor	Ryan,
Druce	Maher	Schroder	Speaker
Egolf			

NAYS-96

Battisto	Dermody	Lloyd	Sainato
Bebko-Jones	DeWeese	Lucyk	Santoni
Belardi	Donatucci	Manderino	Scrimenti
Belfanti	Eachus	Markosek	Shaner
Bishop	Evans	Mayernik	Staback
Blaum	George	McCall	Steelman
Boscola	Gigliotti	McGeehan	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Gruitza	Michlovic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Myers	Thomas
Carn	Horsey	Olasz	Tigue
Casorio	Itkin	Oliver	Travaglio
Cawley	James	Pesci	Trich
Cohen, M.	Jarolin	Petrarca	Van Horne
Colaella	Josephs	Petrone	Veon
Colaizzo	Kaiser	Preston	Vitali
Corpora	Keller	Ramos	Walko
Corrigan	Kirkland	Readshaw	Washington
Cowell	LaGrotta	Rieger	Williams, A. H.
Coy	Laughlin	Roberts	Williams, C.
Curry	Lederer	Robinson	Wojnaroski
Daley	Lescovitz	Roebuck	Yewcic
DeLuca	Levdansky	Rooney	Youngblood

NOT VOTING-0

EXCUSED-2

Pistella	Trello
----------	--------

The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

The SPEAKER. The majority having voted in the affirmative, the decision of the Chair stands as the judgment of the House.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS-102

Adolph	Fairchild	Maitland	Schuler
Allen	Fargo	Major	Semmel
Argall	Feese	Marsico	Serafini

Armstrong	Fichter	Masland	Seyfert
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Gannon	McNaughton	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Steil
Birmelin	Godshall	Nailor	Stern
Boyes	Gruppo	Nickol	Stevenson
Brown	Habay	O'Brien	Strittmatter
Browne	Harhart	Orie	Taylor, E. Z.
Bunt	Hasay	Perzel	Taylor, J.
Chadwick	Hennessey	Phillips	True
Civera	Herman	Pippy	Tulli
Clark	Hershey	Pfatts	Vance
Clymer	Hess	Raymond	Waugh
Cohen, L. I.	Hutchinson	Reber	Wilt
Cornell	Jadlowiec	Reinard	Wogan
Dally	Kenney	Rohrer	Wright, M. N.
Dempsey	Krebs	Ross	Zimmerman
Dent	Lawless	Rubley	Zug
DiGirolamo	Leh	Sather	
Druce	Lynch	Saylor	Ryan,
Egolf	Maher	Schroder	Speaker

**BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**HB 985, PN 2892**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), further providing for sales by liquor licensees, for special occasion permits, for certain performing arts facilities, for stadium or arena permits, for breweries, for local options, for unlawful acts relative to malt or brewed beverages, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for nuisances and injunctions.

**HB 1111, PN 2904**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further regulating public records.

**HB 1113, PN 2905**

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Department of Property and Supplies to political subdivisions," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

**HB 1116, PN 2906**

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," changing the title; further providing for additional methods for the recording, copying and maintenance of records; and providing for an additional fee.

**HB 1760, PN 2949**

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for eligibility for absentee ballots, for the powers and duties of county boards of election and the Secretary of the Commonwealth, for court establishment of new election districts, for polling place layouts, for voting machines, for special elections for members of the General Assembly, for affidavits of candidates, for objections to nomination filings, for ballot number and samples and for absentee ballots; removing certain jurisdiction from the courts; further providing for late contributions and independent expenditures, for unlawful possession and counterfeiting of ballots, for forged and destroyed ballots, for perjury, for tampering with voting machines, for illegal or unlawful voting, for denial of voting, for election

**NAYS-97**

Battisto	Dermody	Lloyd	Sainato
Bebko-Jones	DeWeese	Lucyk	Santoni
Belardi	Donatucci	Manderino	Scrimenti
Belfanti	Eachus	Markosek	Shaner
Bishop	Evans	Mayernik	Staback
Blaum	George	McCall	Steelman
Boscola	Gigliotti	McGeehan	Stetler
Butkovitz	Gordner	Melio	Sturla
Buxton	Gruitza	Michlovic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Myers	Thomas
Cam	Horsley	Olasz	Tigue
Carone	Itkin	Oliver	Travaglio
Casorio	James	Pesci	Trich
Cawley	Jarolin	Petrarca	Van Horne
Cohen, M.	Josephs	Petrone	Veon
Colafigliola	Kaiser	Preston	Vitali
Colaizzo	Keller	Ramos	Walko
Corpora	Kirkland	Readshaw	Washington
Corrigan	LaGrotta	Rieger	Williams, A. H.
Cowell	Laughlin	Roberts	Williams, C.
Coy	Lederer	Robinson	Wojnarowski
Curry	Lescovitz	Roebuck	Yewcic
Daley	Levdansky	Rooney	Youngblood
DeLuca			

**NOT VOTING-0**

**EXCUSED-2**

Pistella	Trello
----------	--------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. Members will stay in their seats, please. The gentleman, Mr. Williams, has a resolution he wishes considered dealing with expulsion.

officer fraud, for election interference, for violence at polls, for improper party voting, for repeat voting, for removal of ballots, for election bribery, for duress and intimidation of voters and for absentee violations; and making repeals.

#### SB 635, PN 1659

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing for the offense of drug delivery resulting in death, for certain assaults by prisoners and for wiretapping and electronic surveillance; and providing for the Office of Attorney General, the General Counsel, special investigative counsel and independent counsel and their powers and duties.

#### SB 1209, PN 1511

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey Philadelphia Suburban Water Company, certain land situate in Newlin Township, Chester County.

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

The SPEAKER. Would the gentleman, Mr. Williams, send a copy of his resolution to the desk?

Mr. WILLIAMS. Mr. Speaker, I appreciate the fact—

The SPEAKER. The gentleman, Mr. Williams.

Mr. WILLIAMS. I appreciate the fact that you were willing to consider my concerns, and I appreciate that the body has argued long and lengthy tonight. Frankly, I pretty much see that the die is cast, and I do not really want to personally impugn anyone, so that is not my intention. So I am appreciative of the fact that you would consider it, and I want to withdraw my concern. Thank you.

The SPEAKER. The Chair thanks the gentleman.

#### COMMITTEE MEETING CANCELED

The SPEAKER. I have been asked to advise the members that the House Intergovernmental Affairs Committee meeting, which was scheduled earlier today, will be rescheduled for March 3. Time and place will be determined at a later date, and you will be advised of it.

#### VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Olasz.

Mr. OLASZ. Thank you, Mr. Speaker.

It is to correct the record.

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

Mr. OLASZ. Yesterday on HR 342, my switch malfunctioned. I wish to be recorded in the positive. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

#### REMARKS SUBMITTED FOR THE RECORD

##### VOTE CORRECTIONS

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

Mr. Speaker, on April 1, 1997, I was unable to attend the House voting session due to a severe case of the flu. Had I been able to attend, my votes would have been cast in the affirmative, except for the following votes on HB 847, which I would have opposed: A496. constitutionality; A538, to suspend the rules; A559; A561; A564; A566; A568; and A634.

The SPEAKER. Are there any other corrections to the record? Any announcements of committee meetings? Any reports of committees?

Do the Republican leaders have any further business? Do the Democratic leaders have any further business?

##### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The House will come to order.

The House, when it adjourns, will return on Tuesday, February 17, 1998, at 1 p.m. The purpose of the session on that date is primarily to swear in the two new members who were recently elected at the special elections. Any members who are in town on that date are welcome to attend. There will be Appropriations hearings going on that day. There are other hearings on that day — I understand committee hearings — and for the purpose of the record, I am declaring it to be a token session day.

##### BILLS PASSED OVER

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

##### ADJOURNMENT

The SPEAKER. Hearing no further business, the Chair recognizes the gentleman, Mr. Stevenson of Allegheny County.

Mr. STEVENSON. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 17, 1998, at 1 p.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 6:47 p.m., e.s.t., the House adjourned.